

Annex A: Children's services improvement and intervention

Purpose

For decision.

Summary

This report summarises and proposes a response to the Prime Minister's announcement on 14 December 2015 of new measures to formalise the process for removing failing children's services from local authority control.

Recommendations

The Board is recommended to propose to the Improvement and Innovation Board and to the LGA Executive that:

- Support for children's services should have a high priority within the LGA's sector-led improvement offer, given the number of councils currently in intervention and at risk of being judged inadequate by Ofsted.
- The children's services support offer should prioritise councils that have not yet been inspected under the Ofsted Single Inspection Framework and are at potential risk of an inadequate judgement.
- The LGA's political and professional networks should be used to encourage these councils to have a full Safeguarding Peer Review or Safeguarding Practice/Care Practice Diagnostic.
- An enhanced support offer to councils should be developed to deal with any issues identified following a peer review or diagnostic that put a council at risk of an inadequate judgement at their next inspection.
- For councils judged inadequate, the existing support offer should be retained and enhanced, with a focus on supporting them to produce a credible improvement plan and maintain sufficient progress to avoid full-scale Department for Education (DfE) intervention in line with the new proposals.

Action

Officers to take action as directed by members.

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Children's services improvement and intervention

Background

1. On 14 December 2015, the Prime Minister announced a series of children's services reforms, including new measures to formalise the process for removing failing children's services from local authority control. Children's services departments rated inadequate by Ofsted will now be given six months to demonstrate significant improvement, or risk being taken over by "high performing local authorities, experts in child protection and charities".
2. The proposals themselves are not radically new, with failing authorities already subject to government intervention and potential takeover. However the announcement does represent an intention from government to considerably strengthen these existing arrangements, with the Prime Minister describing the proposals as *"one of the big landmark reforms of this Parliament, as transformative as what we did in education in the last"*.
3. The key proposals in the announcement included:
 - 3.1 Greater DfE scrutiny of councils judged inadequate by Ofsted, including a requirement on them to produce an effective improvement plan within three months, with progress against this plan reviewed every six months.
 - 3.2 For councils that DfE considers to be making insufficient progress, a commissioner will be appointed to review whether services should be removed from council control.
 - 3.3 For councils that DfE considers to be persistently or systemically failing, a Commissioner will be appointed immediately, with a presumption that the service will be placed outside of the council's control unless the Commissioner identifies good reasons not to.
4. There are currently 20 inadequate children's services departments across the country, with just over half of children's services authorities having been inspected since the current inspection framework was introduced in 2012. If this trajectory continues, 38 local authorities will have been found inadequate and therefore subject to potential takeover by April 2017.

Driving improvement within children's services

5. The LGA has previously expressed concerns that the current Ofsted inspection regime does not effectively drive improvement in children's services, and recent research we commissioned from independent consultancy firm iMPower suggested that it may in fact hinder a council's ability to improve.
6. iMPower found that of the 86 councils inspected twice or more since 2010, approximately 25% of those rated as inadequate in 2010 remained inadequate over the five year period.

And 56% of those requiring improvement / considered adequate in 2010 maintained that rating on re-inspection. iMPower concluded that, for many councils judged inadequate or to require improvement, this judgement, rather than being a catalyst for helping to deliver improvements to services, can instead act as a trap door, locking them behind and preventing an improvement in performance.

7. This is of particular concern in light of the growing number of local authorities falling into this category:
 - 7.1. In 2007/08, Ofsted reported that none of the councils inspected were considered inadequate, 22% were adequate, 69% were good, and 9% were outstanding.
 - 7.2. This picture has since changed significantly: 28% of councils are now rated as inadequate, 55% require improvement (the grading previously described as “adequate”) and just 18% are considered good. No council has been rated as outstanding in the last two and half years, and the most recent authority to receive this grade has recently been judged inadequate.
8. The eight years since 2007/08 have been notable for Ofsted’s stated intention to “raise the bar” in respect of their inspection regime, but they have also seen demand for children’s social care services increase significantly. Over that period:
 - 8.1. The number of children on child protection plans has increased by 60% (from 29,200 to 49,620).
 - 8.2. The number of children in care has increased by 17% (59,400 to 69,540).
 - 8.3. The number of referrals to children’s services has increased by 18% (538,500 to 635,600).
9. Funding for local authorities has decreased significantly over the same period, though councils have generally worked hard to protect children’s services budgets. Our *Future funding outlook for councils 2019/20*, found a 1 per cent increase for children and families services spending, from £6.97 billion in 2010/11 to £7.03 billion in 2013/14. However, this still represents a reduction in real terms at a time of sharply increasing demand.
10. With this context in mind, it is clear that a new approach is required to drive sustained improvement within children’s services. While the current government focus is on responding to identified failure, there may be a role for the LGA to strengthen our existing sector-led improvement programme to better identify areas at risk and provide targeted support before more serious issues arise.

Proposed LGA response

11. Since DfE withdrew the funding for the Children’s Improvement Board, the LGA has only been able to provide a limited support offer for children’s services. The LGA’s current sector-led improvement offer includes safeguarding peer reviews, children’s care practice diagnostics and leadership academies. A network of Children’s Improvement Advisers has been established, contracted for 10 to 15 days a year per region to support the LGA’s Principal Advisers on issues specifically related to children’s services.

12. The LGA's peer reviews and diagnostics are provided on a voluntary basis and it is up to each authority to decide whether to make use of the offer. Around 15 children's peer challenges/diagnostics are currently being carried out each year.
13. As part of current discussions with DCLG about the future use of the RSG top slice to fund improvement work, a significant bid to continue and enhance the children's services offer has been submitted. In response to the Prime Minister's announcement the CYP Board is recommended to propose to the Improvement and Innovation Board and to the LGA Executive that:
 - 13.1. Support for children's services should have a high priority within the LGA's sector-led improvement offer, given the number of councils currently in intervention and at risk of being judged inadequate by Ofsted.
 - 13.2. The children's services support offer should prioritise councils that have not yet been inspected under the Ofsted Single Inspection Framework and are at potential risk of an inadequate judgement.
 - 13.3. The LGA's political and professional networks should be used to encourage these councils to have a full Safeguarding Peer Review or Safeguarding Practice/Care Practice Diagnostic.
 - 13.4. An enhanced support offer to councils should be developed to deal with any issues identified following a peer review or diagnostic that put a council at risk of an inadequate judgement at their next inspection.
 - 13.5. For councils judged inadequate, the existing support offer should be retained and enhanced, with a focus on supporting them to produce a credible improvement plan and maintain sufficient progress to avoid full-scale Department for Education (DfE) intervention in line with the new proposals.
14. The Innovation and Improvement Board will meet on Tuesday 19 January and the LGA Executive on Thursday 21 January and receive similar reports. The CYP Board's views and recommendations will be reported to those meetings.

Financial implications

15. Any recommendation of an enhanced sector-led improvement offer for children's services will have financial implications which will need to be considered in the context of current discussions with DCLG about the future use of the RSG top slice to fund improvement work.