



Department for Levelling Up,
Housing & Communities

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Gavin Jones
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By email

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SLOUGH BOROUGH COUNCIL – PROPOSED FURTHER DIRECTIONS

I am writing to you in your capacity as the Acting Chief Executive and Head of Paid Service at Slough Borough Council. The Minister will be writing to you separately in your capacity as a Commissioner to Slough Borough Council.

The Commissioners wrote to the Minister of State for Equalities and Levelling Up Communities on 9 June with their first report on the progress of the best value intervention in Slough as required by the Directions issued to the Council on 1 December 2021. In their letter the Commissioners recommended that, based on their assessment of the ongoing challenges in Slough, Ministers may wish to consider revising those Directions. I am now writing to invite your Authority, if it wishes, to make representations about a proposed additional Direction. This letter, alongside the Commissioners' report, will be published on www.gov.uk.

The Commissioners' report lays bare the scale of the challenges in Slough, which are unparalleled and are likely to require radical long-term solutions. Despite the diligent work of the Commissioners since their appointment in December 2021 and January 2022, it is apparent that the pace of change in Slough is not sufficient. This is in no small part due to the absence of capability and capacity within the Council to deliver the wholesale transformation needed. It is evident these circumstances have arisen due to a combination of a lack of competence alongside deliberate action, such as the reorganisation of officer structures undertaken by the previous Chief Executive, which has not only degraded capability and capacity in the Council but also not delivered the planned savings.

Having carefully considered the Commissioners' report the Secretary of State has concluded that Slough is still failing in its best value duty. The Secretary of State also considers that at the current time the Council are not fully meeting the requirements of the Directions, specifically the Direction for the Authority to supply a suitable officer structure and scheme of delegation for the Authority which provides sufficient resources to deliver the Authority's functions in an effective way¹.

On this basis, the Secretary of State is considering further exercising the powers of direction in the Local Government Act 1999 in relation to your Authority to secure its compliance with the best value duty. The Secretary of State is minded to decide that the urgent need to recruit and retain staff is such that it is necessary to issue a further Direction to permit the

¹ Annex A, paragraph 3g

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1037529/Directions.pdf

Commissioners to define the structure for and to recruit staff to senior positions for the period of the Directions. Senior positions are defined as direct reports to the Chief Executive, their direct reports, and their Group Managers – tiers one, two and three. This new Direction would sit alongside the existing Directions.

Your Authority is now invited to make such representations as it wishes about the report and the Minister's proposals. All such representations should be sent by email to interventions@levellingup.gov.uk or in hard copy to the address above marked for my attention, to be received on or before 11 August. They will then be carefully considered by the Secretary of State in deciding whether to make the proposed new Direction.

Your Authority remains under intervention for children's social care functions, under section 497(A) and (4B) of the Education Act 1996. It is important that statutory services for vulnerable children and families continue to be delivered to an acceptable standard (with the aim of achieving an Ofsted rating of Good). However, I am only seeking representations about the proposed amendments to the existing best value intervention in the Annex of this letter. The Department for Education's Children's Commissioner and officials will continue to liaise with you through established arrangements on improvements to children's social care functions.

Separate to DfE's intervention for children's social care functions, your Authority will remain monitored with regards to its Special Education Needs and Disability (SEND) statutory services. Following Her Majesty Chief Inspector's determination, your authority produced a Written Statement of Action which is now being implemented, as inspectors identified significant concerns in relation to failure to meet the duties under the Children and Families Act 2014.

DfE will monitor progress and provide support and challenge through a SEND adviser, and the Children's Commissioner will have oversight of the SEND improvement journey. The Children's Commissioner will work collaboratively with DLUHC's Best Value Commissioners to make sure that vital services continue to be delivered effectively and efficiently in line with the Authority's statutory duties. The Children's Commissioner will continue to support the Slough Children First company and Slough Borough Council in their important work to continue to improve children's social care services.

I am copying this letter to the Authority's Section 151 Officer, Monitoring Officer and the Commissioner's Office.

Yours sincerely,

Siobhan Jones, Director, Local Government Policy

ANNEX – PROPOSED REVISED DIRECTIONS

INTRODUCTION

1. Following the receipt of the first report from the Slough Borough Council Commissioners, as required by the Directions issued on 1 December 2021, the Secretary of State for Levelling Up, Housing and Communities (“the Secretary of State”) is minded to issue further Directions under section 15 of the 1999 Act permitting the Commissioners to define the structure for and to recruit staff to senior positions for the period of the Directions.

CONTEXT

2. On 1 December 2021 the Secretary of State exercised his powers of direction under section 15 of the Local Government Act 1999 in relation to the Authority and issued Directions to the Authority. This followed consideration of the external assurance review into the Authority’s financial position and strength of its wider governance arrangements. The review resulted in two reports published on 25 October 2021 which identified serious failings in the governance and financial management of the Authority and that the Authority was failing to comply with its best value duty in respect of the exercise of several of its functions. In light of this report, the Secretary of State issued the 1 December 2021 Directions, which outlined measures to address the identified failings in the Authority.
3. The Secretary of State, having considered the representations made by the Authority as required under section 15(9) of the 1999 Act, considered it necessary and expedient, in accordance with his powers under section 15(5) and (6) of the 1999 Act, to put in place an intervention package in order to secure the Authority’s future and sustainable compliance with its best value duty. The intervention package and Commissioners were set out in the Explanatory Memorandum of intervention on 1 December 2021.
4. The Secretary of State was clear in stating his intention that most decisions should continue to be made by the Authority. The Commissioners would uphold proper standards and due process and that the powers he has provided to the Commissioners be used as a last resort should the Authority not satisfy the Commissioners in their improvement processes.
5. On 11 January 2022 the Minister announced the appointment of an additional Commissioner as Assistant Commissioner and the Explanatory Memorandum was accordingly updated.
6. **The Directions set out on 1 December 2021 remain in place and are not subject to this period of representations.**

THE COMMISSIONERS’ 9 JUNE 2021 REPORT

7. On 9 June 2022 the Commissioners in Slough sent their first report on the best value intervention at the Authority in accordance with the Directions set out on 1 December 2021. The 9 June report recommended, based on an urgent need to recruit additional capability and capacity into Slough, it is necessary to further direct the Authority in order to ensure compliance with the best value duty.

PROPOSED REVISIONS TO DIRECTIONS

8. After carefully considering the 9 June report the Secretary of State is considering exercising powers under section 15 of the 1999 Act in relation to the Authority, to make a further Direction in relation to the structure and recruitment of staff at Slough Borough Council. This Direction would permit the Commissioners to define the structure for and to recruit staff to senior positions for the period of the Directions. Senior positions are defined as direct reports to the Chief Executive and their direct reports, and their Group Managers – tier one, tiers two and three. This new Direction would sit alongside the existing Directions.
9. These powers are broad, and it is the Minister's view that should they be transferred, Commissioners will be best placed to decide how and when they practically exercise these powers and implement appropriate processes to do so within the Council.