

STATUTORY DIRECTION TO SOLIHULL METROPOLITAN BOROUGH 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 decided that following the Improvement Notice issued on 28th February 2022 to Solihull Metropolitan Borough Council, (“the Council”) insufficient improvement progress in regard to children’s social care functions has been made.
2. A meeting with senior leaders from the Department for Education (the Department) and the Council to review progress was held on 15th September 2022. The following was established at the review meeting:
 - serious practice concerns across the service with evidence of unknown and unassessed risk leaving some children at risk of harm
 - no clear plan to reduce or mitigate against situations of unallocated cases which has spanned a nine-month period and peaked at over 400 cases in August 2022. Department for Education funding provided to address and mitigate against future situations of unallocated cases has made limited impact
 - ongoing fragility of the workforce and insufficient social worker capacity to deal with presenting need
 - challenges exacerbated by the unreliability of recording systems, data and poor oversight of risk
 - concerns around capacity across the service recognising that wholesale transformation is required at pace
 - actions still to be addressed, embedded, and sustained from the Joint Targeted Area Inspection (JTAI) of the safeguarding agencies in Solihull
 - the Improving Outcomes for Children in Solihull Improvement Board were held to account for the recommendations made to the Local Safeguarding Children’s Partnership (LSCP) in the Child Safeguarding Practice Review Panel’s (National Panel) report into the circumstances leading up to the death of Arthur Labinjo-Hughes (reported May 2022); concerns remain around capacity and capability within the LSCP’s Business Unit which supports the work of the LSCP
 - the Department for Education appointed Improvement Adviser (January 2022) experienced ongoing challenges with engagement with the Council, identified serious concerns across children’s social care functions and found evidence of

inadequate practice from case audit outcomes. The Department for Education Improvement Adviser has recommended that more directive action is needed in the form of a Statutory Direction and the appointment of a Commissioner to ensure sufficient improvement is made at pace

3. 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.
4. The Secretary of State has appointed Sir Alan Wood as Commissioner for Children's Services in Solihull ("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 any 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 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/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 he/she may reasonably require from time to time for the carrying out of his/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;
- d. To co-operate with the Commissioner in their review of the leadership necessary for the most effective way of securing and sustaining improvement in Solihull.
- e. To co-operate in the review of the leadership of the three statutory Safeguarding Partners i.e., the Local Authority, Integrated Care Board, and the Chief Officer of police.
- f. To ensure that the Leader of the Council, the Lead Member, the Chief Executive and Director for Children's Services meet monthly with the Department for Education Commissioner and provide such reports to him/her as is required.
- g. To produce an itemised budget for children's services which reflects and aligns with the needs and timescales identified in the improvement plan;

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



Dawn Dandy
A Senior Civil Servant in the Department for Education
Dated this 1st day of November 2022

ANNEX

Non-Executive Commissioner for Children's Services

Solihull Metropolitan Borough Council

Terms of Reference

The Children's Services Commissioner for Solihull is expected to take the following steps:

1. To issue any necessary instructions to the Council for the purpose of securing immediate improvement in the delivery of children's social care and partnership working.
2. To meet with the three Safeguarding Partners (the Local Authority, Integrated Care Board and the Chief Officer of police) to review the leadership of the three statutory Safeguarding Partners and progress against implementation of the JTAI actions, the National Panel's local recommendations and council's actions. To advise ministers of the work that Solihull Local Safeguarding Children's Partnership is doing to protect the children of Solihull.
3. To ensure an effective improvement board oversees and drives improvements in children's social care (including actions from the JTAI and National Panel's recommendations) with a single coherent plan for the improvement of children's services. To provide direction and challenge where necessary.
4. To ensure that the Council explores and resolves the problem of unallocated cases causing drift and delay and ensure that all children at risk of harm progress swiftly through the child protection system.
5. To review and improve senior management and social work, capacity and capability at the Council.
6. To ensure that the Council improves recording systems and processes, both internally and with local partners.
7. To ensure that the Council builds ongoing independent review and challenge into all of its systems for safeguarding children.
8. To provide an initial report to the Minister of State for Schools and Childhood, within 3-months after the Commissioner commences in post – and no later than 31st January 2023.