

Report of the Strategic Director of Children's Services to the meeting of Governance and Audit Committee to be held on 26th February 2016.

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Subject:

Children's Services Governance and Audit

Summary statement:

This report informs the Governance and Audit Committee about the Children's Services performance framework, its governance and external inspection framework.

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Portfolio: Education, Skills and Culture

**Overview & Scrutiny Area:
Children's Services**



1. SUMMARY

This report informs the Governance and Audit Committee about the Children's Services performance framework, its governance and external inspection framework.

2. BACKGROUND

- 2.1 The Strategic Director of Children's Services (SDCS) has a professional responsibility for the leadership, strategy and effectiveness of local authority (LA) children's services and is responsible for securing the provision of services that address the needs of all children and young people including the most disadvantaged and vulnerable and their families and carers. The DCS works closely with other local partners to improve outcomes and well-being of children and young people. The DCS is responsible for the performance of local authority functions relating to education and social care of children and young people. It is essential that the authority fulfils its statutory duties effectively.
- 2.2 The Lead Member for Children's Services (LMCS) has political responsibility for the leadership, strategy and effectiveness of local authority children's services. The LMCS is also democratically accountable to local communities and has a key role in defining the local vision and setting political priorities for children's services within the broader political context of the Council.
- 2.3 The LMCS is responsible for ensuring that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed. The LMCS will work closely with other local partners to improve the outcomes and well-being of children and young people. The LMCS should have regard to the United Nations Convention on the Rights of the Child (UNCRC) and ensure that children and young people are involved in the development and delivery of local services. LMCSs should not be responsible for detailed day-to-day operational management of education and children's services. They should provide strong, strategic leadership and support and challenge to the SDCS and relevant members of their senior team as appropriate.
- 2.4 Bradford has a Lead Member for Education, Skills and Culture and a Lead Member for Health and Social Care, both hold key responsibilities for children.
- 2.5 The LA has well established robust performance frameworks and associated improvement action plans which are monitored on a regular basis through key strategic partnerships. The local authority is also involved in a regional DCS group where a full self-evaluation of LA key performance indicators (KPIs) occurs annually. Regional LAs meet to consider the strengths and areas for development across the region and enter into peer challenge and reviews to assist with improvement.
- 2.6 Externally the LAs performance is also scrutinised by a variety of Inspection regimes.



3 External Scrutiny

Children's Services are inspected across key areas of their work these include social care, safeguarding, school improvement, youth justice and new this year children with disabilities and special educational needs.

3.1 **Children's Social Care** is subject to an OFSTED Single Inspection Framework (SIF) inspection of services for children in need of help and protection, children looked after and care leavers. There is also a review of the Local Safeguarding Board. **Bradford's inspection took place In February and March with a report in May 2014 (see appendix 1)**

3.1.1 These inspections are conducted under section 136 of the Education and Inspections Act 2006. They focus on the effectiveness of local authority services and arrangements to help and protect children, the experiences and progress of children looked after, including adoption, fostering, the use of residential care, and children who return home. The framework also focuses on the arrangements for permanence for children who are looked after and the experiences and progress of care leavers. The leadership, management and governance judgement addresses the effectiveness of leaders and managers and the impact they have on the lives of children and young people and the quality of professional practice locally.

3.1.2 Children's Services are inspected under this framework over a three-year period. A report is published within 35 working days of the end of the on-site inspection. Where a review of the Local Safeguarding Children Board (LSCB) has been undertaken at the same time, this review will be part of the final report. The local authority is required to prepare and publish a written statement of the action it intends to take in response to the report and send a copy of this statement to Ofsted within 70 working days of receiving the final report.

