

Children and Young People's Services Select Committee

15 May 2019

Ofsted Inspection of Children's Social Care Services

Report by the Director of Law and Assurance and the Director of Children's Services

Summary

The County Council's Children's Social Care Services were the subject of an inspection by Ofsted in February 2019. Following a dialogue with the County Council in light of the Inspection's findings a final report on the service has been published. This is attached as an appendix to this report.

The report explains the implications for the County Council of the findings and designation within the report and what areas for action will be required of the County Council in response. The governance of the Council's arrangements to address the challenges for the future of the services is set out, including the role of the Select Committee. The role for members of the Children and Young People's Services Select Committee is presented for consideration by the Committee. The findings of the report will be the focus for consideration more thoroughly through the next few months rather than at this meeting.

The focus for scrutiny

- To understand the relationship between the various agencies and responsible bodies within the governance as set out.
- To identify where the committee should focus its contribution to the improvement plan in the context of the governance as set out.
- To consider and identify the future role of elected members, including that of the Select Committee, as corporate parents and in monitoring performance and the effectiveness of service outcome planning
- To define members' expectations and how future Committee meetings should be planned to ensure those expectations are met.

Proposal

1. Background and Context

- 1.1. The Office for Standards in Education, Children's Services and Skills (Ofsted), a non-ministerial government department which reports to Parliament, regulates and inspects in order to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates, assesses and inspects children's social care services.
- 1.2. Ofsted carried out an inspection of the County Council's children's services during a structured visit between 25th February and 8th March 2019. The last Ofsted inspection of these services took place in 2016 when an overall finding of 'requires improvement to be good' was given. Following the recent inspection a draft report was prepared and a meeting with the inspectors

followed. Following a brief opportunity for the Council to comment on the proposed content the report it has now been published (**appendix 1**).

- 1.3. The report's findings provide a significant challenge to the Council in relation to its responsibilities for children's social care services and how plans for recovery and improvement should be addressed. This will require a full understanding of the various roles elected members have - both in accounting for the historical position, the assessment of the current position and in rising to the challenges presented to the Council as a whole.
- 1.4. Some steps have already been taken in anticipation of the report's findings and in light of expectations the Council had in light of a LGA peer review late in 2018. These are summarised in the report.

2. The County Council's position following the report's findings

- 2.1 The most significant consequence of the inspection will be the issuing of a statutory direction by the Department for Education to the County Council and the role taken by the commissioner to be appointed by the Secretary of State to oversee the Council's response. The Council will need to work closely with the commissioner on the development and delivery of an improvement plan and it will be for the commissioner to monitor and direct the Council in relation to that plan. There will be arrangements internally for the governance of the improvement plan and these are set out below.
- 2.2 Ultimately it will be for the Commissioner to determine whether the Council's improvement plan and the actions taken to deliver it are effective. That will inform the Commissioner's recommendation to the Secretary of State in relation to whether the County Council should retain responsibility for the direct provision of children's social care services. A strict timetable for the evaluation of progress against the improvement plan will be determined and monitored by the Commissioner. An initial decision is likely to be planned for six months following the publication of the report.
- 2.3 The County Council has already taken the steps to address the concerns expressed about the Council's approach to corporate parenting and, at the County Council meeting on 5th April, approved a revised constitution for the Corporate Parenting Panel – including extensive revisions to its membership. A copy of the revised constitution is attached as **appendix 2**.
- 2.4 The report also contains a criticism of the effectiveness of the scrutiny function by stating 'oversight, scrutiny and challenge from corporate leaders, including the children's select committee and the corporate parenting panel, have not been sufficiently rigorous'. The first task for this committee should be to understand what lies behind this and to consider how it should respond, in the context of the overall findings of the inspection.

3. Governance and the role of Scrutiny

- 3.1 In anticipation of the inspection and its findings steps have been taken to establish a more focused and closely defined set of governance arrangements. Following the establishment prior to the inspection of a voluntary improvement board for children's social care services that board,

engaging a wide range of partners and chaired by an independent expert in children's social care services, will be formalised and its current membership and terms of reference reviewed. These will need to be endorsed by the commissioner. It has met once under its current constitution and will take action in relation to its future structure and role following dialogue with the commissioner.

