

Report to Cabinet

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| Title: | Children's Social Care Commissioner's Report |
| Date: | Monday 10 th September 2018 |
| Date can be implemented: | Tuesday 18 th September 2018 |
| Author: | Cabinet Member for Children's Services |
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| Local members affected: | (All Electoral Divisions); |
| Portfolio areas affected: | All Portfolio areas |

For press enquiries concerning this report, please contact the media office on 01296 382444

Summary

The purpose of this report is to formally report to Cabinet the findings from the Commissioner-led review of Children's Services. His recommendation that the County Council retains its Children's Services was accepted by the Department for Education (DfE) and as a result, a revised statutory direction was issued on 12 July 2018.

Recommendation

The recommendation is that Cabinet:

- (a) Notes the findings and recommendations from the Commissioner's review; and,**
- (b) Notes the revised direction issued by the Department for Education (DfE).**

A. Narrative setting out the reasons for the decision

Background

1. Following the previous 'inadequate' Ofsted inspection judgement in 2014, Ofsted re-inspected Children's Services in November 2017 in line with the single inspection framework. The re-inspection found that the overall judgement of Children's Services

remained inadequate. The most recent Ofsted inspection report was published on Monday 29th January 2018.

2. On 5th March 2018, the Department for Education (DfE) issued a Statutory Direction to Buckinghamshire County Council and appointed a Children's Commissioner to:

'...undertake a review as to whether the most effective way of securing and sustaining improvement in Buckinghamshire is to remove the control of children's social care from the Council for a period of time'.

The DfE appointed John Coughlan CBE, the Chief Executive of Hampshire County Council, to be the Children's Commissioner.

Commissioner-led Review Methodology

3. Throughout the course of his review and evaluation, the Commissioner and his team met and consulted with a wide range of stakeholders. This included:
 - the political leadership and some key opposition elected members,
 - members of the Corporate Management Team,
 - the Chief Executive and Director of Children's Services, together and separately on a number of occasions,
 - the previous independent Chair of the Improvement Board,
 - the Independent Chair of the Safeguarding Board,
 - members of the largely new senior leadership team (SLT) for Children's Services
 - a significant number of front line managers, practitioners and specialist staff (including those who are based at the three area offices in Aylesbury, Amersham and High Wycombe),
 - the Principal Social Worker,
 - various corporate support managers,
 - representatives from key partner agencies including police, health, schools and district councils, and
 - some community engagement.
4. The team also reviewed performance information and quality assurance systems in order to triangulate the evidence received in interviews alongside the most recent Ofsted inspection findings.
5. Hampshire's managers assisted with some individual case audits and spent additional time reviewing the performance of the Multi-Agency Safeguarding Hub (MASH) given the key role it plays in responding to safeguarding concerns about children and young people.

Commissioner-led Review Findings

6. The Commissioner has outlined a number of key findings which are summarised below. In addition, the full review and recommendations including service level details are included as an appendix to this report.
7. Since the 'inadequate' judgement in 2014, Ofsted acknowledged that some progress had been made. This included the stronger focus the political leadership had placed on Children's Services. Overall, however, the progress the service had made was partial and limited in its impact on outcomes.
8. Buckinghamshire County Council, through the joint endeavours of the Chief Executive, Director of Children's Services and a complete new leadership team, have now started to

make substantial inroads in relation to performance and leadership issues. The stable, permanent Senior Leadership Team is referred to as being 'exceptionally strong in Buckinghamshire' with 'the capacity to lead children's services to high levels of performance over time'.

9. Analysis by the Commissioner strongly endorses the current direction of travel of the authority and any further support and interventions should be designed to work with the grain of the new leadership.
10. There is a significant amount of work to be done to establish, normalise and sustain good social work and child care practice across the organisation. The Commissioner has suggested that it is reasonable to expect this process will take a minimum of three years of sustained and determined effort with a relentless focus on good practice standards by all concerned.
11. The Commissioner noted some contested evidence of a previously oppressive management culture that needs to be addressed whilst retaining the need to have managerial control.
12. The Commissioner noted that senior managers appear to understand 'the importance of visibility, especially in an organisation in which this has not been prized hitherto. Good early progress is being made but unquestionably this engagement needs to be made more systematic and then sustained relentlessly'.
13. The new optimism is not universally shared by all staff. It will also be tested when practitioners are repeatedly challenged about their own practice and their own accountability. It is not unusual that there is a degree of comfort for some in this crisis and there will be different forms of resistance to change (which is what improvement is). The High Wycombe office environment in particular does not enhance effective team working and breeds a strong sense of professional exclusion.
14. The Commissioner and his team met with members of the Solutions Group of front line managers which has been established to communicate concerns and ideas to senior managers. They found that the people they met were impressive and passionate about the authority and their work. This form of systematic engagement needs to be built on.
15. The single most important place for support and intervention is at the level of team managers. This tier will be instrumental to the improvement of front line work and developing a culture where staff know what good practice looks like.
16. There is not yet, understandably, a unified vision for transformation that people could identify with. Senior Managers understand this and are developing plans for more widespread transformation including modernising working methods.
17. Members of staff have talked, unprompted, about the strength of the training offer, IT support and (especially managers) the quality of HR support. There remains more to do in directing the corporate strength towards better co-ordination of business support, commissioning and performance information but the council starts from a strong place under the current leadership.
18. Buckinghamshire has demonstrated that it now has considerable corporate capacity to effect change. Its response since the inspection was published in January 2018 has been decisive, swift and effective although it will be some time before the impact shows in social work practice and in the culture change required. The new leadership team has a strong grasp of what is required and 'what good looks like'.

