

**REPORT OF THE IMPROVEMENT QUARTET: COUNCILLOR JOHN CLANCY, COUNCILLOR  
BRIGID JONES, MARK ROGERS AND PETER HAY**

**CHILDREN'S SOCIAL CARE: IMPROVEMENT AND CHALLENGES**

**The motion: The Council welcomes and notes the progress in children's social care and proposed next steps, including the intention to explore and develop a voluntary trust arrangement for children's services.**

**1. Introduction**

At the meeting of the Council on 1 December 2015 it was agreed that, in addition to routine performance reports to Cabinet and the work of the scrutiny function, there would be a six-monthly report to Council on progress in children's social care and in education. This is the first of those reports and covers children's social care. A report on education is scheduled for the July Council.

The position of the Council has been one of long term difficulty in running children's social care, perhaps best captured in our own words by the 2009 Scrutiny Review:

"Unfortunately Birmingham's children's social care service has a history of underperformance over the past decade. The difficulties in children's social care are systemic and deeply ingrained so there is no quick fix...It is about asking the question, in the light of our history of underperformance, how do we make sure that (immediate) improvements are sustained and embedded?"

*(Cllr Len Clark, Preface pp03 Report of the Inquiry into Protecting Children and Improving Children's Social Care)*

All parties in this Council have accepted that they have had a part to play over this period of sustained failure.

**2. Timeline**

1999 – Joint Review inspection points to serious difficulties in children's services which need urgent attention.

2001 – SSI inspection finds children's services inadequate with poor prospects; zero star rating and Performance Action Team approach.

2003 – SSI re-inspection finds the same rating.

2004 – SSR re-inspection rates service as still poor but with promising prospects.

2004 – Serious case review on the death of Toni Ann Byfield published.

2005 - SSI re-inspection rates the service as adequate with promising prospects – one star rating.

2006 – creation of new Children’s Services Departments becomes law and Birmingham makes this arrangement.

2008 - Children’s Services Annual Performance Assessment judges the service as inadequate at helping children to stay safe. The first twelve month improvement notice is issued by Government.

2009 - Serious Case Review on the death of Khyra Ishaq published. Improvement Board with an Independent Chair (Liz Railton) appointed.

2009 - Scrutiny Report of the Inquiry into Protecting Children and Improving Children’s Social Care, published.

2010 - Ofsted inspection of Safeguarding and Looked After Children’s services judges both overall effectiveness and capacity for improvement as inadequate. There was criticism of deficiencies in front line work and of the inadequate medium term plans of the council which lacked immediacy.

2012 - Ofsted inspection of Local Authority Arrangements for the protection of Children found significant weaknesses in practice, ineffective partnership working and a lack of strategic oversight and leadership from the Children’s Trust and Safeguarding Board.

2013 (summer) - DfE case review found the service to be in a fragile and unsafe state, with a lack of trust following a reorganisation showing in high vacancy rates and excessive workloads. An immediate stabilisation period was implemented, with the Minister concluding in November 2013 that he had asked Professor Julian Le Grand to review structure and governance.

2013 - Serious Case review on the death of Keanu Williams published.

2013 - LGA Peer Review of Children’s Services and InLoGov peer review of partnership working.

2014 - The Le Grand Report was published.

2014 - Ofsted Single Inspection Framework finds the council inadequate.

2014 - Implementation of the Le Grand Recommendations and appointment of Lord Warner as Commissioner (Note Lord Warner also worked alongside Sir Mike Tomlinson as Commissioner for the Education Plan improvement requirements and both were members of the Improvement Panel).

2015 - Appointment of Andrew Christie as the second Commissioner.

### **3. What progress has been made since Le Grand?**

The Le Grand report highlighted a number of serious practice and structural issues which reflected a lack of focus on the long term nature of the problems and a corporate/political centre that appeared to lack attention on key issues. These significant themes have been addressed by:

- Major investment programme, particularly to address staffing levels with the creation of additional posts.
- Review of recruitment methods: a recruitment package that assists the employment and retention of social work staff is now in place.
- Significant engagement with stakeholders through the new joint commissioning panel and the Strategic Leaders Forum.

- Appointment of an Executive Director, with a focus solely on children’s social care and a clear view on great social work. This is supported by the new Chief Social Work Officer (CSWO) appointment so that practice matters are embedded into the approach.
- A risk assessment on senior management capacity and a statement about resource deployment are now standard practice, both overseen by the Chief Executive and reported within the budget and policy setting reports to Council.
- Tackling, with the oversight of Lord Warner, the issues identified in the Le Grand report about “unidentified risk”.

