

# **Report into Children's Services in Buckinghamshire following inspection**

**Report for the Secretary of State for Education  
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Services in Buckinghamshire**

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## **1. Introduction**

This is the report of the Commissioner for the Department for Education (DfE) concerning the position and future of Children's Services in Buckinghamshire County Council further to the publication of the Ofsted report on 29<sup>th</sup> January 2018. Because that report delivered a second consecutive general judgement that the core services are Inadequate (the first having been in 2014), this report essentially has two related purposes. The report will assess the direction of travel of the authority since the second judgement, including with regard to what if any additional supports may be required for the improvement process. The report must also offer the Minister a recommendation about the need for any form of Alternative Delivery Model (ADM) in line with the "presumption test" about whether an authority with repeat Inadequate judgements can safely retain unilateral control of its children's services.

## **2. Executive Summary and Main Recommendations**

The Ofsted inspection of Buckinghamshire Children's Services published on 29 January 2018 is an entirely accurate summary of the position with regards to Children's Services as it stood at that point. Furthermore, and helpfully, the local authority clearly accepts that judgement and is working accordingly.

Some progress had been made following the 2014 judgement, including by political leadership, with a stronger focus on the priority of children's services which remains. However, that progress was partial and limited in its genuine impact on performance, led by a senior officer team which appears to have worked hard but lacked leadership effectiveness and essentially appears now to have placed too much emphasis on data and not sufficient attention to case work quality.

Buckinghamshire County Council through a new Chief Executive, Director of Children's Services (DCS) and complete new leadership team, has now started to make substantial inroads on these performance and leadership issues. Regrettably, these significant strategic improvements, commencing with the arrival of the Chief Executive in 2016, were too late in their implementation to impact sufficiently on the second Ofsted.

All of our analysis strongly endorses the current direction of travel of the authority and any further supports and interventions should be designed to work with the grain of the new leadership. This is not to say that all is well – it manifestly is not and there is a huge amount of work to be done to establish and "normalise" good social work and childcare practice sustainably across the organisation. In our experience, it is reasonable to expect this process will take a good three years of sustained and determined effort. There are no shortcuts – it takes time, very hard work and a relentless approach to good standards by all concerned.

In light of the above and especially because of the clear political commitment backed as it now is by an exceptionally strong core of senior officer leadership, Chief Executive, DCS and Assistant Director, I can see no valid case for the introduction of an ADM in Buckinghamshire.

Because of the apparent strengths of the new leadership team, it is entirely conceivable that Buckinghamshire can pursue the new improvement journey without external support. I, and the authority, would not recommend that. External support can offer at least three important additional contributions: external verification and triangulation of the improvement progress; maintenance of pace; additional resource. That external support should therefore be agreed and brokered by DfE. It is a matter of judgement for DfE as to whether the work needs to be backed by a Statutory Direction. Our judgement is that it may not be necessary in the current circumstances, though it could be a useful insurance against unforeseen factors.

One such factor could be the implications of future local government reorganisation (LGR) in Buckinghamshire further to the former Ministry for Housing, Communities and Local Government (MHCLG) Secretary of State's "minded to" decision about a possible unitary council for the county. The context to that is complicated and explored in some detail below. My conclusion is that, despite some legitimate concerns, it should be manageable for implementation of a decision on LGR to take place alongside the children's improvement journey, but steps can and should be taken to protect children's services along the way, particularly with regard to ensuring senior and frontline staff stability. I would categorically not recommend and would argue strongly against any LGR decision to split children's services in Buckinghamshire, either in terms of commissioning or delivery, from the existing single county model. I believe that would be taking serious and unwarranted risks with children's welfare in the county.

