

STATUTORY DIRECTION TO STOKE-ON-TRENT CITY 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 Stoke-on-Trent Council ("the Council"), that performance in respect of children's social care services is 'inadequate' as detailed in Ofsted's inspection report published 18 March 2019 ("the 2019 Ofsted report").
2. The Council's failure led the Secretary of State to appoint Eleanor Brazil OBE as Children's Services Commissioner ("Commissioner") and issue a statutory direction on 16 May 2019 ("the first direction"), requiring the Council to comply with any instructions of the Secretary of State or the Commissioner appointed by the Secretary of State in relation to the improvement of the Council's exercise of its children's social care functions; and to co-operate with a Commissioner-led review as to whether the most effective way of securing and sustaining improvement in Stoke-on-Trent was to remove the control of children's social care from the Council for a period of time.
3. The Secretary of State has carefully considered:
 - a. The 2019 Ofsted report which found that children's services are 'inadequate' and sub-judgements 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 Commissioner's report of 9 September 2019 ("the 2019 Commissioner report"), which concluded that in order to secure sustained improvement to children's social care services the council should enter into a formal partnership with a strong (Ofsted rated Good or Outstanding) Local Authority ("Improvement Advisor") which will provide executive leadership, and bring additional expertise and capacity. To be supplemented by continued oversight from the Commissioner, input from the Regional Improvement Alliance and immediate frontline support from Stockport and Essex Partners in Practice ("PIP").
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 Eleanor Brazil OBE 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 the Annex to this direction.
6. The Secretary of State, having considered representations made by the Council and the Commissioner, 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.

NOW THEREFORE:

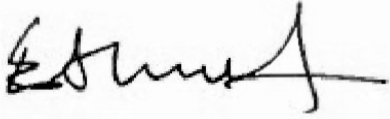
7. Pursuant to his powers under section 497A(4B) of the Education Act 1996 Act, the Secretary of State directs the Council as follows:

- a) To comply with any instructions of the Secretary of State or the 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, Improvement Advisor and PiPs, including on request allowing 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 them 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 she may reasonably require from time to time for the carrying out of her 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) By the 31 January 2020, have an agreed formal partnership arrangement with a strong Local Authority, which must provide that they work with the Council to deliver all of its children's social care services functions. The terms of the partnership agreement, and any subsequent changes to it, must be agreed by the Secretary of State. If a formal partnership cannot be brokered, alternative delivery arrangements will need to be sought.
- e) The Department for Education will assess the progress of service improvements through:
 - a. a combined monthly progress report from the Commissioner, PiPs and Council DCS,
 - b. formal performance reviews at 3 monthly intervals from the date of this direction, and
 - c. the Stoke-on-Trent Children's Services Improvement Board chaired by the Commissioner.
- f) In consequence of this revised direction, the Secretary of State for Education revokes the First Direction issued to the Council.
- g) This Second 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 'Emily Whitehead', with a long horizontal stroke extending to the right.

Emily Whitehead. A Senior Civil Servant in the Department for Education.

Dated this day of 31.10.2019

ANNEX

Relevant Functions

Commissioner for Children's Social Care Services

Terms of Reference

1. Stoke-on-Trent Council has systemically failed as its children's social care services were found to be 'inadequate' across all of the key judgements in an Ofsted inspection report (published 18 March 2019). In all cases where a Council has persistently or systemically failed to discharge its children's social care functions there is a presumption that service control will be removed from the Council unless there are good reasons not to do so.
2. The Commissioner carried out a comprehensive review and concluded that Stoke-on-Trent did not have the leadership and management capacity and capability to drive forward the changes necessary to achieve the required standards in children's social care and alternative forms of service governance must be considered. In September 2019 the Commissioner recommended that the Council should enter a formal partnership with a strong Local Authority, to work with the Council to deliver all its children's social care services functions.
3. The Commissioner is expected to provide independent strategic oversight of Stoke-on-Trent Council's progress towards the partnership, under the updated Direction issued to Stoke-on-Trent Council by the Secretary of State under section 497A of the Education Act 1996 in October 2019. The Commissioner shall:
 - a. Chair Stoke-on-Trent Children's Services Improvement Board, meeting on a monthly basis;
 - b. Ensure the improvement plan, which spans children's services, continues to be delivered and robustly monitored. Progress will be reported by the Council to each meeting of the Stoke-on-Trent Children's Services Improvement Board;
 - c. Ensure the improvement plan includes clear and specific actions which reflect the journey of the child and which are designed to improve the quality of services for children in need of help and protection and children looked after and achieving permanence;
 - d. oversee the implementation of a robust monitoring and audit framework, which supports practice improvement and the effective delivery of the service;
 - e. support practice improvement through the re-design of systems and processes;
 - f. steer the development of a formal partnership between Stoke-on-Trent and agreed Improvement Advisor Authority;
 - g. sit on the governance board of the formal partnership and
 - h. deliver monthly written updates on the partnership and Council's progress to the Minister for Children and Families, and lead quarterly formal progress reviews, or more frequently if the pace of progress is not sufficient or if the Minister requires it.