

STATUTORY DIRECTION TO NORTH EAST LINCOLNSHIRE 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 North East Lincolnshire Council's ("the Council") performance in respect of children's services is 'inadequate' as detailed in the report published 26 November 2021 ("the 2021 report"). The 2021 report led the Secretary of State to appoint Peter Dwyer CBE as the Children's Services Commissioner for North East Lincolnshire ("the First Commissioner") and issue a Statutory Direction on 9 December 2021 ("the First Direction").
2. On 27 May 2022, the Secretary of State issued a Statutory Direction ("Second Direction") replacing the First Direction. The Second Direction followed a report from the First Commissioner dated 31 March 2022 requiring the Council enter into a partnership agreement with a strong local authority in relation to its children's social care.
3. The Secretary of State has appointed Anthony Douglas CBE as Commissioner for Children's Services in North East Lincolnshire ("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 has carefully considered regular progress reports from the Children's Services Commissioner and Ofsted monitoring visits and is satisfied that the Council can continue to deliver sustained improvements to children's services without a partnership agreement, although she recognises 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.
5. 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:

6. 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 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 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.

7. The Second Direction is revoked from 17th May 2024.

8. 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,



Matthew Edwards

A Senior Civil Servant in the Department for Education

Dated: 17th May 2024

ANNEX

Non-Executive Commissioner for Children's Services

North East Lincolnshire Council

Terms of Reference

North East Lincolnshire Council children's social care services have been found to be 'inadequate' across all of the key judgements in the Ofsted inspection report of 26 November 2021.

The Children's Services Commissioner 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 provide regular updates to the Secretary of State or her officials on progress in North East Lincolnshire, including participating in formal review meetings as may be convened.
3. Ensure an effective Improvement Board that oversees and drives improvements in children's social care; and either Chair or support the independent Chair of the Improvement Board.
4. To oversee the securing of short-term external support, and to drive improvement, including working with the Council and its partners to maintain an effective Improvement Board.