

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

DIRECTIONS UNDER SECTION 15(5) AND (6) OF THE LOCAL GOVERNMENT ACT 1999 AND SECTION 497A(4B) OF THE EDUCATION ACT 1996 TO ROTHERHAM METROPOLITAN BOROUGH COUNCIL, 2015

EXPLANATORY MEMORANDUM

1. The Secretary of State for Communities and Local Government and the Secretary of State for Education (“the Secretaries of State”) have exercised their respective powers under section 15(5) and (6) of the Local Government Act 1999 and section 497A(4B) of the Education Act 1996 in relation to Rotherham Metropolitan Borough Council to secure its compliance with the best value duty and to secure that the Authority’s children’s social care functions are performed to the required standard.
2. This Memorandum is intended as a companion document to the Directions issued on 26 February 2015. It summarises the circumstances in which the Secretaries of State have made the Directions, their reasons for this exercise of their powers, and the implications of the Directions for the Authority.

The context for the Directions

3. Following the publication on 26 August 2014 of Professor Alexis Jay’s report - Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 - 2013 - on 10 September 2014, the Secretary of State for Communities and Local Government appointed Louise Casey CB under section 10 of the Local Government Act 1999 to carry out an inspection of the compliance of Rotherham Metropolitan Borough Council (“the Authority”) with the requirements of Part I of that Act, in relation to the Authority’s exercise of its functions on governance, children and young people and taxi and private hire licensing.
4. On 30 September 2014 Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“HMCI”), Sir Michael Wilshaw, sent to the Secretary of State for Education an advice note expressing concerns about the adequacy of the Authority’s children’s social care services. As a result of this advice note, the Secretary of State for Education was satisfied that the Authority was failing to perform to an adequate standard or at all, some or all of its children’s social care functions.
5. On 10 October 2014, following consultation with the Authority on a draft Direction, the Secretary of State for Education, exercising her powers under section 497A(4B) of the Education Act 1996, issued a Direction to the

Authority and appointed a Children's Social Care Commissioner to investigate and address the failings identified by HMCI. The Direction required the Authority to co-operate with the Children's Social Care Commissioner.

6. On 4 February 2015 Louise Casey CB, having undertaken her inspection, sent to the Authority a report ("the Report") setting out her findings. The Report, produced after the Inspector had conducted a thorough investigation, provides a picture of the Authority of the utmost seriousness, concluding that the Authority is not fit for purpose, that it is failing to comply with its best value duty in the discharge of its functions, in particular its duty to protect children from harm, and that it needs a fresh start.
7. On the same day, 4 February 2015, the Secretary of State for Communities and Local Government published the Report, together with a letter to the Authority setting out a proposed intervention package to secure the Authority's compliance with the best value duty. He invited the Authority, if it wished, to make to him on or before 18 February 2015 representations about the Report and about the proposed intervention package.
8. The Secretary of State for Communities and Local Government explained in that letter that the proposed intervention package would need to, and was designed to, facilitate that fresh start – seen as a necessity by the Inspector - where the Authority's compliance with its best value duty is secured, and to ensure forthwith that all the Authority's functions will be, and will be seen to be, exercised in conformity with the best value duty. Such an intervention package would need to:
 - rebuild the governance capacity of the Authority, addressing the deep seated culture of poor governance and leadership – both political leadership and officer/managerial leadership; this is a pre-requisite for the fresh start where compliance with the best value duty is secured;
 - restore public trust and confidence in Rotherham by putting an end to any of the Authority's activities, practices, and omissions which are, or risk being, not compatible with the best value duty; and
 - secure as soon as practicable that all the Authority's functions are exercised in conformity with the best value duty thereby delivering improvements in services and outcomes for the people of Rotherham.
9. As part of that intervention package, the Secretary of State for Communities and Local Government proposed to make an Order under section 86 of the Local Government Act 2000 Act providing for full council elections to be held in Rotherham in 2016 and every fourth year thereafter. The Secretary of State

for Communities and Local Government considers this measure key to achieving the fresh start that the Authority requires.

