

**REPORT TO THE SECRETARY OF STATE FOR EDUCATION AND THE
MINISTER FOR CHILDREN AND FAMILIES ON WAYS FORWARD FOR
CHILDREN'S SOCIAL CARE SERVICES IN BIRMINGHAM**

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1. Introduction

1.1 In December 2013, the Minister for Children and Families, Edward Timpson appointed Professor Julian Le Grand from the London School of Economics to chair a Panel to provide clear, independent and expert advice to inform any future decisions the Secretary of State might take in relation to Birmingham's children's social care services. The Secretary of State appointed Alan Wood, Director of Children's Services in Hackney, and Isabelle Trowler, Chief Social Worker for Children and Families, as other members of the Panel. The Panel were supported by experts and leaders in their field: Clare Chamberlain (Director of Family Services for the Royal Borough of Kensington and Chelsea), Andrew Christie (Director of Children's Services for the Tri-Borough partnership – the London Boroughs of Hammersmith and Fulham, Kensington and Chelsea and Westminster), John Coughlan (Director of Children's Services for Hampshire and the Isle of Wight), Steve Crocker (Deputy Director of Children's Services for Hampshire and the Isle of Wight) and Graham Archer (Deputy Director, Child Protection and Social Work Reform, Department for Education). The secretariat for the Panel was Ian Valvona, Lucy Reynolds, Lorraine Reid and Nicola Farmery.

1.2 This Report sets out the Panel's findings. The Report's second section gives the Terms of Reference for the Panel and the third section, Process, provides a description of the Panel's work. The fourth section, Background, provides a brief summary of the background to the issues facing Birmingham's children's social care services. The fifth section – The Problem and its Causes – considers Birmingham's analysis of the problems and sets out the Panel's own assessment. The sixth section – Progress over the last six months - makes an assessment of progress in children's social care services since last summer, the second of the Panel's terms of reference. The next section – Birmingham's Proposals - considers the viability of Birmingham's proposed solutions for improvement and the eighth section – Capacity – the Council's capacity to deliver the improvements required. The final sections – Options and Summary of Recommendations – concern the term of reference that constitutes the Panel's primary

task: that of advising on the best way of supporting sustainable improvement for Birmingham's children's social care services.

1.3 Finally there are a number of Annexes, including lists of the Panel's meetings, the documents consulted, a timeline of events in Birmingham and some data tables.

2. Terms of Reference

The terms of reference for the Panel were as follows:

- Assess Birmingham City Council's plans and the options they are considering for securing and sustaining the necessary improvements in children's social care services.
- Consider and test the Council's assessment of the current situation within children's social care, recent progress and their capacity to drive sustainable improvement.
- Report to Ministers by February 14 2014, advising on (a) the viability of the options proposed and the approaches and structures most likely to support sustained improvement, (b) any alternative options that the Panel advises Ministers should consider; and (c) any Department for Education action needed to ensure improvement takes place.

3. Process

3.1 In January the Panel and those supporting this assessment held a series of visits to Birmingham to meet with as many as possible of those leading, managing, supporting and working for children's social care services and other stakeholders. They included: the current Leader of the Council, Councillor Sir Albert Bore; the Lead Member for Children's Services, Councillor Brigid Jones; the current Chief Executive, Stephen Hughes; the in-coming Chief Executive, Mark Rogers (who is due to take up his post in March); the Director for People, Peter Hay; senior managers of

the People Directorate, including Children's Services Director, Jacqui Jensen; the Chair of the Education and Vulnerable Children Overview and Scrutiny Committee, Councillor Anita Ward; and the Chair and Vice Chair of Birmingham's Local Safeguarding Children Board, Jane Held and Diane Reeves. The Panel also held larger meetings with children's services area directors, heads of service and team managers, with front-line social workers, with a range of partners including head teachers, health professionals, the police, probation and Birmingham University's Social Work Academy, and with children in care. A full list is provided in Annex 1.

3.2 The Panel, and those supporting it, are very grateful to all those who took the time to meet them and for the thoughtfulness and honesty that they brought to the discussions. We were impressed by the range and quality of the discussions, by participants' dedication to Birmingham and by their optimism for the future of children's social care services in the city. The staff at Birmingham City Council were tireless in their support of the Panel and we would particularly like to thank Seamus Gaynor and Kalbir Sangha for the time and energy they gave to making our visits so productive.

3.3 The Panel and those supporting it also examined the many reports concerning the history and performance of Birmingham City Council and its children's social care service. A list is provided in Annex 3. Of particular importance were the Ofsted report of 2012 and the Local Government Association's Children's Services Peer Review that reported to the Council in January 2014.

4. Background

4.1 The evidence of problems in children's social care services in Birmingham is considerable and long-standing.

4.2 Between 2002 and 2005 the Department of Health led an intervention in Birmingham as it was one of twelve councils with a zero star performance rating. Birmingham was required to produce a Performance Improvement Plan and a Performance Action Team was appointed to support improvements. Following some modestly positive reports, a continuing picture of concern was shown in the 2008 Children's Services Annual Performance Assessment (APA) which judged the service

inadequate at helping children and young people to stay safe. Consequently the then Department for Children, Schools and Families issued the Council with a twelve month Improvement Notice. The Notice set targets and timescales based on the National Indicator Set then used to measure performance and ‘Working Together to Safeguard Children’ Child Protection guidance (2006). The Council achieved many of the quantitative targets set but Ministers remained concerned about the quality of practice and it was decided that the Improvement Notice should remain in place until Ofsted had completed a full Safeguarding and Looked After Children inspection.

4.3 Following an unannounced inspection of contact, referral and assessment arrangements (front-line social care) in 2009 Ofsted judged that while the Council had secured improvements in various aspects of its children’s social care services, further improvements were needed. The Ofsted report of Safeguarding and Looked After Children’s Services published in July 2010 judged both overall effectiveness and capacity for improvement as inadequate. Ofsted identified critical practice shortcomings meaning that not all children were being safeguarded and protected and weaknesses in, or absence of, performance management data resulting in cases not being monitored or evaluated. Ofsted judged that quality assurance systems, including supervision, were failing to identify major weaknesses in casework with the result that poor working practices were not challenged. They took the view that critical deficiencies remained in front-line work. They also found that medium term plans to address the serious long-standing deficiencies in the quality of safeguarding services were inadequate and lacked immediacy. In July the Birmingham Safeguarding Children Board published its Serious Case Review into the tragic death of Khyra Ishaq in 2008 which concluded that Khyra’s death was preventable. The Review identified missed opportunities, highlighting that better information sharing by partners could have resulted in a different outcome at that time.

4.4 In recognition of the long-standing and serious problems, Ministers issued a revised Improvement Notice focussing more sharply on practice improvement and requiring the Council to: develop a new improvement plan; establish a new improvement board with representation from partners; and to appoint an independent chair (Liz Railton).