It is therefore recommended that:

- There should be no alternative delivery model in Buckinghamshire;
- The current direction of travel of improvement planning under internal leadership should be endorsed;
- Some external support should be commissioned, possibly under the joint brokerage of the local authority and DfE. The focus of that work will be to provide external oversight and monitoring of the delivery of the improvement plan, including specific attention on the areas of performance and practice outlined in Section 10 below;
- A primacy should be placed on the support and development of front line managers and staff, balancing a firm application of consistent high standards with a systematic range of mechanisms to ensure those managers and staff are closely involved in and own the improvement process;
- The children's improvement process does not need to be an impediment to LGR if the "minded to" decision is progressed. However, there are two firm

caveats: the leadership and workforce in children's services should be formally and clearly protected from any organisational upheaval that might emanate from LGR; and no form of LGR should be undertaken which splits either the commissioning or delivery of children's services in Buckinghamshire.

- It should be generally recognised internally and externally that the timeline to establishing embedded and sustained effective services is likely to be a minimum of three years.

### **3. Methodology**

In preparing this report, I have been closely assisted by Steve Crocker, DCS for Hampshire and also for some specific tasks, members of Hampshire's senior management team.

During the course of our investigations we met or spoke with as wide a range of stakeholders as possible. That included in summary: the political leadership and some key opposition elected members; members of the Corporate Management Team; the Chief Executive and DCS, together and separately on a number of occasions; the previous independent Chair of the Improvement Board and the Independent Chair of the Safeguarding Board; members of the largely new senior leadership team (SLT) for children's services; a significant number of front line managers and practitioners and specialist staff (including those based at the three area offices of Aylesbury, Amersham and High Wycombe); the Principal Social Worker; various corporate support managers; representatives from key partner agencies including police, health and schools; representatives of the four district councils; some very limited community engagement.

We have reviewed performance information and quality assurance systems in order to triangulate, where possible, the evidence that we have received in interviews and, of course, with the most recent Ofsted findings. Hampshire managers have assisted with some individual case audits and have also spent additional time reviewing the performance of the Multi-Agency Safeguarding Hub given its key role in the first response to safeguarding concerns.

We have referred to, and used the template from, the draft guidance for commissioners provided by the DfE.

This report occasionally quotes interviewees directly, but, in the interest of fairness especially to front line staff, these quotes are not attributed.

The nature of this work is not easy for the recipient authority. We are grateful for the unfailingly cooperative and constructive approach of all concerned.

#### **4. Relevant History and Context**

There is a general consensus now that the Ofsted judgement of 2014 was a major shock to the leadership of the council but that it was a fair reflection of a local authority which had not been paying sufficient attention or priority to its services for vulnerable children. Subsequently, the leadership took substantive steps to redress the position, including through significant additional financial investment, the recruitment of a new DCS and SLT and a range of steps to address overt and implicit political priority.

There was an Improvement Board which was independently chaired and was affirming messages from the then officer leadership that what was a heavily data focussed improvement programme was starting to deliver results. There was a reasonably confident internal senior perception that the LA was securely on course to reach Requires Improvement (to be Good) (RI). However, that perception was not universally shared at a corporate officer level nor, especially, among a number of front line practitioners.

In late 2016, a new Chief Executive was appointed who has a strong background in children's (and adults') services. Among the many attributes she brought to her role was a stronger sense of scepticism about this optimistic self-assessment of children's improvement at that time. Following a number of unrelated changes, an interim DCS and Assistant Director were drafted in during 2017 pending the appointment and arrival of the now substantive DCS in late 2017, i.e. on the eve of the most recent Ofsted inspection. The new DCS has a very strong personal track record in his role, including successful turn-around of a failing authority. He has rapidly implemented a number of changes to the SLT in Buckinghamshire. That includes the appointment of a new permanent Assistant Director with substantial experience of improving children's services.

It is an important consideration for other matters, including the potential for an ADM, that this crucial senior "core" – chief executive, DCS and assistant director – is now exceptionally strong in Buckinghamshire and in my judgement has the capacity to lead children's services to high levels of performance over time. The core is supported by an almost entirely new senior leadership team, who mostly took up post after the latest Ofsted and who appear to be quickly establishing their roles and leadership.

There are some critical qualifications to this optimistic summary of the new leadership.

- Self-evidently it came too late to intervene in the continuing failure of the service as identified by Ofsted in January 2018.

