

Report of the Director of Children & Families

Report to the Chief Executive

Date: February 2018

Subject: Kirklees Improvement Partnership



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

1. The purpose of this report is for formal sign off of the Partnership Agreement between Leeds City Council and Kirklees Council and a funding agreement with the Department for Education that were outlined in the Executive Board of September 2017.
2. The partnership agreement sets out the terms of the partnership and expectations on Leeds and Kirklees. The key implications for the Council are as follows:
3. Leeds will provide leadership and change expertise to Kirklees Children's Services for up to three years. There will be no transfer of functions. The three year term may be extended if required, subject to agreement of all parties.
4. Leeds will second a number of staff including their leaders to fulfil the role of the Director and Head of Social Work Service in Kirklees. Kirklees Council will provide funding for these posts. The Department for Education will fund the 'back fill' of all other seconded posts and Leeds staff activities in Kirklees.
5. Leeds, Kirklees and the Department for Education have agreed a shared Improvement Plan that will form the basis of shared work in Kirklees. Progress against the plan will be monitored by a shared Board of the Department for Education's Commissioner, the Director, and the Lead Members and Chief Executives of each Council
6. The partnership agreement can be terminated by Leeds City Council at any point if it is having an adverse effect on the provision of Children's social care services in Leeds"

Recommendations

7. That the Chief Executive approves the Partnership Agreement as set out at Annex 1 (attached).
8. That the Chief Executive approves receipt of funding as set out in the Grant Offer Letter at Annex 2 (attached).

1 Purpose of this report

- 1.1 The purpose of this report is to seek the formal approval of the Partnership Agreement between Leeds City Council and Kirklees Council and the funding agreement between Leeds City Council and the Department for Education that were outlined in the Executive Board of September 2017.

2 Background information

- 2.1 Since 2015 when Leeds' children's services were judged by OfSTED to be 'good' overall with 'outstanding' leadership the city has been recognised for its best practice and its strategy for child welfare. Leeds has become one of a small number of authorities, and the only large city, to become a 'Partner in Practice' (PiP), working with central government to help lead sector wide reform and improvement. Leeds' success and PiP status has helped the city win nearly £20 m of additional funding for services in the city over the past three years which has been vital in supporting continued improvement in local support for children and families.
- 2.2 In return for the opportunities, investment and support of 'Partner in Practice' status Leeds is expected to take an active role in the national change agenda for children's services. A key part of this is supporting 'Sector Led Improvement', working with other Local Authorities that are facing significant challenges and/or have performed poorly in inspection. The government's use of Sector Led Improvement has been welcomed by local government leaders as it uses the expertise of the sector and avoids the need for the outsourcing and use of external consultancies that have characterised previous changes in social work and education, such as the creation of Education Leeds here in the city in 2001.
- 2.3 The Department for Education published a revised statutory 'direction' for Kirklees Council on 25th January. Under the powers of the 1996 Education Act, the Secretary of State can 'direct' the actions of a local authority in the event of a serious inspection failure. The required actions are set out in a published formal direction letter.
- 2.4 The revised Kirklees Direction is published on the government website at <https://www.gov.uk/government/publications/revised-direction-issued-to-kirklees-council> and is attached as Annex 3.
- 2.5 The revised direction requires Kirklees Council to continue to take steps to improve its children's social care services, and requires the authority to work with the DfE-appointed Children's Services Commissioner to establish a strategic partnership with Leeds City Council.
- 2.6 The direction was informed by an independent report by the Commissioner for Children's Services in Kirklees, Eleanor Brazil. (The report is available at <https://www.gov.uk/government/publications/kirklees-childrens-services-report-to-the-secretary-of-state>) recommended that both Councils develop a long term formal partnership agreement to drive improvement across children's social care.

3 Main issues

The Partnership Agreement

- 3.1 The terms of the Partnership Agreement are summarised below and set out in detail in Annex 1. The arrangement is for the Council to help Kirklees by sharing best practice and seconding staff, there is no transfer of functions
- A. The Council and Kirklees are required to enter into this agreement by a Direction issued by the Secretary of State for Education that requires the Council and Kirklees to work together to improve Children’s social care functions at Kirklees
 - B. The Council and Kirklees are required to work to an improvement plan that has been agreed with DfE
 - C. The salaries of seconded staff will be paid by Kirklees and DfE will cover the costs of backfilling posts
 - D. The secondment agreements have been agreed with employment lawyers from the Council
 - E. The Director of Children’s Services at Kirklees may vary the number and identity of the seconded employees but may only do so with the consent of each authority taking into account their operational needs
 - F. The operation of the agreement and the performance of the partnership is monitored and governed through a governance board and an improvement board made up of senior officers and members from the two authorities, DfE and other local agencies involved in children’s social care. The Council’s normal governance and scrutiny arrangements also continue to apply.
 - G. The agreement is for a 3 year term that may be extended if the Council and Kirklees agree
 - H. The agreement can be terminated by the Council if it is having an adverse effect on the provision of Children’s social care services in Leeds”
- 3.2 The Improvement Plan agreed with Kirklees and the DfE is focused on both those areas that Leeds’ has learned are key for progress as well as wider issues criticised by OfSTED in the inspection report of 2016. The plan has ten key priorities as follows:
- 1 Children Looked After
 - 2 Care Leavers
 - 3 Early Help and Edge of Care
 - 4 Front Door

- 5 Workforce
- 6 Practice
- 7 Voice of the Child and Families
- 8 Leadership
- 9 Partnership
- 10 Performance and Quality Assurance

