

Report into Children's Services in Torbay following inspection

**Report for the Secretary of State for
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in Torbay**

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Introduction

This is my third report as the Commissioner for Children's Services in Torbay and Chair of the Torbay Children's Improvement Board. This report will summarise the continuing improvement journey of Torbay Children's Services and offer recommendations particularly about the future governance arrangements for Torbay Children's Services.

I started in this role formally in May 2016, following the Ofsted judgement that the safeguarding of children in Torbay was inadequate. A Statutory Direction was issued to Torbay Council in May 2016 confirming my appointment and role in providing independent oversight of the improvement of children's safeguarding services in Torbay. The Direction also confirmed Hampshire County Council as expert advisers to support the required improvements.

As the independent Children's Commissioner, I am continuing to spend one day a month in Torbay and I meet with and visit managers, staff and services at the front-line working with children and I chair the Improvement Board meetings. I have a regular sequence of meetings with the Leader of the Council, Lead Member for Children's Services, the Director of Children's Services (DCS) and a full range of key strategic partners. This work is heavily supplemented by substantial input from a team of senior children's social care leaders and managers from Hampshire County Council who are offering a range of tailored forms of support to Torbay and advice to me.

Leadership and Management

The Director of Children's Services (DCS), Andrew Dempsey, has now been in place for 10 months and has established strong and positive relationships with elected members, senior officers and partners. He continues to drive on performance, practice improvements and is achieving the required cultural changes, albeit this will require further time to become embedded. Andrew continues to confirm my confidence in him and receives regular support from Steve Crocker, DCS in Hampshire.

The interim Assistant Director from Hampshire extended her secondment to Torbay beyond the three months initially envisaged and remained in post until the end of March 2017. This has allowed for careful planning for her longer-term replacement. I am pleased to say that following interviews, we have appointed an officer to the post. This person comes with significant children's social care experience and has the right determination to support the DCS with the continued improvement journey. To support this transition, the interim Assistant Director will support Torbay with a dedicated week of time each month to ensure that progress is maintained and not diverted by the change, in what is a key senior management post. I am confident

these arrangements will allow for the careful handover of management responsibilities with Hampshire's support tapering off over time.

The DCS is leading a review of the Heads of Service, who report to the Assistant Director, as it is considered there is merit and efficiency in reorganising operational responsibilities. Again, I am confident this will be managed carefully to ensure there is the least disruption to the service.

Partnership and the Improvement Board

With regard to the Children's Improvement Board, the improvement plan is being implemented effectively by the DCS and his senior team. The most recent Improvement Boards have demonstrated a considerable step up in commitment from partners in terms of the quality of their contributions to the improvement journey. In particular, I had previously voiced concerns about the effective engagement of Devon and Cornwall Constabulary, but I am pleased to say that they are now making a strong contribution.

During the last three months I also attended a Torbay Safeguarding Children's Board (TSCB) summit. This showed some promise in its acknowledgement that the TSCB must ultimately take over the responsibility for driving the improvement journey although there is still some way to go for the Board to be consistently effective. Future governance arrangements may enable a stronger Board to develop.

The Board has also received good presentations from front line practitioners and team managers about the management of complex cases and the positive impact of performance management processes in improving practice. This approach has served to both affirm good practice in Torbay and also provide senior partners and corporate leaders with a deeper appreciation of the safeguarding task.

Performance

Torbay Children's Services has now developed a good range of performance indicators and senior managers and senior partners are establishing a culture that interrogates this data well.

In general terms, the frequency of child protection visiting by social workers, the consistently manageable caseloads, the consistency of initial decision making can all be evidenced as developing strengths from the available data.

Initial visits to see children, particularly within 24 hours after the initiation of child protection enquiries, has improved, but remains inconsistent and requires further embedding. More generally visiting to Children in Need and children subject to Child Protection Plans has made positive improvements, although poorly performing teams and individuals are being held to be accountable through the now well established performance management meetings. More recently we are now seeing

evidence of practitioners and team managers using the data to understand and improve performance.

Early Help is an area of continued focus both in terms of performance and quality of practice.

Quality of Practice

There continues to be some unwelcome turnover of social work staff although this is not considered critical at this stage. A recruitment and retention strategy is underway to address the issue.