- If there is any single lesson from this context for Buckinghamshire it must be to appreciate how long, complex and fragile a children's improvement journey is bound to be. This report will repeatedly refer to an optimistic timeline of three years from here to a sustainable turn-around.
- A number of frontline staff, who now state they are not surprised by the second Ofsted outcome, talk about a senior leadership "clique" in the previous regime which made it hard for them to express their concerns about progress. In fairness to the previous team, that view is contradicted by others who at the time expressed they were content with senior management accessibility. There is no point now trying to reconcile those views. What is clear is that as the new leadership team establishes itself it needs to be and be seen to be open and accessible while also driving the necessary, and sometimes uncomfortable change.

This final point is important. The previous officer leadership had apparently driven a hard and data based approach to performance management and were offering assurances that the programme was on track. In fact, although the 'numbers' pointed to good performance on timeliness, visiting of children etc. what lay behind this was a more shallow analysis of the quality of social work practice and a culture of management that some characterise as an oppressive approach to chase the right numbers at the cost of enabling good practice. Of course, timeliness of assessments and frequency of visits (for example) are important; but they are important pre-requisites for good practice, they are not good practice in and of themselves. This distinction had become obscured in Buckinghamshire.

The Improvement Board had offered equivalent assurances to the political leadership who accepted them. The politicians acknowledge much had to be done after 2014 but they did what was asked and can quite reasonably state at this stage that they do not know what more they could have done. The new Chief Executive did quickly identify that the optimism of 2016 was misplaced but it then inevitably took time to intervene. Tellingly, most frontline practitioners we have met were not at all surprised by the second judgement.

"I would have lost all faith in Ofsted if the outcome had been any different."

The following sections address some of the specifics of current activity and performance.

## **5. Assessment of Capacity and Capability by Service**

In this section, we will briefly review each area of practice and the organisational structure.

## Early Help

Whilst Early Help services are well equipped with some skilled practitioners there is a need for these services to be much better co-ordinated with children's social care services. There are some good strengths within the service itself, but the typical "border-control" issues that apply to most early help systems seem especially marked in Bucks. There is work to be done on thresholds and the criteria for cases to be stepped up and down and in and out of the service. This is confused within the department and that confusion is bound to be worse therefore among partners who are so crucial to an effective early help approach. Partners we spoke to accept this and expressed readiness to take on their own responsibilities more directly in a clearer system.

## Multi-Agency Safeguarding Hub (MASH)

This service is established as an entity within the authority and among partners but our assessments suggest the current model (or its application) is flawed and therefore not making an effective contribution at what is a pivotal aspect of the child's welfare pathway. There is a lack of clarity about roles and thresholds within the MASH and that is bound to impact upon partners. This is also contributing to evidence of casework delay and confusion in allocation, stepping up and down. While not yet critical this lack of clarity is almost certainly defeating the object of having a MASH. We are confident the new Service Manager broadly concurs with this analysis and is reviewing the function of MASH accordingly. That is a priority action.

## Assessment teams

Team managers in assessment teams and in other teams say that the quality of assessments is compromised by the volume. There are good monitoring systems in place with regards to throughput. However, these systems have tended to focus on the hard measurables such as timeliness, with less attention to qualitative content. The new Assistant Director has made an admirable start in this regard by both establishing an early uncompromising approach to quality but backing this with the introduction of clear and helpful materials to guide staff on his expectations and on "what good looks like".

## Child in Need teams

Historically, these teams only managed non-child protection s17 cases and were staffed by newly qualified social workers. This has now changed under the leadership of the new DCS and the teams have merged with Child Protection teams creating teams that are better balanced between experienced and newly qualified social workers. These team members also now have a better-balanced caseload.

Everyone that we spoke to thought that this was a sensible change (and that the structure should not have been imposed in previous years). We agree.

### Child Protection teams

As above, at the time of the inspection there were teams that only carried child protection and court cases. These were highly pressured teams that were unable to prioritise work effectively. The merger of these teams with the Children in Need teams is entirely sensible but will require time to bed-in. Perhaps inevitably, we spoke to a number of practitioners who feel under significant workload pressure and some of this continues to manifest as a difficulty giving attention to CIN over CP.

