
Decision Maker: PRE DECISION SCRUTINY BY CARE SERVICES PDS
13TH SEPTEMBER 2016

**EXECUTIVE
COUNCIL**

Date: Wednesday 14 September 2016 Monday 26th September 2016

Decision Type: Non-Urgent Executive Key

Title: OFSTED INSPECTION OF CHILDREN'S SERVICES

Contact Officer: Doug Patterson, Chief Executive
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Chief Officer: Doug Patterson, Chief Executive

Ward: (All Wards);

1. Reason for report

- 1.1 The Council's services for children in need of help and protection and children looked after were inspected by Ofsted inspection between the 11th April and 5th May 2016. At the same time, a linked inspection of the Bromley Safeguarding Children's Board (BSCB) took place (the full Ofsted inspection report Appendix 1).
- 1.2 The purpose of this report is to provide a summary of the inspection findings, the actions taken immediately to respond to the findings and the Council's plans for further improvement as set out in the draft improvement action plan (Appendix 2).
- 1.3 To understand the potential funding requirements resulting from the draft improvement action plan and seek the relevant Council approvals.

2. **RECOMMENDATIONS**

- 2.1 **Care Services PDS are asked to comment and feedback on the report to Executive on the most recent Ofsted inspection of children's social care services.**
- 2.2 **The Executive are asked to:**

- i. Agree the actions set out in the draft Children's Services Improvement Plan which will be submitted to Ofsted (subject to any comments received at the meeting).**
- ii. Request that the Constitution Improvement Working Group is requested to support the Director of Corporate Services in developing and delivering any necessary constitutional changes required by the Improvement action plan;**
- iii. Recommend to Full Council the approval of funding for the posts included in Phase One and Phase Two which have already been committed, that total £949k in 2016/17 with a full year effect of £1,471k as set out in para 6.3 of this report.**
- iv. Subject to approval by Full Council that the appointment of any posts included in Phase Three (as set out in para 6.3) are delegated to the Chief Executive in consultation with the Leader, Portfolio Holder for Resources, Portfolio Holder for Care Services, Director of Finance as previously agreed.**

Corporate Policy

1. Policy Status: Existing Policy: Further Details
 2. BBB Priority: Children and Young People Excellent Council:
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Financial

1. Cost of proposal: Estimated Cost: £2.3m in a full year
 2. Ongoing costs: Recurring Cost: £2.3m in a full year
 3. Budget head/performance centre: New Funding being requested
 4. Total current budget for this head: £0
 5. Source of funding: Supplementary Estimate
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Staff

1. Number of staff (current and additional): 34 ftes (excluding Eclipse Funded post)
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approx. 300 CLA, 230 subject to a child protection plan and 2000 children in need
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 The Council was inspected against the latest version of Ofsted's Framework for Inspection 11 April 2016 to 5 May 2016. This framework is substantially different to the previous inspection framework used when the Council's services were last inspected in 2012, with intense scrutiny and challenge of individual cases. Within the inspection framework there is a four point grading scale of outstanding, good, requires improvement and inadequate.

3.2 The inspection framework makes the following judgements in relation to the Council's services:

- **Overall effectiveness** of services and arrangements for children looked after, care leavers and children who need protection.

The overall effectiveness judgement is a cumulative judgement derived from:

- The experiences and progress of children who need help and protection
- The experiences and progress of children looked after (CLA) and achieving permanence with graded sub-judgements on:
 - Adoption performance
 - The experience and progress of care leavers
- Leadership, management and governance.

3.3 Since the new, inspection framework was introduced in November 2013 106 Local Authorities have been inspected: 2 were judged outstanding, 26 judged as good, 53 require improvement and 25 were judged inadequate overall.

3.4 Bromley's Inspection Process and Outcomes

3.4.1 The focus of the inspection was on quality of frontline practice and management and the 'child's journey' and experience of services. In particular inspectors seek to establish the impact and pace of services on individual children and young people starting with early help and moving on to the effectiveness of child protection and how the Council cares for, and supports, its children who are looked after.

