

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Cabinet
Date:	16 April 2018
Title:	Supporting Children's Services in Buckinghamshire
Report From:	Chief Executive

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1. Recommendations

It is recommended that Cabinet:

- 1.1. Notes this report and the developing role of Hampshire County Council as an improvement partner in children's services;
- 1.2. Endorses the actions taken to date and approves the arrangement for Hampshire County Council to become the Improvement Partner with Buckinghamshire County Council, including the role of the Chief Executive as the DfE Commissioner for Buckinghamshire and the role of the Director of Children's Services (DCS) overseeing the improvement programme;
- 1.3. Notes also the continuing progress of the equivalent relationship with Torbay Borough Council.

2. Executive Summary

- 2.1. The purpose of this paper is to brief Cabinet and seek approval for a newly established formal relationship with Buckinghamshire County Council on behalf of the Department for Education. This follows a recent Ofsted judgement of Inadequate overall for that council's children's social services. The arrangement is essentially two-fold: the Chief Executive will take the role of DfE Commissioner, which has a defined set of responsibilities in such circumstances; Hampshire County Council will also act as Buckinghamshire's initial improvement partner, through the leadership of Hampshire's Director of Children's Services, to assist in the sustainable improvement of the services. The arrangement, which necessarily developed rapidly, had the prior informal approval of the Leader of the County Council pending this decision.
- 2.2. This report will also take the opportunity to update Cabinet on the progress of Hampshire's equivalent arrangement with Torbay Borough Council, again on behalf of DfE. That arrangement has now been in place for some two years

and this report will explain the progress to date as well as the planned phased exit strategy.

3. Contextual information

- 3.1 Members will be aware that Hampshire's Children's Services Department has, for some years, been taking its share of the corporate strategy to use the County Council's various service strengths to carefully enter external markets and explore opportunities to trade those services. The purpose of the general strategy is not to pretend that the County Council can trade its way out of the existing financial challenges. But there is a number of purposes to the strategy, especially as they pertain to children's services: we can generate some income above our cost base – the net income is not substantial but is useful; we can sustain a higher level of operational capacity than otherwise and this capacity strengthens our overall position, not least in the retention of high quality staff and managers; we have found such exercises, while they are extremely demanding and must be approached respectfully and with full commitment to support, an invaluable learning exercise for staff who learn valuable lessons in how to improve services which they can then bring into Hampshire as part of our own continuous improvement.'
- 3.2 Finally, perhaps especially in the high risk areas of children's services, these interventions are exceptionally positive examples of the County Council's deep commitment to genuine sector-led improvement.
- 3.3 It is now some five years since Hampshire County Council entered the strategic partnership with the Isle of Wight Council for children's services. That arrangement has proved so successful that both Cabinets have recently agreed to sustain the partnership on an indefinite and voluntary basis upon the end of the Statutory Direction that initially encompassed it. It is arguable that this arrangement is the strongest example nationally of sustained improvement of a formerly failing children's services authority.
- 3.4 In 2016, DfE approached the County Council with a view to our establishing a similar but different arrangement with Torbay Borough Council. By this stage DfE had introduced the formal role of Commissioner with a key task to test a "presumption", now built into policy by DfE, that any authority such as Torbay, which has received an inadequate judgement in two of its last three inspections, should be removed from its direct oversight of children's services, usually with a view to the establishment of a form of free-standing children's trust working to the authority. The Commissioner's initial role in such cases is to test this presumption and determine an 'alternative delivery model' where this is indeed necessary. Accordingly, the Hampshire model for such interventions was established, with the Chief Executive undertaking the role of Commissioner and also Chair of Torbay's Improvement Board, and Hampshire's DCS leading a comprehensive, but necessarily more arms-length, improvement programme. The progress of that intervention will be explained further below.

3.5 Subsequently, and as reported previously to the lead Member and Cabinet, the County Council's general role in this arena of sector-led improvement in children's services has evolved on at least two levels. In particular, the DCS has secured the Council's place as a Partner in Practice (PiP) with DfE. This role triggers specific lines of investment that enable the council to develop innovations and also to support other local authorities regionally. The Council has also joined a framework that enables us to bid for specific opportunities to support other authorities as deemed appropriate.

4 Buckinghamshire

4.3 Ofsted published its latest full inspection report into Buckinghamshire children's social services on 29 January. It included an overall judgement of Inadequate, including Inadequate for Children in Need of Help and Protection and for Leadership, Management and Governance, arguably the two most critical judgements in the framework. Better judgements were given for Buckinghamshire's services to care leavers and adoption. Crucially, this overall inadequate judgement followed an equivalent outcome to the previous full inspection in 2014. Therefore, with two inadequate overall judgements in succession, the Government's policy presumption about the future governance of the service applies.

4.4 As soon as this outcome became apparent the Chief Executive and the DCS took a view that this might be an appropriate project for Hampshire. There were three over-riding factors in this consideration.

