

Report of the Interim Strategic Director (Children's Services) to the meeting of the Bradford and Airedale Health and Wellbeing Board to be held on 29 January 2019.

Subject:

Ofsted Inspection of Local Authority Children's Services (ILACS) and Special Educational Needs and Disabilities (SEND) Inspection Readiness.

Summary statement:

This report provides updated information about the Council's response to the published OFSTED ILACS judgement and information on SEND inspection readiness.

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Portfolio:

Children & Families

Overview & Scrutiny Area:

Children's Services

1. SUMMARY

This report provides an update on the steps the Council is taking in response to OFSTED's inspection of Bradford's Children's Services.

2. BACKGROUND

2.1 OFSTED carried out an inspection of Bradford's Children's Services from Monday 17 September 2018 until Friday 28 September 2018. In the ILACS inspection, Ofsted make three judgements

- Impact of leaders on social work practice with children and families- this was judged as requires improvement to be good.
- The experiences and progress of children who need help and protection- this was judged as inadequate
- Experience and progress of children in care and care leaders- this was judged as requires improvement to be good.
- Because the experiences and progress of children who need help and protection is classed as a limiting judgement, the overall judgement is inadequate.

The report is attached in Appendix 1, which includes the areas for improvement identified by Ofsted as well as the service strengths

Bradford shares Ofsted's ambition that "only good is good enough for Bradford's children" and therefore the judgement is extremely disappointing. The focus is now on improving at pace the areas identified by Ofsted with the ambition of achieving good or better services for children.

The findings were reported to Executive on 6 November and Executive resolved:

- (1) To note the outcome of the OFSTED inspection.
- (2) To note the plans to deliver rapid improvement and to offer support.
- (3) To refer the report to the Children's Services Overview & Scrutiny Committee.
- (4) To request that the Portfolio Holder for Children's Services work with Officers to prepare a robust Improvement Plan with the voice of the child at its heart for the next meeting of the Executive in December 2018.
- (5) To invite the Chair of the Children's Services Overview & Scrutiny Committee to join the formal Improvement Board.
- (6) To request that the Chief Executive identify an appropriate Improvement Advisor to work with the Council and to act as independent chair of the Improvement Board.
- (7) To refer the report to the Corporate Parenting Panel.

2.2 The Department for Education (DfE) has written formally to serve the Council with an Improvement Notice (Appendix 2).

- 2.3 In November 2018, Gladys Rhodes White joined the service as Interim Strategic Director of Children's Services to help drive the improvement journey.
- 2.4 Under the leadership of the Portfolio Holder for Children & Families, and in consultation with other councillors, DfE, OFSTED and the Local Government Association (LGA), there has been progress in establishing Bradford's approach to addressing the key areas for improvement identified by OFSTED and the necessary supporting arrangements as follows:

- **Establishment of the Improvement Board.** An interim Improvement Board has been in place since the end of the inspection chaired by the Chief Executive. An Improvement Advisor will be appointed by DfE and will start to chair the Improvement Board in February 2019. Terms of Reference and proposed membership of the Board are attached at Appendix 3. The Chair of Children's Overview and Scrutiny Committee has agreed to join the Improvement Board. The work of the Board to secure the improvement of Children's Services identified by OFSTED is being supported by a staff and a children's reference group. An internal and partner officer improvement task group will be established which will be Chaired by the Chief Executive. The Corporate Services Director will chair this group in the interim until the Improvement Advisor is in place to Chair the Improvement Board.

The Board's Terms of Reference and the Improvement Plan (Statement of Action) will need to be approved by DfE/OFSTED.

- **Development of the Improvement Plan.** With the voice of the child at its heart, improvement planning has been a key focus of activity, involving staff at all levels in Children's Services, with the support of corporate resources (Finance, HR, Legal and Performance) and in consultation with partners. A Planning workshop with Ofsted took place on 10th December 2018 to help inform the Improvement Plan. The Children's Services Improvement Plan will form the basis of the Statement of Action which must be submitted to Ofsted by 4th February 2019.
- **Peer review of the Front Door.** At Bradford's invitation in late December, Doncaster Children's Trust, in their role as an improvement partner for DfE, undertook a peer review of the Front Door and MASH arrangements. This followed a number of actions taken by the service in response to the Ofsted findings. The peer review identified that there is further work to be done to ensure that the application of consent and decision making in the MASH are robust. Once the report from the review is received this will be reported to the Improvement Board and to Overview and Scrutiny. Actions arising from the review will be included within the Improvement Plan.
- **Immediate actions taken.** There have been a number of service level actions taken in advance of the publication of the Improvement Plan. These include:
 - Auditing 1700 cases for children who are Child Protection and Child in Need and undertaking corrective actions where required
 - Putting in place an additional Head of Service for the Front Door and MASH to strengthen leadership capacity
 - Strengthening Quality Assurance and employing three temporary experienced auditors to review specific areas and cases
 - Undertaking on-going recruitment to vacancies resulting in a very small number of unfilled posts