3.3.2 There were 7 inspectors in the Ofsted team, plus 2 shadow inspectors, a data analyst and QA manager. The inspection methodology is based on the analysis of individual cases, with the inspectors selecting over 20 cases for in-depth auditing and engagement, and a further 20 cases for themed scrutiny. While partners and senior officers were involved in discussions with the inspectors, and there was some observation of direct practice, the main focus was front line delivery of services by social work staff and managers. Visits were also undertaken to children's centres, an independent living providers and inspectors were keen to meet with parents, carers and especially young people.

3.5 Ofsted Judgements

3.5.1 The Ofsted report was published on 27th June 2016 and is attached at Appendix 1, this report details the following judgements:

Overall Judgement	Inadequate
1. Children who need help and protection	Inadequate
2. Children looked after and achieving permanence	Inadequate
2.1 Adoption performance	Inadequate
2.2 Experiences and progress of care leavers	Inadequate
3. Leadership, management and governance	Inadequate

3.5.2 The Chief Executive, Interim Director of Children's Services (DCS) and the Lead Member have confirmed it accepts the findings on behalf of the Council.

3.5.3 The separate inspection of the Bromley Safeguarding Children Board is also included within the main report Appendix 1.

3.6 Appointment of the Department for Education Commissioner

- 3.6.1 The Secretary of State for Education after considering the Ofsted's report, is satisfied that the Council is failing to perform to an adequate standard, some or all of the functions to which section 497A of the Education Act 1996 is applied by section 50 of the Children Act 2004 ("children's social care functions"). In response the Secretary of State has appointed Frankie Sulke as Commissioner for Children's Services in Bromley.
- 3.6.2 In line with the recommendations set out in the Ofsted report on children's social care and the Department's intervention policy, the Children's Services Commissioner is expected to take the following steps to:
- 1) make recommendations for the immediate improvement of children's social care and to recommend any additional support required to deliver improvement.
 - 2) review the Council's leadership and management capacity and capability to drive forward the changes necessary to achieve the required standard.
 - 3) make a recommendation to the Secretary of State as to whether alternative delivery arrangements are the most effective way of securing and sustaining improvement, and if so, to recommend the form those alternative delivery arrangements should take.
- 3.6.3 The Commissioner will provide her report to the Secretary of State by 30 September 2016.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/530578/Bromley_direction.pdf

3.7 Summary of Inspection Outcomes and Findings

- 3.7.1 The inspection identified some strengths within the service, including:
- Children and their families receive the help that they need quickly when they first approach Bromley for support. A good example of this is the Bromley children's project.
 - Children who are looked after by the local authority live healthy lifestyles and do well in their education. Staff work closely with health and educational professionals to help children and young people to do well with their studies and to stay healthy.
 - Children looked after receive good-quality care while living with foster carers. Leaders and managers understand that they need to recruit more foster carers and they will need to work hard to keep the current number of carers who foster children and young people for Bromley.
 - The Living in Care Council (LinCC) meets often with senior managers and leaders, who listen to and take its views and opinions seriously. This helps to shape children's services, taking into account the things that children and young people would like to see happen.
 - The Multi-Agency Safeguarding Hub (MASH) and Local Authority Designated Officer Service are working well.
- 3.7.2 The main weaknesses identified within the inspection were lack of management understanding and oversight and critical enquiry coupled drift and delays in key elements of the child's journey. These were summarised in the report as:
- Senior managers and leaders in Bromley do not have a good understanding of what works well to protect vulnerable children and young people. Since Ofsted last inspected Bromley, services have got worse for children and young people.
 - The local authority has not given enough help to children in care and those who need to be adopted. Social workers are too slow at finding permanent places for children and young people to live.
 - Senior managers do not ensure that staff receive appropriate support and guidance. This is important to ensure that staff make the right decisions about children's and young people's lives.
 - Managers in Bromley do not get good enough legal support in court. Because of this, childcare cases are not well prepared and do not always support plans for children's and young people's futures.

