

STATUTORY DIRECTION TO DEVON COUNTY COUNCIL IN RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996

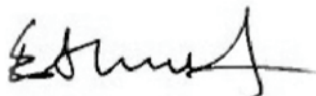
WHEREAS

1. The Secretary of State for Education ("the Secretary of State") has noted in respect of Devon County Council ("the Council") that performance in respect of children's social care services is 'inadequate' as detailed in Ofsted's inspection report of 17 March 2020 (the 2020 Ofsted report).
2. The Council's failure led the Secretary of State to issue a statutory direction on 17 March 2020 ("the first direction"), requiring the Council to comply with any instructions of the Secretary of State; to submit an improvement plan; and to co-operate with a Commissioner to be appointed.
3. The Secretary of State has carefully considered Ofsted's report of 17 March 2020 which found that children's services are 'inadequate' overall. The sub-judgement for the experiences and progress of children who need help and protections was rated as 'requires improvement to be good'. The sub-judgements for the impact of leaders on social work practice with children and families and experiences and progress of children in care and care leavers were both rated 'inadequate'.
4. The Secretary of State is therefore satisfied that the Council is 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 Eleanor Brazil OBE as Commissioner for Children's Services in Devon ("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.

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, including on request allowing the Children's Services Commissioner 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 her 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.
8. In consequence of this direction, the Secretary of State revokes the first direction.
9. 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



EMILY WHITEHEAD

A Senior Civil Servant in the Department for Education
Dated this day of 02 July 2020

ANNEX

Non-Executive Commissioner for Children's Services

Devon County 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. However, in this case a review will be postponed until the central and local Government responses to COVID-19 are in the recovery phase.

Therefore, in line with the recommendations set out in the Ofsted report of children's social care, published 17 March 2020, the Children's Services Commissioner for Devon is expected to take the following steps:

1. support the Council in developing a strong improvement partnership and the necessary governance;
2. review and provide assurance to the Department on current service arrangements, including leadership, governance and quality assurance;
3. provide monitoring and practice advice to the children's services senior team to ensure a robust response to Covid-19;
4. help the Council to use learning from the new ways of working implemented during Covid-19 to inform improvement work;
5. bring together evidence to assess the Council's contingency planning including, but not limited to, staffing arrangements, finance, case prioritisation and tracking of vulnerable children;
6. issue any necessary instructions to the Council for the purpose of securing the immediate safeguarding of children identified as at significant risk during the Covid-19 outbreak;
7. advise on relevant contingency planning and any alternative delivery and governance arrangements for children's social care during this time, taking account of local pressures and the views of the council and key partners;
8. make recommendations for the immediate improvement of children's social care, identify ongoing improvement requirements, and recommend any additional support required to support those improvements through monthly updates to the Department.