4.5 Our work with Torbay is progressing and whatever else happens with Torbay's journey, it is inevitable that Hampshire's involvement will begin to significantly reduce during the next three months. As has been documented elsewhere, the alternative delivery model in Torbay, as determined by the Commissioner, was that Torbay should partner with Plymouth in order to bring the necessary local capacity that will secure medium and long term sustainable improvement. This partnership comes in to place on the 1 April and after that Hampshire's support will either come to a complete close or taper substantially. Therefore, bearing in mind the continued commitment to the overall strategy, there is a need to time our entry into a new arrangement. Recognising how the work with Buckinghamshire is likely to build in parallel to the reduction in Torbay, this makes the timing almost perfect.

4.6 There is a better geographical fit. Although Buckinghamshire is not exactly local, it is part of our regional network and we have found that there is an element of physical accessibility which is key to this form of intervention. The journey time to Torbay, planned and unplanned according to need, has placed added pressure upon officers involved.

4.7 There is an attraction in working in this way with a comparable, if smaller, county council. Officers have found that in every intervention they have learned a great deal that has contributed to Hampshire's own continuous improvement. That is a core principle of the approach – that Hampshire officers should approach this challenging and sensitive work with a high degree of respect and humility. Understanding the conditions and

circumstances that have led a similar county council into its current predicament should, with respect, be instructive and constructive in equal measure for both sets of officers.

- 4.8 Therefore, with the in principle support of the Leader, a bid was submitted to DfE in mid-February to lead the intervention and take up the role of Commissioner. DfE confirmed Hampshire's bid was successful at the end of February and work has already commenced.
- 4.9 In the first instance, a period of probably up to six months, that work will consist of two strands. The DCS will lead a series of diagnostic exercises in conjunction with the senior leadership in Buckinghamshire in order to develop a deeper understanding of the precise nature and scale of the improvement challenge and the improvement plan that is currently being developed within Buckinghamshire.
- 4.10 At the same time, and informed by the diagnostic work, the Commissioner will have to develop a judgement about the presumption test. That is whether there is sufficient evidence to indicate that the existing governance arrangements within the local authority, including between Leader and Lead Member, Chief Executive and Director of Children's Services, are sufficient to suggest that the local authority can achieve sustainable improvement without recourse to a more permanent intervention in the form, for example, of a children's trust for the services. On this point it is noteworthy that the Ofsted report of January 2018 makes repeated reference to the significant and positive changes in the leadership of the service which have taken place in the past twelve months, but with apparently insufficient time to impact on the recovery of services. Nevertheless, all concerned need to be clear that the governance test is an important one based on current Government policy and will need to be robust and empirical.
- 4.11 The Commissioner is required to report to the Minister on a regular basis under a Statutory Direction. Meetings have already begun and a schedule of work is being developed. This work will not be reported routinely back to Cabinet but an update will be provided at an appropriate point and the Leader and Lead Member will be briefed accordingly. It should be noted that all political accountability rests with Buckinghamshire.

5 Torbay

- 5.3 As stated, the work with Torbay commenced in early 2016 and is moving towards a conclusion, probably towards the end of this summer. Again, it has been subject to Statutory Direction and again the work has been essentially two levels – governance and performance.
- 5.4 In terms of governance, an agreed conclusion was reached in late 2016 that, for a variety of reasons, particularly the very small size of this unitary authority and some significant challenges in corporate governance, Torbay Borough Council should not retain unilateral full control of its services. So an alternative delivery model was required in line with DfE's "presumption" in such circumstances. The preferred model is a partnership with another local authority, Plymouth City Council, based on the model between Hampshire and

the Isle of Wight. That partnership, after careful preparation, goes live in April 2018.

5.5 Performance has undoubtedly substantially improved but the pace and sustainability of improvement remains problematic. That said, the range and quality of tailored support provided by Hampshire managers has been extremely well delivered and received. A further full Ofsted inspection is due in the near future. Ideally this will remove the inadequate judgement but that will depend on a number of local factors. At this point we consider that this judgement may influence the nature but not the overall timing of Hampshire's formal withdrawal in order to allow the new partnership with Plymouth to take full shape.

6 Resources and Capacity

6.3 DfE has now established a model of funding for these forms of intervention. It is not generous but ensures Hampshire can achieve full cost recovery. Subject to agreement, direct funding for specific tasks can be negotiated with the host authority. This supports Hampshire's strategic position that these forms of activity are not solely based on income generation but must be set at an appropriate level.

6.4 As stated above, another key aim is to develop Hampshire's own capacity through utilising our staff and managers in a range of interventions which inevitably challenge our staff and contribute towards local continuous improvement. That said, it must also be understood that when Ofsted next conduct a full inspection of Hampshire Children's Services they will be bound to challenge Hampshire to provide evidence to confirm that these activities do not detract from Hampshire's capacity to fulfil its duties to its own children. This issue is fully appreciated and under constant monitoring by the DCS and his team.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	no
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	no

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

IMPACT ASSESSMENTS:

1. Equality Duty

1.1 The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2 Equalities Impact Assessment:

1.2.1 There is no direct impact on equalities as a result of this decision. Any potential impact on equalities arising as a result of the work described in this report will be given due consideration at that time.

2 Impact on Crime and Disorder:

None

3 Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

No impact on climate change has been identified relating to this decision.