

## **Tameside Metropolitan Borough Council**

### **STATUTORY DIRECTION TO TAMESIDE 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 noted in respect of Tameside Metropolitan Borough Council ("the Council") that performance of children's social care services is inadequate as detailed in Ofsted's report of its inspection which was carried out between 4 December to 15 December 2023. The report was published on 13 February 2024.
2. The Council's failure to perform its functions to an adequate standard led the Secretary of State to issue a Statutory Direction on 7 March 2024 ("the first direction"), which required the Council to take a number of steps to improve the quality of its services. The Direction required the Council to cooperate with a Commissioner for Children's Services in Tameside ("The Children's Services Commissioner").
3. The Secretary of State has carefully considered:
  - a. The February 2024 Ofsted report, which found that children's services are 'inadequate'. The sub-judgements for children who need help and protection, children looked after and achieving permanence and leadership, management and governance were all rated as 'inadequate'.
  - b. The Children's Services Commissioner's report of July 2024, which found that the Council does not have the capability and capacity to improve its children's services without effective oversight and support.
4. The Secretary of State is therefore 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.
5. The Secretary of State, having considered the reports of Ofsted and the Children's Services Commissioner, has appointed Andy Couldrick as the Non-Executive Commissioner for Children's Services in the Council in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.

6. The Secretary of State 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:

7. 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 Non-Executive 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 Non-Executive Children's Services Commissioner may require;

b. To co-operate with the Non-Executive 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 Non-Executive 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 comply with the recommendations set out in the Children's Services Commissioner -led report;

e. To explore and co-operate with the development of a Strategic Partnership, including the development of a formal partnership agreement, the detail of which is subject to agreement by the Secretary of State;

f. Within three calendar months of the date of this direction, enter into a strategic partnership agreement, which will work with Tameside Metropolitan Borough Council to improve delivery of all children's social care functions which Tameside are responsible for.

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,

A handwritten signature in black ink, consisting of several loops and a long, sweeping tail that extends upwards and to the right.

A Senior Civil Servant in the Department for Education

Dated: 22 August 2025

## **ANNEX**

### **Non-Executive Commissioner for Children's Services**

#### **Tameside Metropolitan Borough Council**

##### **Terms of Reference**

1. Tameside Metropolitan Borough Council were found to be 'inadequate' across three out of the four key judgements in the Ofsted inspection report which was published on 13 February 2024.
2. Following this, the Secretary of State for Education directed the Council to take a number of steps to improve the quality of services, including to cooperate with an appointed Commissioner for Children's Services ("first Commissioner") who would carry out a review to determine the capacity and capability of the Council to make the necessary improvements.
3. The first Commissioner carried out a comprehensive review and, in September 2024, concluded that, in their opinion, the Council does not have the capacity to improve its children's services on its own.
4. The first Commissioner provided a number of important recommendations which, if implemented, will significantly improve the prospects of substantial and sustainable improvement in the services Tameside Metropolitan Borough Council provides to its most vulnerable children, young people, and families.
5. In light of the recommendations set out in the Ofsted report of children's social care, published in February 2024, and the first Commissioner's report published in September 2024, the Non-Executive Commissioner for Children's Services for Tameside Metropolitan Borough Council is expected to take the following steps:
  - a) 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; to identify ongoing improvement requirements; and to recommend any additional support required to deliver those improvements;
  - b) Support and challenge senior members, corporate senior management and senior partners to work together to create the culture and leadership necessary to bring about and sustain improvements in children's services;
  - c) To scope, identify and agree the Strategic Partner on behalf of the Department for Education and develop the Memorandum of Understanding between the Council and the Strategic Partner which outlines the content and conduct of the new partnership;
  - d) Provide guidance, advice and challenge on plans for creating the partnership, and associated budgets for both set-up and delivery of services;
  - e) To oversee and monitor the transition to, and ongoing provision of, the new partnership, ensuring that the Strategic Partner has the ability,

capacity and the authority to support the Council's progress and impact;

- f) To agree with the Council and the Strategic Partner, a Support Plan, key milestones and performance measures which demonstrate that the right progress is being made at a pace that is both fast enough and sustainable;
- g) To report on progress and risks to the Parliamentary Under Secretary of State at 6 monthly intervals (or more frequently if requested);
- h) To recommend alternative options for the delivery of Children's Services, including the removal of control from the Council should progress prove insufficient.
- i) To oversee and support Tameside Council and local area partners, to address the issues highlighted in the Area SEND Inspection Report (published 3 July 2025) that impact Children's Social Care and children at risk.