

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 noted in respect of Dudley Metropolitan Borough Council ("the Council) that children's services are 'inadequate', as detailed in Ofsted's report of 5 April 2016 ("the 2016 Ofsted report) of its inspection carried out between 11 January and 8 February 2016.
2. The Secretary of State has carefully considered the 2016 Ofsted report, which found that children's services were inadequate overall, and across all sub-judgements overall, including for leadership, management and governance, children who need help and protection, and children looked after and achieving permanence. Further, adoption performance was found to be inadequate and the experiences and progress of care leavers was found to require improvement.
3. The Secretary of State has also considered the report of 4 July 2016 submitted by Eleanor Brazil, in her role as Commissioner for Children's Services in Dudley ("the Children's Services Commissioner") and has chosen to appoint an adviser ("the Secretary of State's advisers") to oversee and support the Council's response to this.
4. 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.
5. 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:

6. 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 in relation to the improvement of the Council's exercise of its children's social care functions and provide such assistance as she may require;
 - b. To co-operate with the Secretary of State's advisers, including on request allowing the advisers at all reasonable times access to:
 - i. any premises of the Council;

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

which appears to them to be necessary for supporting the Council's improvement programme.

- c. To provide the advisers with such amenities, services and administrative support as they may reasonably require, including:
 - i. providing officers' time or support;
 - ii. providing office space, meeting rooms or computer facilities;
- d. To develop and implement an improvement plan, to be approved by the Secretary of State's advisers, which addresses the weaknesses identified both in the 2016 Ofsted report and in the report of 4 July 2016 submitted by the Children's Services Commissioner.
- e. To put in place arrangements for monitoring progress and reviewing the improvement plan as appropriate.
- f. To co-operate with the Secretary of State and her advisers, including by:
 - i. Attending and participating in reviews of progress on dates to be notified to the Council;
 - ii. Preparing and making available to the Secretary of State's advisers, when requested, up to date improvement plans and assessments of progress evidenced by performance data;
 - iii. Reporting to the Secretary of State on the nature and rate of improvement of children's services when instructed to do so.

7. In consequence of this direction, the Secretary of State for Education revokes the direction issued to the Council dated 5 April 2016.

8. 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

GRAHAM ARCHER
A Senior Civil Servant in the Department for Education
Dated this day of