

## **STATUTORY DIRECTION TO READING 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 Reading Borough Council ("the Council") that performance in respect of children's social care services is 'inadequate' as detailed in Ofsted's inspection report of 5 August 2016 ("the 2016 Ofsted report").
2. The Council's failure led the Secretary of State to issue a statutory direction on 16 September 2016 ("the first direction"), requiring the Council to take a number of steps to improve the quality of services, including to work with Nick Whitfield, as the appointed Commissioner for Children's Services in Reading.
3. The Secretary of State has carefully considered:
  - a. Ofsted's inspection report of 5 August 2016, which found that children's services are 'inadequate'. The sub-judgments for children who need help and protection, children looked after and achieving permanence, and leadership, management and governance were all rated as 'inadequate';
  - b. The Children's Services Commissioner's report of 7 April 2017 ("the 2017 report"), which concluded that in order to provide sustainable improvements to children's social care services the council should move to an alternative model of delivery; and
  - c. Ofsted's letter of 30 June 2017 to the Council, recording the findings of its monitoring visit of 31 May 2017 – 1 June 2017, that the Council *'is still not making the expected progress in improving services for its children and young people'*.
4. The Secretary of State is therefore 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 has re-appointed Nick Whitfield as Commissioner for Children's Services in Reading ("the Children's Services Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.
6. 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:

7. Pursuant to her powers under section 497A(4B) of the Education Act 1996 Act, the Secretary of State directs the Council as follows:
  - a. To comply with any instructions of the Secretary of State or the Children's Services Commissioner in relation to the improvement of the Council's exercise of its children's social care functions and provide such assistance as either the Secretary of State or the Children's Services Commissioner may require;
  - b. To co-operate with the Children's Services Commissioner, including on request allowing the Commissioner at all reasonable times access:
    - i. to any premises of the Council;
    - ii. to any document of, or relating to, the Council; and
    - iii. to any employee or member of the Council,which appears to him to be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference;
  - c. To provide the Children's Services Commissioner with such amenities, services and administrative support as he may reasonably require from time to time for the carrying out of his responsibilities in accordance with the Terms of Reference, including:
    - i. providing officers' time or support;
    - ii. providing office space, meeting rooms or computer facilities;
  - d. To develop and draft, in consultation and agreement with the Children's Services Commissioner:
    - i. a business case for the agreed alternative delivery model, and outline implementation plan, by 30 September 2017;
    - ii. an updated long-term improvement plan to address the findings of the 2017 report by 30 September 2017, and to include the proposed arrangements for monitoring progress and reviewing the improvement plan as appropriate;
  - e. 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.
8. In consequence of this direction, the Secretary of State for Education revokes the first direction.
9. 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

A handwritten signature in black ink, appearing to read 'Suzanne Lunn'. The signature is written in a cursive style with a large, looping initial 'S'.

SUZANNE LUNN

A Senior Civil Servant in the Department for Education  
12 September 2017

## **Non-Executive Commissioner for Children's Services**

### **Reading Borough Council**

#### **Terms of Reference – September 2017**

Given the systemic failures in Reading, and the need to increase the pace of change, the Commissioner has been re-appointed to work with Reading Borough Council to oversee the establishment of an alternative delivery model for services in Reading, and to provide ongoing direction and assurance of service improvements ahead of the transition to the new delivery model.

Specifically, the Commissioner shall:

1. Shape the Council's strategic vision for the transformed service and its scope of delivery;
2. Work with the Council in establishing a business case and outline implementation plan for the agreed alternative delivery model, by 30 September 2017;
3. Produce a high level project plan by 30 September 2017, detailing the proposed approach to provision of support and challenge throughout the establishment and implementation of an alternative delivery model, and ongoing service improvements;
4. Provide ongoing assurance and oversight to the implementation of the agreed new model, and the transition of services;
5. Advise on any senior appointments to the body and lead or participate in recruitment assessment processes as required;
6. Provide advice and direction to the Council to agree a long-term improvement plan to address the findings of his report of 7 April 2017; and provide ongoing monitoring and oversight of progress against implementation of the plan;
7. Support and challenge senior members, corporate senior management and senior partners to work together to create the culture and leadership necessary to bring about and sustain improvements in children's services;
8. Lead, on behalf of the DfE, a formal review of the Council's progress towards improvement within six months of appointment and thereafter on a six monthly basis; and making a recommendation to the DfE on whether progress has been sufficient;
9. Deliver six-weekly written evidence based reports on the authority's improvement progress to the DfE Contract Manager and more frequently if the pace of progress is not sufficient or if the Minister for Children and Families requires it; and
10. Deliver quarterly written updates on the Council's progress to the Minister for Children and Families, and more frequently if the pace of progress is not sufficient or if the Minister requires it.