

**CARE SERVICES PDS COMMITTEE**  
**15<sup>th</sup> November 2016**

**WRITTEN QUESTIONS TO THE CARE SERVICES PORTFOLIO HOLDER**

**Written Questions to the Care Services Portfolio Holder received from Mrs Susan Sulis, Secretary, Community Care Protection Group**

Regarding the Ofsted Report on Children's Services 2016, and the Council's Scrutiny Function:

1. Bromley Constitution's delegated powers allowed the Chief Executive, in consultation with the Leader; relevant Chief Officers and Portfolio-Holders, to merge the posts of Director of Children's Services and Adult Care, disregarding Government Statutory Guidance and without reporting to Committee.

Should PDS Committees have been allowed to scrutinise this decision?

**Reply:**

*The outline of new departmental arrangements was reported to the Executive on 19<sup>th</sup> October 2011 in a public report available to all Members. After that, Members, including PDS Committee Members, were involved in making the arrangements for the appointment of the new Director at the Urgency Committee on 23<sup>rd</sup> January 2012 and full Council on 20<sup>th</sup> February 2012. The necessary changes to the Scheme of Delegation were reported to full Council on 26<sup>th</sup> March 2012, and were approved by Members, including PDS Committee Members.*

*Although pre-decision scrutiny of this decision was not required, PDS Committees do set their own work programmes and could have scrutinised this issue if they had considered it appropriate.*

2. In October 2011, when revised Statutory Guidance was reported to the CYP PDS Committee, Members questioned the impact of disregarding it. Gillian Pearson, the Director of Children's Services, who took redundancy in March 2012, dismissed their concerns.

Why did her report fail to warn of potential legal and performance implications?

**Reply:**

*The report referred to in the question did address the Revised Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services. However, at that stage it was draft guidance which had just been published for consultation. The report was a wide ranging review of latest government policy on education and children's services, which largely concerned the academy programme, rather than Council structures.*

*In August 2012 the Ofsted inspection of local authority arrangements for the protection of children reported on the DCS post in some detail (paragraph 34), of which this is an extract –*

*“The post of Director of Children’s Services (DCS) has been vacant since 1 April 2012. Clear and appropriate arrangements are in place between the Chief Executive and the Assistant Director of Children’s Social Care to discharge the statutory functions of the DCS post.”*

3. PDS Members have been criticised for failing to properly scrutinise the statutory failures of Children’s Services, but it is clear that a culture of secrecy has mitigated against proper scrutiny.

Why is the ‘Children’s Service Improvement Governance Board’ designated a “private committee”, and PDS Members and public not allowed access?

***Reply:***

*The Governance Board is not a committee of the Local Authority or the Executive. In any event, most disclosure systems recognise that sometimes there are benefits in meetings and information not being open to the public. This is one such occasion.*

*Aspects of the Board’s work can be scrutinised by the Council’s PDS structure should they wish to do so.*