I am pleased to report that there continues to be good evidence of improvements in social work practice across the service, albeit that significant work remains to ensure that practice is consistent and of the required standard.

The Multi Agency Safeguarding Hub (MASH) service is now well embedded and there is good evidence of consistent thresholds being applied. Partners are increasingly understanding those thresholds and referring more appropriately to the service, although this remains work in progress, not untypically in the circumstances as we know that a well defined and shared comprehension of social care thresholds is key to a thriving service. A revised multi-agency referral form was introduced in November 2016 to assist partners and improve the quality information and this has been well received.

More recent work has ensured there is now a single 'front door' to early help interventions and children's social care. A new suite of management data has evidenced that re-referrals to children's social care are above the national average and it has been identified that the separate access route to early help services was a particular contributor to this. It is considered the new single point of access will help address this.

MASH has also introduced a short screening tool in order to identify as soon as possible any concerns in relation to child sexual exploitation. All of these changes will strengthen the safeguarding arrangements in Torbay.

Working Together 2015 and a simple process for conducting strategy meetings and child protection investigations have been issued to all staff and the compliance with these procedures is being monitored by the Heads of Service. It is anticipated that this will address the lack of consistency in this key area of social work practice including assessments. Hampshire managers had previously expressed concerns that not all social workers and social work managers understood the fundamental child protection processes. There is evidence this has been addressed and is now, rightly, given proper scrutiny by managers.

It is of note that the numbers of children subject to a child protection plan have risen to over 200. Whilst this will be subject to careful review, I am increasingly satisfied that the right children are in the child protection system.

A new permanence policy and accompanying practice guidance has been issued to staff, with staff workshops taking place throughout April. There is a much more robust approach to ensuring the right children come into care and greater management oversight applied to ensure where children can safely return home or to wider family, then this now happens. The DCS has particularly taken a welcome lead on these issues of permanency.

Ofsted carried out a monitoring visit in December 2016 which had a very close alignment with Hampshire's initial assessment of the quality of practice. Prior to the current DCS being sourced by Hampshire and the subsequent change in Assistant Director, there had been a culture of 'denial' within Torbay about the scale of the change required. This caused a delay in addressing the action plan which I am pleased to say has now been better addressed. This is reflected clearly in Ofsted's monitoring letter of 23 January 2017 which states:

"The momentum of progress was lost between January and July 2016 and the overall impact of this has adversely affected the delivery of improvement to children's services in Torbay. The pace of change has improved more recently following the appointment of the new Interim Director of Children's Services in July 2016. The very recent secondment of an interim Assistant Director has led to improved focus and the senior leadership team is now well placed to continue to deliver the ambitious and well targeted improvement plan."

Governance and Future Service Delivery

It would be fair to say that since the last report I have become increasingly concerned about the leadership and governance issues and have therefore taken a more assertive and urgent approach to seek to address these.

- The Council is led by a directly elected mayor whose role has been rejected by referendum and whose working relationship with his own majority political group is at very best strained.
- The Chief Executive has dual responsibilities for the Council, and its wholly owned Economic Regeneration Company, the Torbay Development Agency (TDA). Whilst the TDA is highly relevant to the council, it is distinct from it and is certainly distinct from the Council's "People" Services and this critical statutory improvement journey.
- The Council's Adults' Services are largely delivered via the Integrated Care Organisation (ICO) in partnership with the local NHS provider trust.
- The LA is a very small "new unitary" which is typically struggling with common financial challenges. They are committed to some protection of children's

budgets but the general prospects of TBC achieving autonomous stability in children's services appear no closer now than a year ago.

