

STATUTORY DIRECTION TO WAKEFIELD 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 Wakefield Council ("the Council") that performance of children's social care services is 'inadequate' as detailed in Ofsted's report of its inspection carried out between 4 June 2018 and 15 June 2018 published on 17 July 2018 ("The 2018 Ofsted report").
2. The Council's failure led the Secretary of State to issue a Direction on 22 August 2018 ("the first direction"), requiring the Council to take a number of steps to improve the quality of services, including to cooperate with a Commissioner for Children's Services in Wakefield ("The Children's Services Commissioner").
3. The Secretary of State has carefully considered:
 - a. The 2018 Ofsted report, which found that the overall effectiveness of children's social care services was 'inadequate'. The key judgements for the experiences and progress of children who need help and protection; for the experiences and progress of children in care and care leavers; and for the impact of leaders on social work practice with children and families are all 'inadequate'; and
 - b. The Children's Services Commissioner's report of 19 November 2018, which concluded that there were compelling reasons why the Council should retain control of its children's services subject to ongoing monitoring and two reviews of improvement progress.
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 appointed Peter Dwyer as Commissioner for Children's Services in Wakefield ("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 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 functions are performed to an adequate standard.

7. The Secretary of State has extended the appointment of the Commissioner to enable him to return to Wakefield Council to conduct a review of progress. He will make a recommendation in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in Annex A to this direction.
8. NOW THEREFORE:
9. Pursuant to his 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 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 Commissioner may require;
 - b. To co-operate with the Commissioner, including on request allowing the Commissioner 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 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 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; and
 - ii. providing office space, meeting rooms or computer facilities;
 - d. To co-operate with the Commissioner in his assessments of the pace, progress and sustainability of improvements in May 2019 and November 2019; and
 - e. 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.
10. In consequence of this direction, the Secretary of State revokes the first direction.
11. 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', written in black ink on a light background.

SUZANNE LUNN

A Senior Civil Servant in the Department for Education

Dated: 13th December 2018

ANNEX A

Non-Executive Commissioner for Children's Services

Wakefield Council

Terms of Reference

There is a presumption in cases of persistent or systemic failure that children's social care services will be removed from local authority control, for a period of time, in order to bring about sustainable improvement, unless there are compelling reasons not to do so.

In line with the recommendations set out in the Ofsted report of children's social care published 17 July 2018 and the Commissioner's report of 19 November 2018, the Commissioner is expected to take the following steps:

1. To carry out an interim review in May 2019 and final review in November 2019 of the council's progress, making judgements on whether the pace and quality of progress have been sufficient, and whether the Council has capacity and capability to sustain improvements made.
2. To make a recommendation to the Parliamentary Under Secretary of State as to confirm whether evidence is sufficiently strong to suggest that the Council should continue to retain operational control of children's social care services, or whether alternative arrangements are needed.
3. To report to the Parliamentary Under Secretary of State in May 2019 and November 2019.