With Lord Warner’s oversight the following issues were addressed:

- The establishment of clear lines of accountability. The “Quartet” arrangement is a simple bringing together of those who hold the statutory roles for children and leadership of the council so that there is clear oversight. Lord Warner was clear that this was effective, but that such an arrangement should remain in place for the medium term.
- A single improvement plan.
- The MASH development (Multi-Agency Safeguarding Hub), which rebuilt a degree of confidence and led to further work to respond with greater speed to children and families who need help and support rather than just protection referrals.
- A significant review of management capacity and capability with a major independent assessment exercise completed across the service, followed by development processes.
- A significant review of employment issues covering recruitment and retention, the replacement of the previous PDR system, a more competitive pay offer and the single agency supplier framework agreement.
- The development of an IT strategy, with a focus on immediate strengthening of the system as well as the longer term procurement of a replacement system now underway.
- An itemised three year budget and finance strategy that secured the right level of resourcing and ways of maintaining this on a sustainable basis.
- A review of placement mix, leading to strengthened teams in aftercare, adoption and fostering to improve the experience of children.
- The development of greater commissioning capacity in children’s services through the Commissioning Centre of Excellence approach within the Directorate. This was then supported by a market dialogue event and new partnerships that emerged.
- The most obvious of these new commissioning changes has been the outsourcing arrangements to transfer the Council’s residential child care homes to Priory Group.
- The implementation of changes to Partnership approaches, particularly through the Strategic Leaders Forum, the establishment of the Birmingham Education Partnership and the Early Help and Safeguarding Partnership.
- In an innovative arrangement, CAF/CASS managed the Independent Review service for 10 months providing much needed capacity and impetus, and handing it back as a more effective service, which we have continued to develop.
- Lastly, Lord Warner secured DfE support for the work that has commenced to review the Safeguarding Board and design better ways of overseeing multi-agency systems work to safeguard children. This leaves the Council well placed to take forward the thinking contained in Alan Wood’s review published last month that suggests more local design of arrangements.
- Lord Warner relinquished the Commissioner role in May 2015, after the Early Help and Children’s Social Care plan 2015-17 was agreed by the Cabinet. The DfE have supported that plan and the new operating model launched in September 2015 and have funded direct improvement work to social work teams from Essex County Council Children’s Services.

In December 2015 a new Commissioner, Andrew Christie, was appointed by DfE. Andrew was a member of the Le Grand Review. In his current role he has observed that he is seeing a very different service now in Birmingham to what he saw in early 2014.

**Appendix A** contains a fuller summary of progress over the last year. **Appendix B** sets out a number of performance measures demonstrating progress over the last 12 months. **Appendix C** sets out priorities for 2016/17.

No one doubts that further progress is needed. Much of the work done is at an early stage, and the constant message about a determined and sustained focus on social work practice must be heeded. That practice also needs to evolve to respond to the identification of threats to children coming from extremism and CSE.

#### **4. Trusts - background**

The Prime Minister announced in December 2015 that if a local authority experienced a second, successive inadequate Ofsted rating that would lead to automatic consideration of alternative delivery methods instead of continued lead provision by “failing” Councils.

There has been a history of imposed Trust solutions, such as the 10-year independent trusts at Doncaster and Slough. At the end of last year Sunderland, responding to its own failings, developed a more “co-produced” model, working with the DfE. Hampshire County Council took over the running of the Isle of Wight’s children’s “inadequate” services for five years. Nottinghamshire Children’s Trust is a partnership of organisations that provide services to children, young people or families in Nottinghamshire and is a commissioning sub-group of the Nottinghamshire Health and Wellbeing Board. Trafford Council and Pennine Care NHS Foundation Trust have entered into a Strategic Partnership Agreement for Integrated All Age Community Health and Social Care Services, with Pennine Care taking lead responsibility for the day-to-day provision of children’s services.

In recent months a growing number of Councils with good ratings have begun to think through whether Trust models would offer business and strategic advantage, Lincolnshire are highlighted in particular. The term “Trust” is used here in a broad sense to include a wide range of other delivery models.

As we continue to develop and embed good practice, and in the context of the financial pressures facing all public services, it is right that we too have been exploring models of governance, organisation and innovation, including those being developed across the country by other children’s services local authorities that share our interest in securing and sustaining good social work practice and improving outcomes for children and families. The Dispatches TV programme, which aired on 26 May 2016 and focused on Birmingham Children’s Services, was not reflective of wider progress in children’s social care and our general direction of travel. It did, however, have some effect on the timing of the announcement of the Council’s intention to explore the development of a trust option.

Over recent years, Governments have sought to widen the options available to respond to failure in children’s services, through which the Trust model has emerged.