4.5 There followed a period of significant change in Birmingham's Children's Services senior management team with Tony Howell announcing his retirement in October 2010 and the appointment of Eleanor Brazil as interim Director of Children's Services. Mark Gurrey was appointed interim Assistant Director in January 2011. In October 2011 Jane Held was appointed as a new independent chair of Birmingham's Local Safeguarding Children Board. In April 2012 a new permanent Director of Children's Services, Peter Duxbury, was appointed.

4.6 A further Ofsted report of Local Authority Arrangements for the Protection of Children, published in September 2012, found significant weaknesses around the quality of social work practice including: unacceptable delays in decision making; inconsistent decisions being made; contacts which met thresholds for services not being progressed to referrals; high rates of re-referrals; children and young people subject to child protection plans not always receiving statutory visits; and that the vast majority of children in need did not have a child in need plan.

4.7 In addition, Ofsted judged partnership working to be ineffective. They also identified a lack of strategic oversight and leadership from either the Children's Trust Board or the Local Safeguarding Children Board. Ofsted took the view that the pace of change in tackling previously evidenced key issues of concern was slow. However, Ofsted did identify that there had been a step change in momentum with early signs of impact in some areas of practice following the appointment of Peter Duxbury in April 2012.

4.8 Edward Timpson, Children's Minister, met the Council leadership in December 2012, following which the Council was issued with a Statutory Direction to improve in March 2013. A Performance Monitoring Board was established which was chaired by Councillor Sir Albert Bore, Leader of the Council, involving senior officers from the council, the Local Safeguarding Children Board, sector support and officials from the Department for Education (DfE).

4.9 In July 2013 Peter Duxbury left the Council and the Council appointed Peter Hay, Director of Adult Social Care, initially as interim Director of Children's Services, alongside his role overseeing Adult Services and, from December, as Director of People including children's social care.

4.10 During the summer of 2013, a DfE case review found the service to be in a fragile and unsafe state, with: high numbers of vacant posts in key positions and at the front-line; apparently excessive workloads; a lack of trust in the results of the recent reorganisation; poor internal communication; and, poor working practices. Managers in children's social care and politicians were, though, confident in the new (three weeks in) leadership being shown by Peter Hay. In October the Local Safeguarding Children Board published its Serious Case Review into the tragic death of Keanu Williams in 2010 which criticised front-line practice and management decision making at that time.

4.11 The issues raised by the DfE case review were sufficiently serious for Edward Timpson to take the view that, before the Department considered what was required to secure wider improvement, Peter Hay and colleagues needed to stabilise the service as a matter of urgency. He therefore indicated that he would look for a further review of progress and assessment of next steps once that immediate work had been undertaken. Having allowed the space to undertake that stabilisation Edward Timpson wrote to the Leader of Birmingham City Council on 29 November 2013 explaining that he had asked the Panel to review the structure and governance arrangements of Birmingham's children's social care services.

5. The Problem and its Causes

5.1 The central problems identified by most of our Birmingham respondents included a history of poor senior leadership and of poor relationships with partners, deficiencies that resulted in an inadequate management grip on the systems and processes for monitoring and ensuring social work quality, and that in turn led to inconsistent and often ineffective front-line social work practice. These problems had serious implications for the safety and wellbeing of vulnerable children in Birmingham, as well as knock-on effects on the morale, recruitment and retention of both front-line social workers and management.

5.2 The problems were attributed by our respondents to a variety of causes, including:

- The history of poor performance itself, leading to a poor image of Birmingham Children’s Services, leading in turn to recruitment difficulties for both front-line staff and management at all levels. This in part reflects a more general West Midlands problem in being able to recruit high quality social workers and social service managers, itself partly a product of low pay and poor terms and conditions (and the fact that the regional social worker ‘economy’ is driven by Birmingham – by far the largest employer in the region).
- The history of frequent changes in leadership and associated frequent structural and organisational changes, changes that have been both disruptive and demoralising. Many of our respondents particularly emphasised the problems generated by the unpopular restructuring of 2013.
- The location and status of children’s social care in a department of children’s services that had become increasingly isolated within the Council over time. Both a cause and consequence of this was a council that failed to prioritise improvements in social care or to make the necessary linkages with progress in education and the wider services (health, police and adult social care).
- A historic failure within the department itself to prioritise children’s social care as compared with education, compounding the isolation of children’s social care. Efforts to improve social care were themselves at some points disproportionately focused on early help at the expense of statutory child protection work.
- The sheer size of Birmingham was considered a problem by some of our respondents, but not all. However, there was general agreement that the existence of large areas of concentrated deprivation with their associated social problems presented a major challenge to the organisation, one requiring particular qualities of leadership and competence.
- A long-standing under-investment in children’s services. This was itself partly a product of a lack of integral or consistent political interest and concern by some of the previous political leaderships of the Council, as well as a poor capacity within the department to sustain a case for priority.

- The absence, at least until recently, of a significant and appropriate external challenge from partners, from the Local Children Safeguarding Board (LSCB), or from the various forms of improvement board established as part of the DfE intervention.

5.3 The Panel agreed that the overall quality and inconsistency of front-line social work was indeed a major problem for Birmingham children's social care services. However, it noted that there were examples of good practice throughout the city. And the Panel's members and those supporting it had repeated cause to be impressed with the commitment and determination of the practitioners, middle and senior managers to whom they talked and without whom it is evident the services would be in an even more profound crisis.

5.4 The Panel also agreed with much of the analyses of the causes. However, we found an excessive focus on the difficulties generated by the recent restructurings and senior management upheaval, an emphasis that drew the focus away from developing a deeper understanding of Birmingham's difficulties. More generally, the Panel considered that there was not enough emphasis on the long-term nature of the problem and on the absence, at least until recently, of either *external* or *internal challenges* to the historic failures of the service. For a variety of reasons, over many years the corporate/political centre appears not to have paid enough attention to the department and to the service that it was delivering. This allowed the department to develop a stand-alone culture and ways of working – a culture and management practice that ultimately proved dysfunctional and damaging to service quality, and that has continued to compound the lack of attention, thereby creating a vicious and damaging downward spiral. The only challenges that have emerged have been external to the Council: the Ofsted inspections and media attention surrounding the Khyra Ishaq and Keanu Williams cases, the latter in particular being an event that several of our respondents described as a wake-up call both for children's services and for partners. However, until recent engagement with the Institute of Local Government and the Local Government Association it is fair to say that even these interventions have been directed more at pointing out the problems than in offering solutions or support.

5.5 The Panel also identified what it considered to be another serious potential problem confronting Birmingham's Children's Services: that of possible unidentified risk to vulnerable children. We received many comments from partners and others about the obstructions they encountered when making referrals to Children's Services. It was suggested to us that, as a result, there may be many children in Birmingham at risk who have not been properly identified as such, or, if they have been, their risks have not been properly addressed.

5.6 That these may not be isolated concerns was supported by some statistical analysis that those supporting the Panel undertook. Data provided by the Council shows that Birmingham has 312,000 children and young people, of which 38.4% are white, 37.2% Asian, 7.2% of mixed race and 11.9% black. The city has an IDACI score of 37.4, meaning that 37.4% of children live in areas of highest poverty. Birmingham also has a far higher number of children in low income households (77,510) than any other local authority. The next highest numbers are in Kent (49,695), Essex (43,360), Lancashire, (38,715), and Manchester (34,630). Nearly a third (32.2%) of Birmingham children are in low income families.

