

Direction to Sunderland City Council in relation to children's services:

DIRECTION UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996

TO SUNDERLAND CITY COUNCIL

WHEREAS

1. The Secretary of State for Education has carefully considered Ofsted's report, in respect of Sunderland City Council ("the Authority"), of its inspection carried out between 11 May and 4 June 2015 which found the Authority's arrangements for the protection of children to be "inadequate" ("the OFSTED report").
2. The Secretary of State is satisfied that the Authority is failing to perform to an adequate standard, or at all, 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 Authority 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 Authority under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
3. The Secretary of State has appointed Nick Whitfield as Commissioner for Children's Services in Sunderland ("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.
4. The Secretary of State, having considered representations made by the Authority, considers it expedient, in accordance with his powers under section 497A of the 1996 Act, to direct the Authority as set out below in order to ensure that the Authority's children's social care functions are performed to an adequate standard.

NOW THEREFORE

5. Pursuant to her powers under section 497A(4B) of the 1996 Act, the Secretary of State directs that the Authority shall, in particular, do the following:
 - a. Comply with any instructions of the Secretary of State or the Children's Services Commissioner in relation to the

improvement of the Authority's exercise of their children's social care functions and provide such assistance as they may require;

- b. Cooperate with the Children's Services Commissioner, including on request allowing the Commissioner at all reasonable times access:
 - i. to any premises of the Authority;
 - ii. to any document of or relating to the Authority; and
 - iii. to any employee or member of the Authority,

which appears to him/her to be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference.

- c. Provide the Children's Services Commissioner with such amenities, services and administrative support as he/she may reasonably require from time to time for the carrying out his/her 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. Take urgent action to review the cases of all children and young people who do not have an allocated social worker or who are not being actively worked with, and provide immediate and appropriate assessment and help as necessary. The Authority should report to the Commissioner against this action by 7 September 2015.
- e. Take urgent action to review all cases where children are looked after under voluntary arrangements to establish whether this legal basis is sufficient to ensure their safety and emotional security; and take additional action where it is not. The Authority should report to the Commissioner against this action by 7 September 2015.
- f. Review the cases of all children being worked with under the public law outline or in care proceedings to ensure that robust plans are in place and that cases are progressing at a pace that matches children's needs. The Commissioner will have an overview and may advise on the timing of required actions, however, ultimate responsibility for meeting the terms of this paragraph shall rest with the Authority. The Authority should

report to the Commissioner against this action by 7 September 2015.

- g. Agree by 7 September 2015 a new model for the allocation and assessment of cases with the Commissioner, in consultation with the Local Safeguarding Children Board (LSCB) and with all relevant partners to the Multi-Agency Safeguarding Hub ("the MASH") which ensures that all cases are allocated quickly and are subject to a proper assessment process which complies with statutory requirements and guidance. The new model, once agreed, is to be developed and implemented according to a timescale agreed with the Commissioner in consultation with the LSCB and the MASH.
- h. Co-operate with:
 - (i) a Commissioner led review of senior management and leadership capacity and capability at the Authority in order to advise the Secretary of State whether there are suitably qualified individuals who have the expertise to secure all the recommendations in the OFSTED report, and
 - (ii) a Commissioner led review of the oversight of frontline practice by senior management and leaders so as to advise the Secretary of State as to its robustness.
- i. Agree with the Commissioner by 7 September 2015 a single coherent plan for the improvement of children's services in Sunderland ("the improvement plan") which takes into account all relevant recommendations made in the OFSTED report;
- j. Review existing performance management and quality assurance processes and data support, taking advice from the Commissioner where this is given, so that these focus on key priorities and support high quality work with children in the Authority. The Authority should report to the Commissioner with an identification of immediate improvements required by 7 September 2015 and should also by that date agree with the Commissioner the timescales for a longer review to include the potential procurement of alternative electronic management systems.

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



IAN VALVONA

A Senior Civil Servant in the Department for Education

Dated this 20 day of JULY 2015

ANNEX

Commissioner for Children's Services

Terms of Reference

In line with the recommendations set out in the OFSTED report of children's social care published on 20 July 2015, the Children's Services Commissioner is expected to take the following steps:

- 1) Ensure that the Authority complies with the terms of the Direction issued to the Authority by the Secretary of State pursuant to section 497A(4B) of the Education Act 1996, in order urgently to secure the performance of children's social care services in Sunderland to an adequate standard.
- 2) Review the Authority's leadership and management capacity and capability to drive forward the changes necessary to achieve adequate performance.
- 3) Make a recommendation to the Secretary of State as to whether alternative delivery arrangements are necessary for children's services in Sunderland to improve, and if so, which model(s) of alternative delivery arrangements the Commissioner recommends.

The Commissioner will first report to the Secretary of State during the week beginning 26 October 2015 unless he is instructed to report earlier. Further terms of reference may be issued following the Commissioner's first report.