- There is a lack of safe and suitable housing available for care leavers. The local authority regularly places these young people in bed and breakfast accommodation, and this is not appropriate.
- Caseloads are too high to ensure quality social work.

3.8 Immediate Action Taken

3.8.1 During the inspection Ofsted identified a number of weaknesses which the Council acted immediately to address these actions included:

3.8.2 Social Worker and Management Capacity has been increased

- Resources have been prioritised in a number of key areas which includes the recruitment to the role of Executive Director for Education, Care and Health Services who is also the DCS, an additional Head of Service for the Referral and Assessment service, Group Managers for Care Leaving Team, Adoption and Special Guardianship teams, (who will focus on improving practice standards across the service) and eight Senior Practitioner and Advanced Practitioner Social Worker posts (2 in the Referral and Assessment Service and 6 in the Court Team), two social work assistant posts and an administrator to track and support return interviews for children missing from care.
- A Court Team focussing on all Court work has been setup, with the aim of reducing the caseloads held by practitioners in the Safeguarding and Care Planning teams. Recruitment to this team has been successful and four social workers are in post the team will be fully operational by the beginning of October 2016.

3.8.3 Delays in achieving permanence

- The 'Early Permanence Panel' has been set up to review all CLA aged 0 – 16 years old in week 6 to ensure that every child has a parallel permanency plan in place and to check that cases do not experience drift or delay. Meetings chaired by the interim Director of Children's Social Care.
- Written instruction to IRO's and CP Chairs that cases where issues that could cause drift and delay are identified and escalated to Head of Service immediately. There has already been an increase in escalations which have led to improved standards.
- All S20 cases (aged up to 16 years) were reviewed to identify cases that should be in PLO or Care Proceedings. 43 out of 54 cases reviewed showed plans on track with 26 in proceedings.

3.8.4 Thresholds

- A review of all open CIN cases to identify any that need to be escalated to child protection (CP) has been undertaken. Of the 313 cases examined 9 cases (4 families) were stepped up to CP and 8 cases (5 families) were stepped down.
- A tracking and monitoring process has been put in place for all CIN cases stepped up or stepped down. All cases are monitored and reviewed by Group Manager(s) and Head of Service.
- All CP plans to be reviewed Audit cases to confirm review outcomes. Of the 216 CP plans reviewed 54 plans were amended.
 - Worry/Danger Statements and Safety Statements have been added if missing.
 - All actions are now linked to a relevant Safety Goal so that it is clearer to parents and professionals what the actions are trying to achieve.
 - Plans have been amended and simplified removing any language which was felt to be too complex, in line with the Signs of Safety.
 - All CP Chairs and minute takers have been reminded of the clear expectations how they need to reflect the Signs of Safety model.
 - All CP plans are now being reviewed at 9 months by Group Manager(s) and Head of Service

3.8.5 Children missing from home and placements

- System to check Emergency Duty Team missing children lists daily put in place, to ensure that follow up action is taken by allocated worker (i.e. return to home interviews are arranged, take place and are recorded).
- Review the commissioned service monitoring data and ensure that all information relating to return home interviews is being recorded appropriately.

3.8.6 Young people placed in Bed and Breakfast Accommodation

- A review of all young people in B&B accommodation (post 18 years) was undertaken and all were moved into more suitable accommodation. Pathway plans were updated to ensure appropriate support was being provided in relation to health and education needs.
- A full strategic needs assessment of Bromley's young people's accommodation needs funded by DCLG has been commissioned from St Basils (a specialist service in young people's housing) to inform future decision making and help streamline the housing pathway.

