

## **Revised Direction March 2020:**

### **STATUTORY DIRECTION TO SURREY COUNTY 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 Surrey County 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 28 February 2018 and 22 March 2018 ("the 2018 Ofsted report").

2. The Council's failure led the Secretary of State to issue a Direction on 27 June 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 Surrey ("the Commissioner"). The Secretary of State appointed Trevor Doughty as the Commissioner until December 2019.

3. The first direction was replaced with a second direction on 31 October 2018 ("the second direction"), requiring the Council to continue to take steps to improve the quality of services, following the Commissioner's report recommending the Council retained operational control of children's services.

4. The Secretary of State has carefully considered:

a. The 2018 Ofsted report, which found that children's services were 'inadequate' overall. The judgements for children who need help and protection and for leadership, management and governance were 'inadequate'. The judgement for children looked after and achieving permanence was 'requires improvement'. The sub judgement for adoption performance was 'good' and the experiences and progress of care leavers was 'requires improvement'; and

b. The Commissioner's report of 21 September 2018, and review of 20 December 2019 which concluded that there were compelling reasons why the Council should retain control of its children's services.

5. In light of this, the Secretary of State intends to withdraw the Commissioner from the Council from 29 November 2019 and has appointed Trevor Doughty as the Council's improvement adviser ("the improvement adviser"), 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. However, the Secretary of State is 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.

7. 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.

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 or the improvement advisor 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 improvement advisor may require;

b. To co-operate with the improvement advisor, including on request allowing the improvement advisor 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 appear 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 improvement advisor 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.

9. In consequence of this direction, the Secretary of State revokes the second 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, appearing to read 'Emily Whitehead', written in a cursive style.

EMILY WHITEHEAD

A Senior Civil Servant in the Department for Education

Dated: 2 March 2020

## **ANNEX**

### **Improvement Advisor for Children's Services**

#### **Surrey County Council**

##### **Terms of Reference**

The improvement advisor shall use all reasonable endeavours to support the Council in continuing to develop and implement robust, realistic and achievable plans to improve its children's social care services, in particular those areas which have been judged by Ofsted to be inadequate or where serious concerns have been identified. In particular he will:

- provide effective oversight to ensure the pace of improvement is appropriate and that improvements to children's social care are sustainable;
- provide support and advice as necessary to the Council when assessing and driving progress, taking account of the weaknesses identified by Ofsted and of other diagnostic work;
- apply his expertise and experience to support the DCS and service management team in addressing areas of weakness; this may also include working with practitioners of different levels to:
  - develop competence and improve performance; and
  - help foster a culture of reflection, challenge and support;
- make use of wider contacts to support and advise the council on potential solutions to issues and signpost examples of good practice where possible;
- work closely with any other local authority improvement partners to maximise impact of work and avoid unnecessary duplication;
- engage with the wider partnership – including regular attendance at the relevant Improvement Boards;
- identify key deliverables and produce a plan detailing the outputs and key performance indicators which the adviser will meet over the duration of the project, and agree this with the Department for Education ("DfE") within 6 weeks of appointment;
- participate in any DfE led review of the authority's progress and make a recommendation to the DfE on whether progress has been sufficient; and

- provide six-weekly written reports on the Council's progress to the Parliamentary Under Secretary of State for Children and Families, and more frequently, if the pace of progress is not sufficient or if the Minister requires it.