

STATUTORY DIRECTION TO NORTH EAST LINCOLNSHIRE 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 North East Lincolnshire Council ("the Council"), that performance in respect of children's services is 'inadequate' as detailed in the report published 26 November 2021 ("the 2021 report").
2. The Council's failure led to the Secretary of State to appoint Peter Dwyer CBE as the Children's Services Commissioner for North East Lincolnshire ("the Commissioner") and issue a Statutory Direction on 9 December 2021 ("the First Direction"), requiring the Council to comply with any instructions of the Secretary of State or the Commissioner 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 North East Lincolnshire was to remove control of children's social care functions from the Council for a period of time.
3. The Secretary of State has carefully considered:
 - a. The 2021 report which found that children's services were 'inadequate' and the sub-judgements for the impact of leaders of social work practice with children and families, the experiences and progress of children who need help and protection and the experiences and progress of children in care and care leavers were all rated as 'inadequate'.
 - b. The Commissioner's report on 31 March 2022 ("the 2022 Commissioner report") which recommended that, in order to secure sustained improvement to children's social care services, the Council should enter into a formal partnership agreement with a strong local authority in relation to its children's social care.
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 Anthony Douglas CBE as the new Children's Services Commissioner ("the new 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 considers it expedient in according 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.

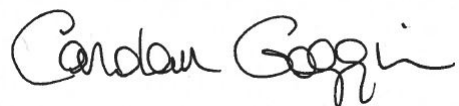
NOW THEREFORE:

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 co-operate with the options appraisal commissioned by the Department for Education and complete a formal partnership agreement with a local authority, identified by the DfE, to deliver such of its children's social care functions deemed appropriate, in a timely manner. The details of, and any subsequent changes to, the agreement must be agreed by the Secretary of State. If a formal partnership cannot be brokered, alternative delivery arrangements will need to be sought.
 - b. To comply with any instructions of the Secretary of State or the new 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 new Commissioner may require;
 - c. To co-operate with the new Commissioner, including on request allowing the 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 them to be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference.

- d. To provide the new Commissioner 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;
 - ii. providing office space, meeting rooms or computer facilities;
- e. The Secretary of State will assess the progress of service improvements through:
 - i. quarterly progress reports from the new Commissioner alongside supplementary information from Sector-led Improvements Partners;
 - ii. performance reviews on at least 6 monthly basis, and more regular than this where deemed appropriate; and
 - iii. the North East Lincolnshire Children's Services Improvement Board chaired by the new Children's Services Commissioner.
- f. In consequence of this revised direction, the Secretary of State revokes the First Direction issued to the Council. This revised 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 distinct 'G'.

Carolan Goggin

A Senior Civil Servant in the Department for Education

Dated: 27 May 2022

ANNEX

Non-Executive Commissioner for Children's Services

North East Lincolnshire Council

Terms of Reference

1. North East Lincolnshire Council has systemically failed as its children's social care services have been found to be 'inadequate' across all of the key judgements in the recent Ofsted inspection report. 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, unless there are compelling reasons not to do so.
2. The Commissioner carried out a comprehensive review and concluded that North East Lincolnshire 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 delivery models need to be explored. The 2022 Commissioner report recommended that the Council should enter into a formal partnership agreement with a strong local authority to support the delivery of all its children's social care functions.
3. The new Commissioner shall:
 - a. Provide independent strategic oversight of the Council's progress towards a formal partnership with a strong local authority to deliver high quality children's social care functions and oversee the transition to those new arrangements, including contributing to the options appraisal exercise;
 - b. Oversee progress against key areas for action identified in the 2022 Commissioner report and the 2021 report, including: stabilising the workforce; addressing widespread weaknesses and inconsistencies in the quality of practice, and reducing drift and delay;
 - c. In collaboration with the identified sector led improvement partner and, once identified, the partner local authority, ensure the improvement plan suitably addresses the challenges identified, is delivered at pace and is robustly monitored. Progress will be reported by the Council to the North East Lincolnshire Improvement Board;
 - d. Provide guidance, support and challenge and issue any necessary instructions to the Council for the purpose of securing improvement in the Council's delivery of children's social care functions, and to recommend and oversee any additional support or resources required to deliver those improvements;
 - e. Deliver six-weekly written updates, or more frequently if requested, on the Council's progress to the Parliamentary Under Secretary of State for Children and Families, with the first update to be delivered by July 2022;
 - f. Lead six-monthly reviews of North East Lincolnshire's progress and performance in relation to its children's social care functions;
 - g. Chair the North East Lincolnshire Improvement Board.