3.8.7 Legal Support

- Written instruction issued to all relevant CSC staff outlining the escalation process for handling difference of opinion (between CSC and legal) about threshold for holding a legal planning meeting on commencing care proceedings.
- Monthly meetings set up between Legal Services and CSC to review cases where there has been a dispute over legal planning meetings.
- A review of PLO cases (over six weeks) was undertaken to ensure that child is safe or whether care proceedings should be initiated. Of the 25 children subject to PLO for more than 6 weeks 22 children are going into care proceedings and 3 are being stepped down. The Court Team Manager continues to monitor all cases and any identified as not progressing are discussed in the weekly tracking meeting with Head of Service.

3.9 Governance and Oversight of the Improvement Process

3.9.1 The Leader of the Council (Lead Member for Children's Services) setup Multi- Agency Improvement Board in June 2016 to oversee the improvement process including the development of the improvement action plan.

3.9.2 The Board meets fortnightly and from September will be taking a thematic approach to the monitoring of the improvement actions focussing initially on the services that assessment and support children in need of protection and the management oversight of frontline practice.

3.9.3 Reporting to the Improvement Board is a multi-agency officer group which is leading on workstreams identified in improvement plan. This group will also monitor the improvement actions and performance measures to ensure progress is reported to the Improvement Board.

3.10 Children's Services Draft Improvement Action Plan

3.10.1 The draft children's services improvement action plan is attached as Appendix 2. The Council had 70 working days from publication of the Ofsted report to agree a final improvement plan with DfE. The draft plan needs to be submitted before the 26th September 2016.

3.10.2 Ofsted made 23 recommendations within the inspection report (18 across children's services and 5 for the Bromley Safeguarding Children's Board). The improvement action plan has 10 themes which clearly identify the relevant Ofsted recommendation and the area to which it relates.

3.11 Ofsted Monitoring Visits

3.11.1 The Office for Standards in Education, Children's Services and Skills (Ofsted) believes that all children who use children's social care services are entitled to services that are good or better. Where local authority children's services are judged to be inadequate, Ofsted will carry out monitoring visits and report on the progress made by the local authority, to support them to improve further.

- 3.11.2 Where local authority children's services are judged inadequate, Ofsted will carry out a programme of monitoring activities, including quarterly monitoring visits, to report on the progress made by local authorities.
- 3.11.3 All local authorities judged to be inadequate will receive an action planning visit, a programme of quarterly monitoring visits and a re-inspection. The first monitoring visit will be November 2016.
- 3.11.4 The latest guidance has been published in August 2016 and can be viewed at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/544539/Monitoring_and_re-inspection_of_local_authority_childrens_services_judged_inadequate_inspectors_handbook.pdf
- 3.11.5 Ofsted hosted the required action planning meeting on 26th July 2016 which was positive in terms of understanding of the issues and the work underway to make the required improvements. However, the Lead Inspector emphasised that these would be fully tested during the first monitoring visit scheduled for November 2016 (dates to be confirmed).

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The full content of this report impacts on needs of vulnerable children and the required actions necessary to improve the services delivered.

5. POLICY IMPLICATIONS

- 5.1 All actions within the draft improvement action plan are set in the context of the Building a Better Bromley Key Priorities for 2016—2018 by being ambitious for all our children and young people through:
 - Fulfilling our duty of care to ensure the health, wellbeing and achievements of our vulnerable children.
 - Provide the best possible service to deliver appropriate support to all children and young people. By ensuring the best possible future for the children and young people of Bromley, with a clear focus on supporting the most vulnerable through:
 - Safeguarding children and young people within schools and the community.
 - Listening to the views of children and young people to influence the decisions that are made about them.
 - Encouraging excellent educational opportunities from the early years through to further and higher education for all Bromley children and young people including those with Special Educational Needs.
- 5.2 These aims are covered by the both the Care Services and Education Portfolio Plans which are reported to the relevant PDS committees for approval (September/ October 2016) and monitoring January / March 2017.