5.7 Given these facts, an analysis of the available data indicates that the 'client base' for Birmingham children's social care services is low relative to its size and the extent of deprivation in the city. The latest available data from the Council (November 2013) showed that there were 7,198 open social work cases. Of these cases, the number of child protection cases was 862, which can be expressed as a rate of 31 per 10,000 children (latest data provided by Birmingham City Council). This rate is significantly below that of most of Birmingham's statistical neighbours and the England average (37.9). Moreover, the rate has fallen within the last six months. The rate of child protection enquiries carried out (s47 investigations) is 107.5 per 10,000; again this is below most of its statistical neighbours and below the England average (111.5). The rate of core assessments was similarly low. In addition, a significant number of children were taken into care under Police Protection; this may indicate that procedures to protect children are insufficiently robust prior to a crisis leading to police intervention. The percentage of repeat referrals stands at 24.5%: this is higher than most of Birmingham's statistical neighbours as is the rate of repeat child

protection plans. The number of contacts and referrals also appears low, although it should be acknowledged that this data is often difficult to interpret across different authorities.

5.8 There was considerable variation in all of the data across the four areas and data relating to ethnicity was apparently out of kilter with the general population of the city, although similar to other authorities with a similar ethnic composition. The number of children in care was generally lower than the statistical neighbours although above the English average; and this number has been declining for the last few years. There was also some evidence that a relatively high number of children were taken into care on an unplanned emergency basis. It was encouraging that data provided by the Council showed that there were a significant number of children and young people (5,000) receiving early help through the family support hubs; and there was also some encouraging data with regards to outcomes for care leavers, the timeliness of care planning and long-term placement stability.

5.9 Calculating comparative spend on vulnerable children and young people is notoriously difficult. A crude way of comparing spending by local authority is to divide the total gross spend on children's social care by the number of children in deprived households. Undertaking such an exercise reveals that the average spend among the 20 local authorities with the highest proportion of deprived children is £779 per child, while Birmingham's is £640 per head, the 6th lowest. The group also noted the spend on universal services within the overall Children's Services budget was higher than expected (the corollary being that the proportion spent in children's social care was lower).

5.10 A hypothesis that can be drawn from this analysis is that there has been a long term under-investment in children's social care services, which has led to the development of services that manage demand only by maintaining very high risk thresholds. This hypothesis appears to be borne out by the child protection and related data.

5.11 The problem of unidentified risk was one that Birmingham's senior management acknowledged when challenged. They agreed that one possible cause was that the referral and intervention thresholds were too high, and that this in turn was partly driven by a culture of managing according to resource availability than

according to need. However, overall we were not able to find an analysis sufficiently comprehensive to allow the leaders and managers within the service to provide a convincing narrative drawing upon an in-depth analysis of need and resources. This has meant that, to some degree, the various plans that have been developed thus far have lacked a solid underpinning.

6. Progress over the last six months

6.1 The Panel and those supporting it were assured several times that, amid the otherwise arid terrain of service delivery, there were ‘green shoots’ appearing. And indeed some signs of potential for improvement were visible. There has been senior management stability - a stability that was welcomed by almost everyone we talked to. There is widespread confidence in, and support for, the Director of Children’s Services, Peter Hay. Key senior staff have been appointed and some plans developed at central and area level. There is now a political commitment by the Council to the service, and, more specifically, a commitment to protect its funding, at least in the short-term. There is growing confidence in the Council’s political leadership. And several specific initiatives have been undertaken, including:

- The dismantling of a key, unpopular feature of the 2013 reforms (specifically, the breaking up of large teams of around 25 and the return to small teams of around 8).
- The re-introduction of a tier of management (service managers) operating between area directors and team managers to provide for stronger operational control and oversight.
- An alignment of safeguarding teams with family support teams within the Hubs.
- The work on casework progression led by the Principal Social Worker.
- Stopping the ‘haemorrhaging’ of staff and an improvement in the recruitment of social workers.

- Developing arrangements for the training and development of social workers and managers.
- Improved quality in social work representation in court cases.

6.2 In general, the senior team and some of the staff we met advanced the view that, in part as a consequence of these initiatives, there had at least been stabilisation in the last six months. “We have got hold of it and stopped it falling over a cliff” was a phrase used by the Director for People, Peter Hay.

6.3 In particular, as noted above, we were told that over the last six months considerable effort had been put into developing a recruitment and retention strategy in order to ‘stop haemorrhaging social workers’. And indeed there is some evidence to show that the position is stabilising. Data provided by the Council showed that of the 367 operational social work posts in the city 24% were vacant according to the latest available data. Half of these vacancies were covered by agency staff leading to an overall vacancy rate of 12%. This impression of improving stability was generally supported by our interviews with social workers, although we noted that there were higher vacancy rates in some areas and teams (e.g. West and Central). It was also notable that sickness rates, whilst high at an average of 13 days per year, had also remained consistent. Social workers were also receiving supervision more regularly with 88% reporting that they had received supervision in October 2013 compared to 60% in May 2013.

6.4 However, the Panel observed that the authority’s service has clearly been through a turbulent time, and noted that many good staff - especially managers - had left the service. While progress with recruitment is evident there were about 80 out of 650 social work vacancies covered by temporary staff. In the Bridge, for example, 6 out of 10 social workers were from an agency and in small staff group discussions we held, agency staff were well represented. Further, it was not yet evident to us that supervision, in and of itself, was leading to practice improvements. There was some indication that practice was observed and fed back on although this was not yet standard procedure. Similarly not all supervision was described as reflective and individual appraisals were not obviously linked to quality of practice. As yet, there

seems to be no ‘golden thread’ between individual, team, area and service planning and improvement.

6.5 One area that needs addressing according to a number of the professionals we talked to is that of social worker pay. It appears that there are disparities across a complex grading and performance management structure which mean that, through no fault of their own, some social workers are not able to achieve performance related pay rises. Equally, there appear to be significant disparities in pay and gradings across the region that do not always work to Birmingham’s advantage.

6.6 A number of training courses and workforce development schemes had been implemented over the last six months and these were described to us by social workers as positive developments. In particular, they identified courses on assessing parenting, child protection decision making, *‘in my shoes’* and Public Law Outline training to have been of particular value. We were also impressed with the Birmingham Children’s Improvement Team’s work with team managers to build up their skills and capacity with regards to overseeing court work.

6.7 Similarly, the LSCB appeared to have made positive contributions during the period since the last Ofsted inspection. However, it was also apparent that the LSCB has had to struggle with a number of challenges of its own: the industry required in drawing together and holding together over thirty statutory members of the Board, which has clearly been difficult in the context of Birmingham’s performance problems; and, some of the churn and complexity across the rest of the partners in the city. A particular issue concerned strains between the Board leadership and the former Director of Children’s Services; the LSCB chair had explicitly warned the department about her concerns for the structure planned in 2013.

