

STATUTORY DIRECTION TO SURREY COUNTY COUNCIL IN RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996

WHEREAS:

1. The Secretary of State for Education ("the Secretary of State") has noted in respect of Surrey County Council ("the Council") that performance of children's social care services is 'inadequate' as detailed in Ofsted's report of its inspection carried out between 28 February 2018 and 22 March 2018 ("The 2018 Ofsted report").
2. The Council's failure led the Secretary of State to issue a Direction on 27 June 2018 ("the first direction"), requiring the Council to take a number of steps to improve the quality of services, including to cooperate with a Commissioner for Children's Services in Surrey ("The Commissioner").
3. The Secretary of State has carefully considered:
 - a. The 2018 Ofsted report, which found that children's services were 'inadequate' overall. The judgements for children who need help and protection and for leadership, management and governance were 'inadequate'. The judgement for children looked after and achieving permanence was 'requires improvement'. The sub judgement for adoption performance was 'good' and the experiences and progress of care leavers was 'requires improvement'; and
 - b. The Commissioner's report of 21 September 2018, which concluded that there were compelling reasons why the Council should retain control of its children's services for a period of twelve months, pending two reviews of improvement progress.
4. The Secretary of State is therefore satisfied that the Council is still failing to perform to an adequate standard some or all of the functions to which section 497A of the Education Act 1996 ("the 1996 Act") is applied by section 50 of the Children Act 2004 ("children's social care functions"), namely:
 - a. social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
 - b. the functions conferred on the Council under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph a. above); and
 - c. the functions conferred on the Council under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
5. The Secretary of State has appointed Trevor Doughty as Commissioner for

Children's Services in Surrey ("the Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.

6. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with his powers under section 497A(4B) of the Education Act 1996, to direct the Council as set out below in order to ensure that all of the Council's children's social care functions are performed to an adequate standard.
7. NOW THEREFORE:
8. Pursuant to his powers under section 497A(4B) of the Education Act 1996 Act, the Secretary of State directs the Council as follows:
 - a. To comply with any instructions of the Secretary of State or the Commissioner in relation to the improvement of the Council's exercise of its children's social care functions and provide such assistance as either the Secretary of State or the Commissioner may require;
 - b. To co-operate with the Commissioner, including on request allowing the Commissioner at all reasonable times access to:
 - i. any premises of the Council;
 - ii. any document of, or relating to, the Council; and
 - iii. any employee or member of the Council,

which appear to him to be necessary for achieving the purposes of, and carrying out the responsibilities set out in the Terms of Reference;
 - c. To provide the Commissioner with such amenities, services and administrative support as he may reasonably require from time to time for the carrying out of his responsibilities in accordance with the Terms of Reference, including:
 - i. providing officers' time or support; and
 - ii. providing office space, meeting rooms or computer facilities; and
9. To co-operate with the Commissioner in his assessments of the pace, progress and sustainability of improvements in April 2019 and October 2019.
10. In consequence of this direction, the Secretary of State revokes the first direction.
11. This direction will remain in force until it is revoked by the Secretary of State.

Signed on behalf of the Secretary of State for Education



SUZANNE LUNN
A Senior Civil Servant in the Department for Education

Dated: 31 October 2018

ANNEX

Non-Executive Commissioner for Children's Services

Surrey County Council

Terms of Reference

There is a presumption in cases of persistent or systemic failure that children's social care services will be removed from local authority control, for a period of time, in order to bring about sustainable improvement, unless there are compelling reasons not to do so.

In line with the recommendations set out in the Ofsted report of children's social care published 16 May 2018 and the Commissioner's report of 21 September 2018, the Commissioner is expected to take the following steps.

1. To monitor the Council's progress towards improvement, meeting with the Council at least monthly and issuing any necessary instructions to the Council for the purpose of securing immediate improvement in the delivery of children's social care;
2. To carry out an interim review in April 2019 and final review in October 2019 of the council's progress, making judgements on whether the pace and quality of progress have been sufficient, and whether the Council's has capacity and capability to sustain improvements made.
3. To make a recommendation to the Parliamentary Under Secretary of State as to confirm whether evidence is sufficiently strong to suggest that the Council should continue to retain operational control of children's social care services, or whether alternative arrangements are needed, and, if so, to recommend the form those arrangements should take, taking account of local circumstances and the views of the Council and key partners.
4. To report to the Parliamentary Under Secretary of State in April 2019 and October 2019.

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