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Draft Doncaster direction:

DIRECTION UNDER SECTION 15(5) OF THE LOCAL GOVERNMENT ACT 1999 AND SECTION 497A(4B) OF THE EDUCATION ACT 1996 TO DONCASTER METROPOLITAN BOROUGH COUNCIL

WHEREAS

1. The Secretary of State for Communities and Local Government and the Secretary of State for Education (“the Secretaries of State”), have carefully considered the following reports in respect of the Metropolitan Borough Council of Doncaster (“the authority”):
 - a. the Audit Commission’s Corporate Governance Report of 19 April 2010;
 - b. The Edlington Case - A Review by Lord Carlile of Berriew CBE QC at the request of the Secretary of State for Education of 16 November 2012;
 - c. Ofsted’s inspection of local authority arrangements for the protection of children in Doncaster Metropolitan Borough Council dated 16 November 2012; and
 - d. Doncaster Recovery Board’s Recovery Plan Annual Stocktake Report: Assessment of the State of Intervention 2012 of 8 January 2013.
2. The Secretaries of State were satisfied that the authority is failing to comply with the requirements of Part 1 of the Local Government Act 1999 (“the 1999 Act”), and is failing to perform to an adequate standard, or at all, 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 local authority 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 authority under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
3. The Secretaries of State issued a direction on 17 April 2013, in exercise of their powers under section 15(5) and (6) of the 1999 Act and section 497A(4B) of the 1996 Act, in respect of the authority (“the April 2013 direction”), and that direction remains in force.
4. The Secretaries of State have carefully considered the report and recommendations of Professor Julian Le Grand, dated 24 May 2013, on the most appropriate structure and governance arrangements for delivering improvements to the authority’s children’s social care services.

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5. The Secretaries of State remain satisfied that the authority is failing to comply with the requirements of Part 1 of the 1999 Act, and is failing to perform to an adequate standard, or at all, some or all of their children's social care functions.
6. The Secretaries of State propose:
 - a. to appoint a person ("the Commissioner for Children's Social Care") to act as a Commissioner for the purposes of:
 - i. the April 2013 direction (including, in particular, for the purposes of paragraph 4.iii. of that direction); and
 - ii. this direction;
 - b. to establish, or to secure that the Commissioner for Children's Social Care establishes, a company ("the Trust") for the purposes of, in particular, planning, managing, providing and/or delivering the authority's children's social care functions.
7. The Secretary of State for Communities and Local Government, having considered the representations made by the authority as required by section 15(9) of the 1999 Act, and the Secretary of State for Education, having considered the representations made by the authority, consider it necessary or expedient in accordance with their powers under section 15(5) of the 1999 Act and section 497A(4B) of the 1996 Act to direct the authority, as set out below, in order to ensure:
 - a. the authority's compliance with the requirements of Part 1 of the 1999 Act; and
 - b. that the authority's children's social care functions are performed to an adequate standard.

NOW THEREFORE

8. Pursuant to their powers under section 15(5) of the 1999 Act and section 497A(4B) of the 1996 Act, the Secretaries of State direct that the authority shall:
 - a. comply with any instructions of the Secretary of State for Education or the Commissioner for Children's Social Care in relation to the authority's exercise of their children's social care functions;
 - b. in relation to the establishment, setting up or carrying on of the Trust:
 - i. comply with any instructions of the Secretary of State for Education or the Commissioner for Children's Social Care;
 - ii. provide such assistance to the Secretary of State for Education or the Commissioner for Children's Social Care as they may require; and

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- iii. cooperate fully with the Secretary of State for Education and the Commissioner for Children's Social Care.

Signed on behalf of the Secretary of State for Communities and Local Government and the Secretary of State for Education

Graham Archer
A Senior Civil Servant in the Department for Education

Paul Rowsell
A Senior Civil Servant in the Department for Communities and Local Government

Date:

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