10. The proposed intervention package also involved putting in place a team of Commissioners including:

- a Lead Commissioner,
- a Commissioner with a full time “managing director” role, primarily to address the issues of ineffective officer/managerial leadership, until a new chief executive was appointed, and
- a continued role of the Children’s Social Care Commissioner having particular responsibilities to secure improvement in the Authority’s children’s social care functions.

The Secretary of State for Communities and Local Government set out the Directions that he proposed to make under section 15 of the Local Government Act 1999 in order to implement the proposed package. The proposed Directions provide for the Commissioners to exercise for a time certain of the Authority’s functions, give to the Commissioners certain responsibilities, and require the Authority to take certain actions.

Representations from the Authority

11. Before making Directions, the Secretary of State for Communities and Local Government is required under section 15(9) of the Local Government Act 1999 to give the Authority an opportunity to make representations about the Report as a result of which the Directions are proposed, and about the proposed Directions.

12. Representations were received from the Authority as follows:

- a letter from the Authority’s Interim Chief Executive, dated 4 February;
- a letter from the Authority’s Interim Chief Executive, dated 5 February;
- a letter from the Authority’s Interim Chief Executive enclosing a note prepared by the Authority’s Monitoring Officer on Matters to raise with the Department for Communities and Local Government, dated 9 February; and,
- a letter from the Authority’s Interim Chief Executive, enclosing questions from Elected Members regarding the proposed Government intervention at Rotherham MBC following publication of the Report, dated 10 February.

13. On the Report, the Authority stated in its representations of 5 February that it “fully recognises and accepts the findings of the [Report]”. The Authority further stated in its representations of 10 February, which it confirmed were its

final representations, that it “recognises and accepts the conclusions of the Report and welcomes the appointment of Commissioners to drive forward its future improvement and recovery”. The Authority went on to say “there is an undisputed view across the Council that change and a fresh start is critical”, and that “At the heart of all this change must be the Council in its entirety - its Executive, all Elected Members, Senior Officers and all staff - better serving all of its residents. To do this and deliver the fresh start needed for Rotherham the Council has to change its culture and must become a more modern local authority; and it looks forward to supporting the Commissioners to make this happen”.

14. The Authority sought clarification on a number of specific matters relating to the constitutional implications and practical operation of the proposed intervention. These are addressed below.
15. Representations were also received from one of the political groups on the council on 18 February which welcomed the decision to appoint Commissioners. They also generally welcomed the Report and noted that there are a number of areas where the Report did not reflect the full extent of the actions they had taken to attempt to hold the Authority to account. They proposed that all-out elections should be introduced from 2015 rather than 2016, arguing that “there is a strong likelihood that many of the learnings everyone is so eager to acquire from the Commissioners will be at best diluted and at worst lost entirely.” These representations have been disregarded by the Secretary of State for Communities and Local Government for the purpose of making his decision on the Directions since they do not provide further independent evidence to that in the Report; however the Secretary of State noted that this group was broadly supportive of the approach which he has in any event decided to take.
16. This Memorandum, together with the Directions and material taken into account for the purposes of making the Directions, is published on the Government website at www.gov.uk.

The intervention package

17. Having carefully considered afresh the Report, together with the letters from Louise Casey CB to the Secretary of State for Communities and Local Government, received 27 January 2015 and 3 February 2015, the representations received from the Authority on 4, 5, 9 and 10 February and the advice note from HMCI to the Secretary of State for Education dated 30 September 2014, the Secretaries of State are confident that the Report provides a sound basis on which to base their considerations and, accordingly, are satisfied that the Authority is failing to comply with its best

value duty and that it is failing to perform to an adequate standard, or at all, some or all of its children's social care functions.

