

STATUTORY DIRECTION TO BLACKPOOL 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 carefully considered Ofsted's report in respect of Blackpool Council ("the Council") of its inspection carried out between 26 November and 7 December 2018 ("the 2019 Ofsted report"). The inspection report found that the overall effectiveness of children's social care services is 'inadequate'. The key judgements for the experiences and progress of children who need help and protection and for the impact of leaders on social work practice with children and families are both 'inadequate'.
2. The Council's failure led the Secretary of State to issue a Statutory Direction on 25 March 2019 ("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 Blackpool ("The Children's Services Commissioner").
3. The Secretary of State has carefully considered:
 - a. The 2019 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 and for the impact of leaders on social work practice with children and families are both 'inadequate'; and
 - b. The Children's Services Commissioner's report of 28 June 2019, which concluded that there were compelling reasons why the Council should retain control of its children's services, pending two further reviews by the Children's Services Commissioner 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 retained Helen Lincoln and Essex County Council as the Children's Services Commissioner in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in 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 functions are performed to an adequate standard.
7. The Secretary of State has extended the appointment of the Commissioner to enable her to provide further support and advice to Blackpool and to conduct two reviews of progress, one in December 2019 and the other in June 2020. She will make recommendations in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in Annex A to this direction.

NOW THEREFORE:

8. 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 and 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 Children's Services 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 them to be necessary for achieving the purposes of, and carrying out the responsibilities set out in the Terms of Reference or in supporting the Council's improvement programme.

- c. To provide the Children's Services Commissioner 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 or in supporting the Council's improvement programme, including:
 - i. providing officers' time or support; and
 - ii. providing office space, meeting rooms or computer facilities.
 - d. To co-operate with the Children's Services Commissioner in her assessments of the pace, progress and sustainability of improvements in December 2019 and June 2020;
 - e. To co-operate with the Children's Services Commissioner by:
 - i. Attending and participating in reviews of progress on dates to be notified to the Council;
 - ii. Preparing and making available to the Children's Services Commissioner, 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.
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 black ink that reads "Carolan Goggin". The signature is written in a cursive style with a large initial 'C' and a distinct 'G'.

CAROLAN GOGGIN

A Senior Civil Servant in the Department for Education

Dated: 22.07.2019

Annex A

Non-Executive Commissioner for Children's Services

Blackpool 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 2019 Ofsted report of children's social care published 17 January 2019 and the Children's Services Commissioner's report of 28 June 2019, the Children's Services Commissioner is expected to take the following steps:

1. To issue any necessary instructions to the council for the purpose of securing improvement in the authority's delivery of children's social care; to identify ongoing improvement requirements; and to recommend any additional support required to deliver those improvements.
2. To carry out an interim review in December 2019 and final review in June 2020 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.
3. 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.
4. To report to the Parliamentary Under Secretary of State in December 2019 and June 2020.