6.8 The Panel concluded that there was evidence of some improvement in morale; in case progression; in the recruitment and confidence of social workers; in court work; and, in stabilising staffing structures. These are all important prerequisites for building consistent and sustainable improvement in the quality of social work practice. However, in the Panel’s judgement, the improvement is fragile and there is still a considerable way to go before it would be possible to conclude definitively that sufficient and sustainable progress was taking place in that activity.

7. Birmingham's Proposals

7.1 As described above, we have seen a number of action plans of different kinds including '*Our Plan: Simply*' and '*Integrated Transformation: Our Strategy for Improving Services for Children and Young People in Birmingham*'. However, it was not clear how all these plans linked together; in particular, the area action plans seemed not to be connected to a central core plan. Perhaps most worryingly, the Panel did not see one plan that coherently and accessibly laid out how the drive for improvement specifically in children's social care was to be structured, organised and delivered. In terms of improved practice at the interface with children and families, no clear or consistent evidence was provided to show what improvements had taken place. Ironically, we saw evidence to suggest that a critical core service improvement plan may exist to a reasonably well developed state in the heads of some of the senior management, but we found it frustrating that it has not yet been set out clearly as a route map for staff and front-line managers. This is not a bureaucratic nicety but a fundamental requirement.

7.2 Overall, the plans that we have seen are worthy in intent but seem either aspirational in tone and vague in specific content, or immensely detailed but lacking in strategic overview. None seem to lay out in readily accessible form the specific steps that are currently being taken or need to be taken to deliver the required service improvement. The Panel was told that senior managers are clear about what needs to be done, but that the full action plan has yet to be committed to paper.

7.3 The Panel concluded that this situation needs to be remedied as a matter of urgency. The consequence of Birmingham not having done so yet appears to be that, whilst there is evidence of steps being taken, these seem to be an eclectic series of measures that lack obvious coherence and clarity of purpose.

7.4 The Plan should focus on the key issues which are the priorities for action, and which are generally understood. These are the specific measures that will:

- develop the confidence and practice competence of the social workers and the family support workers.

- develop the confidence and practice competence of first line and middle managers.
- complete the set-up of all the locality ‘Hubs’ with the child protection and family support teams all co-located, ensuring consistency of practice across the city.
- identify the core City wide performance data set, covering both service delivery and workforce, against which progress will be measured. The service delivery data set should in part be informed by a proper analysis of work flow patterns, with a particular emphasis upon the flow of work through the ‘front door’ into and through the ‘Hubs’, benchmarked against comparator authorities.
- ensure that there is a robust recruitment and (crucially) retention strategy for social workers and first line managers.
- provide an estimate of the likely impact of an increased flow of child protection work into the system, with plans defining how the response will be resourced (drawing on the additional investment that the Council is preparing to make).

8. Capacity

8.1 The managerial structure of Birmingham Children’s Services is laid out in Annex 4. The Director of Children’s Services (DCS) role is part of a set of responsibilities of the newly established Director for People. This is the position to which Peter Hay has been appointed. As well as the DCS’s role, the Director of People’s responsibilities include adult social care, public health and some aspects of housing (chiefly homelessness). The Panel appreciated why, in this particular set of circumstances, the DCS role had been subsumed into the Director for People position - not least the degree of clout that it gives the Director in his dealings with the corporate and political centre of the Council, and the possibilities that the combination of roles in one individual offered for the integration and cross-fertilisation of services. Nonetheless, it could also see severe potential difficulties with the arrangement. The DCS will not be focused exclusively on children’s services and his energies and time will inevitably in part have to be devoted elsewhere. We heard frequently that one of

the central planks to Birmingham's improvement plan was to utilise the support from other departments and directors and that there was now collective responsibility. But these statements were non-specific and it was hard to see how those running large services of their own would be able to devote time to helping children's social care services improve.

8.2 Most operational responsibilities for children's social care are devolved downwards to a Service Director but the span of control of this role too goes beyond children's social care into a range of early intervention and young people's services, including youth justice provision. Other Service Directors have responsibility for aspects of safeguarding mostly relating to quality assurance and commissioning. Whilst the structural grouping of services in this way is not uncommon across local authorities, given the depth of the problems facing Birmingham, the Panel believes the capacity of the Service Director for Integrated Services and Care is very stretched. Critically it also means that there is no Service Director in Birmingham who has their sole focus on children's social care.

8.3 In the Panel's view the above senior management arrangements present significant difficulties for a service in crisis. However, the Panel considered that without major disruption, it would be possible to reallocate the service responsibilities between service managers so that just one person had the responsibility for all children's social care services and only for those services.

8.4 With respect to middle management, each quadrant of the city is led by an Assistant Director, each of whom supervises a small number of Heads of Service, who in turn supervise Team Managers. Additional capacity is provided through a change team comprising 12 posts with skills in project management and business analysis, and a practice improvement team of experienced social work professionals. The latter in particular uses a strong theory of change, based on coaching first line managers and modelling good practice and decision making. The Panel, however, had concerns about the capacity of the service to drive through the level of change in practice and decision making required. This needs more highly skilled and experienced people, entirely focused on practice, so that children currently in the system are better protected. This has been recognised by Birmingham, and a plan to

recruit to an additional 40 social work posts with flexible grading responsive to the pool of available candidates is underway.

9. Options

9.1 From the above it is apparent that Birmingham City Council's children's social care service suffers from two long-standing problems: variable and inconsistent quality social work leadership and practice and (possibly sizeable) undetected risk. The principal causes of this seem to be an historically isolated department developing a dysfunctional management and practice culture, one that was largely immune from outside challenge and hence resistant to both internal and external pressures for improvement.

9.2 Since the appointment of a new post-holder for the Director of Children's Services role, some of the building blocks had been put in place for service improvements, although there was relatively little evidence of any actual impact yet on service improvement. Throughout the service, and in the corporate and political centre, there is a great deal of confidence in the new director, and a profound belief in his ability to turn things around. There is also a desperate desire expressed by almost all of our children's services respondents to avoid further structural change.

9.3 However, the signs of improvement so far are modest and evidently fragile. Given the history of changes in leadership in Birmingham, the Panel is also somewhat sceptical of the ability of any new Director of Children's Services, whatever their merits, to overcome the historical legacy of such major problems on their own. It also has serious doubts about the longer-term fitness for purpose or sustainability of some of the new managerial arrangements that are currently being put in place. And, in order to ensure that real improvement does occur, the Panel believes that there needs to be a more effective system of challenge, both internal and external to the Council, in order to incentivise change and to reinforce senior management's hand in promoting change. We now consider the various options for ways forward.

9.4 *Option I: Watchful Waiting.*

This option involves making no recommendations for immediate DfE action , but would require the sending in of a team after, for example, one year to check on progress, or simply await the next Ofsted inspection.

This would recognise the widespread confidence in the new Director of Children’s Services and the equally widespread desire not to see more change (in particular structural change). There are, in addition, new contextual features – stronger political engagement than hitherto, the arrival of a new Chief Executive with significant experience of leading children’s services – which could be taken to suggest that conditions were better for improvement than at previous points in Birmingham’s long history of failure.