18. 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, considers it necessary and expedient in accordance with his powers under section 15(5) and (6) of the Local Government Act 1999 to put in place an intervention package in order to secure the Authority's future and sustainable compliance with its best value duty. Insofar as the Directions made by the Secretary of State for Communities and Local Government about the actions the Authority is required to take relate to children's social care functions, they are also made by the Secretary of State for Education pursuant to her powers under section 497A(4B) of the Education Act 1996, as applied by section 50 of the Children Act 2004; otherwise, and including the Directions which do not relate to children's social care functions, the Secretary of State for Education endorses the Directions.
19. The Secretaries of State consider that this package, together with the Order which the Secretary of State for Communities and Local Government is minded to make under section 86 of the Local Government Act 2000 providing for full council elections to be held in Rotherham in 2016 and every fourth year thereafter, will address the failings identified in the Report.
20. For the avoidance of doubt, the Secretaries of State believe that each individual element of the intervention that they have implemented is individually justified. The Directions also revoke the Secretary of State for Education's Direction of 10 October 2014.

Commissioners

21. The package that the Secretary of State for Communities and Local Government has decided to put in place is centred on a team of Commissioners: including a Lead Commissioner, a Commissioner with a "managing director" role and the existing Children's Social Care Commissioner. The Secretary of State for Communities and Local Government, whose action is supported, as appropriate, and endorsed by the Secretary of State for Education, has made a number of Directions in relation to the Commissioners, including providing for them to perform certain functions and having roles overseeing actions which the Authority is to perform. The Commissioners are accountable to the Secretary of State for Communities and Local Government in that they have been nominated by him and can have their nomination withdrawn by him. The Commissioners will report to both Secretaries of State on the progress of the intervention.

22. The Secretary of State for Communities and Local Government has nominated a Commissioner team with a proven record of providing leadership and securing transformational change together with a wide range of expertise in local government and children's social care services. The Commissioners are:

- **Sir Derek Myers** (Lead Commissioner) - an experienced Chief Executive including as the first joint Chief Executive of two London Borough councils, Kensington and Chelsea and Hammersmith and Fulham November.
- **Stella Manzie CBE** (Managing Director Commissioner) - has held a number of senior positions in public service; this includes Chief Executive of local authorities including Barking and Dagenham, Coventry, Redditch and West Berkshire; and Director-General in the UK Civil Service (Scottish Government).
- **Malcolm Newsam** (Children's Social Care Commissioner) - an experienced Director of Children's Services, specialising in delivering rapid improvement in failing services. Malcolm is the Children's Social Care Commissioner appointed to Rotherham by the Secretary of State for Education in October 2014.
- **Mary Ney** (Supporting Commissioner) - recently retired from being Chief Executive of London Borough of Greenwich for 14 years. She was assistant Inspector to Louise Casey's inspection of Rotherham, where she led the Partnership working strand of the inspection.
- **Julie Kenny CBE** (Supporting Commissioner) – is a key business and industry leader in the region. She founded Rotherham-based manufacturing company Pyronix Limited in 1986 and is now Chair and Chief Executive of the company and its parent company, Secure Holdings Limited.

All Commissioners other than the Managing Director Commissioner are nominated for the period beginning on 26 February 2015 and ending on 31 March 2019 or such earlier time as the Secretary of State for Communities and Local Government determines. The Managing Director Commissioner is nominated for the period beginning on 26 February 2015 and ending on 25 February 2016 or such later time as the Secretary of State determines. The Secretary of State for Communities and Local Government may, if he considers it appropriate, nominate further Commissioners.

Commissioners' roles

23. The Authority's Interim Chief Executive and its Elected Members sought clarification regarding the specific roles and responsibilities of the Commissioners (Representations of 5 and 10 February).