### Court team

There is now a team that focuses entirely on active court cases. At this stage this is probably a necessary strategy although in the future this work could be further merged with the Children in Need teams. In particular this team will enable a better oversight of Public Law Outline (PLO) work and children placed at home under care orders as both were identified weaknesses in the Ofsted inspection. A new PLO manager has now been appointed and is in role.

### Children in Care/Care leavers

A high proportion of children in care are placed out of county (around 50%) and whilst caseloads are ostensibly manageable (20-25) when the travelling is factored in this can become problematic.

There have been recent positive changes for care leavers according to team managers, based on the recent re-organisation, bringing together Children in Care and care leavers teams to provide a better-integrated service. The significant number of children in care placed at home is being properly prioritised.

There are a range of other services such as the CATCH team that support children on the edge of care and also in rehabilitation home. This seemed to function well and could point to evidence of success.

### Fostering, Adoption and Residential Care

Adoption services were recognised as being strong in the most recent Ofsted inspection. Fostering services have been fulfilling their statutory duties to a relatively small core group of highly committed internal carers. However, the new Head of Service recognises that much more needs to be done to recruit more foster carers within Buckinghamshire. Around 50% of all placements are currently outside the county. Similarly, a new children's home has been opened (awaiting registration from Ofsted) in recognition of the need to provide a local home for children and three more homes are planned, an indicator of the council's political and corporate willingness to accept its corporate responsibilities under the new Chief Executive.

The previously established internal children's home has recently been inspected and its grade improved from inadequate to good, a further positive indicator of the importance that corporate parenting now has within the council. It is clear how proud the wider organisation is of this specific but noteworthy achievement.

### Management Structure

As described above, the new DCS started in late 2017 and has made remarkable progress in appointing a highly qualified and experienced senior management team. He has quickly established high levels of confidence across CMT.

"We tried to offer support before but it got rebutted. [The new DCS] comes looking for the support... It's transparent and refreshing..."

He also made a significant impact on front line staff and managers, and probably on the organisational memory, in the manner of his delivery to staff groups of the painful second Ofsted judgement.

"He was brutally honest but somehow left us feeling positive about the future. I want to learn how he did that."

Crucially, all of the new senior management team are permanent employees (with the exception of a temporary improvement manager who is being retained having made such a strong contribution as an interim AD). The managers that have been appointed have wisdom, a broad and impressive range of experience and skills and, crucially, they have experience of improving services in other authorities such as Sutton, Harrow and Rotherham. They have made it clear to staff that they are in Buckinghamshire for the long haul and this has already made a difference to morale. But there remains a very long way to go not least because of the now apparent disconnect between previous senior managers and the body of the workforce about the state of their service. The current new optimism is bound to be severely tested over time and as managers assert what must be uncompromising standards on the quality of practice.

## **6. Culture and Leadership**

Everyone that we met said that things are changing. The DCS was described as a welcome change. Other senior managers are understandably not so well known yet but those who are are making good impressions.

*"...Sense of real change since [DCS] arrived. The way he framed it [the inspection outcome] was very helpful and galvanised the work force. [Senior manager] is incredibly different and positive."*

*"It felt like we [social workers] were on child protection rather than children in need plans – we were being worked on rather than with."*

*“Feels like senior managers are now listening to people who are doing the job.”*

*“[DCS] is very approachable.”*

*“People are fighting to get things right. Some managers are very good and have capacity to change things. Overall, morale is generally ok.”*

*“I feel positive about what's happening next...”*

*“[We need] stability, we've been a long time with constant change.”*

Such is the obvious quality of the individual members of the new SLT it would be easy to assume that this part of the job is done. I would suggest dedicated time spent solely on the development of this team at a very early stage would be time well spent. They could become more than the sum of their parts for Buckinghamshire and that would be powerful.

No front line staff member that we spoke to was surprised at the most recent inadequate judgement. A number stated that they felt that they couldn't speak out previously. There is some contested evidence of a previously oppressive management culture that needs to be addressed whilst retaining the need to have managerial control. This is acknowledged in our interviews with the new senior managers who rightly estimate that the task of culture and behaviour change will take at least three years.