- Working closely with the Teaching Partnership to put in place additional training for social workers and managers starting in January 2019
- Putting in place additional social work oversight in the homelessness team and in the contact centre.
- Putting in place a plan to move the early help gateway into the MASH in early January, facilitating the move to having one integrated front door
- Undertaking a review of social work salaries and retention.
- Starting to review the use of the information management system Liquid Logic to ensure the most efficient and effective use of system capability
- Reviewing the performance information requirement and putting in place an enhanced suite of reports to drive and facilitate the required improvements.

SEND Inspection Preparation and High Risk Review

Under the Children and Families Act 2014 and the SEND Code of Practice (2015) statutory guidance, the local authority, health services, early years settings, schools and further education providers have statutory duties to identify and meet the needs of Children and Young People aged 0 to 25 years who have Special Educational Needs or Disabilities (SEND). SEND Inspections of all local authorities and local areas over the period May 2016 to May 2021, will be undertaken to assess how effectively these duties are being met. Inspections are a 10 day process and can be called at 5 days notice. An inspection of the Bradford area is imminent.

The Local Authority (LA) and relevant partners have undertaken a process of Self Assessment in preparation for the pending inspection. The SEND Strategic Partnership Board has been re-launched with clear terms of reference, multi agency membership and 4 clear project work streams supported by the SEND Transformation and Compliance team. The 4 work streams which comply with the SEND Code of Practice 2015 are: Integrated Assessment and Service Delivery, Joint Commissioning, Co production and Engagement and Preparing for Adulthood

Next Steps

2.5 As set out in the Improvement Notice, the Council is now subject to intervention by the Department for Education (DfE) until services improve. OFSTED will monitor our progress regularly and we will be subject to a full re-inspection within two years. Key actions and milestones include:

- Confirmation of arrangements for the Children's Services Improvement Board once membership and Terms of Reference are approved by both DfE/OFSTED and Executive.
- Submission of a full Improvement Action Plan (Deadline for submission: 4 February 2019).
- Undertaking the actions set out in the improvement plan and putting in place performance indicators to monitor progress
- Supporting on going monitoring visits every three months, the first of which is expected to take place in March 2019
- Quarterly monitoring will continue until we have an inspection and move into a different pathway (i.e. are requires improvement to be good or above)

- 2.6 Councillors and senior officers collectively are committed to making sure that we work rapidly and effectively to improve our services to meet our ambitions for Bradford's children.

Key Issues

As part of the self assessment process the LA and Health (through the 3 Bradford area Clinical Commissioning Groups (CCGs)) have completed Audit tools which feed into the Self Evaluation Framework (SEF). The Local Authority Audit Tool was updated, refreshed and circulated to SEND Strategic Partnership Board members for further moderation in January 2019. The CCG version has also been recently updated and received and will be subject to the same moderation and review process. The RAG ratings in the LA Audit Tool contain a large number of Amber ratings (Partial Compliance and Work in Progress), many of which could revert to Red or non compliance if progress is not sustained or quick enough. This and the work of the SEND Transformation and Compliance team have identified a number of areas of high risk which require urgent attention.

