

STATUTORY DIRECTION TO CITY OF BRADFORD METROPOLITAN DISTRICT 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 the City of Bradford Metropolitan District Council (“the Council”) that performance in respect of children’s services is ‘inadequate’ as detailed in Ofsted’s inspection report published on 29 October 2018 (“the 2018 Ofsted report”).
2. The Council’s failure, followed by poor practice being observed in the inspection of two council-run children’s homes, and repeated Ofsted reports evidencing slow pace of change in improving the quality of core social work practice, led the Secretary of State to issue a statutory direction on 15 September 2021 (“the first direction”), requiring the Council to take a number of steps to improve the quality of services, including to work with Steve Walker and Leeds City Council, as the appointed Commissioner for Children’s Services in Bradford (“the Children’s Services Commissioner”).
3. The Secretary of State has carefully considered:
 - a) The 2018 Ofsted report, which found that children’s services were ‘inadequate’. The sub-judgement for the experiences and progress of children who need help and protection was rated as ‘inadequate’;
 - b) Previous serious concerns highlighted by Ofsted following the inspection of two council-run children’s homes in Bradford, where poor practice had been observed;
 - c) Ofsted's monitoring visit reports published 4 June 2021 and 22 October 2021. The monitoring visit noted that although there has been significant investment and service improvement planning due to the breadth and depth of inadequacy identified in 2018, this has not led to sufficient positive change for some children. This followed four previous monitoring visits, which all reported on the slow pace of change in improving the quality of core social work practice; and
 - d) The Children’s Services Commissioner’s report of January 2022 (“the 2022 Commissioner report”), which concluded that operational control of children’s services should be removed from the council to an alternative delivery model for a short period of time to support an improvement in services and outcomes.
4. The Secretary of State is therefore satisfied that the Council is still

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 Council has agreed with the Secretary of State to voluntarily establish a wholly owned, not-for-profit company (children's services trust), which will discharge the Council's children's social care functions on its behalf pursuant to the terms of a Service Delivery Contract to be entered into by the Council and the children's services trust.
6. The Secretary of State intends to appoint a 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.
7. The Secretary of State, having considered representations made by the Council, considers it expedient, with consideration of his powers under section 497A(4B), to work in co-operation with 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.

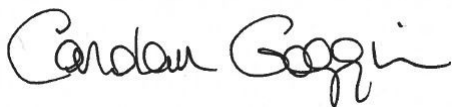
NOW THEREFORE:

8. Pursuant to his powers under section 497A(4B) of the Education Act 1996 Act, the Secretary of State directs the Council as follows:
- a. To work with the Children's Services Commissioner in establishing the children's services trust and transferring operational control in relation to children's services from the Council to the trust to deliver high quality children's social care functions. This should be completed within a reasonable timeframe;
 - b. To comply with any instructions of the Secretary of State or the 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 Children's Services Commissioner may require;

- c. To co-operate with the 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;
- d. To provide the 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;
- e. To co-operate with the Secretary of State and the Children's Services Commissioner, including by:
- i. Attending and participating in reviews of progress on dates to be notified to the Council;
 - ii. Preparing and making available to the Secretary of State's advisers, when requested, up to date improvement plans and assessments of progress evidenced by performance data;
 - iii. Reporting to the Secretary of State on the nature and rate of improvement of children's services when instructed to do so.

9. In consequence of this direction, and upon its being made, the Secretary of State revokes the first direction. 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



Carolan Goggin
A Senior Civil Servant in the Department for Education
Dated this day of 09 February 2022

ANNEX

Non-Executive Commissioner for Children's Services

City of Bradford Metropolitan District Council

Terms of Reference

1. As a result of the 2018 Ofsted report and the concerns raised in the subsequent monitoring inspection report, in particular the June 2021 report, the Secretary of State issued the City of Bradford Metropolitan District Council ("the Council") with a statutory direction in relation to children's services and appointed a Commissioner for Children's Services ("the Children's Services Commissioner") in Bradford.
2. The Children's Services Commissioner carried out a comprehensive review and, in January 2022, concluded that, in their opinion, the Council does not have the capacity to improve its children's services on its own.
3. The Children's Services Commissioner stated that an alternative delivery model is required for a short period of time to support an improvement in services and outcomes. Of the six considered options, the Commissioner outlined a preferred recommendation to strengthen the role of the Commissioner to give them more control and influence over decision-making in relation to the Council's children's social care functions.
4. After due consideration of the possible options, including looking carefully at the associated risks and benefits, the Secretary of State has agreed to the Council voluntarily establishing a company ("the children's services trust") to deliver children's services in Bradford.
5. Steve Walker (Leeds City Council) has been re-appointed as the Children's Services Commissioner to work with the Council to oversee the establishment of the trust and to provide ongoing direction and assurance of service improvements ahead of the transition to the trust. Specifically, the Children's Services Commissioner will:
 - a) Work with the Council to support the establishment of the trust to deliver high quality children's social care functions and oversee the transition to those new arrangements;
 - b) Support the Council in shaping the trust's strategic vision for the transformed service, including organisational design, governance and its scope of delivery;
 - c) Identify key deliverables, and produce a plan detailing the outputs and key performance indicators the Children's Services Commissioner will meet over the duration of the project, agreeing this with the Secretary of State;

- d) Provide guidance, advice and challenge on plans for creating the trust, and associated budgets for both set-up and delivery of services;
 - e) Advise on any senior appointments to the trust and lead on behalf of the Secretary of State, and in co-operation with the Council, the recruitment for the Chair and Chief Executive of the trust;
 - f) Guide, monitor and report on the progress towards the establishment of the trust, and the transfer of operational control from the Council to the trust; deliver six-weekly evidence-based highlight reports on the Council's improvement progress to the DfE Contract Manager; and
 - g) Deliver quarterly written updates (or more frequently if requested) on the Council's progress to the Parliamentary Under Secretary of State for Children and Families, the first update to be delivered in May 2022.
6. The 2022 Commissioner report also set out the need for rapid improvements to children's services. As well as oversight of progress towards moving services into a trust, the Commissioner is expected to provide independent, strategic oversight and direction to the Council on immediate improvements to services and ongoing monitoring and assurance of progress against implementation of the improvement plan.
7. The Commissioner will:
- a) Chair the Council's Children's Services Improvement Board;
 - b) Ensure the Council's improvement plan continues to be delivered and robustly monitored. Progress will be reported by the Council to each meeting of the Bradford Children's Services Improvement Board;
 - c) Oversee progress against key areas for action identified in the Commissioner report, including stabilising workforce, practice improvement and impact, strengthening partnership working and the relationship between children's services and the corporate centre;
 - d) Issue any necessary instructions to the Council for the purpose of securing immediate improvement in the Council's delivery of children's social care functions, and to recommend and oversee any additional support/resources required to deliver those improvements;
 - e) 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; and
 - f) Deliver quarterly written updates (or more frequently if requested) on the Council's progress to the Parliamentary Under Secretary of State for Children and Families, the first update to be delivered in May 2022.