- 3.3 It is expected that the work with Kirklees will be most intensive over the next year, with more limited support and advice offered in the later period of the partnership, once the situation is stabilised and more effective local leadership is in place in Kirklees.
- 3.4 Implementing the Improvement Plan will require considerable investment of Leeds' staff time, energy and expertise. This will be balanced by fully funded 'back fill' by the Department for Education but has further benefits for Leeds as the programme in Kirklees is being used as an opportunity to offer development and learning opportunities to current and aspiring leaders and staff within the service. Some staff will benefit from working in a new environment with new challenges through work in Kirklees and others will have an opportunity to learn new roles covering for those working out of Leeds.
- 3.5 The Partnership Agreement will be monitored by a joint Board, made up of the shared Director, Eleanor Brazil as the Commissioner for the DfE, Lead Members from Leeds and Kirklees and the Chief Executives of each council. The Board will monitor progress against the plan and agree any changes as required.
- 3.6 The Chief Executive is requested to approve the Partnership Agreement as set out at Annex 1 attached.

The Funding Agreement

- 3.7 In recognition of the work to be undertaken under the Partnership Agreement the Department for Education have awarded partnership funding through a grant, details of which are set out at paragraph 4.4 of this report.
- 3.8 The Chief Executive is requested to approve receipt of the funding detailed as set out in the grant offer letter at Annex 2 attached.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The partnership agreement has been developed in close consultation with Elected Members, senior leaders and partners in Leeds and Kirklees, and through engagement with officials and Ministers in central government.

4.2 Elected Members have been consulted about these ongoing developments throughout the process, with close involvement of the Executive Member in discussions with Kirklees. All Elected Members were briefed and informed through the Executive Board paper of September 2017. Key officers such as the City Solicitor and senior finance managers have also been engaged in the development and refinement of the Partnership Agreement and related funding at every stage.

4.3 Equality and Diversity / Cohesion and Integration

4.3.1 There are no major direct equality, diversity and integration implications for this report. Every effort will be made to ensure that new opportunities for local staff and leaders are used to promote equality of opportunity and support increased chances for under-represented groups to progress their careers. Attached at Annex 4.

4.4 Council policies and Best Council Plan

4.4.1 This partnership arrangements supports two of the key aims in the Council Plan – ‘Building a Child Friendly City’ and ‘Becoming a more efficient and enterprising council’. The partnership with Kirklees will support the ‘Child Friendly’ aim by helping to bolster Leeds’ national leadership role in the children’s services sector, and provide valuable development and learning opportunities for Leeds staff and leaders. This sector led improvement work will also support the aims of becoming as more ‘enterprising’ council, as a pilot for new ways of working and developing consultancy and development income generation possibilities for the future.

4.5 Resources and value for money

4.5.2 The Department for Education have awarded Leeds City Council £1.631m Partnership funding per the Grant Offer Letter, 16th January 2018. The financial year profile is:-

2017-18 £902,913

2018-19 £621,336

2019-20 £106,778

4.5.3 The funding amounts for year 2 and beyond are indicative and are dependent on successful delivery of agreed outcomes. Additionally the offer is subject to terms & conditions outlined in the offer letter.

4.5.4 Additional to the DfE Grant Offer Letter, Kirklees MBC are directly paying for some seconded staff, principally a Director of Social Services post and a Head of Service Social Work post in 2017-18. The cost of this is £252k. For 2018-19 we are assuming funding for a Director of Social Services post, £214k.

4.6 Legal Implications, Access to Information and Call In

4.6.1 The contents of this report are not confidential.

- 4.6.2 This is a Key Decision and is therefore eligible for call-in.
- 4.6.3 At the September 2017 meeting of the Executive Board¹ delegated authority was granted to the Chief Executive, in consultation with the Director of Children and Families, the Executive Member for Children and Families and the City Solicitor, to undertake the negotiation and agreement of the detailed terms of the partnership agreement, and other agreements and arrangements to be implemented.
- 4.6.4 The Partnership Agreement has been negotiated with the assistance of legal teams in Leeds, Kirklees and the Department for Education. The main terms of the Partnership Agreement are summarised at section 3.

4.7 Risk Management

- 4.7.1 All stages of planning for the partnership have carefully considered the risks for Leeds – for the Council, for staff and for local children and families. The Council has been clear throughout negotiations that whilst the city is happy to provide help and advice across the sector this can only happen if there is no adverse impact on the quality and continuing progress of services in Leeds.
- 4.7.2 In light of this clear principle of protecting progress in Leeds, negotiations with the Department for Education and colleagues in Kirklees Council have sought to ensure that the partnership agreement provides sufficient additional funding and capacity to enable Leeds to manage the extra demands of working in Kirklees.
- 4.7.3 After extensive discussion and consultation, the final partnership agreement reflects these concerns and includes effective safeguards to protect the interests of the Council, its staff and local children and families. However, any document can only go so far - it is necessary but not sufficient on its own so strong and effective risk management is needed. As such the service has developed a risk management assessment and risk plan. Progress against this plan will be reviewed as part of the wider monitoring of the partnership, and will be subject to local challenge by the Leeds City Council Internal Audit team in [?]

5 Conclusions

- 5.1 After extensive negotiation and positive early working between the two Councils, the Partnership Agreement is a sound basis for future working between Leeds and Kirklees. The funding agreement with the Department for Education will enable Leeds to provide intensive support for Kirklees whilst ensuring capacity is retained for its first duty of work with local children and families,

6 Recommendations

- 6.1 That the Partnership Agreement is approved by the Chief Executive in line with the delegated authority granted by the Executive Board in September 2017.
- 6.2 That the Chief Executive approves receipt of funding as set out in the Grant Offer Letter at Annex 2 (attached).

¹ Minute 71

7 Background documents²

7.1 None

² The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.