6. FINANCIAL IMPLICATIONS

- 6.1 At the meeting on 20th July 2016, Executive were advised of the Ofsted report which included significant issues of practise and areas where resources are not being used effectively. The report conclusions required immediate action to reverse the deterioration in services for Children's safeguarding, children looked after, care leavers and children requiring adoption.
- 6.2 Executive agreed the release of interim funding of £950k in 2016/17 and that the utilisation of part or all of these monies is undertaken by the Chief Executive with the agreement of the Leader of the Council, Care Services Portfolio Holder, Resources Portfolio Holder and the Director of Finance.
- 6.3 The costs identified as part of the resource implication of the Improvement Plan are detailed below:-

EXPENDITURE AS A RESULT OF OFSTED

	<u>FTE</u>	<u>2016/17</u>	<u>2017/18</u>	<u>Full year</u>	<u>P/work</u>	<u>Rec.</u>	<u>Comment</u>
		<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>Comp</u>	<u>to Post</u>	
<u>PHASE ONE</u>							
Children's Social Care							
Director ECHS	1	83	200	200	Yes	Yes	From Nov 2016
Head of service	1	60	90	90	Yes	Yes	
Safeguarding and Care Planning							
DM Post	1	34	52	52	Yes	Yes	
6 Advanced Practitioner Posts	6	207	310	310	Yes	4 of 6	
Referral and Assessment							
2 Senior Practitioner Posts	2	64	96	96	Yes	Yes	
Care and Resources							
Group Manager Leaving Care team	1	43	64	64	Yes	Yes	
Group Manager Special Guardianship	1	43	64	64	Yes	Yes	
Group Manager Adoption	1	43	64	64	Yes	Yes	
2 Social Work Assistant (Special Guardianship)	2	49	74	74	Yes	Yes	
Quality Improvement Team							
Administrator	1	20	30	30	Yes	Yes	
Strategic and business support	1	32	48	-	Yes	Yes	18 mth post
Child Protection Minute Taker	1	16	24	24	No	Yes	
Child Protection Independent Chair	1	37	55	55	No	Yes	
TOTAL PHASE ONE RESOURCES REQUESTED	20	731	1,171	1,123			
<u>PHASE TWO</u>							
6 Senior Practitioner roles	6	158	288	288	No	Yes	From May 2016
Quality Audit Manager	1	60	60	60	No	Yes	From Sept 2016
TOTAL PHASE TWO RESOURCES REQUESTED	7	218	348	348			
<u>PHASE THREE</u>							
Head of service	1	60	90	90	No	No	From January 2017
Safeguarding and care planning - DM Post	1	13	52	52	No	No	From January 2017
Safeguarding and care planning - 3 social workers	3	10	123	123	No	No	From January 2017
Recruitment and retention of social workers from 2017/18		-	300	300	No	n/a	
Quality Audits		38	150	150	No	No	From January 2017
Commissioning - Placement Officer	1	10	40	40	No	No	From January 2017
Commissioning - Monitoring Officer	1	10	40	40	No	No	From January 2017
TOTAL PHASE THREE RESOURCES REQUESTED	7	141	795	795			
TOTAL RESOURCES REQUESTED	34	1,090	2,314	2,266			

Note: The funding for the Eclipse Business Lead costing a total of £69k is not included in the table above as this will be met from the Social Care Capital Grant.