High Risks

Areas of High risk which need to be **urgently** addressed are summarised below:

- Education Health and Care Plan Compliance Rates and Quality. Compliance rates within the statutory 20 week assessment period are low. In 2017 they were reported as 12% compare to a national average of 64.9% and Yorkshire and Humberside average of 61.2%. Current performance is at 22%.
- SEND Identification, Assessment and Review processes
- Data Accuracy and Recording including interfaces to Social Care and Health
- Outcomes for Children and Young people with SEND do not fully meet their needs
- Joint Commissioning arrangements are not established or in place
- SEND Placements and Provision
- Quality and consistency of Health advice into EHCP Process
- Collective agreement that the pathway on ASD (Autistic Spectrum Disorder) identification and assessment is currently a key risk : 2 years plus waiting list, which is non compliant with NICE (National Institute for Clinical Excellence) timescales
- Waiting lists for access to specialist services e.g. SALT (Speech and Language Therapy)
- Access to CAMHS (Child Adolescent Mental Health Services)

Actions To Be Undertaken

The recovery and improvement plan to support the self evaluation needs to be in place in advance of the SEND Inspection process and appropriately resourced.. Service improvements are already being made, but given the multi agency and long term nature of some of the areas of concern these will need to be challenged, phased and embedded over the next 12 months.

For example, the rationale behind a 12 month recovery plan is to enable all existing EHC Plans to be amended and quality assured as part of the Annual Review process. It is important that the Annual Review is used as the vehicle to make the changes as this will ensure that all key changes and compliance measures are met, alongside improving quality. It is not feasible to make changes to the EHC Plans outside of the Annual Review process. As such it will take 12 months to complete these changes for the existing 3600 EHC Plans as well as provide quality assurance to the circa 700 new assessments & plans annually.

The SEND Strategic Partnership Board, which monitors highlight reports from the 4 work streams

could monitor progress on the recovery plan and establish further reporting linkages as required.

3. OTHER CONSIDERATIONS

None.

4. FINANCIAL & RESOURCE APPRAISAL

The financial implications of the improvement plan are set out in the Budget proposals to be considered by Executive.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

This report is for information only.

6. LEGAL APPRAISAL

- 6.1 The recent inspection was undertaken under the new Framework, Evaluation Criteria and Inspector Guidance for the Inspections of Local Authority Children's Services (ILACS). This contains provisions regarding actions to be taken after an inadequate inspection report. These include monitoring by Ofsted including an action planning visit, quarterly monitoring visits and a re-inspection, and also an action plan prepared by the local authority within 70 days of receiving the report.

The Secretary of State has a wide range of powers available following an inadequate judgment, including statutory and non-statutory interventions. The type of intervention is dependent on the severity of the situation, how long the authority has been underperforming, and the perceived capacity for improvement.

S497A Education Act 1996 gives the Secretary of State a wide range of statutory powers if satisfied the local authority is failing to perform its social care functions. These include statutory directions to the local authority aimed at securing adequate performance and also statutory directions requiring the functions to be taken over by others including the Secretary of State or those nominated by him.

In Bradford's case, the Secretary of State intends to take a non-statutory approach, appointing an improvement adviser and issuing a formal improvement notice. The Department for Education 'Putting Children First – Delivering Our Vision for Excellent Children's Social Care (July 2016) indicates that the Secretary of State will only take the non-statutory route if the evidence does not indicate persistent or systemic failure. The local authority will be involved in discussions regarding the content of the notice and it will clearly specify the issues of concern, the improvement required, how this will be assessed and subsequent steps that may be taken if improvement is not achieved.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Report is for information only. No specific issues.

7.2 SUSTAINABILITY IMPLICATIONS

Report is for information only. No specific issues.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

Report is for information only. No specific issues.

7.4 COMMUNITY SAFETY IMPLICATIONS

Report is for information only. No specific issues.

7.5 HUMAN RIGHTS ACT

Report is for information only. No specific issues.

7.6 TRADE UNION

Report is for information only. No specific issues.

7.7 WARD IMPLICATIONS

Report is for information only. No specific issues.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

Report is for information only. No specific issues

7.9 IMPLICATIONS FOR CORPORATE PARENTING

The ILACS inspection provides a comprehensive external assessment of outcomes for Looked After Children. An action plan will be produced to address areas for improvement identified by Ofsted and progress will additionally be reported to the Corporate Parenting Panel.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no specific data protection implications.

8. NOT FOR PUBLICATION DOCUMENTS

N/A

9. OPTIONS

N/A

10. RECOMMENDATIONS

- 1. That the actions taken in response to OFSTED inspection findings be noted**
- 2. That the plans to establish the Improvement Board be noted.**

11. APPENDICES

Appendix 1 - Ofsted ILACS report

Appendix 2 - Improvement Notice

Appendix 3 - Draft Improvement Board Terms of Reference

Appendix 4 - Draft Improvement Plan

12. BACKGROUND DOCUMENTS

None.