3.2 A new type of inspection is planned from January 2016, **Joint Targeted Area Inspections (JTAs)** these will be carried out under section 20 of the Children Act 2004. **Bradford is expected to be inspected imminently.** These will be undertaken by OFSTED, CQC, HM Inspectorate of Probation and HM Inspectorate of Constabulary. **(see Appendix 2)** They will inspect the multi-agency arrangements for:

- the response to all forms of child abuse, neglect and exploitation at the point of identification;
- the quality and impact of assessment, planning and decision making in response to notifications and referrals;
- protecting children and young people at risk of a specific type (or types) of harm, or the support and care of children looked after and/or care leavers (evaluated through a deep dive investigation into the experiences of these children);



- the leadership and management of this work;
 - and, the effectiveness of the LSCB in relation to this work.
- 3.2.1 Up to 6 inspections will take place (including the pilot) between February and the end of August 2016. The Inspection will include a ‘deep dive’ of “child sexual exploitation and children missing from home, care or education”. This does **not** replace the existing programme of OFSTED Single Inspection Framework (SIF) referred to in 3.1 above.
- 3.2.2 The inspection will be a 40 day inspection from the initial notification to findings. One area of focus will be a multi-agency evaluation of up to 7 cases related to the deep dive area. The outcome will not be graded but will result in a “letter of findings” and this will highlight:
- areas for priority action;
 - and, areas for development.

It is likely that there will be a requirement for a written statement of proposed action.

- 3.3 **School Improvement.** Another framework for inspection focuses on the local authority arrangements for supporting improvement in schools and in the education of children and young people. **Bradford’s inspection took place in June 2015. (See appendix 3)**
- 3.3.1 The aim of these inspections is to assist local authorities in their duty to promote high standards and fulfilment of potential so that all children and young people benefit from at least a good education.
- 3.3.2 This inspection framework is implemented using Her Majesty’s Chief Inspector’s (HMCI’s) powers to carry out an inspection of the performance of a particular local authority function as set out in section 136(1)(b) of the Education and Inspections Act 2006. Specifically, HMCI can use this power to inspect how well the local authority is fulfilling its general duty to promote high standards and fulfilment by every child of their educational potential as set out in section 13A of the Education Act 1996.
- 3.3.4 Reports of the findings of an Ofsted inspection under section 136 may be of assistance to the Secretary of State in the use of powers under Part 4 of the Education and Inspections Act 2006, which enables the Secretary of State to effect swift improvement in the local authority’s exercise of its functions and to the improvement of educational performance in the area.
- 3.3.5 Ofsted does not inspect all local authorities to a specific cycle or regular interval. Where inspections of schools or other providers, under either section 5 or section 8 of the Education Act 2005, raise concerns about the effectiveness of a local authority’s education functions or where Ofsted becomes aware of other concerns, an inspection may be carried out.



3.3.6 In practice, this means that some local authorities may not be inspected at all, while others may be inspected more than once over a particular period. HMCI may cause a local authority to be inspected, in relation to its arrangements to support school improvement, including where one or more of the following apply:

- where the proportion of children who attend a good or outstanding school, pupil referral unit and/or alternative provision is lower than that found nationally
- where there is a higher than average number of schools in an Ofsted formal category of concern and/or there are indicators that these schools are not improving rapidly enough
- where there is a higher than average proportion of schools that have not been judged to be good or outstanding by Ofsted
- where attainment levels across the local authority are lower than the national average, where the trend of improvement is weak, or where there is a decline
- where rates of progress, relative to starting points, are lower than the national average, where the trend of improvement is weak, or where there is a decline
- where pupils eligible for the pupil premium achieve less well than pupils not eligible for the pupil premium nationally
- where qualifying complaints to Ofsted about schools in a local authority are a matter of concern
- where the Secretary of State requires an inspection of local authority school improvement functions.

3.3.7 During the two week inspection Ofsted carry out a number of section 5 (full) and, where appropriate, section 8 (monitoring) inspections of maintained schools in the local authority. They also undertake a telephone survey of a sample of headteachers of schools or academies that are not being inspected to gather evidence on the quality and impact of the local authority's relationships, support and challenge. Finally, evidence from both these activities inform the inspection of the local authority's school improvement arrangements.

3.3.8 Ofsted will publish the inspection findings in letter form, setting out briefly the context of the inspection, the evidence gathered, any strengths and weaknesses and areas recommended for improvement. Letters constitute an inspection report under section 137 of the Education and Inspections Act 2006.

3.3.9 Local authorities are required to respond with a written statement setting out what action it proposes to take in light of the report of inspectors' findings and setting out a timetable for those actions. The local authority must publish the letter report and action plan.

