

## **DIRECTIONS UNDER SECTION 497A(4) and (4B) OF THE EDUCATION ACT 1996**

### **TO: SLOUGH BOROUGH COUNCIL**

#### **WHEREAS:**

1. In this Direction:
  - a. “the 1996 Act” means the Education Act 1996;
  - b. “the Authority” means Slough Borough Council;
  - c. “children’s social care functions” means functions described in section 50 of the Children Act 2004, which include:
    - i. social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
    - ii. the functions conferred on the Council under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph a. above); and
    - iii. the functions conferred on the Council under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
  - d. “children’s services” means children’s social care functions and education functions
  - e. “education functions” means functions described in section 579 of and Schedule 36A to the Education Act 1996;
  - f. “the First Direction” means the Direction of 7 October 2014 issued by the Secretary of State to the Authority;
  - g. “the Second Direction” means the Direction of 30 September 2015 issued by the Secretary of State to the Authority;
  - h. “the Third Direction” means the Direction of 28 September 2016 issued by the Secretary of State to the Authority;
  - i. “the Fourth Direction” means the Direction of 2 October 2017;
  - j. “relevant functions” means such children’s social care functions or education functions as are specified in Schedules 1 and 2 to the Fourth Direction;
  - k. “Secretary of State” means the Secretary of State for Education;
  - l. “Services Agreement” means a contract, setting out the terms on which the Trust is to perform certain relevant functions on behalf of the Authority, which has been entered into by the Authority and the Trust following the Second Direction;
  - m. “the Trust” means the Slough Children’s Services Trust (registered company number 09487160), established pursuant to the First Direction.
2. In October 2014, by reason of inadequate performance of children’s social care functions, the Secretary of State issued the First Direction to the Authority, which required the Authority to cooperate with the Commissioner with regard to the establishment of the Trust to exercise children’s social care functions on the Authority’s behalf.
3. In September 2015 and September 2016, the Secretary of State issued the Second and Third Directions respectively, which required that certain specified children’s social care functions and education functions should be discharged by the Trust on behalf of the Authority. Included in these were certain specified education functions relating to special educational needs.

4. In October 2017, the Secretary of State issued the Fourth Direction, which required that the education functions relating to special educational needs be performed by the Authority.
5. Since the issue of the Fourth Direction, the Secretary of State has carefully considered Ofsted's report of 4 March 2019, in respect of its inspection carried out between 21 January 2019 to 1 February 2019. The inspection report found that children's social care functions are 'requires improvement to be good'. Accordingly, the Secretary of State has asked the Authority and the Trust to agree a future operating model to ensure children's social care functions continue to improve in a stable and sustainable way. A joint proposal was put forward by the Authority and the Trust in September and discussions are ongoing.
6. The Secretary of State, having carefully considered the advice of officials, and the representations made by the Authority and Trust, considers it expedient, pursuant to his powers under section 497A(4) and (4B) of the 1996 Act, to direct the Authority to work with a Commissioner as set out below in paragraph 8. This is in order to ensure that a suitable future operating model can be agreed and implemented so all of the Authority's children's social care functions are performed to an adequate standard.
7. The Secretary of State has appointed Trevor Doughty as Commissioner for Children's Services in Slough ("the Children's Services Commissioner") in accordance with, and for the purposes of, the terms of reference (Terms of Reference") set out in the Annex to this direction.

**NOW THEREFORE:**

8. Pursuant to his powers under section 497A(4) and (4B) of the 1996 Act, the Secretary of State directs in this fifth Direction that the Authority shall do the following:
  - a. To work with the Secretary of State and/or the Children's Services Commissioner towards the establishment of a future operating model for the delivery of children's services in Slough.
  - b. To comply with any instructions of the Secretary of State or the Children's Services Commissioner in relation to the Authority's children's services and provide such assistance as either the Secretary of State or the Children's Services Commissioner may require.
  - c. To co-operate with the Children's Services Commissioner, including on request allowing the Commissioner at all reasonable times access to:
    - i. any premises of the Authority;
    - ii. any document of, or relating to, the Authority; and
    - iii. any employee or member of the Authority

which appear to him to be necessary for achieving the purposes of and carrying out the responsibilities set out in the Terms of Reference.

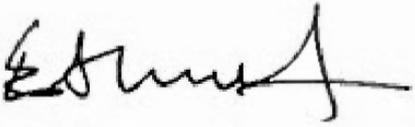
d. To provide the Children's Services Commissioner with such amenities, services and administrative support as he may reasonably require from time to time for the carrying out of his responsibilities in accordance with the Terms of Reference, including:

- i. providing officer's time or support;
- ii. providing office space, meeting room or computer facilities; and

9. Nothing in this direction shall trigger the termination of the Services Agreement.

10. This direction will remain in full force until it is revoked by the Secretary of State. The Fourth Direction remains in full force except any provisions relating to the appointment of the Children's Services Commissioner.

Signed on behalf of the Secretary of State for Education



EMILY WHITEHEAD  
A Senior Civil Servant in the Department for education

Dated this day of 12 May 2020

## **ANNEX**

### **Non-Executive Commissioner for Children's Services**

#### **Slough Borough council**

##### **Terms of Reference**

The Children's Services Commissioner is expected to advise Ministers on the most sustainable model to improve service delivery in Slough and oversee the implementation of the model as agreed by the Secretary of State, including but not limited to the following steps:

1. Review children's social care functions in Slough including the scope, budgets and governance arrangements.
2. Identify any changes or ongoing improvement requirements to effective and efficient service delivery and continuing improvement.
3. Report to the Parliamentary Under Secretary of State for Children and Families to recommend future operating model(s) to deliver effective and efficient children's services in Slough and facilitate Slough's improvement journey.
4. Oversee and lead any negotiations on establishing the future operating model including:
  - Scope of service
  - Finances (including a reasonable budget envelope)
  - New governance arrangements
5. Provide assurance to DfE that the proposed governance model is feasible and will facilitate Slough's improvement journey.