

STATUTORY DIRECTION TO DUDLEY METROPOLITAN BOROUGH 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 carefully considered Ofsted's report, in respect of Dudley Metropolitan Borough Council ("the Council), of its inspection carried out between 11 January and 8 February 2016. The inspection report found that children's services are 'inadequate'. The sub-judgements for children who need help and protection, children looked after and achieving permanence and leadership, management and governance were all rated as 'inadequate'.
2. The Secretary of State is therefore satisfied that the Council is 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 240 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, 120 and 17A of the Children Act 2004.
3. The Secretary of State has appointed Eleanor Brazil as Commissioner for Children's Services in Dudley ("the Children's Services Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.
4. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with her 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:

5. Pursuant to her 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 or the Children's Services Commissioner 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 Children's Services Commissioner may require;

- b. To co-operate with the Children's Services Commissioner, including on request allowing the Commissioner 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, and carrying out the responsibilities set out in, the Terms of Reference.

- c. To provide the Children's Services Commissioner 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 co-operate with a Commissioner-led review as to whether the most effective way of securing and sustaining improvement in Dudley is to remove the control of children's social care from the Council for a period of time.

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



SUZANNE LUNN

A Senior Civil Servant in the Department for Education

Dated this 5 day of April 2016

ANNEX

Relevant Functions

Commissioner for Children's Social Care Services

Terms of Reference

Dudley Metropolitan Borough Council has systemically failed as its inspection of children's social care services have been found to be 'inadequate' across all of the key judgements in the April 2016 Ofsted inspection. In all cases where a Council has persistently or systemically failed to discharge its children's social care functions there is a presumption that service control will be removed from the council unless there are good reasons not to do so.

In line with the recommendations set out in the Ofsted report of children's social care published on 5 April 2016 and the Department's intervention policy, the Children's Services Commissioner is expected to take the following steps:

- 1) To direct the improvement of children's social care and to recommend any additional support required to deliver improvement.
- 2) To review the Council's leadership and management capacity and capability to drive forward the changes necessary to achieve the required standard.
- 3) To make a recommendation to the Secretary of State as to whether alternative delivery arrangements are the most effective way of securing and sustaining improvement, and if so, to recommend the form those alternative delivery arrangements should take.

The Commissioner will provide her report to the Secretary of State by 5 July 2016.