- For those and related reasons I offered a clear conclusion in December 2016 that I saw no realistic likelihood of Torbay running its children's services unilaterally in the foreseeable future. There has been no objection to that conclusion. The search for a viable alternative form of governance therefore was urgent in view of the time limits on both Hampshire's involvement and the availability of the serving DCS.
- I have subsequently finally discounted the option of the ICO for children. My reasoning is that the developing recognition of the nature and urgency of the governance problem, alongside the changing context of the ICO proposal, led me to the honest conclusion that there is nothing which would persuade me it would be both achievable and good for Torbay's children. I have written to the trust Chief Executive to explain this. She and her organisation have behaved properly throughout in my view, but the prospect of this seemingly attractive solution has in various ways clouded Torbay's judgement and planning for some four years now and I am convinced it needs finally to be put to one side. This model may yet work somewhere but if it does it will be from a far more stable and capable base than Torbay currently offers.
- From January 2017 we therefore entered an exploratory phase to quickly consider viable alternative governance options.
- I could not see how a stand alone trust would work for Torbay as it would not address the issues of size, leadership and capacity at the heart of their problems. Geography is also a component of this issue as it is impossible to see how a remotely shared trust would help because of the challenges of distance. That is certainly borne out by Hampshire's experience of attempting to offer deep support from a distance. It has been temporarily manageable but a significant challenge and difficult to see how it could be sustained on an indefinite basis (and Torbay needs a sustainable governance solution).
- We therefore entered a phase of exploring models with the support of other regional LAs. That has included the potential for a multi-authority arrangement or a one-on-one partnership. I spoke to most LAs in the region. All the conversations were measured and constructive. There was a general level of interest for the future potential of a form of multi-authority trust, but the general accord was realistically that this could not be achieved yet if ever, for various reasons.
- That brought us to the conclusion of seeking a single LA partner prepared and able to take on the burden of essentially running children's services for Torbay. Clearly this is a proposition close to that between Hampshire and the Isle of Wight. I should state that this was never the conclusion we expected to reach at the start of this process. I do think now, that with the right partnership and support, this model offers Torbay Children's Services the best chance for sustainable success.

- That brought us to a selection process involving Devon County Council and Plymouth City Council. Other than highlighting the need for DfE and others to signal their support for this way forward there are two points to stress.
- First, both LAs deserve credit in my view for their approach to this selection process. Both adopted what we found to be a constructive, positive and thoughtful approach to a genuine but challenging example of sector led improvement for children's services. They should both be congratulated for that.
- Secondly, there remains an element of doubt for the way forward in that there will be mixed reactions in the political leadership of Torbay BC for various reasons, some of which are connected to history and some to the current local debates linked to devolution and combined authorities. I have offered a clear conclusion that based on our process Plymouth offer the "best fit" solution for Torbay Children's Services and as such the best opportunity for sustainable success and improvement for children.
- On that basis, at the time of submitting this report, I am entering into more direct discussions with the leadership of Torbay to clarify this recommendation and their response to it. Even with the strongest DfE Direction, Torbay's commitment to this recommendation will be one of the most critical success factors.
- Finally, there is a potential issue about the scope of any such partnership. Plymouth made it clear that they are keen for the partnership to cover the full scope of Children Act 2004 local authority responsibilities, including education. I think for various reasons they are right in that. Torbay appear initially nervous on this point but I believe their concerns to be misplaced.

Conclusion and Recommendations

Torbay Children's Services have continued to make improvements at the pace that I would have generally expected and hoped for, notwithstanding the inevitable turbulence at the start of such a process. There continue to be many challenges, not least financial, but there is, as I have referred to, very strong professional leadership now in place. These continuing improvements in real management practice and service delivery should not be overlooked in the context of the now dominant theme of governance options.

I therefore recommend the following:

- 1) The general direction of travel in service and practice improvement should be noted and welcomed.
- 2) The progress of the review of governance for children's services in Torbay should also be noted and endorsed by DfE. This should include approval of the conclusions that: TBC will not foreseeably run children's services autonomously again; the ICO model does not offer realistic and timely

potential to resolve this pressing problem; the subsequent process adopted to explore other models and partners has identified Plymouth City Council as the best placed partner to support TBC in the leadership and governance of children's service in future.

- 3) The outline of "next steps" included in the letter of outcome is approved as a general route map towards implementation.
- 4) The Commissioner should be clearly supported and empowered as required in his discussions with the leadership of TBC to secure this approach and outcome.
- 5) The reference to scope of any partnership should be given further thought by DfE in anticipation of a future Statutory Direction.
- 6) DfE should accordingly prepare for the issuing of a Statutory Direction to Torbay BC to cover the terms of a likely partnership with Plymouth City Council.
- 7) In the meantime the role of Hampshire in supporting the current arrangements should be maintained.

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Acting as DfE Children's Commissioner for Torbay Council

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