#### **5. Trusts and the 2014 Le Grand Review**

Le Grand considered four formal options:

- “Watchful waiting” which was not recommended.

- The transfer of responsibility for children’s services to another authority (the “Isle of Wight” option”) ; it was felt difficult to conceive of another local authority both strong enough in performance and large enough to undertake a “take over” of Birmingham and therefore this was not recommended at this stage. (Note this predates the DfE creating the “Partners in Improvement” programme, which has seen Essex provide improvement support to Birmingham since summer 2015.)
- Splitting commissioning from provision. Le Grand set out options around not for profit trusts, existing private or social enterprise organisations at city or area level. The panel considered that at the time the principal difficulty in taking forward such a recommendation was the absence of resources by way of high quality delivery partners within the “market” to set up such an organisation. Professor Le Grand has subsequently been leading a national review of this very issue to stimulate improvement capacity. The panel also had concerns about the ability of the Council to “commission well” in such a scenario as the arm’s length nature could compound the risk of a lack of future corporate priority.
- The recommended option, which was the appointment of a Commissioner, Panel and associated directions.

As part of the Le Grand review, the Council was asked to submit an options appraisal covering five scenarios. These options were assessed against a range of criteria and then scored. The full assessment is attached as **Appendix D** to this report. The options and their total score were:

- Break Up Birmingham (46).
- Outsource to the private sector (57).
- Trust model with accountability to the DfE (64).
- Trust model with accountability to BCC (74).
- Integrated Transformation (82).

It also assessed the acceptability of each proposal in a ranking score.

Le Grand commented on the favourable score that the Council had given to the Trust options and stated:

“we do consider that this option has potential in the longer run for helping to resolve Birmingham’s difficulties, and we consider it important that the capacity barriers, both in terms of provision and commissioning, to the realisation of this potential be explored in greater depth...” (*Le Grand pp23*).

There have been significant changes since Le Grand's evaluation. The law has been changed to explicitly prohibit a private sector provider. Equally, there are now Councils that have completed the process of moving services into Trust arrangements and some of the legal complexity has therefore been reduced by these precedents. It is however still too recent for evidence to emerge to support a view on whether Trusts are an effective improvement intervention. "

## 6. Securing long term sustainability

Whilst the improvement of children’s experiences and outcomes remains of the highest priority, we need to consider the best ways in which to secure long term sustainability. We commenced a programme of work in early May 2016 to look again at the context and the Trust option. This is shaped by a number of key factors:

- The Council has developed a much sharper commissioning function which, when combined with public health intelligence, allows us to consider better the options for service design for children's social care.
- The need to be able to attract and retain social workers requires a competitive salary, good working conditions and above all a feeling of being well managed and supported. These options could perhaps best be secured in the longer term within a Trust structure.
- From the work being led on the Safeguarding Board we have seen that there could be real advantages in a model which combines a range of expertise in overseeing a focussed business model.
- An argument placed by Le Grand is for a "clean break" with the past. Of course any child care organisation in Birmingham will carry echoes of the past, but the weight of that past history has been clear in recent weeks.
- Combining all of these – an intelligent commissioner with a Board focussed upon delivery - could create the right degree of focus upon a shared aim of being a city that has the highest ambitions for those children and families who need the most help in childhood. Indeed the absence of this type of creative tension is a part of the past.

There is a great deal to be done before we properly consider the shape of any Trust arrangement and to bring full information in front of the Council for decision. However some early principles are very clear:

- The Council must be able to sustain a focus upon the improvement in social work practice that is most needed by children and families. It should not pursue a Trust option if that becomes a distraction from this task.
- The Council must be able to design an organisational form that supports and develops the best social work support to children and families.
- The Council must take responsibility for working with social work and related staff through this period. Their engagement and support is essential to any Trust being a success. In particular it is important to stress to full Council that we understand that social workers are a scarce resource and that the Trust must be well placed to compete by at least matching and preferably bettering current terms and conditions.
- The Council must engage and develop the Trust model with partners.
- The current financial plan and Council priority must be maintained through to at least 2020.

In taking the trust development forward we will ensure we keep an unrelenting focus on social work practice, on direct work with children and families, on purposeful plans implemented in a timely way, on effective management oversight, support and challenge, on collaborative partnership, and on building a learning culture that seeks to improve by listening to children and families.

#### **Appendices:**

Appendix A - Birmingham Children's Services - Overview of progress

Appendix B - Performance May 2015- April 2016

Appendix C - Priorities for 2016/17

Appendix D - Options Appraisal – Transforming Children's Services – December 2013

