

STATUTORY DIRECTION TO BARNET BOROUGH COUNCIL IN RELATION TO CHILDREN'S SOCIAL 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 Barnet Borough Council ("the Council") that performance of children's social care services is 'inadequate' as detailed in Ofsted's inspection report of 7 July 2017 ("the 2017 Ofsted report").
2. The Council's failure led the Secretary of State to issue a statutory direction on 12 September 2017 ("the first direction"), requiring the Council to take a number of steps to improve the quality of services, including to cooperate with the Commissioner for Children's Services ("the Commissioner").
3. The Secretary of State has carefully considered:
 - a. Ofsted's inspection report of 7 July 2017, which found that children's social care 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'; and
 - b. The Commissioner's report of 8 December 2017 which concluded that in order to provide sustainable improvements to children's social care services the council requires external direction and intensive support.
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 services 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 appointed Essex County Council as the Council's improvement advisers in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex A to this direction.
6. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with his 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 services functions are performed to an adequate standard.
7. The Secretary of State has extended the appointment of the Commissioner to: enable her to return to Barnet Council to conduct a review of the effectiveness of the intervention that has been put in place. She will make a recommendation in

accordance with, and for the purposes of, the terms of reference (“the Terms of Reference”) set out in Annex B to this direction.

NOW THEREFORE:

8. Pursuant to his powers under section 497A(4B) of the 1996 Act, the Secretary of State directs the Council as follows:
 - a. To comply with any instructions of Essex County Council in relation to the improvement of the Council’s exercise of its children’s social care services functions and provide such assistance as it may require;
 - b. To co-operate with Essex County Council, including on request allowing Essex County Council 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 Essex County Council to be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference;

- c. To provide Essex County Council with such amenities, services and administrative support as they may reasonably require from time to time for the carrying out of their 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 ensure a comprehensive progress report is provided by the Director of Children’s Services to each meeting of the Improvement Board;
- e. To co-operate with Essex County Council six monthly reviews as to whether the Council has made sufficient progress in improving its children’s social care services;
- f. To ensure that the Chair of the Improvement Board reports to the Secretary of State on progress in delivering the improvement plan, on a quarterly basis, the first report being within 3 months of the date of this Direction;
- g. To co-operate with the Commissioner, including on request allowing the Commissioner at all reasonable times access:
 - a) to any premises of the Council;
 - b) to any document of, or relating to, the Council; and
 - c) to any employee or member of the Council;

- h. To provide the Commissioner with such amenities, services and administrative support as s/he may reasonably require from time to time for the carrying out of her/his responsibilities in accordance with the Terms of Reference, including:
 - a) providing officers' time or support; and
 - b) providing office space, meeting rooms or computer facilities;
 - i. To co-operate with a Commissioner-led review of the intervention.
9. In consequence of this direction, the Secretary of State revokes the first direction.
10. 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 cursive script, appearing to read 'Suzanne Lunn'.

SUZANNE LUNN
A Senior Civil Servant in the Department for Education
Dated: 25th January 2018

ANNEX A

Improvement Advisers

Terms of Reference – January 2018

1. Barnet Borough Council (“the Council”) has failed systemically in its delivery of children’s social care services. The 2017 Ofsted report found the service to be ‘inadequate’ overall and for all key judgements.
2. Essex County Council are expected to lead and direct the improvement programme for the Council on those areas of practice that Ofsted has judged to be inadequate. It shall in particular:
 - a. Chair Barnet’s Children’s Services Improvement Board (‘the Improvement Board’);
 - b. Lead and direct the development and implementation by the Improvement Board of:
 - a robust improvement plan which spans children’s services,
 - an effective reporting system that ensures that progress and outcomes are measured appropriately,
 - continuing evaluation and feedback on the effective implementation of the plan and the impact on progress of the Council,
 - developing an effective case file audit system, and,
 - getting best value from the additional resources made available for children’s social care by the Council.
 - c. Ensure that the improvement plan includes clear and specific actions which reflect the journey of the child and which address all recommendations made in the Ofsted report so as to improve the quality of services for children;
 - d. Provide leadership, support and practice advice in line with priorities agreed with the Council and set out in the Commissioner’s report and address areas of weakness identified by the Ofsted report;
 - e. Provide training and coaching to the key members – Leader, Lead member and Committee Chair, corporate parenting panel, including opposition members; and,
 - f. Provide direction, monitoring, coaching and supervision to the children’s services senior team to secure the necessary improvements and to build their capabilities.
3. Essex County Council will provide regular reports to the Department for Education that assess service improvements in Barnet by reference to the Ofsted report. These reports may cover but are not exclusive to practice;

performance; culture; leadership, management and governance; management oversight; early help; and the Local Safeguarding Children Board.

ANNEX B

Non-Executive Commissioner for Children's Services

Barnet Council

Terms of Reference

In line with the recommendations set out in the Ofsted report of children's social care published 7 July 2017 and the Commissioner report published on 25th January 2018 the Commissioner for Children's Services in Barnet is expected to take the following steps.

1. To bring together evidence to assess the effectiveness of the Council's implementation of the partnership with Essex County Council in their role to lead and direct the improvement programme on behalf of the Council.
2. To advise, if necessary, on relevant alternative delivery models and governance arrangements for children's social care, outside of the operational control of the local authority, taking account of local circumstances and the views of the Council and key partners.
3. To provide a report to the Secretary of State by the end of May 2018.