3.4 **Youth Offending Inspection** is carried out by Her Majesty's Inspectorate of Probation. There are two types of inspection: Short Quality Screenings (SQS) and Full Joint Inspections (FJI). The SQS Inspection is targeted at approximately 20% of YOTs each year across the whole range of published performance, the focus of this inspection is work at the start of the sentence, along with pre sentence reports (PSRs). The FJI is targeted at a small number of YOTs each year where



performance gives particular cause for concern, together with at least one where published performance is strong and worth sharing. **Bradford's most recent inspection was a SQS inspection held in January 2016 (see appendix 4)**

3.4.1 Short Quality Screenings

The Short Quality Screening (SQS) is a three day inspection running from Monday lunchtime to Wednesday afternoon they take place at short notice. They are announced to the YOT manager on the Friday two weeks before fieldwork commences. The notice period gives enough time for inspection arrangements to be made, while also ensuring that the YOT is inspected 'as is' without the opportunity for undue preparation.

It is designed to provide a robust inspection of case management practice, while also being relatively low profile to maximize the opportunity for engagement with staff and managers on any required improvement.

Inspectors assess the quality of practice at the start of the sentence in a representative sample of statutory cases that have been running typically for six weeks to three months. Each case assessment is undertaken with the allocated case manager present, to support increased YOT learning from the cases.

3.4.2 Full Joint Inspection

The Full Joint Inspection (FJI) is a two week fieldwork inspection, with a week in between – each week running from Monday lunchtime to Friday lunchtime.

It is undertaken at short notice, being announced, wherever possible to the YOT manager, on the Friday two weeks before fieldwork begins. The notice period gives enough time for inspection arrangements to be made, while ensuring that the YOT is inspected 'as is' without the opportunity for undue preparation.

HMI Probation leads the FJI programme. Partner inspectorates covering health, children's social care, education and training, and police are full members of the inspection team and contribute to inspection judgements.

During the first week a team of inspectors from HMI Probation assesses the quality of practice in a representative sample of statutory cases that have been running typically for six to nine months. For the second week the inspection is joined by inspectors from partner inspectorates, to explore and further understand the findings from the first week and to assess the quality of partnership work. During this week one or more members of the inspection team will devote their time to meeting service users to assess their experience of working with the YOT.

3.5 **OFSTED and CQC proposed Inspection of local areas' effectiveness in identifying and meeting the needs of disabled children and young people and those with special educational needs.**

This inspection proposal has been fully consulted on and pilot inspections have taken place nationally. We await the framework for inspection. It is expected that the inspections nationally will begin on



1 May 2016. There may be changes to the information in the following paragraphs in the final published framework. (**see draft framework in appendix 5**)

- 3.5.1 New duties regarding disability and special educational needs are contained in the Children and Families Act 2014. These are explained in The Code of Practice, which is statutory guidance published by the Department for Education (DfE) and the Department of Health, on the duties, policies and procedures relating to part 3 of the Children and Families Act 2014. These duties came into force in September 2014 and place responsibility on the local area, which includes the local authority and health commissioners and providers, together with all of the area's early years settings, schools and post-16 further education sector, to identify and meet the needs of disabled children and young people and those who have special educational needs aged 0 to 25.
- 3.5.2 All local areas will be inspected over a five-year period. The first inspections will commence in May 2016. There will be a risk assessment element to the selection where Ofsted or CQC have significant concerns about an area's ability to fulfil its responsibilities, for example weaknesses found in the area's education inspections. The inspection will last five days.
- 3.5.3 This inspection will evaluate how effectively the local area meets its responsibilities for disabled children and young people and those who have special educational needs. This includes children and young people both with and without education, health and care plans. While the local authority has the key leadership role within its area, the inspection will not simply evaluate the effectiveness of the local authority. The local authority cannot on its own implement successfully the reforms. Success requires full involvement of the local area. The inspection will, therefore, evaluate the effectiveness of the local area as a whole, which includes the local authority, clinical commissioning groups (CCGs) and NHS England (for specialist services), early years settings, schools and the further education sector, in working together to identify children and young people early and appropriately, and in meeting these needs and improving outcomes.
- 3.5.4 Inspectors will look at a wide range of groups of children and young people, including those with different disabilities and special educational needs, those of different ages and those attending different settings, for example those in youth justice provision and those not attending school.
- 3.5.5 The evaluation of social care and health responsibilities will focus on how these services have contributed to meeting the needs of children and young people who are being assessed for, or are subject to, education, health and care plans. This evaluation does not extend to a broad inspection of these services' responsibilities for all children and young people who have disabilities and special educational needs.
- 3.5.6 The inspection will last five days. The Director of Children's Services, or equivalent, of the local authority and the Chief Executive for the clinical commissioning groups (CCG) will be notified two working days before the start of the inspection.



