

## **STATUTORY DIRECTION TO HALTON 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 noted in respect of Halton Borough Council ("the Council") that performance of children's social care services is inadequate as detailed in Ofsted's report of its inspection published 17 July 2024 ("The 2024 Ofsted report").
2. The Council's failure led the Secretary of State to issue a Direction on 11 September 2024 ("the first direction"), requiring the Council to take a number of steps to improve the quality of services, including to cooperate with a Commissioner for Children's Services in Halton ("The Children's Services Commissioner").
3. The Secretary of State has carefully considered:
  - a. The 2024 Ofsted report, which found that children's services are 'inadequate'. The sub-judgements for the impact of leaders of social work practice with children and families, the experiences and progress of children who need help and protection, the experiences and progress of children in care and the experiences and progress of care leavers were all rated as 'inadequate'.
  - b. The Children's Services Commissioner's report of December 2024, which found that the Council has the capability and capacity to drive improvement in its children's social care services, and that the children's social care services can remain with the Council. The report recommended that ongoing monitoring and support is provided to ensure longer-term improvement and sustainability.
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 will ensure the continued support of a DfE Improvement Adviser for Children's Services in Halton ("the Children's Services Adviser") to provide ongoing monitoring and support until a time when the Secretary of State is satisfied that adequate improvement and sustainability has been made.

6. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with his 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 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 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 or the Children's Services Adviser may require;

b. To co-operate with the Children's Services Adviser, including on request allowing the 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 their responsibilities.

c. To provide the Children's Services Adviser with such amenities, services and administrative support as they may reasonably require from time to time for the carrying out of their responsibilities, 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 Adviser and DfE senior case lead in their assessments at six and twelve months after the date of this direction.

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 Children's Services Adviser;

ii. Performance reviews on at least a 6-monthly basis, and more regularly if deemed appropriate; and

iii. The Halton 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 extends upwards and to the right.

Mark Taylor

A Senior Civil Servant in the Department for Education

Dated: 7 February 2025