Local Government Reorganisation

19. As part of his review, the Commissioner carefully considered the impact for Children's Services of Local Government Reorganisation (LGR). In doing so, the Commissioner discussed the issue with the Chief Executive and the Leader of Buckinghamshire County Council and also met with representatives of the four Buckinghamshire District Councils.
20. Immediately prior to the latest Ofsted judgement, the former Secretary of State issued a minded to decision indicating support for a proposal by Buckinghamshire County Council for a unitary council. A proposal which substantially pre-dated the second Ofsted inspection.
21. The Commissioner considered as part of his review, the District Councils' concerns "against a path to a unitary county in that the challenge of the transition to that unitary model would be bound to impede the children's improvement journey which has already been failed by the County Council once".
22. He also noted that the Districts were keen to stress the priority that should be given to children's welfare over LGR and that if nothing else, any decision about LGR should be abandoned at least until such time as the children's improvement was safely delivered. They argue these are two major organisational transformational journeys which should not be managed concurrently but at best consecutively.
23. The following information is taken directly from the Commissioner's report:
 - a) Single tier local government is significantly cheaper to deliver than two-tier, and the costs of two-tier become increasingly difficult to defend at any level in the face of the ongoing and unprecedented pressures on local government finance.
 - b) That financial point is exacerbated in children's services by the financial crisis facing the services nationally.
 - c) Different counties are at differing stages with regard to their capacity or readiness to enter into a unitary debate and undoubtedly the costs and disruption of the argument locally need to be born in mind. That is, do the costs and pain of reorganisation outweigh the arguable local benefit.
 - d) The process of disaggregating existing services in order to achieve LGR is far more expensive and disruptive than the process of aggregating. That is, it is better and more cost-effective to build up services than to dismantle them. This point applies particularly in the more sensitive and risk based services such as children's where there is 'frankly, a great deal to lose'.
 - e) It is increasingly the case for various reasons that children's services can be made to be more effective, stable and sustainable at larger rather than smaller scale; it is also clear that when authorities do fail at children's services, the smaller they are the harder it is for them to recover from that position.
 - f) With the best of will, district councils have no direct experience of running children's services and necessarily have highly limited concepts of the scale and challenges involved.
 - g) It is right to ensure that any LGR process should not be allowed to impede the children's services improvement journey.
 - h) I am satisfied in the event of LGR proceeding, it could be achieved with careful management.

- i) If LGR is to proceed, a fire wall could be placed around the existing Children's Services Department so that the staff, services and systems are not disrupted by any corporate organisational change. This is easy to achieve, irrespective of any decision about the disestablishment or otherwise of all pre-existing organisations in the event of any LGR decision.
- j) I need to make the strongest possible case against any LGR proposal which would break-up (disaggregate) the existing children's services structures in Buckinghamshire. An uninformed external perspective might assume that there is little to lose from the disruption of a twice-failing children's services authority. I could not disagree more strongly. In particular, the progress Buckinghamshire has made in the past year, spanning the second Ofsted judgement, is very strong. The leadership core, politically and especially from Chief Executive and DCS down, is now exceptional and is on track not just to achieve recovery but to establish a high performing service in time. A two-unitary proposal would not be able to replicate or duplicate this capacity and its disruption would take back the improvement journey by at least two years. That would pose a direct risk to vulnerable children in the county which I certainly would not wish to be associated with. I cannot make this point strongly enough.
- k) The notion of disaggregating into a two council model and then adding other areas from outside of the county is not defensible or sustainable in my view.
- l) The same point largely applies to any model which suggests we could retain a single children's services organisation (perhaps as a trust) and it could be commissioned by two new unitary councils

24. The Commissioner concludes that, if preferred, it should be manageable, though challenging, to move to a unitary council model through LGR while simultaneously progressing the children's services improvement. The latter should certainly not be presented necessarily as an impediment to the former. Status quo in LGR terms would clearly remove this perceived dilemma – but status quo may not address the obvious other current local challenges that have prompted LGR and the minded to decision.

25. He also argues that whatever happens, any decision which seeks to disaggregate or disrupt the existing children's services construct, as it now rapidly moves forward, would be retrograde and high risk and is categorically not supported. Whether it be within a single or two-tier arrangement, a single council for the County of Buckinghamshire accountable for the entirety of its children's services, is by far the safest option for children and, especially in the light of the current progress, has the best and most rapid chances of achieving sustainable high performance.

