

STATUTORY DIRECTION TO MIDDLESBROUGH 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 Middlesbrough 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 25 November to 6 December 2019 published 24 January 2020 ("The 2020 Ofsted report").

2. The Council's inadequate performance of its children's social care services led the Secretary of State to issue a statutory direction on 12 March 2020 ("the first direction"), requiring the Council to take a number of steps to improve the quality of services, including to cooperate with Peter Dwyer, a Commissioner for Children's Services in Middlesbrough ("The Children's Services Commissioner"). A revised statutory direction was issued on 4 June 2020 ("the second direction") which required the Council to continue working with the Commissioner for Children's Services.

3. The Secretary of State has carefully considered

a. The 2020 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. The Children's Services Commissioner's report of May 2020 which found that the Council had the capability and capacity to drive improvement in its children's social care services, and that the children's social care services should remain with the Council. However, the report recommended that ongoing monitoring and support is provided to ensure longer-term improvement and sustainability. This was due to Covid-19 pressures and the new, interim leadership arrangements.

c. The Children's Services Commissioner's report of July 2021 which recommended that the Commissioner have no further direct engagement with the Council and continued monitoring and support to improvement should be afforded by the DfE appointed Improvement Adviser, Sector Led Improvement Partner (SLIP) and core DfE team.

4. In light of this, the Secretary of State has withdrawn the Children's Services Commissioner from the Council with effect from 22 November 2021 but has extended Stuart Smith's ("the Improvement Adviser") contract in accordance with, and for the purpose of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.

5. Whilst the Secretary of State has noted the improvements made by the

Council since the first direction, 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.

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 and/or the Improvement Adviser 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 Adviser may require;
- b. To co-operate with the Improvement Adviser and any SLIP, including on request allowing the Improvement Adviser and SLIP 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 Improvement Adviser and any SLIP 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, including:
 - i. providing officers' time or support; and

ii. providing office space, meeting rooms or computer facilities.

8. In consequence of this direction, the Secretary of State revokes the second 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.

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 long, sweeping tail on the 'G'.

Carolan Goggin

A Senior Civil Servant in the Department for Education

Dated this day of 1 March 2022

Children's Services Improvement Adviser Terms of Reference – January 2022

The Improvement Adviser will 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 highlighted by Ofsted to be inadequate or requiring improvement. In particular they 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 when assessing and driving progress, taking account of the weaknesses identified by Ofsted and of other diagnostic work;
- apply their experience to mentor and support political/corporate leaders to know what good children's social care services look like and to play a crucial role in driving and sustaining improvement through effective long-term planning and scrutiny, and embedding effective frontline practice through, for example, effective corporate parenting arrangements.
- apply their 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;
- support in developing systems to embed learning from quality assurance activities, internal management investigations, and serious case reviews,
- 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 the independent chair of the Improvement Board to provide oversight of and advise on the Improvement plan, attend Improvement Boards and engage with the wider partnership;
- work closely with any other local authority improvement partners to maximise impact of work and avoid unnecessary duplication;
- engage with the wider partnership to influence multi-agency collaboration to drive improvements across all services and agencies;
- participate in DfE's formal reviews of the Council's progress and make a recommendation to the DfE on whether progress has been sufficient;
- 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.