

## **STATUTORY DIRECTION TO MEDWAY COUNCIL IN RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996**

### **WHEREAS:**

1. The Secretary of State for Education ("the Secretary of State") has noted in respect of Medway Council ("the Council") that performance in respect of children's social care services is 'inadequate' as detailed in Ofsted's inspection report of 27 August 2019 (the 2019 Ofsted report).
2. The Council's failure led the Secretary of State to issue a statutory direction on 27 August 2019 ("the first direction"), requiring the Council to comply with any instructions of the Secretary of State or the Children's Services Commissioner; and to co-operate with a Commissioner-led review of services.
3. The first direction was replaced with a second direction on 7 January 2020 ("the second direction"), requiring the Council to work with a Leadership Improvement Partner and extending the appointment of the Children's Services Commissioner.
4. The Secretary of State has carefully considered:
  - a. Ofsted's inspection report of 27 August 2019, which found the Council's delivery of children's social care services, particularly in relation to the impact of leaders on social work practice with children and families and the experiences and progress of children who need help and protections to be rated as 'inadequate'.
  - b. Ofsted's letter of 15 September 2020 following its August Monitoring Visit which noted the progress made by the Council and that the leaders had laid the foundations for practice to change and improve, with signs these were beginning to have positive effect. However, Ofsted also identified a number of areas for ongoing improvement including social worker recruitment and retention.
  - c. The Children's Services Commissioner's reports of July 2020 and December 2020 which concluded that although there is still much to do, progress is being made by the Council. The December report recommended that the role of the Commissioner should come to an end; that there is no longer any need to consider an Alternative Delivery Model as the Council has demonstrated that it now has the capacity and capability to deliver the changes needed; and that an Improvement Adviser should now be appointed.
  - d. The Chair of the Improvement Board's report of 11 November 2020 (which the Children's Services Commissioner referred to in her December 2020 report) assessed that the Council and its partners

have continued to make good progress, despite the ongoing challenges to partnership working presented by the pandemic restrictions.

5. The Secretary of State has also noted that the Leadership Improvement Partnership (set out in the Second Direction) between the Council and Bracknell Forest has now come to an end by mutual agreement.
6. In light of this, the Secretary of State has withdrawn the Children's Services Commissioner from the Council with effect from 1 January 2021 and has appointed Gladys Rhodes White as the Council's Improvement Adviser ("the Improvement Adviser") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in Annex A to this direction.
7. However, the Secretary of State is satisfied that the Council is still failing to perform to an adequate standard, some or all of the functions to which section 497A of the Education Act 1996 ("the 1996 Act") is applied by section 50 of the Children Act 2004 ("children's social care functions"), namely;
  - a) social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
  - b) 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
  - c) the functions conferred on the Council under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
8. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with his powers under section 497A(4B) of the Education Act 1996, to direct the Council as set out below in order to ensure that all of the Council's children's social care functions are performed to an adequate standard.

NOW THEREFORE:

9. Pursuant to his powers under section 497A(4B) of the Education Act 1996 Act, the Secretary of State directs the Council as follows:
  - a. To comply with any instructions of the Secretary of State and/ or the Improvement Adviser in relation to the improvement of the Council's exercise of its children's social care functions and provide such assistance as either the Secretary of State or the Improvement Adviser may require;
  - b. To co-operate with the Improvement Adviser, including on request allowing the Improvement Adviser at all reasonable times access:
    - i. to any premises of the Council;

- ii. to any document of, or relating to, the Council; and
- iii. to any employee or member of the Council,


which appears to her to be necessary for achieving the purposes of carrying out the responsibilities set out in the Terms of Reference.

- c. To provide the Improvement Adviser with such amenities, services and administrative support as she may reasonably require from time to time for the carrying out of her responsibilities in accordance with the Terms of Reference including:
  - i. providing officers' time or support;
  - ii. providing office space, meeting rooms or computer facilities.
- d. To ensure a comprehensive progress report is provided by the Director of Children's Services to each meeting of the Improvement Board;
- e. To co-operate with a Department for Education led review at 6 and 12 months from the date of this direction to assess whether the Council is continuing to make sufficient progress in improving its children's social care services;
- f. To ensure that the Chair of the Improvement Board reports to the Secretary of State on progress in delivering the Council's improvement plan, on a quarterly basis.

10. In consequence of this direction, the Secretary of State revokes the second direction.

11. This direction will remain in force until it is revoked by the Secretary of State.

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 29 January 2021

## **ANNEX A**

### **Medway Council Improvement Adviser for Children's Service**

#### **Terms of Reference – January 2021**

1. The Improvement Adviser shall use all reasonable endeavours to support the Council in continuing to develop and implement robust, realistic and achievable plans to improve its children's social care services, in particular those areas which been judged by Ofsted to be inadequate and where concerns have been identified. In particular, she will:
  - Build on the work of the former Children's Services Commissioner, Eleanor Brazil, to provide effective oversight to ensure the pace of improvement is appropriate and that improvements to children's social care are sustainable
  - Support the Council to implement the recommendations and priorities for the next six months identified in the Children's Services Commissioner's December 2020 report
  - Provide support and advice to the Council as necessary when assessing and driving progress, taking account of the weaknesses and areas for improvement identified by Ofsted and of other diagnostic work
  - Apply her expertise and experience to support and challenge the DCS, ADs and senior leadership through regular 1-1 and other meetings
  - Make use of wider contacts to support and advise the Council on potential solutions to issues and signpost examples of good practice where possible
  - Work closely with the independent chair of the Improvement Board to provide oversight of and advise on the Improvement plan, attend Improvement Boards and engage with the wider partnership
  - Work closely with other improvement partners (e.g. Partners in Practice) to maximise the impact of work and avoid unnecessary duplication to ensure support received results in a positive impact and aligns with expectations
  - Assist the Council and its partners to develop its response to new crises and challenges which may have an impact on improvement

- Identify key deliverables and produce a plan detailing the outputs and key performance indicators which the adviser will meet over the duration of her contract, and agree this with the Department for Education (“DfE”) within six weeks of her appointment
- Participate in any DfE-led review of the Council’s progress and make a recommendation to DfE on whether progress has been sufficient; and
- Provide quarterly written reports on the Council’s progress to the Parliamentary Under Secretary of State for Children and Families, and more frequently, if the pace of progress is not sufficient or if the Minister requires it.