Commissioner Recommendations

26. The Commissioner, having fully reviewed Children's Services in Buckinghamshire, made a series of recommendations to the DfE. They are as follows:

- a) There should be no alternative delivery model in Buckinghamshire.
- b) The current direction of travel of improvement planning under internal leadership should be endorsed.
- c) Some external support should be commissioned, possibly under the joint brokerage of the local authority and DfE. The focus of that work will be to provide external oversight and monitoring of the delivery of the improvement plan.

- d) A primacy should be placed on the support and development of front line managers and staff, balancing a firm application of consistent high standards with a systematic range of mechanisms, to ensure those managers and staff are closely involved in and own the improvement process.
- e) The children's improvement process does not need to be an impediment to LGR if the minded to decision is progressed. However, there are two firm caveats: the leadership and workforce in children's services should be formally and clearly protected from any organisational upheaval that might emanate from LGR; and no form of LGR should be undertaken which splits either the commissioning or delivery of children's services in Buckinghamshire.
- f) It should be generally recognised internally and externally that the timeline to establishing embedded and sustained effective services is likely to be a minimum of three years.

Revised Statutory Direction

27. On 12 July 2018, the DfE issued a revised statutory direction that Buckinghamshire County Council will retain its Children's Services.

28. In determining the revised direction, the Secretary of State considered:

- a) Ofsted's inspection report of 29 January 2018, which found that children's social care services are 'inadequate'.
- b) The Commissioner's report of 4 June 2018, which concluded there was no valid reason for the introduction of an Alternative Delivery Model in Buckinghamshire; and his recommendation that Buckinghamshire has some form of external support and challenge to oversee and monitor the delivery of the improvement plan.

29. The Secretary of State has appointed Hampshire County Council, as the Council's improvement advisers. The Council is required to co-operate with Hampshire County Council and to comply with any instructions of Hampshire County Council in relation to the improvement of the Council's exercise of its children's social care services functions.

30. Hampshire County Council is expected to support the Council's improvement programme on those areas of practice that Ofsted has judged to be inadequate. It shall in particular:

- a) Chair Buckinghamshire's Children's Services Improvement Board ('the Improvement Board');
- b) Ensure that the Council:
 - Continues the implementation of a robust improvement plan which spans children's social care services, and includes clear and specific actions that reflect the journey of the child and which address all recommendations made in the Ofsted report;
 - Implements a revised early help offer that links more closely with social care activity and an improved multi-agency safeguarding hub;
 - Invests specifically in leadership and management development for the senior leadership team and team managers;
 - Continues to embed a new organisational culture that supports social work practice;
 - Creates an effective performance and audit framework;
 - Reviews the role and impact of Child Protection Conference Chairs and Independent Reviewing Officers;

- Develops a fully-realised transformation plan that sets out a vision for how the service will deliver high-quality social work and related services.
- c) Provide leadership, support and practice advice in line with priorities agreed with the Council and set out in the Commissioner's report and areas of weakness identified by the Ofsted report;
- d) Provide where appropriate direction, monitoring, and coaching to the children's services senior team to secure the necessary improvements and to build on their capabilities;
- e) Provide regular reports to the Department for Education that assess improvements in Buckinghamshire by reference to the Ofsted report. These reports may cover but are not exclusive to practice; performance; culture; leadership, management and governance; management oversight; early help; and local multi-agency arrangements.

Conclusion

31. The direction issued by the DfE will remain in force until it is revoked by the Secretary of State.
32. We will work closely with colleagues from Hampshire County Council and utilise their expertise and support to improve outcomes for children, young people and families.

B. Other options available, and their pros and cons

N/A

C. Resource implications

Any future resources required will be considered as part of the Medium Term Financial Plan process.

D. Value for Money (VfM) Self-Assessment

It is important to allocate resources to address the top priorities and ensure that we achieve the outcomes required to secure improvements as identified in both the Ofsted report (29th January 2018) and the recent Commissioner-led review.

E. Legal implications

The local authority must carry out its statutory obligations in respect of safeguarding Children and Young People, as set out in the Children Act 2004, Children and Social Work Act 2017 and in 'Working Together to Safeguard Children'.

F. Property implications

N/A

G. Other implications/issues

N/A

H. Feedback from consultation, Local Area Forums and Local Member views

N/A

I. Communication issues

N/A

J. Progress Monitoring

N/A

K. Review

N/A

Background Papers

Appendix 1: [Commissioner's Report to the DfE regarding Children's Services in Buckinghamshire](#)

Appendix 2: [Revised direction issued to Buckinghamshire County Council](#)

Your questions and views

If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.

If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Democratic Services Team by 5.00pm on Friday 7th September 2018. This can be done by telephone (to 01296 382343), or e-mail to democracy@buckscc.gov.uk