

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. On 11 January 2023, the Commissioner for Children's Services in Herefordshire provided a report. On 1 March 2023 a revised direction was issued.
3. The Secretary of State has now further considered the reports of the Commissioner for Children's Services in Herefordshire published 13 December 2023 and 4 December 2024 and 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 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. Eleanor Brazil has stepped down as Commissioner for Children's Services in Herefordshire ("the Children's Services Commissioner"). The Secretary of State has therefore appointed Deborah McMillan as 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, 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, 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;
 - d. To co-operate with the Children's Services Commissioner in their work to oversee the improvement programme in children's services, and to work productively with Leeds City Council for the remainder of the agreed improvement partnership.
7. In consequence of this revised direction, the Secretary of State for Education revokes the direction dated 1 March 2023. 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: 7 February 2025

ANNEX

Non-Executive Commissioner for Children's Services

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.

The Children's Services Commissioner for Herefordshire 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 six 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. Delivery of the agreed actions in the Improvement Plan.
 - ii. Improved recruitment and retention of social workers in child protection and court, and children in care teams, with a stronger focus on support through quality supervision and peer support.
 - iii. Children reporting fewer changes of social workers.
 - iv. Data quality issues successfully addressed so that there is confidence in the accuracy of performance data.
 - v. Successful implementation of locality working with positive feedback from partners and families on impact.
 - vi. Multi-agency early help arrangements in place across the county delivered in line with an agreed early help strategy.
 - vii. Progress in improving and acting on audits, and feedback from children and families.
 - viii. Evidence of restorative practice making a difference.
 - 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 remainder of the agreed programme of improvement support with Leeds City Council.
 4. To oversee the remainder of the programme of early help improvement and agree appropriate continuation/exit arrangements with the council and its partners.