

## **STATUTORY DIRECTION TO SEFTON 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 Sefton Metropolitan Borough Council ("the Council") that performance in respect of children's services is 'inadequate' as detailed in Ofsted's report published 9 May 2022 ("the 2022 Ofsted inspection report").
2. The Council's failure led the Secretary of State to appoint Paul Moffat as the Children's Services Commissioner for the Council ("the First Commissioner") and to issue a Statutory Direction on 23 May 2022 ("the First Direction"), requiring the Council to comply with any instructions of the Secretary of State or the First Commissioner in relation to the improvement of the Council's exercise of its children's social care function; and to co-operate with a Commissioner-led review as to whether the most effective way of securing and sustaining improvement in the Council 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 2022 Ofsted inspection report which found that children's services are 'inadequate' – including the sub-judgements for the impact of leaders on 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 First Commissioner's report on 30 September 2022 ("the 2022 Commissioners report") which recommended that, at this stage, an alternative delivery model is not required, and in order to secure sustained improvement to children's social care services, a Commissioner should remain with oversight for the foreseeable future to ensure the pace and momentum is not lost and services fail to progress.
4. The Secretary of State is therefore satisfied that while there has been some improvement, 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.

5. The Secretary of State has appointed Paul Boyce as Commissioner for Children's Services in the Council ("the Children's Services Commissioner"; "the new Commissioner") in accordance with, and for the purposes of, the terms of reference set out in the Annex to this direction ("the Terms of Reference").

6. The Secretary of State considers it expedient in accordance with her 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 her 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 the Commissioner 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 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.

8. The Secretary of State may issue further directions following an assessment of the progress of service improvements. This assessment may include a consideration of:

- i. the progress reports prepared by the new Commissioner every two months;
- ii. Performance reviews on at least a 6-monthly basis, and more regularly if deemed appropriate; and
- iii. The Sefton Children's Services Improvement Board led by an independent Chair.

9. 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, consisting of several loops and a long, sweeping tail that curves upwards and to the right.

Mark Taylor

A Senior Civil Servant in the Department for Education

Dated: 21 November 2022

## **ANNEX**

### **Non-Executive Commissioner for Children's Services**

#### **Sefton Council**

#### **Terms of Reference**

1. Sefton Council have been found to be 'inadequate' across all of the key judgements in the 2022 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 in order to bring about sustainable improvement, unless there are compelling reasons not to do so.
2. The First Commissioner carried out a comprehensive review and concluded on 30 September 2022 that, at this stage, the Council does not require an alternative delivery model.
3. The new Commissioner shall:
  - a. Oversee progress against key areas for action identified in the 2022 Commissioner report and 2022 Ofsted report. If progress is insufficient, bring together evidence to assess the Council's capacity and capability to improve itself, and recommend whether this evidence is sufficiently strong to suggest that long-term sustainable improvement to children's social care can be achieved should operational service control continue to remain with the Council;
  - b. 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 functions;
  - c. Deliver written updates every two months, or more frequently if requested, on the Council's progress to the minister in charge of children's social care (currently the Minister for Schools and Childhood), with the first update to be delivered by the end of December 2022;
  - d. Ensure an effective improvement board ("the Improvement Board") oversees and drives improvements in children's social care; and
  - e. Chair or support the independent Chair of the Improvement Board.