24. The breadth of skills and experience in the Commissioner team means that it is both possible and sensible to give the Commissioners considerable levels of discretion over how they implement their roles and responsibilities under the Directions, in order that they can find the solutions most likely to lead to rapid improvement in the Authority.
25. The Commissioners are to act jointly or severally, and it will be for them to decide how best to exercise their functions. However, the Directions provide for the following designated roles:
- a Lead Commissioner, whose responsibilities include, but are not limited to, giving direction and leadership to the work of the Commissioners and to the delivery of the improvements which the Authority is required to make.
 - a Managing Director Commissioner who has a full-time role and whose responsibilities include, but are not limited to, overseeing the improvements the Authority needs to deliver in relation to governance, leadership and culture, the exercise of its overview and scrutiny functions, and in its performance of services. It is envisaged that this Commissioner will be in post for a period of one year or such longer period until a new permanent Chief Executive takes up his or her position.
 - the Children's Social Care Commissioner whose responsibilities include, but are not limited to, overseeing the improvements the Authority needs to deliver in relation to its exercise of children's social care functions.
26. The Directions provide that the Commissioners' reasonable expenses and such fees as the Secretary of State for Communities and Local Government determines, are to be paid to them by the Authority. The Secretary of State for Communities and Local Government is mindful of the need for Commissioner remuneration to represent value for money for local taxpayers. In recognition of the nature and scale of the intervention, he has determined fees of £800 a day for the Lead Commissioner and £700 a day for other Commissioners except the Managing Director Commissioner. He has determined for the Managing Director Commissioner a fee of £160,000 per annum to be paid on a pro rata monthly basis in arrears for each month the nominee acts as Managing Director Commissioner.

Powers to be exercised by the Commissioners

27. The Authority sought clarification on the scope of the Commissioners' powers. (Representations of 9 February). The Secretaries of State consider that given the conclusions that the Inspector reached on the basis of the evidence she

obtained from her investigations, as revealed by the Report, a broad and wide ranging intervention is required to address the circumstances of the Authority. This is because whilst much of the evidence obtained relates to matters connected to Child Sexual Exploitation, the focus of the inspection, it reveals such serious failings on some of the most important functions of the Authority - protecting vulnerable children - that it is reasonable and proportionate to conclude, as does the Inspector herself, that there are serious failings in the best value duty pervading throughout the Authority, unless there is manifest and compelling evidence to the contrary, which there is currently not. It is in these circumstances that the Inspector in her Report concludes that there is a complete failure of political and officer leadership in Rotherham where poor governance is deeply-seated throughout the Authority, and there is a pervading culture of bullying, sexism, suppression and misplaced political correctness that has cemented the Authority's failures. The Inspector's conclusion is that the Authority is currently incapable of tackling its weakness without substantial intervention.

28. For these reasons, the Directions provide that the following functions are to be exercised by the Commissioners:

- all executive functions of the Authority i.e. all functions of the Authority which are the responsibility of the executive, including the delegation of the exercise of such functions, for example to committees and sub-committees of the executive or officers of the Authority, under section 9E of the Local Government Act 2000;
- all "local choice" functions of the Authority (i.e. functions that may be exercised by either an authority's executive or council) that were exercisable by the Executive as of 4 February 2015;
- non-executive functions relating to the appointment and dismissal of persons to positions the holders of which are to be designated as the head of paid service, the monitoring officer and the chief financial officer (section 151 officer), and the designation (and removal) of those persons as statutory officers;
- all non-executive functions relating to licensing, including all related enforcement and regulatory functions;
- delegation functions under section 101 of the Local Government Act 1972 of arranging for the discharge of any of the Authority's functions, for example, by a committee or sub-committee of the Authority or an officer of the Authority in relation to functions which are to be exercised by the Commissioners; and,
- all functions of the Authority relating to the nomination or appointment of persons to other bodies.

29. The Secretaries of State expect that there will be a phased return of powers to the Authority as and when there can be confidence that the Authority could exercise a function in compliance with the best value duty and, in the case of children's social care functions, to the required standard. The expectation is that it may be appropriate to return certain functions in 2015, with some significant functions being able to be returned after the proposed 2016 all out local elections. All functions are expected to be returned to the Authority within four years of the date of the Directions. The process whereby this return of functions will happen is described at paragraph 47 of this Memorandum.
30. The Authority's Elected Members sought clarification regarding the Authority's Planning Board. (Representations of 10 February). The Planning Board is a committee of the Authority rather than the Executive and the Directions do not provide that these functions are to be exercised by the Commissioners.