- 3.5.7 Ofsted and CQC will publish an inspection report in the form of an outcome letter that will be sent to the local authority in its lead role for the local area. A request will be made for the report to be circulated to early years, schools and further education settings, and to other services involved in meeting the needs of the area's disabled children and young people, and those who have special educational needs. A copy of the report will be sent to the Chief Executive of the CCG, with a request that it be circulated to healthcare services and settings, as appropriate.
- 3.5.8 The report will outline what inspectors looked at, the summary of their findings including key strengths and areas requiring further development. Given the breadth and complexity of the aspects of the area's accountability there will not be an overall graded judgement. The report will include recommendations, including any priority areas for action.
- 3.5.9 Regulation 4 of the Children Act 2004 (Joint Area Reviews) Regulations 20055 currently requires the local authority to draft a statement of action following the inspection report. DfE has recently consulted⁶ on changes to these Regulations which will mean that Ofsted will determine whether it would be appropriate for a written statement of proposed action to be made and, if so, the person or body who should make that statement. If it is decided that a written statement of proposed action is appropriate, Ofsted and CQC will pay particular attention to how the local area, and not just the local authority, intends to respond to the inspection's findings.

4 Children's Services Performance Management and Governance

4.1 Performance Framework

The LA is measured against KPIs (**see appendix 6**). Each of these KPIs are linked to key functions of the Department ie Social Care and Education. Each of these key functional areas has supporting strategic partnerships with associated strategies and improvement action plans. The LA and key partners across health, police and the voluntary and community sector contribute to improving these KPIs.

5 Children's Service Governance

5.1 Children's Trust

The term "Children's Trust" applies to the whole system of children's services, covering the work of partner agencies at every level, from the development of the overall strategy to the delivery of front-line services.

- 5.1.1 The Children's Trust Board brings together partner organisations with a shared commitment to improve outcomes for children and young people by working together more effectively. The priorities agreed by the Children's Trust Board are set out in the Children's and Young People Plan.
- 5.1.2 The legal framework underpinning Bradford and Districts Children's Trust arrangements is the 'duty to cooperate' set out in S10 of the Children's Act 2004, to help shape them to ensure that co-operation results in improvements in all areas of service delivery and in associated outcomes for children and young people.



5.1.3 The Children and Young Peoples Plan priorities are:

- Ensuring that children start school ready to learn
- Accelerating educational attainment and achievement
- Ensuring young people are ready for life and work
- Ensuring that there is education, employment and skills for all
- Safeguarding vulnerable children and young people
- Reducing health and social inequalities

The first four of these priorities are accounted for through the Education Improvement Board, the fifth area is accounted for through the Safeguarding Board and at a strategic and operational level through the Social Care Performance Management group.

5.2 Bradford Safeguarding Children's Board (BSCB)

5.2.1 Local Safeguarding Children Boards (LSCBs) are the key statutory mechanism for agreeing how the relevant organisations in each local area cooperate to safeguard and promote the welfare of children, with the purpose of holding each other to account and ensuring that safeguarding children remains high on the agenda across the partnership area.

5.2.2 LSCBs have an important role in monitoring the effectiveness of partner agencies and recognise that they are key to improving multi-agency working, to support and enable partner organisations to adapt their practice and become more effective in safeguarding children.

5.2.3 The core objectives of LSCBs are to:

- co-ordinate, monitor and support what is done by each person or body represented on the LSCB for the purposes of safeguarding and promoting the welfare of children in the area of the authority
- ensure the effectiveness of what is done by each such person or body for that purpose.

5.2.4 Safeguarding and promoting the welfare of children are defined as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- enabling children to have optimum life chances and enter adulthood successfully.