However, set against that was the absence in our discussions of either a clear and coherent improvement narrative across the whole of the service, or a convincing analysis of how the service was operating. As noted above, we had significant worries about whether there was undetected risk in the system and about whether funding levels and existing structures allowed for enough of that demand to be met. In addition we had the kind of concerns about management capacity and structure, which, notwithstanding the new confidence in the system, did not necessarily suggest a service which could easily remedy the weaknesses we found without a significant external stimulus.

The evidence on improvement was equivocal and, as we did not examine casework, necessarily very partial. We saw building blocks being put in place which might well promote improvement – the establishment of the Hubs, the case progression system, and the appointment and development of a new cadre of first and middle managers. But we saw little which suggested that improvement activity was yet impacting significantly on front line practice.

Finally we were alive to the history here. There have been several “false dawns” in Birmingham’s improvement story. The current fragile signs of improvement might struggle in that context to survive any significant setbacks. “Do nothing for a year” would also discourage the medium and

longer term planning we saw as necessary, and might not help with staff retention. People might be inclined to see only half a vote of confidence as insufficient reassurance that they should stay.

Overall, the Panel does not recommend this option.

9.5 *Option II: Isle of Wight Option: the transfer of responsibility for Birmingham's Children's Services to another local authority.*

The Panel had the benefit of hearing first hand from the Hampshire directors about their experience of this model in partnership with the Isle of Wight. It appears to be making solid progress but is still in its first year of operation; so it is early to judge its genuine effectiveness, but signs are promising. There are two other “inter-authority” models, Kingston with Richmond and the Tri-Borough, though the latter was not driven by performance problems.

The obvious benefit of the model is that, if the partner authorities are mutually committed and the questions of sovereignty can be negotiated, it provides for the injection of established leadership, managerial capacity and competence. However, Hampshire's advice is that their model was fraught with risk because of the implications of failure for the “intervening” local authority. This was ultimately acceptable because of the relative size and performance of the two local authorities, Isle of Wight being so much smaller than Hampshire. It is difficult to conceive of another local authority both strong enough in performance, and large enough to undertake a “take over” of the scale of Birmingham children's social care services, given its size and state.

Hence the Panel recommends that this option is not considered further at this stage

9.6 *Option III. Splitting commissioning from provision.*

This option requires the splitting of the commissioning of children's social care from the provision of that care. Under one version of the option,

Birmingham City Council becomes the commissioner of children’s social care services, with provision by one or more independent organisations under contract to the Council. Providers could be new organisations – such as the independent non-profit trust for education in Hackney or that currently being developed for Doncaster – or could be undertaken by existing private sector or social enterprise organisations. They could be service - or area – specific, for example, they could be at the level of the four areas or of the Hubs.

This option has the major advantage of providing a clear break with the past and the potential for the creation of a new culture and practice. The challenge to the service would be provided by Birmingham City Council itself as commissioner. Birmingham itself has considered this option relatively favourably, scoring it quite highly in its own option appraisal, although ranking it second behind the Council’s preferred integrated transformation option.

The Panel considered that the principal difficulty with this option is the absence of resources in the short term, either from within existing organisations in the private or social enterprise sector or from other sources available to establish the setting up of a new organisation. Given the dearth of high quality social workers in the West Midlands and the absence of obvious high quality delivery partners, it was far from clear how quickly this structural change would lead to practice change.

The Panel was also concerned about Birmingham’s ability again in the short term to “commission well”. There is a danger that the proposal creates additional complexity that allows the Council to distance itself from its core duties. If some of the cause of the current malaise has been a sustained failure of corporate priority by Birmingham City Council, this option puts the delivery of the service at “arm’s length” and compounds the risk of a lack of future corporate priority. This could in part be addressed by still requiring the splitting of commissioning from provision, but by replacing the Council with DfE in the role of commissioner. This would be a really decisive break with the past, and with Birmingham’s legacy of failure. In this scenario, a Secretary

of State or his/her nominee would have to take the statutory role of Director of Children's Services.

It should be noted that, in either version of commissioning, this option has a significant risk of failure in the short run, though this could be mitigated by having several provider organisations: e.g. one for each of the areas or for separate aspects of service delivery. There are also obvious transitional risks while the provider organisations are being set up or while elements of the service are devolved to several external partners.

Overall, in considering any option for the organisation of children's social care we have to assess whether it can be delivered in a timely fashion without creating indecision and a delay to improvement. The assessment in this case is hampered by the current lack of available improvement capacity, whether in the private, not-for-profit or local authority sectors. We need urgently to consider how such capacity can be created or promoted such that the range of options available can be fully explored. This is particularly the case for a large authority like Birmingham where both the scale and persistent nature of the problem indicate the need for a radical, long-term solution.

However, we do consider that this option has potential in the longer run for helping to resolve Birmingham's difficulties, and we consider it important that the capacity barriers, both in terms of provision and commissioning, to the realisation of this potential be explored in greater depth by Birmingham and by DfE than we have been able to do in the time available to us. The development of the Innovation Programme offers an opportunity to provide resources for this task. Hence the Panel recommends that:

The DfE commission a specific study on developing capacity to assist in the intervention options, involving the possible splitting of commissioning from provision, that are available to the Secretary of State in responding to a failure of a local authority to secure services which protect children and young people. This study should be presented by 30 September 2014.

Option IV. Appointment of a Commissioner, Panel and Associated Directions

In the Panel's view, the immediate difficulties of implementing Option III and the rejection of the Watchful Waiting and Isle of Wight options (Options I and II) create the necessity for a specific set of DfE directed measures to be implemented immediately. These measures should include:

1. The Secretary of State to appoint a Commissioner to oversee improvement in the quality of social work for children in Birmingham. The Commissioner would be supported by an Expert Panel, independent of the local authority, and a DfE improvement partner.
2. The Commissioner to consider what senior staffing arrangements the Council should be directed to make to ensure that the full statutory functions of a Director of Children Services can be carried out, and to report the conclusions to the Secretary of State, and the Council's Chief Executive by 30 April 2014. The Council should implement a review of senior management capacity in line with the requirements of the Commissioner in order to ensure immediate and dedicated leadership of the children's social care service.
3. The Commissioner to require the Chief Executive to assure him/her that all the infrastructural support needed for improvement is in place; resourcing is at appropriate levels; recruitment and salaries are assisting employment of social work staff; there is progress towards the extension of commissioning; and stakeholders are being appropriately engaged.
4. The Commissioner to provide a three monthly update to the Secretary of State.
5. The Commissioner to report to the Secretary of State by no later than 31 March 2015, and earlier if necessary, on whether further Directions are necessary to ensure improvement in these services, including any proposal for alternative approaches and structural arrangements.

The Commissioner and the Panel would provide professional advice and challenge to both direct and drive improvement in practice. The Commissioner would be expected to require from the Council's Chief Executive an improvement plan, other development plans, specific assessments and reports, casework audits and analyses. A report would also be required on the balance of risk to vulnerable children in the city in relation to the sufficiency of provision for children services provided by the Council currently. The Commissioner would use, from existing reported data, a small suite of forensic performance indicators to assess performance.