*“The culture here is that the first thing that people think about when faced with a dilemma is themselves, not the children. It's a legacy of banging people on the head with red indicators.”*

Senior managers appear to understand the importance of visibility, especially in an organisation in which this has not been consistently prized hitherto. Good early progress is being made but unquestionably this engagement needs to be made more systematic and then sustained relentlessly. The new optimism is not universally shared. It will also be tested when practitioners are repeatedly challenged about their own practice and their own accountability. It is not unusual that there is a degree of comfort for some in the current crisis and there will be different forms of resistance to change (which is what improvement is). The Wycombe office environment in particular does not enhance effective team working and breeds a strong sense of professional exclusion. We understand plans are being progressed to address this. We met with members of the Solutions Group of front line managers which has been established to communicate concerns and ideas to senior managers. The people we met were impressive, persuasive and passionate about the authority and their work. This form of systematic engagement needs to be nurtured and built on.

There is not yet, understandably, a unified vision for transformation that people could identify with. Senior Managers understand this and are developing plans for more widespread transformation including modernising working methods.

As referenced above, the political leadership of children's services in the authority has transformed considerably since the first inspection. The Leader is fluent in the challenges and what has been done to address them. The Lead Member is a more recent arrival to his role but is clearly engaged and coming to terms with his duties. There is an active sense of effective scrutiny. It is arguable that the current failings should have been identified through scrutiny, but in truth it is difficult to see how any political oversight can be more effective than the officer oversight at all levels that is largely guiding it. Notwithstanding the confidence in the new officer leadership, politicians would be forgiven for adopting a stronger degree of scepticism about future improvement. It will be important that that scepticism is not allowed to become counter-productive by impeding management practice. Current signs are positive about that evolving balance.

## **7. Social Work Methodology**

Some of those who have been in Buckinghamshire for some time expressed some support for the now jettisoned 'reclaiming social work model' which was introduced after the last inspection but arguably not fully embraced. Most acknowledged that the model had not worked effectively at the front door and with children in need. People were familiar with the new 'strengthening families' methodology introduced more recently and they used aspects of it regularly. Practitioners thought that risk was appropriately addressed in this model although there is still much more to do to embed the model fully and ensure that risk is being consistently addressed.

The Principal Social Worker is active and well regarded. Like others in the senior management team, he is committed to improvement and is deeply embedded in supporting newly qualified social workers and delivering support and guidance with regard to social work methodology across the service. Regardless of any analysis of the strengths and weaknesses of such models, what is abundantly clear is that the practitioner work force now urgently needs coherence and consistency. Senior managers need to avoid where possible new and untested initiatives and give themselves and the workforce the time and space now to fully establish the current methodology and stick with it – together with the relentless approach to defining and demanding the basics of good practice.

## **8. Corporate support**

Workforce development and training was reported to us as a significant strength, virtually everyone highlighting it as something that Buckinghamshire does well.

HR support was also highlighted as being good. Senior managers have had to make difficult decisions about staff members in the last five months and they report that they have received the right level of support and advice in order to make the necessary changes.

Buckinghamshire use Liquid Logic as a case management system (a market leader) and, whilst the implementation of this several years ago was reportedly difficult, it is now satisfactory and IT support was described as excellent generally.

*“There is lots of training”*

*“HR is not an obstacle – if you need something you get it. IT are fantastic.”*

There is more that could be done to improve the co-ordination of the business support function to support social work practice. Similarly the relationship between corporate performance reporting and Children’s Services needs to be reviewed in order that ‘the system tail does not wag the service dog’ (my words). There is still a residual sense of front line managers not yet having the right tools to do the job, though that might be more to do with clarity about the job than the system.

Commissioning and marketing (for fostering and adoption) is a further area that could benefit from a closer alignment with the new senior leadership team in Children’s Services.

## **9. Performance and Audit**

Managers get a data pack once a week, which is well understood. Team managers tend to filter this information down to their own aspect of the service. Senior managers rightly look across the whole picture but a more sophisticated approach to performance management will need to be developed as part of the team managers’ development programme.