- 6.4 Officers identified in the first phase costs in a part year on £731k, increasing to a full year effect of £1,123k. These are highlighted in phase one of the above table. The last two child protection posts were envisaged to be funded from existing resources, however, due to the budget monitoring position being an overspend, this is no longer realistic and will have to be funded from the interim funding.
- 6.5 Since then to ensure the stabilisation of the service, additional resources were agreed by the Chief Executive for seven posts totalling £218k 2016/17, with a full year effect of £348k. These are highlighted in phase two of the above table. It is assumed for these purposes that the expenditure in this area will be ongoing, but will be reviewed within a year.
- 6.6 The last section (phase three) of £141k in year, £795k in a full year, will be reviewed by the new Executive Director when they join the organisation. In this phase it is proposed that any expenditure will be agreed as per the delegation given for phase one.
- 6.7 The funding set out in the table above is potentially required to meet the key priorities as detailed within the Improvement Action Plan. The Executive Director when they join the Council will review these spending plans and posts and update on the position and effectiveness of these posts on a regular basis.
- 6.8 As you can see the table above identifies costs pressures of £1,090k in 2016/17 increasing to full year cost pressures in the region of £2.3m.
- 6.9 Executive can only approve a supplementary estimate to the value of £1m in a full year so this additional funding of £2.3m will need to go to Full Council for approval. It should be noted that even if phase three is not agreed there is already a full year commitment of over £1.4m that needs approval by Full Council.
- 6.10 The Eclipse Business lead post can be funded from existing resources. This can be funded through the Social Care capital grant and is part of the wider implementation of the new Eclipse information system. They will work with the existing Project Manager and will free up some of the resource of existing social care managers so that they can focus on service improvement plan.
- 6.11 It is essential that the effectiveness of the use of these additional resources are continuously reviewed to ensure the required outcomes are achieved.
- 6.12 It should also be noted that the latest Budget Monitoring report for 2016/17 reported to the meeting of the Executive on 20th July 2016 identified a projected overspend of £1.7m on children's social care and this position will be monitored closely. A recent increase in Looked After Children is expected to increase the potential costs further. An update will be provided in the next Budget Monitoring 2016/17 report to the Executive.
- 6.10 In comparing Bromley costs against its statistical neighbours there are opportunities in the future to make better use of existing funding through the redirection of resources away from more expensive residential placements. There will be a need to review the allocation of resources within the next two years.

7. LEGAL IMPLICATIONS

- 7.1 The Secretary of State has extensive powers under the provisions of Section 497 A where a local authorities performance in the delivery of Children's services is deemed to be inadequate. The Secretary of State has issued a Direction under this provision appointing a Commissioner who is charged among other things to make recommendations for the improvement of children's services at Bromley and the provision of children's services and recommending to the Secretary of State whether those services should continue to be provided by the Council.

8. PERSONNEL IMPLICATIONS

- 8.1 As stated in para 3.7.2 above, the immediate response to the recruitment challenges arising in part from the additional staffing has been relatively successful for example, the new Court Team of 6 new Senior Practitioner posts has been recruited into in a timely manner. The Executive Director, Education, Care & Health Services recruitment and selection process was recently completed within a relatively tight timeline, recognising the strategic importance of the role in the recovery journey.
- 8.2 Human Resources is working well with a number of employment agencies and in particular the Council's agency link contractor (Adecco) to improve the speed and quality of applicants/candidates for qualified/experienced children's social care staff. The Council's Recruitment and Retention package for children's social care staff is being further reviewed and benchmarked to ensure Bromley Council remains competitive in the labour market and the preferred destination for suitably qualified social workers.
- 8.3 Unarguably, staff retention is equally as important as attracting the right number of qualified social workers to the right roles at the right time. Hence, HR is working with managers to improve the retention rate. For example, there is a 'No Quit Policy' aimed at persuading quality staff from leaving the Council. Some of the push factors such as caseloads, motivation etc are being addressed. Better exit data and feedback from leavers is being analysed and shared with management to improve the retention rate.
- 8.4 Additionally, on the job support is being developed including coaching and mentoring support for qualified social workers to improve their motivation and quality of practice/decision-making. Ultimately, all qualified staff in the service at every level, from the Director to frontline staff will have a Career Development Plan, based on the nationally agreed competencies clustered around the following:
- Value-based competencies i.e. what is our vision for children and young people in the Borough?
 - Leadership competencies i.e. ability to lead and manager.
 - Functional/operational competencies i.e. the non-negotiable core skills for individual roles.
- 8.5 In summary, the recruitment and retention of qualified staff is a real challenge but HR is working well with Children's Social Care managers and employment agencies to improve the recruitment and retention rates.

Non-Applicable Sections:	Procurement Implications
Background Documents: (Access via Contact Officer)	