

STATUTORY DIRECTION TO WEST SUSSEX 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 West Sussex County Council ("the Council") that performance in respect of children's social care services is 'inadequate' as detailed in Ofsted's inspection report of 8 May 2019 ("the 2019 Ofsted report").
2. The Secretary of State has carefully considered:
 - a) The 2019 Ofsted report, which found that children's services are 'inadequate'. The 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) Ofsted's letter dated 4 December 2020, following a focussed visit carried out in October 2020 ("The 2020 Ofsted letter") in which Ofsted sets out evidence of performance of children's services in West Sussex; and
 - c) The Children's Services Commissioner's report of October 2020 ("the 2020 report") which concluded that significant improvements were being made, and that there were compelling reasons why a company to deliver children's services functions on behalf of the Council is no longer required and instead the Council should retain control of its children's services for a period of twelve months, pending a review of improvement progress against the Council's improvement plan; and
 - d) the Commissioner's original report, published October 2019 ("the 2019 report").
3. 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.
4. The Secretary of State has retained John Coughlan CBE as

Commissioner for Children's Services in West Sussex ("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.

5. 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:

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

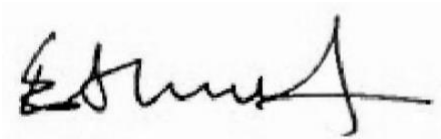
- a. To comply with any instructions of the Secretary of State or the Children's Services Commissioner in relation to the improvement of the Council's exercise of its children's social care functions and provide such assistance as either the Secretary of State or the Children's Services Commissioner 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 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 Children's Services 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;
 - ii. providing office space, meeting rooms or computer facilities;
- d. To co-operate with the Secretary of State and his advisers, including by:

- i. Attending and participating in reviews of progress on dates to be notified to the Council;
 - ii. Preparing and making available to the Secretary of State's advisers, 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; and
 - iv. To co-operate with the Children's Services Commissioner in his assessments of the pace, progress and sustainability of improvements.
- e. In consequence of this direction, the Secretary of State for Education revokes all previous directions.
- f. 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 over a light grey rectangular background.

Emily Whitehead
A Senior Civil Servant in the Department for Education
Dated this day of 10 December 2020

ANNEX

Non-Executive Commissioner for Children's Services

West Sussex Council

Terms of Reference

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 Council's delivery of children's social care, and to recommend any additional support/resources required to deliver those improvements;
2. To Chair West Sussex Children's Services Improvement Board, and recommend arrangements for a future Chair beyond the duration of the Children's Services Commissioner's engagement in West Sussex;
3. To ensure the improvement plan continues to be delivered and robustly monitored. Progress will be reported by the Council to each meeting of the West Sussex Children's Services Improvement Board;
4. To oversee progress against key areas for action identified in the Commissioner's reports, including the development and roll out of a children's services management training programme; the introduction of staff engagement processes; and the redesign and relaunch of the Corporate Parenting Board;
5. To support and challenge senior members, corporate senior management and senior partners to work together to create the culture and leadership necessary to bring about and sustain improvements in children's services;
6. To develop, with the Department for Education ("DfE") and the Council, indicators of improvement by which the Children's Services Commissioner will make an assessment of the Council's progress towards improving children's social care services;
7. To make arrangements for a review at the end of 2021 of the Council's progress, which would include a judgement on whether the pace and quality of progress have been sufficient, and whether the Council has capacity and capability to sustain improvements made (including whether children's services should remain with the Council), the outcome of which would be a recommendation to the Parliamentary Under Secretary of State;
8. To deliver regular written updates on the Council's progress to the Parliamentary Under Secretary of State for Children and Families, the next update to be delivered in March 2021 and
9. To identify key deliverables, and produce a plan detailing the outputs and key performance indicators the Commissioner will meet over the duration of the project, agreeing this with the DfE.