

## **Report of the Chief Executive to the meeting of Children’s Services Overview & Scrutiny to be held on 14 December 2022**

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**Subject:**

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**Establishing the Bradford Children and Families Trust (the Trust)**

**Summary statement:**

**The report provides an update on activities to establish the Bradford Children & Families Trust, the progress to date and critical next steps.**

### **EQUALITY & DIVERSITY:**

Equality assessments – There are no direct equality impact assessment from this report. The establishment of the Children’s Trust has been jointly agreed by the Council and the DfE as the most appropriate action to provide essential services and safeguard Children across the District. Equality of access to those essential services, including safeguarding, will be an essential component of services delivered by the Children’s Trust

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Kersten England  
Chief Executive

**Portfolio:**

**Corporate & Children and Families**

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**Overview & Scrutiny Area:**

**Corporate & Children’s Overview & Scrutiny  
Committee**

## **1. SUMMARY**

- 1.1 This report provides an update on activities on the progress in establishing the Bradford Children & Families Trust.
- 1.2 The report is an update to the report to this Committee in September; and to the report to the June Executive and the July Children's Services Overview and Scrutiny Committee.
- 1.3 The report is supported by an Appendix power point presentation.

## **2. BACKGROUND**

- The Council has been rated as inadequate in the delivery of its responsibilities to children since 2018. In recognition of these challenges and following the report of the Bradford Children's Commissioner in January 2022, the Council has agreed with the DfE 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. This decision will offer greater agility and focus in order to drive the required rapid improvements and improve the ability to delivering excellent social work in an effective and sustainable way. The challenge facing the Council is to sustain the current parallel improvement work, business as usual activity and the successful establishment of the proposed Children's Trust.

## **3.0 PROGRESS MADE TO DATE**

This report builds on the previous presentation given in September 2022 and provides the Scrutiny Committee with an update on the progress with the establishment of the Bradford Children and Families Trust (BCFT).

The supporting Appendix report provides an update on:

- An overall progress update focusing on the critical requirements which need to be in place by 1 April 2023 for the Trust to be contractually and operationally ready for Go Live;
- An update on key appointments to the Trust and progress with the legal dialogue sessions; and

- An overview of the outcome of the programme Gateway Review that assesses progress based on work completed to date, including recommendations and a summary of feedback.
- An overview of the Trust governance and political oversight, outlining the potential role of scrutiny in the Trust's governance arrangements.

#### 4. NEXT STEPS

- 4.1 The details of the contract and performance regime under which both the Council and the Trust will operate are still being defined and developed by both parties, under the guidance of PWC and in dialogue with the DfE.

#### 5 FINANCIAL & RESOURCE APPRAISAL

Implications will be covered through established Workstreams for which there are specific finance; HR and Communication workstreams. Finance, HR and Communications are represented in the current officer group leading on the establishment of the Trust.

The agreement of the contract price and finance mechanism under which the trust operates will be a key matter discussed between all parties in the coming period.

#### 6 RISK MANAGEMENT AND GOVERNANCE ISSUES

The main risk management and governance issues, and their current mitigations are identified below. These risks are actively reviewed through existing governance arrangements.

**Slippage:** PWC will play a critical role in managing the overall programme and applying their specific skills, knowledge and expertise in managing complex programmes and establishing trusts arrangements.

The recent Gateway review process has provided assurance in relation to the ability to meet the deadline of establishing the trust and for it to be operationally effective from 1 April 2023

**Appointments to Critical roles in the Trust:** the appointment of the right people to critical roles will be essential for the success of the Trust in delivering Children's Services improvement. Recruitment processes have been established in order to attract and appoint the right candidate.

Appointments have been made to the Trust Chair; Non-Executive Directors; Chief Executive and Finance Director Roles. The interim HR Director has indicated an agreement to continue until end June 2023 to enable handover to successor. A recent recruitment exercise for the Children's Social Care lead unfortunately didn't result in an appointment and a new recruitment campaign is currently being developed. Discussions around interim arrangements are ongoing.

**Workforce stability:** over the past 3-years there has been significant volatility and turnover of employees and agency workers within the service. Targeted recruitment campaigns are planned which will emphasise the opportunities within a new Children's Trust.

**Slippage in performance:** the establishment of the Children's Trust may potentially divert attention and resource away from delivery of core 'business as usual' services and lead to a deterioration in performance. Separate roles and responsibilities have been established to focus upon business as usual; the improvement plan and establishing the Children's Trust to mitigate this risk.

**Slippage in improvement programme:** the establishment of the Children's Trust may potentially divert attention and resource away from delivery of the improvement programme. Separate roles and responsibilities have been established to focus upon business as usual; the improvement plan and establishing the Children's Trust to mitigate this risk.

**Interim leadership in service:** the current leadership team is filled with interims; recruitment has already commenced to secure permanent resource

## 7. LEGAL APPRAISAL

The statutory framework for the establishment of the Children's Trust is set out in the Children and Young Persons Act 2008, which provides authority for the issue by the Secretary of State for Education of the February 2022 Statutory Direction. The Direction requires the Council to both establish the Children's Trust, and ensure contractual arrangements are in place to facilitate the discharge by the Children's Trust of a wide range of children's social care functions including key functions under the Children Act 1989.

The children's social care services are specified in the Memorandum of Understanding with the DfE which was completed on 20th July 2022. The Children's Services, and support services will be described in further detail in the Services Delivery Contract which is currently under discussion. Governance arrangements are set out in the Governance Service Agreement with the DfE which are currently under discussion between the Trust, DfE and the Council. The governance arrangements must be based on the agreement that the Children's Trust is to be formed as a company limited by guarantee to enable it to operate with a considerable degree of autonomy from the Council, in accordance with the Direction

## **8. OTHER IMPLICATIONS**

### **8.1 SUSTAINABILITY IMPLICATIONS**

There are no direct implications from this report.

### **8.2 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no direct implications from this report.

### **8.3 COMMUNITY SAFETY IMPLICATIONS**

There are no direct implications from this report.

### **8.4 HUMAN RIGHTS ACT**

There are no direct implications from this report.

### **8.5 TRADE UNION**

The Trade Unions have been consulted as part of considerations regarding the potential scope of services to be transferred to the Bradford Children & Families Trust

A series of regular meetings are in place and formal consultation will commence later

Trade Union consultation will continue through the TUPE process; the transfer of services and the establishment of the Trust.

### **8.6 WARD IMPLICATIONS**

There are no direct implications from this report.

### **8.7 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE**

There are no direct implications from this report.  
Corporate Parenting issues will be subject of specific arrangements between the Council and the Children & Families Trust.

### **8.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

There are no direct implications from this report.

**9. NOT FOR PUBLICATION DOCUMENTS**

None

**10. OPTIONS**

10.1 The option to establish a Children’s Trust has been taken and agreed with DfE.

10.2 Within this the Council and the Trust has options on the shape, nature, scope and operational working of the Trust. The report sets out the key aspects behind recommendations made.

**11. RECOMMENDATIONS**

There are no specific recommendations from this report.

**12. APPENDICES**

Power point presentation “BCFT Progress Update – Scrutiny Report December 2022”

**13. BACKGROUND DOCUMENTS**

The Ofsted Improvement Plan and report of Commissioner January 2022 are the core relevant background documents.

DfE Statutory Direction 9 February 2022

Establishing the Children’s Company – June 2022 Executive Report

Establishing the Children’s Company – July 2022 Children’s Services Overview & Scrutiny Report

Establishing the Children’s Company – September 2022 Children’s Services Overview & Scrutiny Report