

**STATUTORY DIRECTION TO THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL IN
RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996**

WHEREAS:

1. On 4 December 2018, the Secretary of State for Education ("the Secretary of State") issued an improvement notice ("the Improvement Notice") to the City of Bradford Metropolitan District Council ("the Council") following a report from Ofsted dated 29 October 2018 which judged the overall effectiveness of children's social care services provided by the Council to be inadequate.

2. On 15 September 2021, the Secretary of State issued a statutory direction ("the First Direction") replacing the Improvement Notice. The First Direction followed a report from Ofsted dated 4 June 2021 which noted the slow pace of change in improving the quality of core social work practice. The First Direction required the Council to co-operate with Steve Walker as the appointed Commissioner for children's services in Bradford ("the Children's Services Commissioner"), and to improve the quality of the provision of children services in Bradford.

3. On 9 February 2022, the Secretary of State issued a statutory direction ("the Second Direction") replacing the First Direction. The Second Direction followed a report from the Children's Services Commissioner dated 14 January 2022 which concluded that the Council did not have the capacity to improve its children's services on its own. The Second Direction required the Council to work with the Children's Services Commissioner in transferring operational control in relation to children's services from the Council to a trust.

4. On 31 January 2023, Ofsted published a report ("the 2023 Ofsted report") which judged the overall effectiveness of children's social care services provided by the Council to be inadequate.

5. In light of the above and having carefully considered the 2023 Ofsted report, the Secretary of State is satisfied that the Council's children's services continue to fail 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.

6. The Council has with the agreement of the Secretary of State voluntarily established a company limited by guarantee (company number 14060995) named Bradford Children and Families Trust Limited ("the Trust") which from 1 April 2023 will discharge the Council's operational control in relation to children's social care functions on its behalf pursuant to the terms of a Service Delivery Contract to be entered into by the Council and the Company.

7. The Secretary of State retains Steve Walker as the Children's Service Commissioner for the purposes set out in this Direction including the Annex.

8. In order to further secure that the children's social care functions of the Council are discharged to an adequate standard, the Secretary of State considers it expedient to direct the Council as set out below.

NOW THEREFORE:

9. Pursuant to her powers under section 497A(4) and (4B) of the Education Act 1996 Act, the Secretary of State directs the Council as follows:

a. To secure that the Council's children's social care functions are performed by the Trust on its behalf in accordance with the terms of the Service Delivery Contract.

b. To engage with the Trust, and the Council's partners whose work impacts on the delivery of the Council's children's social care functions, in a way likely to facilitate improvement in the exercise of those functions.

c. To comply with instructions of the Secretary of State or the Children's Services Commissioner in relation to the improvement of the exercise of the Council's children's social care functions and provide such assistance as they may require.

d. To co-operate with the Children's Services Commissioner, including on request allowing the Children's Services 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 them to be necessary for achieving the purposes of assessing and improving the performance of the functions set out in paragraph 5 and meeting the terms of reference annexed in this direction.

e. 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;

iii. comply with such reporting and review arrangements as the Commissioner feels necessary to meet the term.

10. The Second Direction is revoked from 1 April 2023.

11. This Direction shall come into force on 1 April 2023 and remain in force until revoked.

SIGNED ON BEHALF OF THE SECRETARY OF STATE FOR EDUCATION



Carolan Goggin

A Senior Civil Servant in the Department for Education

Dated: 1 April 2023

ANNEX

Non-Executive Commissioner for Children's Services

City of Bradford Metropolitan District Council

Terms of Reference

1. The Children's Services Commissioner is expected to take the following steps:

- a. To issue any necessary instructions to ensure the Council supports improvements in the delivery of children's social care by the Trust.
- b. To monitor the early operation of the Trust and use best endeavours to foster effective working arrangements between the Council and the Trust.
- c. To provide regular updates to the Secretary of State or his officials on progress in Bradford, including participation in such formal review meetings as may be convened, and the submission of a report in autumn 2023 providing an assessment of the Trust's first six months of operation and the Commissioner's views on appropriate next steps to secure sustained improvements of the services.
- 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.