5.2.5 LSCB functions, as set out in Working together to safeguard children, include:

- developing policies and procedures for safeguarding and promoting welfare
- communicating and raising awareness
- monitoring and evaluation
- participating in planning and commissioning services
- collecting and analysing information in relation to child deaths
- conducting serious case reviews.



5.3 Corporate Parenting Panel

5.3.1 Everyone who is elected to serve on, or is employed by, a council shares a collective responsibility towards the children the council looks after. This responsibility does not end when children leave care to live independently: the council must continue to provide support to care-leavers. The first step in fulfilling these responsibilities is to understand more about looked after children. All councillors receive training about their role.

5.3.2 The Corporate Parenting Panel has a specific role to ensure they:

- understand why children need to be looked after, and the legal and policy framework that governs this
- know about the profile of the children looked after by the council – and the outcomes they are achieving compared with other local children
- are providing the best care possible for our looked after children and care leavers and whether it be good enough for their child
- are aware of any local Care Pledge to looked after children
- have a corporate parenting strategy
- take responsibility for promoting the welfare of looked after children and care-leavers
- know what the most important issues are for our looked after children and care-leavers
- have the right structures and systems in place in order for my council to be an effective corporate parent, and the right partners are involved
- are up to date on current (and proposed) government expectations regarding the service to looked after children and care-leavers
- have access to both qualitative and quantitative information on the LAC service, and enough knowledge to understand and evaluate this information
- know how well the council is doing in comparison with other councils and our own past performance
- have sound mechanisms for hearing and responding to the views of looked after children and care-leavers and those of their parents/carers
- have a good picture of which needs we are meeting well and which we are failing to meet
- have an action plan across the council and involving partner agencies to improve the LAC service and to ensure it responds to changing needs
- know what our looked after children and care-leavers think about the LAC service we are providing

5.3.3 The Panel meets quarterly and has cross party membership as well as representatives from West Yorkshire Police, Health and Education.



5.4 Other Strategic Partnerships (see appendix 7)

The Children's Trust is supported in delivering improved outcomes for children and young people through a number of key strategic partnerships/boards, these include:

- Social Care Performance Management Group
- Education Improvement Board
- Early Help Board
- SEND Strategic Partnership
- Behaviour Strategy Strategic Partnership
- Integrated Early Years Partnerships
- YOT Partnership Board
- Schools Forum

5.4.1 The Chairs and lead officers of these partnerships are responsible for monitoring the KPIs and local performance indicators for each of their key areas. The performance against the strategies and improvement action plans are regularly reported on and areas of concern are reported to the Children's Trust by exception.

5.5 Other Key Relationships

5.5.1 The Children's Trust will report on progress to two other key district wide partnerships:

- Bradford District Partnership
- Health and Wellbeing Board

5.5.2 Schools Forum

Representatives from schools and academies make up the schools forum. There is also some representation from non-school organisations, such as nursery and 16-19 education providers.

The forum acts as a consultative body on some issues and a decision making body on others.

The forum acts in a consultative role for:

- changes to the local funding formula (the local authority makes the final decision)
- proposed changes to the operation of the minimum funding guarantee
- changes to or new contracts affecting schools (eg school meals)



- arrangements for pupils with special educational needs, in pupil referral units and in early years provision

The forum decides:

- how much funding may be retained by the local authority within the dedicated schools grant (eg for providing an admissions service or providing additional funding for growing schools)
- any proposed carry forward of deficits on central spend from one year to the next
- proposals to de-delegate funding from maintained primary and secondary schools (eg for staff supply cover, insurance, behaviour support)
- changes to the scheme of financial management

The membership is outlined in the background paper 14.6

Responsibilities of schools and their representatives

Schools can expect to have their views canvassed and to receive feedback from their representatives

Schools forum members have a responsibility to represent the interests of their peer group rather than the interests of their own individual school.

Schools staff and governors should make sure that the representatives they choose are competent to act as their advocates.

They should also ensure that they are aware of schools forum business and make their views known about decisions affecting schools' finance.

Responsibilities of local authorities

Local authorities must publish all schools forum papers well in advance of each meeting.

