

STATUTORY DIRECTION TO HEREFORDSHIRE COUNCIL IN RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996

WHEREAS:

1. Having considered Ofsted's report of 21 September 2022 following its inspection of children's social care in Herefordshire, the Secretary of State for Education ("the Secretary of State") issued a direction to Herefordshire Council ("the Council") pursuant to section 497A(4B) of the Education Act 1996 in light of inadequate performance by the Council of its children's social care functions.
2. The Secretary of State has further considered the report of the Commissioner for Children's Services in Herefordshire, dated 11 January 2023., in which it was concluded that the challenges facing children's services are longstanding and the steps taken to date have not addressed these.
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 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 retained Eleanor Brazil as Commissioner for Children's Services in Herefordshire ("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 has also retained Gladys Rhodes White as Improvement Adviser to support the work of the Commissioner.
6. The Secretary of State, having considered representations made by the Council, 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, the Children's Services Commissioner, 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, the Children's Services Commissioner, or the Improvement Adviser may require;
- b. To co-operate with the Children's Services Commissioner and the Improvement Adviser, including on request allowing the Commissioner and the Improvement Adviser 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 Children's Services Commissioner and the Improvement Adviser 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;
- d. To co-operate with the Children's Services Commissioner and the Improvement Adviser in their work to secure a long-term improvement partnership with another local authority and oversee the improvement programme in children's services.

8. In consequence of this revised direction, the Secretary of State for Education revokes the direction dated 21 September 2022. This direction will remain in force until it is revised or 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 March 2023

ANNEX

Non-Executive Commissioner for Children's Services, supported by the Improvement Adviser

Herefordshire Council

Terms of Reference

Herefordshire Council's children's social care services have been found to be 'inadequate' across all of the key judgements in the Ofsted inspection report of 21 September 2022.

Following her report dated 11/01/2023 the Children's Services Commissioner for Herefordshire, supported by the Improvement Adviser, 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 Council's delivery of children's social care.
2. To oversee service improvement by the Council and gather evidence to determine at three month intervals whether sufficient progress is being made to:
 - a) Strengthen the leadership of children's services to ensure that the pace of improvement increases rapidly in line with the agreed Improvement Plan.
 - b) Address the following service priorities:
 - i) Reducing the number of agency social workers and increasing the numbers of permanent social workers;
 - ii) Increasing the number of permanent front-line Team Managers;
 - iii) Increasing the number of child protection case conferences and reviews held face to face;
 - iv) Reducing the proportion of assessments that conclude no further action;
 - v) Children experiencing fewer changes in social worker;
 - vi) Improving the quality of practice seen in audits;
 - vii) Finalising the SEND strategy underpinned by an up-to-date self-evaluation and acting on agreed immediate priorities as described in the strategy action plan.
 - c) Resolve, as far as is possible, all outstanding historic complaints.

- d) Agree, with the council's partners, through a range of Strategic forums, actions which will demonstrate collectively their commitment to raising ambition and aspiration for children and young people, and responding to their views.
 - e) Work with the Local Government Association to develop the knowledge and impact of members in key roles, including the leader, lead member and scrutiny members.
3. To oversee the securing of short-term external support, and to drive improvement, including working with the Council and its partners to increase the effectiveness of the Improvement Board.
 4. To explore options for a long-term partnership with a good or outstanding local authority to deliver sustained improvement.
 5. To conduct a further review after six months and, should the level and trajectory of progress required not be achieved, revisit the question of whether an alternative delivery model is required in Herefordshire.