Decision-making and accountability of Commissioners

31. The Authority asked "what procedures will the Commissioners follow to take decisions?" (Representations of 9 February). The Commissioners will act jointly or severally, having regard to any views of the Authority's Members and officers communicated to them. The Directions require the Authority to provide the Commissioners with such assistance and information, including any views of the Authority's Elected Members on any matter, as the Commissioners may reasonably request.
32. The Authority's Elected Members sought clarification on how the Commissioners will be held to account and in particular the role of the Authority's Overview and Scrutiny Committee(s) and also whether there will be a public right to recall on Commissioner decisions (Representations of 9 and 10 February). The Commissioners will exercise the Authority's executive functions i.e. the functions of the Leader and the Cabinet, and certain other functions as set out at paragraph 28 above for the duration of the Directions unless and until they are returned to the Authority. The exercise of these functions is wholly a matter for the Commissioners, and the Authority's Overview and Scrutiny Committee(s) have no statutory role in these matters. Nor in the Commissioners' exercise of functions are there any statutory processes of recall. However, the Commissioners may decide to involve the Authority's Overview and Scrutiny Committee(s) and may adopt such processes as they see fit to enhance the accountability of their exercise of the functions set out at paragraph 28 above. Such processes may include the Commissioners holding meetings in public, working with an improvement panel, and as they see fit involving existing or new Overview and Scrutiny arrangements.

33. The Authority's Elected Members asked how they will communicate with the Commissioners (Representations of 10 February). It will be for the Commissioners to consider how best to engage with Elected Members and officers of the Authority and to agree appropriate arrangements. As noted above, the Secretaries of State envisage that in exercising any function the Commissioners will have regard to any views of the Authority's Elected Members and officers arrived at through their normal processes of consideration.
34. The Authority's Elected Members also asked how the three Rotherham MPs would communicate with the Commissioners and whether they will have a formal role in scrutinising and/or reporting back with the Commissioners (Representations of 10 February). The Directions do not give any role to the local Members of Parliament, and MPs do not have any statutory relationship with the Authority. It will be for the Commissioners and those Members of Parliament to establish whatever informal relations between them they consider appropriate.

Role of Leader, Cabinet and Members

35. The Authority sought clarification on the role of the Leader and Cabinet and on the role of Councillors more widely. (Representations of 9 and 10 February). In the immediate term, the Commissioners will exercise all the functions of the executive (and other functions of the Authority, as directed), and the Secretaries of State have made clear that they expect that there will be a phased return of functions to the Authority from after the proposed 2016 all-out elections, if not before. However, the full council has a duty to elect a Leader and the Leader, once elected, has a duty to appoint at least two councillors to the Executive so that the duty under section 9C of the Local Government Act 2000 is fulfilled. The Authority is also under a duty to designate one of its Members as the lead member for children's services in accordance with section 19 of the Children Act 2004. Until any executive functions are returned, this Executive can have no more than an advisory role of expressing views to the Commissioners, if it so chooses, particularly for example in response to any requests for views which the Commissioners make to the Authority under the Directions. Once any executive function is returned to the Authority, the Executive will then again become responsible for exercising those functions. Clearly, the skills and expertise of such Cabinet Members would inform the Commissioners' agreement to any recommendations of the Authority to the Secretaries of State regarding whether or not functions can be returned.
36. As to the role of Elected Members who are not in the Cabinet, they would continue to exercise their existing functions (where these are not to be

exercised by the Commissioners), for example where there are existing delegations to committees and sub-committees. The Directions provide that the Commissioners have the powers under section 101 of the Local Government Act 1972 and section 9E of the Local Government Act 2000 to alter the Authority's scheme(s) of delegation in relation to the functions which they will exercise. This will allow the Commissioners to exercise functions of the Authority in the most efficient and effective manner. For the avoidance of doubt, in the immediate term, the existing schemes of delegation remain in place until such time as they may be reviewed by the Commissioners.

37. The Directions also provide that the Authority ceases to pay or, insofar as may be agreed with the Commissioners, reduces to a level that is commensurate with the extent of the functions that the Authority's executive exercises from time to time, any special responsibility allowances that Members of the Authority receive by virtue of them being Members of, or otherwise connected with, the Authority's Executive.