In the short term, these measures do directly address the problems of absence of challenge that have been identified. And the risk of outright failure is low, at least relative to the other options. They should lead to an improvement in management and they will provide a continuous process of monitoring. They also speak to the repeatedly stated desire from all contributors that we should, if possible, avoid further significant structural upheaval at this time.

Accordingly, to drive immediate improvements and stabilise the service, we recommend:

- **A one year package of DfE-directed measures (listed above), directing the Council to take various actions in pursuit of improvement and aimed at improving the quality of social work for children, and at strengthening existing management capacity.**

10. Summary of Recommendations

1. The DfE commission a specific study on developing capacity to assist in the intervention options, involving the splitting of commissioning and provision, that are available to the Secretary of State in responding to a failure of a local authority to secure services which protect children and young people. This study should be presented by 30 September 2014.

2. The Secretary of State to appoint a Commissioner to oversee improvement in the quality of social work services for children in

Birmingham. The Commissioner would be supported by an Expert Panel, independent of the local authority, and by a DfE improvement partner.

3. The Commissioner to consider what senior staffing arrangements the Council should be directed to make to ensure that the full statutory functions of a Director of Children Services can be carried out, and to report the conclusions to the Secretary of State, and the Council's Chief Executive by 30 April 2014. The Commissioner to require the Chief Executive to assure him/her that all the infrastructural support needed for improvement is in place; resourcing is at appropriate levels; recruitment and salaries are assisting employment of social work staff; there is progress towards the extension of commissioning; and stakeholders are being appropriately engaged.

4. The Commissioner to provide a three monthly update to the Secretary of State; and to report to the Secretary of State by no later than 31 March 2015, and earlier if necessary, on whether further Directions are necessary to ensure improvement in these services, including any proposal for alternative approaches and structural arrangements.

Annex 1

Birmingham Meetings

In January and February, the Panel, and those supporting this assessment, held a series of visits to Birmingham to meet as many as possible of those leading, managing, supporting and working for children's social care services and other stakeholders. Those with whom meetings were held are listed below.

13 January 2014

- Directorate for People Management Team
- Chief Executive – Stephen Hughes & Mark Rogers
- Cllr Anita Ward
- Leader – Councillor Sir Albert Bore & Lead Member - Brigid Jones
- Service Directors - Jacqui Jensen & Vince Clark
- Area ADs – Yvette Waide & Howard Woolfenden
- Area ADs – Kay Child & Lorna Scarlett

16 January 2014

- Birmingham's Safeguarding Children Board (BSCB) - Jane Held (Chair) & Diane Reeves (Vice Chair)
- BSCB – Police
- BSCB – Health
- Legal Services – Jerome O’Ryan, David Brown, Julie Penny
- Finance – Paul Dransfield, Jon Warlow, David Waller
- CSC Team Managers – Group 1
- CSC Team Managers – Group 2
- CSC Heads of Service

22 January 2014

- Corporate Management Team
- Human Resources, Occupational Development & Skills
- Family Support & Safeguarding Hubs
- Front Door – IASS & Bridge
- Children & Young People living in care

23 January 2014

- Practice improvement planning – Peter Hay & Jacqui Jensen
- Head Teachers
- Health Leaders
- Residential Home Managers and staff
- Troubled Families/Think Family – Dawn Roberts & Tony Bunker
- Social Workers
- CAB Area Offices 1
- CAB Area Offices 2
- Foster Care Managers/staff/foster carers/agency decision makers
- Independent Reviewing Officers
- Peter Hay
- Stephen Rimmer
- Julie Penny (Principal Social Worker) & Practice Improvement team
- iMPower - Jenny McArdle & Amanda Kelly

6 February 2014

- Local Government Association Birmingham Peer Review team (Colin Hilton & Cllr David Simmonds)
- Gisela Stuart MP
- Ofsted – Marie McGuinness (Senior Her Majesty’s Inspector, Social Care, West Midlands Region)

12 February

- Peter Hay

14 February

- Leader – Councillor Sir Albert Bore & Lead Member - Brigid Jones

Annex 2

Birmingham Timeline

2002 to 2005

The Department of Health led an intervention in Birmingham

2007

November – Ofsted Inspection Private Fostering

2008

May - Birmingham's Safeguarding Children Board announces it will be conducting a Serious Case Review into the death of Khyra Ishaq

December- Ofsted Annual Performance Assessment of Services for Children and Young People in Birmingham

2009

February – Department for Children, Schools and Families Improvement Notice

December – Ofsted unannounced Inspection of contact, referral and assessment

2010

July – Ofsted report – Inspection of Safeguarding and Looked after Children Service in Birmingham

July – Birmingham Safeguarding Children Board published its Serious Case Review into the death of Khyra Ishaq

September – Department for Children, Schools and Families issue revised Improvement Notice

October – Tony Howell announces retirement as Director of Children's Services (DCS) and Eleanor Brazil appointed as interim DCS

2011

January - Mark Gurrey appointed interim Assistant Director in January 2011

January - Birmingham's Safeguarding Children Board announces it will be conducting a Serious Case Review into the death of Keanu Williams

October – Jane Held appointed as new independent chair of the Local Safeguarding Children Board

December – Department for Children, Schools and Families issue amendment to Improvement Notice

2012

April – Peter Duxbury appointed as Director of Children's Services

Restructuring of Children's Services

October – Ofsted report – Inspection of local authority arrangements for the protection of children

December – Edward Timpson, Children's Minister met leadership of Birmingham City Council

2013

January – joint Birmingham City Council, Local Safeguarding Children Board and Department for Education Performance Monitoring Board set up

March – Department for Education issue Statutory Direction

July – Peter Hay, Director of Adult Social Care, first as interim Director of Children's Services, alongside Adult Services and, from December, as Director of People including children's social care

September/October - INLOGOV (Institute of Local Government) Peer review of partnership working in support of children in Birmingham

October – Birmingham Safeguarding Children Board published its Serious Case Review into the death of Keanu Williams

November – Edward Timpson announces he is seeking an analysis of the Council's proposed options for improvement