*“It seemed to be all about numbers previously not about quality”*

*“All my manager asks is have I done my ‘Reds’.”*

The Quality Assurance process has been reviewed and the early stages of the new system appear to be positive. The ‘Beyond Auditing’ approach requires managers to sit alongside staff and review cases, provide feedback and then follow up in a month’s time on relevant actions. Significantly, this process takes place in area teams (rather than remotely) and managers can triangulate case files with direct interviews with practitioners and also take part in home visits and observe practice. This is a level of openness and scrutiny that had not hitherto been in place. Yet practitioners we spoke to described this closer and more intensive approach to assessing practice to be as empowering as it is challenging – a sense that it is properly valuing practice. There are still some audits being carried out remotely in

order to review every open child-in-need case in the post-Ofsted period in order to ensure the safety of children. These can cause some concern but are probably a necessary part of the improvement process.

Other aspects of the quality assurance process – independent reviewing officers, child protection conference chairs – had self-evidently not been successful in creating a culture of appropriate high challenge and high support. There has been some reported improvement in this regard and senior managers are aware that this remains a priority.

Similarly, the Buckinghamshire Safeguarding Children Board had not been able to accurately predict the 2018 Ofsted outcome, though the Independent Chair rightly points to a range of areas of evidenced progress since 2014 and the fact that the board, like other stakeholders, was ultimately dependent on trusting the accuracy of the audit process that applied at the time. Again this is an area for focus for the new Chief Executive and DCS as they begin, in partnership with the Independent Chair, to build the new safeguarding board arrangements required in Working Together 2018.

## **10. Capacity to Improve and Service Recommendations**

There is no doubt that there is very significant rebuilding work to do in Buckinghamshire alongside a need to drive cultural change in a Department that has been struggling for some time. There are several critical factors which give cause for optimism that the problems can be tackled effectively.

Firstly, as described, there is now in place a new leadership team, from the Chief Executive, Director of Children's Services, the Assistant Director and the seven heads of service, all of whom have extensive experience in improving children's social care services. This leadership team has been assembled quickly but thoroughly. It is at face value a highly impressive team and should be considerable assurance that the organisation has the capacity to drive the necessary change. If the undoubted individual strengths can be well harnessed by such a strong core at the most senior levels, it is no exaggeration to suggest that Buckinghamshire has the makings of a particularly high-performing children's service, given time and space.

Changes in practice are already being implemented, supported by changes in performance and quality assurance. These are being driven at pace but nobody should be under any illusions that there are quick fixes in Buckinghamshire. The scale of change required is significant and the political leadership, which has cause to feel let down by the faults that led to the most recent Ofsted, will need patience and confidence to support the new regime. One message of this report is the new regime is worthy of that support.

There is also no doubt that the corporate capability of the council is strong. This is also evidenced financially. Buckinghamshire's children's services are facing the same financial challenges as most others but it is clear the authority had responded well in 2014 by investing in change and supporting pressures. There are no blank cheques but the authority is relatively stable financially and continues to appropriately prioritise the service. (At the time of our commission we had some sight of the current local dispute about children's centres. That dispute is not central to this exercise but does point to continued opportunities for service transformation if properly approached). Numerous members of staff have talked, unprompted, about the strength of the training offer, IT support and (especially managers) the quality of HR support. There remains more to do in directing the corporate strength towards better co-ordination of business support, commissioning and performance information, but the council starts from a strong place under the current leadership.

I make recommendations above about the case for continued external support for the improvement journey. With or without external support we would highlight the following among the priorities for specific service improvement activity alongside the general actions of the Improvement Plan.