Any recommendations should be clear and local authority responsible officers should attend meetings to provide further information and advice. Local authority officers should not dominate the meeting.

All schools forum meetings must be open to the public. Observers do not have an automatic right to speak at meetings, but the chair may allow contributions where appropriate.

5.6 Overview and Scrutiny Committee - Children's Services

Scrutiny Committees are the Council's 'watchdogs', examining its decisions and recommendations as well as monitoring the performance of local services. They are also 'think tanks' openly exploring issues and examining services or policies.



They provide a check and balance to the work of the Council, by taking steps to ensure that the Executive Councillors who make decisions about these services are held to account for their actions and that the decision making processes are robust and transparent.

Each Committee sets an annual work programme in June / July, and this is regularly reviewed throughout the year. The meetings are open to the press and public.

The Children's Services Committee meets every fortnight, 26 potential meetings per year, and often each agenda can cover up to three key items. The SDCS and Senior and Lead Officers present reports on national and local developments, performance and progress for key areas of their work.

6. OTHER CONSIDERATIONS

Most partnerships have senior officer representation from health, police and the voluntary and community sector. It is important to note that each of the key partners will also have their own governance structures not covered in this report.

7. FINANCIAL & RESOURCE APPRAISAL

The work of all partnerships is being done in the context of reducing budgets and central government grants. A new Fairer Schools Funding consultation is due to begin which may have an impact on schools and central services. Recent Education Services grant reductions are being considered to determine impact.

8. RISK MANAGEMENT AND GOVERNANCE ISSUES

Risk Registers and Issues logs are maintained across key areas of development.

9. LEGAL APPRAISAL

The legal framework is the statutory functions of the LA, Children's Services and those associated with the inspections.

10. EQUALITY & DIVERSITY

Under the Equality Act 2010 there is a public sector equality duty which requires local authorities, in the exercise of their functions, including when making decisions, to have due regard to the need to;

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

The "protected characteristics" are age, disability, gender reassignment, pregnancy and maternity, marital or civil partnership status, race, religion or belief, sex, and sexual orientation.



All partnerships and improvement plans consider equality and diversity issues.

10.1 SUSTAINABILITY IMPLICATIONS

The governance of Children's Services will remain to support improvement across the KPIs for children, young people and their families. However it will remain responsive to change in local needs, government policy, inspection and funding constraints.

10.2 GREENHOUSE GAS EMISSIONS IMPACTS **N/A**

10.3 COMMUNITY SAFETY IMPLICATIONS

Community Safety is an integral part of Children's Services work.

10.4 HUMAN RIGHTS ACT

The United Nations Convention on the Rights of the Child is central to the work of Children's Services.

10.5 TRADE UNION **N/A**

10.6 WARD IMPLICATIONS **N/A**

10.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS **(for reports to Area Committees only)** **N/A**

11 NOT FOR PUBLICATION DOCUMENTS **None**

12 RECOMMENDATIONS

It is recommended that the Governance and Audit Committee receive this report for information.

13 APPENDICES

Appendix 1 OFSTED Inspection of services for children in need of help and protection, children looked after, care leavers and a review of the effectiveness of the Local Safeguarding Children's Board

Appendix 2 Joint Targeted Area Inspection Guidance

Appendix 3 OFSTED Inspection of the Local Authority arrangements for support



for school improvements

Appendix 4 HMI Probation Inspection of Youth Offending Work

Appendix 5 CQC OFSTED proposals for Inspection of local areas effectiveness in identifying and meeting the needs of disabled children and young people and those who have special educational needs

Appendix 6 Key Performance Indicators for Children's Services

Appendix 7 Children's Services Governance Chart

Appendix 8 Schools Forum Good Practice

Appendix 9 Membership of Strategic Partnerships

14 BACKGROUND DOCUMENT

- 14.1 Framework and evaluation schedule for the inspection of services for children in need of help and protection, children looked after, care leavers and a review of the LSCB
- 14.2 YOT Inspection Schedule
- 14.3 Framework for the inspection of the local authorities arrangements for supporting school improvement.
- 14.4 DFE, DCS and Lead Member- Statutory Roles and Responsibilities.
- 14.5 Schools Forum Structures

