

REVISED 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 considered the Children's Services Commissioner for Solihull report, into Solihull Council (the Council) children's services (17 March 2023). This report has also taken into account the findings from the recent Ofsted inspection report (13 January 2023) which identified serious and widespread failures across all services. Whilst the Secretary of State acknowledges that the local authority has worked constructively with the Commissioner to demonstrate their commitment to put right the problems they have, the Secretary of State has decided to retain the statutory direction for such time as the Commissioner and the support package is in place in Solihull.
2. The Secretary of State therefore remains 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
3. 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.
4. The Secretary of State, having considered any 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:

5. 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 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 may reasonably require from time to time for the carrying out of his 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 and comply with the Secretary of State's instruction to identify a good or outstanding regional partner who will provide the necessary support and guidance to ensure the effective delivery of the improvement plan.
- e. To co-operate with the Commissioner to ensure the delivery of the Council's improvement priorities including decision making of any improvement support.
- f. To ensure that the Director of Children's Services and his senior leadership team meets regularly as required, with the Commissioner. Providing such reports to him as required.
- g. To ensure that the Leader of the Council, the Lead Member, the Chief Executive and Director for Children's Services meet monthly with the Commissioner and provide such reports to him as is required.
- h. The Council will:
 - develop a three-year plan for improvement in social care
 - develop a three-year financial and staffing plan for children's social care
 - urgently take the steps needed to improve capacity at a senior level in children's social care by ensuring appropriate allocations of

duties and responsibilities, and to consider whether the Assistant Director for Education should report to another senior officer

- implement a new comprehensive model of early help
- with support, guidance and oversight of the regional partner, resume implementation of the Leeds Family Valued programme, at a time that is right as agreed by the regional partner and Commissioner
- urgently consider the role and organisation of the Independent Reviewing Officers
- refocus the Council's new strategy of Corporate Parenting ensuring children's needs are at the centre of all Council policy
- increase its efforts to ensure Liquid Logic is implemented in full

This direction will remain in force while the Commissioner and the support package is in place in Solihull or until it is revoked by the Secretary of State for Education.

Signed on behalf of the Secretary of State for Education

A handwritten signature in black ink, appearing to read 'Dawn Dandy', with a stylized flourish at the end.

Dawn Dandy

A Senior Civil Servant in the Department for Education Dated this 17th day of March 2023

Non-Executive Commissioner for Children's Services

Solihull Metropolitan Borough Council

Terms of Reference

In response to the recommendations in the Commissioner's report which have been agreed by the Secretary of State, and the findings from the last Ofsted report, the Children's Services Commissioner for Solihull will:

1. 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. Lead on negotiations with the Council and the Lead Safeguarding Partners (LSP) to identify a good or outstanding regional partner to provide the necessary support and guidance to ensure the effective delivery of the improvement plan.
3. Work with Council leaders and the Solihull lead safeguarding partners (and their deputies) and be central to overseeing progress of delivery of the recommendations for the Council and Local Safeguarding Children's Partnership (LSCP) as set out in the Commissioner's report. Regularly update Ministers on progress.
4. Provide support and challenge to the three lead safeguarding partners.
5. Approve all proposals for external support and oversee and assess the quality of the support.
6. Review implementation of the Council and LSCP improvement plans and sit on the relevant improvement boards, providing direction and challenge where necessary. Oversee progress of the Joint Targeted Area Inspection actions and National Panel recommendations.
7. Provide advice and guidance to the Independent Scrutineer.
8. Ensure that the Council continues to reduce and resolve the problem of unallocated cases causing drift and delay in a sustainable way and ensure that all children at risk of harm progress swiftly through the child protection system.
9. Oversee improvements at senior management capacity, ensuring appropriate allocation of responsibilities.
10. Ensure that the Council improves recording systems and processes, both internally and with local partners.
11. Ensure that the Council builds ongoing independent review and challenge into all of its systems for safeguarding children.
12. Report to the Secretary of State every 6 weeks for the first 6 months, then quarterly thereafter, and provide an addendum to the Commissioner's report (17 March 2023) no later than by the end of April 2023 with details of a suitable good or outstanding regional partner.