December – LGA Peer Review

Annex 3 Key Documents

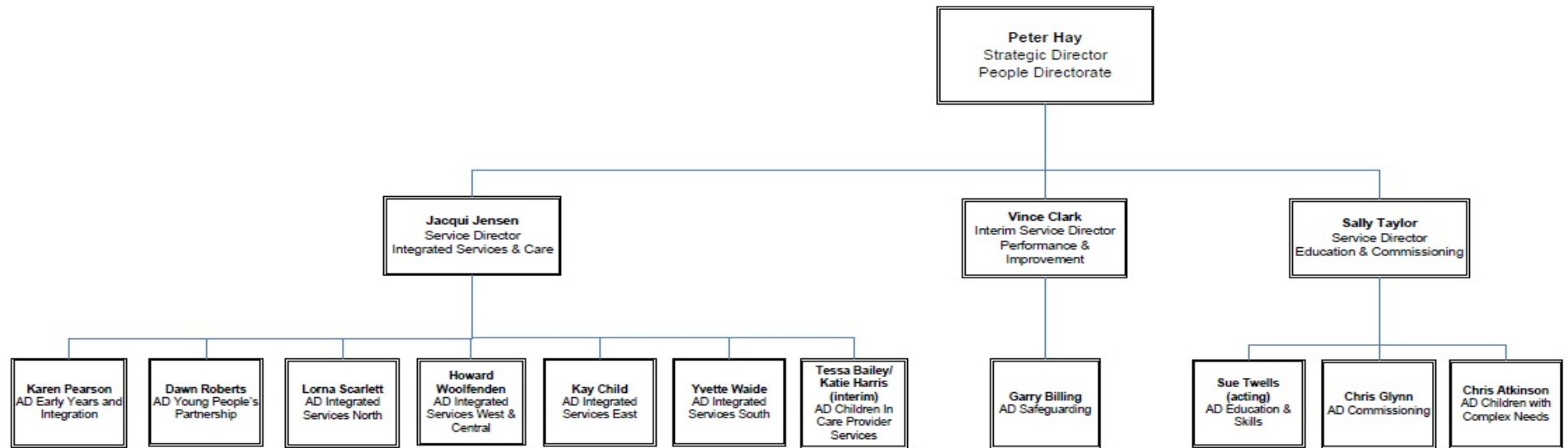
The following documents and reports covering the history of Birmingham's children's social care services provided a valuable source of background information and reference to the Panel. This list is not exhaustive, but details particularly key documents. In addition to these, a range of further helpful background documentation was made available to the Panel by Birmingham City Council.

Document	Originator	Date produced
Annual unannounced inspection of contact, referral and assessment arrangements within Birmingham City Council children's services	Ofsted	December 2009
Inspection of Safeguarding and Looked after Children Service in Birmingham	Ofsted	July 2010
Annual unannounced inspection of contact, referral and assessment arrangements within Birmingham City Council children's services	Ofsted	November 2011
Inspection of local authority arrangements for the protection of children	Ofsted	October 2012
INLOGOV (Institute of Local Government) Peer review of partnership working in support of children in Birmingham	INLOGOV	September/October 2013
Social Work Team Manager/Supervisor Practice Standards and Guidance Manual	Birmingham City Council	September 2013

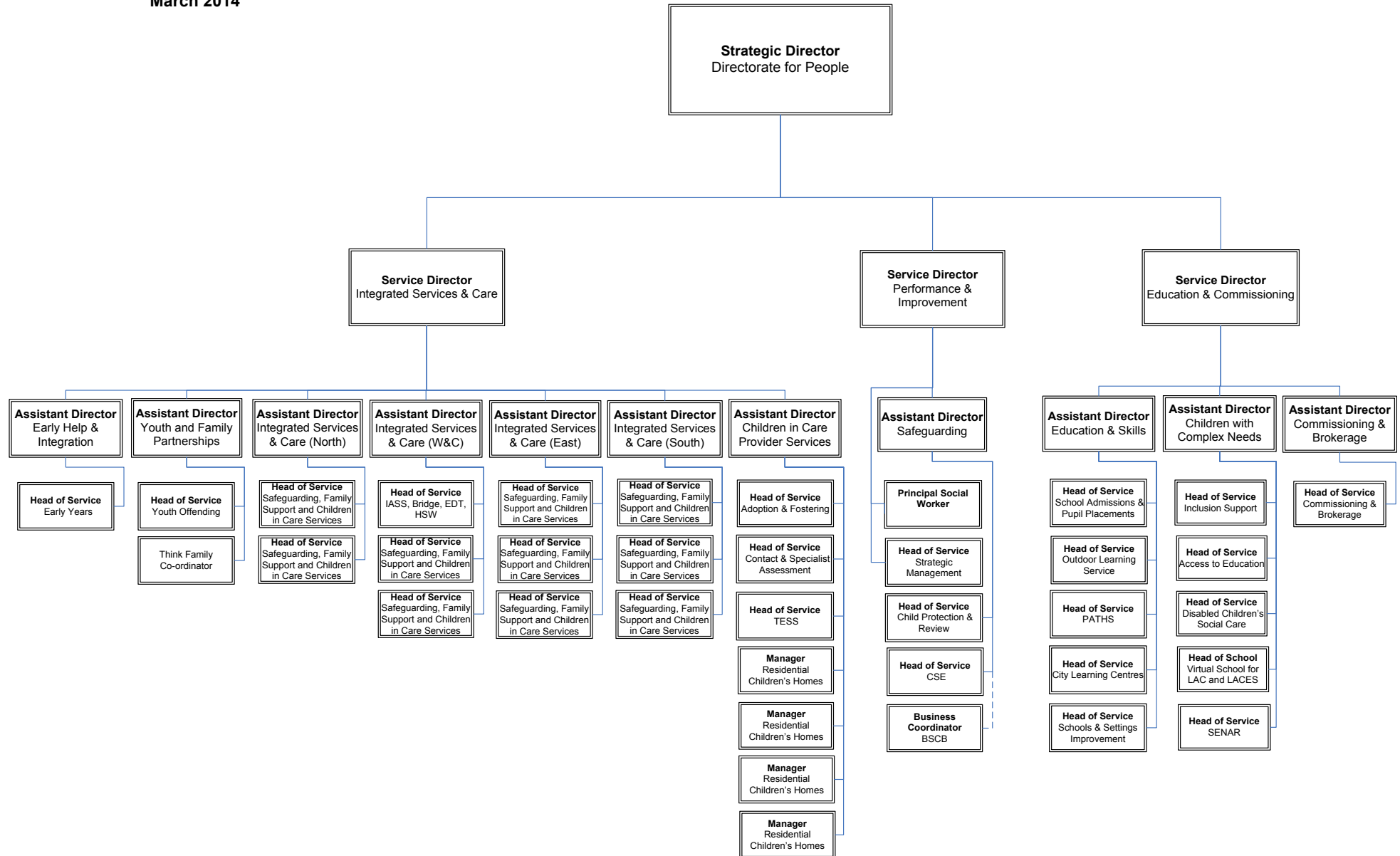
Birmingham's Children's Services Self-Assessment	Birmingham City Council	November 2013
Birmingham City Council's letter to Edward Timpson	Birmingham City Council	December 2013
Birmingham City Council Children, Young People and Families: Integrated Transformation: Our Strategy for Improving Services for Children and Young People in Birmingham	Birmingham City Council	16 December 2013
Right Services Right Time: Meeting Children's Needs – My Agency's Responsibility	Birmingham Safeguarding Children Board	December 2013
Cabinet Report: New Investment in Child Protection Services	Birmingham City Council	December 2013
Options Appraisal: Transforming Children's Services	Birmingham City Council	December 2013
We Own the Improvement of Children's Services	Birmingham City Council	January 2014
Our Plan: Simply	Birmingham City Council	January 2014
Local Government Association (LGA) letter to Peter Hay confirming findings of LGA Children's Services Peer Review	LGA	15 January 2014

