

## **DIRECTION UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996**

### **TO SOMERSET COUNTY COUNCIL**

#### **WHEREAS**

1. The Secretary of State for Education has carefully considered the following reports in respect of Somerset County Council ("the Authority")
  - a) Ofsted's report of its inspection carried out between 24 June 2013 and 3 July 2013 which found the Authority's arrangements for the protection of children to be "inadequate";
  - b) the Improvement Notice issued to the Authority by the Secretary of State on 20 November 2013;
  - c) the report of the Department's 6 June 2014 review of the Authority's progress against the said Improvement Notice;
  - d) regular reports from Somerset's improvement board chair;
  - e) Ofsted's report of its inspection carried out between 20 January 2015 and 11 February 2015 which found the Authority's overall performance, its services for children in need of help and protection, its services for care leavers and the effectiveness of the Local Safeguarding Children Board ("LSCB") still to be "inadequate".
  
2. On the instruction of the Secretary of State, in May 2015 Dave Hill, Executive Director for People Commissioning and other officials at Essex County Council, ("the Department's advisers") commenced a diagnostic assessment of the Authority's (i) progress in addressing the failings identified by Ofsted; (ii) future plans for improvement; and (iii) capacity to lead its future improvement. This assessment concluded inter alia that "rapid improvement is required for the children in Somerset to be better supported and safeguarded" in the following areas as detailed in the Department's advisers' report dated 26 June 2015:
  - (a) Recording and IT
  - (b) Supervision and training
  - (c) Resourcing and staff
  - (d) Assessment and case activity
  - (e) Caseloads
  - (f) Partnership working
  - (g) Direct work
  - (h) Management input
  - (i) Safeguarding
  
3. The Secretary of State is therefore satisfied that the Authority has been and still 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 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.
4. The Secretary of State, having considered representations made by the Authority, considers it expedient, in accordance with her powers under section 497A of the 1996 Act, to direct the Authority as set out below in order to ensure that the Authority’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 1996 Act, the Secretary of State directs that the Authority shall, in particular, do the following:
- a. Comply with any instructions of the Secretary of State in relation to the improvement of the Authority’s exercise of their children’s social care functions and provide such assistance as she may require;
  - b. Cooperate with the Department’s advisers, including on request allowing those officers at all reasonable times access:
    - i. to any premises of the Authority;
    - ii. to any document of or relating to the Authority; and
    - iii. to any employee or member of the Authority,which appears to them to be necessary for achieving the purposes of assessing or improving the performance of the functions set out at paragraph 3 above;
  - c. Provide the Department’s advisers with such amenities, services and administrative support as they may reasonably require from time to time for the carrying out of their instructions from the Secretary of State, including:
    - i. providing officers’ time or support;
    - ii. providing office space, meeting rooms or computer facilities;
  - d. By 31 March 2016, implement the Authority’s “Nine Priority Action Plan” as approved by the Authority’s Children’s Improvement Board on

20 May 2015 and updated in September 2015, such that implementation is judged by the Department's advisers to be effective;

- e. Develop and implement by 1 April 2016 a three year Children's and Young People's Plan which the Department's advisers judge likely to be effective in furthering and sustaining improvement of children's social care functions beyond the expiry on 31 March 2016 of the Nine Priority Action Plan referred to in paragraph 5.d. above.
- f. Cooperate with the Secretary of State and the Department's expert advisers, including by:
  - (i) attending and participating in quarterly reviews of improvement on dates to be notified to the Authority, and
  - (ii) preparing and making available to the Department's advisers, when requested, up to date improvement plans and accurate records 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.

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

Date:

4/11/15