Appointment of statutory officers

38. In their representations, the Authority explained that it was currently undertaking a recruitment exercise to appoint a permanent Chief Executive and asked whether or not that process should be put on hold (Representations of 4 February). The Department for Communities and Local Government expressed the view that this would be a sensible course of action (Letter from Sir Bob Kerslake of 8 February) and the Authority halted the recruitment process accordingly. (Representations of 9 February).
39. The Authority's Elected Members sought clarification regarding whether the Commissioners will "just appoint *new* Chief Executive, Monitoring Officer and Finance Officer roles, or will they look at *existing* appointments". (Representations of 10 February). Under the Directions the Commissioners will as necessary exercise the Authority's powers to appoint persons to and dismiss persons from posts where those persons are to be designated as statutory officers, and also the Authority's powers to designate (and remove) those persons as statutory officers. The Commissioners will not dismiss persons unless there are good grounds for doing so under employment law.
40. The Authority asked whether the recruitment exercises already underway to the posts of Director of Public Health, Director of Adult Social Services, and Chair of the Adult Safeguarding Board should continue and, if so, in what manner (Representations of 9 February). The powers of appointing people to the posts of Director of Public Health and Director of Adult Social Services are non-executive powers and will thus be exercised by the Council or a committee or sub-committee of it. However, under the Local Authorities

(Standing Orders) (England) Regulations 2001, a council's executive has a role in such appointments. That role is that the council's executive leader or any other member of the executive may object to the council making an offer of appointment. This function of objection will thus be a function to be exercised by the Commissioners. Accordingly, these recruitment exercises should continue with appropriate involvement of the Commissioners. This would also apply in relation to any appointment of a Director of Children's Services in the event that this post became vacant in the future. The Directions provide that the Commissioners exercise all functions of the Authority relating to the nomination or appointment of persons to other bodies. The appointment of a person as Chair of the Adult Safeguarding Board will therefore be exercised by the Commissioners.

Appointment to other bodies

41. The Authority sought clarification on the process of appointment to outside bodies, in particular whether the Commissioners would look to replace existing appointments or only when a vacancy arose (Representations of 10 February). It will be for the Commissioners to decide how to exercise these functions. The Authority also asked about its representation and role on partnership bodies such as the Combined Authority and the Health and Wellbeing Board (Representations of 5 and 10 February). The Commissioners will exercise the functions of making appointments and nominations to these bodies and any committees and sub-committees of these bodies.

Directions to the Authority

42. To achieve and facilitate the objectives of the intervention, the Secretaries of State have also directed the Authority to take the following actions:
 - to prepare, under the direction of the Managing Director Commissioner and Children's Social Care Commissioner, improvement plans (which may include or draw upon improvement or action plans prepared before the date of these Directions), and within 3 months of the date of these Directions to agree these plans with the Lead and other Commissioners and submit them to the Secretaries of State; the plans are to set out measures to be undertaken, together with milestones and delivery targets against which to measure performance, in order to deliver rapid and sustainable improvements in governance, leadership and culture in the Authority, in the Authority's exercise of its overview and scrutiny functions and in its performance of services, thereby securing compliance with the best value duty and securing the performance of the Authority's children's social care functions to the required standard;