ANNEX 4

CYPF Service Leadership Structure 2013
As at 19/12/13



**Directorate for People
Children's Senior Management Structure
March 2014**



ANNEX 5: KEY DATA

Table 1: Levels of Deprivation and Children in Low Income Households

IDACI/Deprivation	% IMD 2010 IDACI (1)	No. of children in low income households (2)
Birmingham	37.4	77,510
Bradford	32.6	
Enfield	26.1	
Luton	25.8	
Barking & Dagenham	34.2	
Walsall	31.2	
Derby	24.6	
Sandwell	37	
Wolverhampton	34.4	
Nottingham	34.4	
Coventry	28.4	

Sources: (1) Indices of Deprivation 2010 (ONS), (2) HBAI 2012

Table 2: Referrals and assessments to children's social care, and children who were the subject of a child protection plan
Year ending 31 March 2013

	England	Local Authority										
		Birmingham	Bradford	Enfield	Luton	Barking & Dagenham	Walsall	Derby	Sandwell	Wolverhampton	Nottingham	Coventry
Referrals to children's social care												
Number	593,500	14,177	4,609	2,691	2,662	2,586	4,414	2,509	3,572	3,701	4,743	4,656
Rate per 10,000 children	520.7	513.9	334.7	334.6	501.5	470.2	693.7	439.9	474.4	660.9	764.3	654.1
Assessments and child protection												
Rate of core assessments per 10,000 children	204.2	155.5	237.3	170.7	154.3	231.1	237.1	198.3	225.1	190.2	203.8	178.8
Rate of section 47 enquiries per 10,000 children	111.5	107.5	133.9	68.6	162.6	125.3	121.2	66.5	152.1	101.4	164.5	127.6
<i>No of CP cases(*)</i>		862										
Rate of CP per 10,000	37.9	37.2	27.2	28.3	36	36.4	39.4	39.5	43	43.6	70.3	72.9
<i>Rate of CP per 10,000 (*)</i>		31										

Sources: Children in Need Census 2012-13 except (*) latest local data provided by Birmingham City Council

Table 3: Percentage of children who were the subject of a child protection plan, by Ethnicity
At 31 March 2013

	England	Local Authority		
		Birmingham	Bradford	Coventry
All children who were the subject of a plan	100.0	100.0	100.0	100.0
<i>Of which:</i>				
White	76.2	51.9	71.7	74.0
Mixed	8.6	14.2	10.2	9.8
Asian or Asian British	5.3	13.6	16.0	4.6
Black or Black British	5.0	8.3	x	6.4
Other Ethnic Group	1.4	2.1	x	1.5
Refused/Not obtained	3.4	9.7	x	3.7

Source: Children in Need Census 2012-13

Table 4: Percentage of children who started to be looked after under police protection, by ethnic group

Year ending 31 March 2013

	England	Local Authority										
		Birmingham	Bradford	Enfield	Luton	Barking & Dagenham	Walsall	Derby	Sandwell	Wolverhampton	Nottingham	Coventry
% of children who started to be looked after under police protection order	12	22	12	31	6	41	13	8	24	14		21
<i>Percentage of children looked after at 31 March 2013 by ethnic origin:</i>												
All children looked after	100	100	100	100	100	100	100	100	100	100	100	100
<i>Of which:</i>												
White	78	54	68	48	59	60	73	82	67	68	72	74
Mixed	9	20	16	9	14	11	13	12	16	13	17	11
Asian or Asian British	4	11	12	x	14	5	8	2	7	3	2	5
Black or Black British	7	12	3	28	7	20	5	3	7	10	6	5
Other Ethnic Group	2	2	x	12	x	x	x	1	2	5	3	1
Refused/Not obtained	1	1	x	x	x	x	0	0	0	2	0	3

Source: 2012-13 SSSA903

Table 5: Comparative spend on children and young people's services, 2011-12

Local Authority	% of Children in low-income families and under 16	Total gross spend on children and young people's services	Children in families in receipt of CTC (<60% median income) or IS/JSA and children under age 16	Total; gross spend on children and young people's services/ number of children in low income families	Total Gross spend on Children and Young People's Safety/children social care/ number of children in low income families	Total number of households	Total number of working households	% working households(1)	column C/H
Tower Hamlets	43.6%	£80,613,827	22,400	£3,599	£637	89,100	42,700	48.0	£1,887.91
Islington	38.3%	£69,962,714	12,815	£5,459	£1,111	77,300	39,800	51.5	£1,757.86
Manchester	36.4%	£138,067,854	34,630	£3,987	£734	193,200	91,300	47.2	£1,512.24
Westminster	35.4%	£43,303,379	10,885	£3,978	£1,245	102,000	50,700	49.7	£854.11
Nottingham	35.2%	£69,611,967	19,120	£3,641	£661	110,200	52,200	47.4	£1,333.56
Hackney	34.8%	£73,912,400	18,715	£3,949	£726	79,000	35,000	44.3	£2,111.78
Middlesbrough	34.3%	£40,705,318	9,730	£4,183	£672	47,100	19,600	41.7	£2,076.80
Barking and Dagenham	33.9%	£51,674,357	16,245	£3,181	£624	57,600	24,300	42.1	£2,126.52
Liverpool	33.0%	£88,830,231	25,970	£3,420	£679	153,000	68,200	44.6	£1,302.50
Enfield	32.8%	£52,859,463	23,210	£2,277	£435	94,800	42,600	45.0	£1,240.83
Kingston upon Hull, City of	32.6%	£61,531,707	16,095	£3,823	£728	93,700	41,900	44.8	£1,468.54
Camden	32.5%	£60,853,580	10,755	£5,658	£975	84,400	38,700	45.9	£1,572.44
Birmingham	32.2%	£218,371,036	77,510	£2,817	£640	333,500	133,200	39.9	£1,639.42
Newham	32.0%	£73,318,577	22,665	£3,235	£506	73,100	28,200	38.6	£2,599.95
Knowsley	31.8%	£27,562,171	9,520	£2,895	£411	45,300	19,000	41.8	£1,450.64
Lambeth	31.6%	£67,763,144	17,435	£3,887	£696	108,400	58,000	53.5	£1,168.33
Wolverhampton	31.5%	£58,605,481	15,545	£3,770	£780	75,700	33,800	44.6	£1,733.89
Blackpool	31.3%	£34,489,986	8,265	£4,173	£996	43,100	22,000	51.1	£1,567.73
Haringey	31.2%	£72,557,441	16,405	£4,423	£1,213	72,400	30,800	42.6	£2,355.76
Southwark	30.7%	£85,569,400	16,565	£5,166	£1,109	107,600	53,000	49.3	£1,614.52

mean
1668.77

(1) working household: all individuals aged 16 and over are in employment

Mixed household: at least one person aged 16 and over is in employment and at least one other is either unemployed or inactive.

Sources: Section 251 Outturn 2011-12 Table A1; Annual Population Survey, The Children in Low-Income Families Local Measure