- 3.2 The Improvement Board will take the primary responsibility for managing and overseeing the implementation of the improvement plan and in providing a forum for partnership working on the plan in addition to the liaison with the DfE's appointed commissioner. This Committee will need to see the outcome of the Board's review of its terms of reference to better understand the role of the Improvement Board and what relationship the Committee should have.
- 3.3 The Cabinet Member retains the statutory responsibility as lead member for Children's Services and will provide the County Council's direct accountability to the commissioner and the DfE. The Cabinet Member is currently a member, alongside the Leader, of the Improvement Board. As the Board will not have executive powers on behalf of the County Council the Cabinet Member and the Director of Children and Family Services will share the responsibility for taking all significant decisions for the implementation of the plan. These will be advertised through the Forward Plan and processed for transparency in the usual way. The Cabinet Member will, as far as practicable, take such decisions in a public forum at Cabinet meetings – when both public engagement and member scrutiny can be ensured. Members should also be aware of the need for decisions to be taken with appropriate urgency when required and, in such cases, urgent decisions will be notified to members through the Members' Information Service. It is proposed that these arrangements will ensure both rigour and transparency in the County Council's discharge of its responsibilities for meeting the improvement plan.

4. Issues for consideration by the Select Committee

How to identify the focus for scrutiny – agreeing the work plan

- 4.1 Members will wish to explore and understand the criticism of the Council's approach to scrutiny and challenge and to identify what approaches and measures could address any shortcomings. These may include the arrangements for business planning, the scope and content of performance data brought before it, the identification of outcomes and the validation of evidence presented to it. This will however need to be considered in the context of the finalised role discharged by the Improvement Board.

The purpose of scrutiny – what should it deliver?

- 4.2 The Committee will need to restate its purpose and expectations by reference to the roles discharged by others in the governance arrangements described above - to ensure that there are no conflicting or overlapping roles and that the distinct purpose of scrutiny is fully defined. It may in particular wish to consider how it fulfils its role as corporate parent, particularly in understanding the experience and voice of the child.

How does scrutiny support with the improvement plan?

- 4.3 In the longer term the Committee will wish to have and maintain a more coherent and effective role in holding the executive and the service leads to

account in the context of the outcome of the improvement plan. In the meantime the focus will need to be on considering the aims and actions within the improvement plan so that the contribution of the Select Committee can be better understood within the context of the overall governance.

Learning and developing the skills and tools needed

- 4.4 Finally the Committee may wish to consider how members learn or develop a greater understanding about the needs of children and families and how these are best met and to secure the skills needed to better challenge and support the services the Council delivers. This will also require a new approach to evidence validation and to focus on what information the committee needs to give members' greater assurance in relation to outcomes.

5. Consultation

- 5.1 There has been no consultation with members or with external partners save in relation to the changes to the CPP described above and in connection with the remodelled Improvement Board also described above.

6. Risk Management Implications

- 6.1 The future effectiveness of the Council's services for children in need and children looked after will be driven by the nature of the response to the inspection report and the Council's delivery of actions required for improvement. The Select Committee's members will play a critical role in mitigating the risks to future service delivery
- 6.2 The Council's reputation will be at risk unless a good response is made to the findings of the inspection and the improvement plan which is to be adopted. The Committee must identify, understand and ensure it is able to fulfil its role in that meeting that objective.

7. Other Options Considered

- 7.1 The Committee will have a limited number of options in relation to the County Council's management of the response to the inspection report or the role it can play in the context of a DfE commissioner directed position for the County Council.

8. Equality Duty

- 8.1 The public sector equality duty will be referenced in all of the work planning and the monitoring of delivery so that the Committee is able to give due regard to the needs of those with protected characteristics and to the obligation to ensure fairness and equal treatment.

9. Social Value

- 9.1 The Committee will wish to examine to what extent the future plans for Children's Services support and complement the Council's commitments to social value.

10. Crime and Disorder Implications

- 10.1 To the extent that areas of children's social care services and its work with partners in child protection have implications for reducing crime and disorder and improving the life chances of young people, this will be referenced in the work planning and in the material presented for review by the Committee.

11. Human Rights Implications

- 11.1 The Committee will wish to understand the implications of the inspection's findings and the actions identified in the improvement plan which have a bearing on the Council's overriding duty to safeguard the Human Rights of children in need. The Committee may also in due course wish to consider the value of a focus on the United Nations Convention on the Rights of the Child.

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Appendix 1: Ofsted Inspection into Children's Social Care May 2019

Appendix 2: Constitution of Corporate Parenting Panel (revised April 2019), Part 3
Appendix 12.