- to undertake the measures set out in the improvement plans and such other measures as the Lead and other Commissioners require to deliver the improvements referred to above, and to provide the Secretaries of State with progress reports, agreed with the Lead and other Commissioners, at six monthly intervals following the date of these Directions; and
 - to maintain such improvement panels as the Commissioners may agree to, for the purpose of enabling the Authority to be held to account for the progress it is making on securing future compliance with the best value duty and securing the performance of its children’s social care functions to the required standard.
43. In their representations, the Authority said, “Whilst initial steps had already been taken to start to set out a cohesive programme of organisational recovery, via the Rotherham Improvement Board established with the LGA, it is vital that the Council now takes urgent steps with the Commissioners as soon as they are appointed, to agree a comprehensive strategy of improvement, fully reflective of the CGI report and Government’s intervention measures.” (Representations of 10 February).
44. The Authority’s Elected Members sought clarification as to whether the Commissioners will “take over or replace the current ‘Rotherham Improvement Board’” (Representations of 10 February). As set out above, the Directions issued by the Secretaries of State require the Authority to maintain such improvement panels as the Commissioners may agree. The membership and terms of reference of any panel, within the scope set out in the Directions, will be for the Commissioners to agree and it will be for them to determine whether to continue the existing arrangements, to vary those arrangements, or to create entirely new arrangements.
45. The Authority sought clarification as to whether “the Children’s Commissioner [will continue] overseeing the dedicated Children’s Improvement Board and Action Plan”. (Representations of 5 February). The Children and Young People’s Improvement Board is already established to oversee progress through monitoring, challenging and supporting the actions of the Children and Young People’s Services Improvement Board Action Plan and the current arrangements appear to be effective. The plan is the Authority’s response to Ofsted’s inspection of services for children in need of help and protection; children looked after and care leavers and the review of the effectiveness of the Local Safeguarding Children Board. It also addresses the key findings and recommendations from the Inquiry into Child Sexual Exploitation (August 2014) and the Ofsted thematic inspection, *The sexual exploitation of children; it could happen here, could it?* (November 2014). It will be for the Children’s

Social Care Commissioner, together with the other Commissioners, and the Authority to agree the future scope of the Children and Young People's Improvement Board and Action Plan and how its work will link with any improvement panel(s) which the Authority is required to maintain under the Directions.

46. In addition to the above Directions, the Secretaries of State have made the following Directions to the Authority in order to ensure that the intervention can be efficiently and effectively undertaken:

- to provide the Commissioners with such assistance and information, including any views of the Authority on any matter, as the Commissioners may reasonably request;
- to provide the Commissioners, at the expense of the Authority, with such reasonable amenities and services and administrative support as the Commissioners may reasonably require from time to time to carry out their functions and responsibilities under the directions; and
- to allow the Commissioners at all reasonable times access as appears to the Commissioners to be necessary to any premises of the Authority, any document relating to the Authority, and any employee or member of the Authority.

Duration of the intervention

47. The Secretaries of State consider that any aspect of the Directions should only be long enough to achieve the stated objectives of the intervention. The Directions will remain in force until 31 March 2019 unless the Secretaries of State or, as the case may be, either one of them considers it appropriate to amend or revoke them at an earlier date. As explained above (paragraph 29), the Secretaries of State expect that it may be appropriate to return functions before 31 March 2019. The Directions put in place a process for regular review by the Authority, under the direction of the Commissioners, of whether it would be appropriate for any function exercisable by the Commissioners to be returned to the Authority. The first review will take place as soon as is practicable after the date of the intervention and subsequent reviews will take place every three months thereafter. Where the Authority and Commissioners agree that it would be appropriate for the exercise of a function to be returned to the Authority, the Authority will report this to the Secretary of State for Communities and Local Government, or insofar as the functions are children's social care functions to the Secretaries of State, setting out reasons, including clear evidence as to why the public could be expected to have confidence in the Authority exercising this function in compliance with the best value duty

and in the case of the Authority's children's social care functions, performing these functions to the required standard. The Secretary of State for Communities and Local Government or the Secretaries of State, as appropriate, will carefully consider any such reports and if agreed to, further Directions will be issued to this effect amending the Directions made on 26 February 2015. The Secretaries of State's expectation is that following the 2016 elections it is likely that a phased return of functions to the Authority would be appropriate, and they recognise that some earlier return might be appropriate depending on the circumstances of the Authority.

Order moving Rotherham Council to all-out elections from 2016

48. The Secretary of State for Communities and Local Government is minded to make an Order under section 86 of the Local Government Act 2000 providing for full council elections to be held in Rotherham in 2016 and every fourth year thereafter. He considers this key to achieving the fresh start the Authority requires. The Order, which would be subject to the negative resolution procedure, would be made as soon as practicable and well in advance of the local government elections in 2016.

49. The Authority sought confirmation that the arrangements for the local elections in May 2015 should progress in usual manner (Representations of 4 February). This confirmation was provided (letter from Sir Bob Kerlake of 8 February).