- A revised early help offer that links much more closely with social care activity and an improved MASH and includes close attention to the content and understanding internally and externally of thresholds for intervention.
- Investing specifically in leadership and management development for the SLT and, as already planned, for team managers.
- Embedding a new organisational culture that will support social work practice.
- This should include re-balancing a performance and audit framework in order to place an equivalent focus on the content as well as the metrics of case work performance.
- To support this there needs to be a systematic approach to engagement with front line managers and practitioners to ensure they take full accountability for their own performance but also have a sense of transparency and ownership for the direction of the improvement work.
- Reviewing the role and structure of the child protection conference chairs and Independent Reviewing Officers.
- Developing a fully realised transformation plan that will set out a vision for how the service will deliver high quality social work and related services

## **11. Alternative Delivery Options Considered**

Part of the rationale for the detail of this report is to help evidence the conclusion that an ADM is not required in Buckinghamshire. Put simply, it is difficult to see what an ADM could provide which is not already in place. On the other hand, it is easy to see that the cost, delays and disruption that would necessarily be involved through the

introduction of any ADM would at best slow down if not seriously disrupt the now rapidly developing improvement programme. Buckinghamshire has demonstrated that it now has considerable corporate capacity to effect change. Its response since the Inspection published in January 2018 (and indeed prior to that following the arrival of the Chief Executive) has been decisive, swift and effective although it will be some time before the impact shows in social work practice and in the culture change required. The new leadership team has a strong grasp of what is required and 'what good looks like'. For these reasons I have concluded that a partnership with another authority (such as the Hampshire/Isle of Wight model) is not necessary or justified as things stand.

Similarly, an independent trust model can be a catalyst for change and has proved effective in certain circumstances, for example when there is a dysfunctional political or corporate environment or when there is a case for "freeing" the children's leadership from certain local bureaucratic or other constraints. Those circumstances do not apply in Buckinghamshire at this stage. We have found a focussed political leadership which has digested the challenges of the 2014 outcome, is clearly disappointed by but not denying or challenging the 2018 outcome, and can well argue that in key senior appointments it has taken substantive steps to anticipate and tackle that outcome. There is no senior organisational denial or resistance. We have also found a corporate system which is effective and tuned in to the needs of the children's services. It is hard to see how that context can be significantly improved or even matched through an ADM, without at best substantial and diverting rebuilding.

## **12. Local Government Reorganisation (LGR)**

The background to LGR in Buckinghamshire is far too complex, wide ranging and sensitive to be done justice in this report, but there are important and immediate elements to LGR that could have a profound impact on children's services and vice versa, so the issue cannot be avoided. To that end the Commissioner has discussed the issue with the Chief Executive and the Leader and exchanged correspondence and met with representatives of the four Buckinghamshire districts. There has also been some discussion with officials in MHCLG. It is fair to say here that some might argue the Commissioner's impartiality in this regard as a serving county chief executive. That is as may be; what follows is a summary of the key relevant facts as I see them from a children's services perspective, followed by some assessed and evidence led conclusions.

Immediately prior to the latest Ofsted judgement, the former Secretary of State decided he was "minded to" implement the proposal for a single unitary council, being satisfied that the proposal met the publicly announced criteria for LGR. The proposal, submitted by Buckinghamshire County Council, substantially pre-dated the

second Ofsted inspection. Most if not all of the districts remain strongly opposed to this proposal. In our meeting they argued that the leadership of Bucks CC has been especially aggressive and single-minded in its pursuit of this proposal. In return, the leadership of Bucks CC would argue that it was an initiating step by at least one of the districts to consider unitary status for itself that triggered their own proposal. Following a period of representations until 25 May 2018, the new Secretary of State will consider all the representations received before taking a further decision.

Other than status quo of the existing councils, there appear at this point to be two alternative options to the unitary county proposal: one is for a two-unitary model across the county, another is similar but with the potential to include districts from bordering counties in one or other of the proposed two new unitaries.

Apart from the obvious antipathy to the county proposal, there was one particularly strong theme of the representations made to the Commissioner on behalf of the districts. This was that in the light of this second Ofsted judgement and its critical implications for the welfare of children in the county, the districts argued there must surely now be an additional concern against a path to a unitary county in that the challenge of the transition to that unitary model would be bound to impede the children's improvement journey which has already been failed by the County Council once. The districts were keen to stress the priority that should be given to children's welfare over LGR and that if nothing else, any decision about LGR should be abandoned at least until such time as the children's improvement was safely delivered. They argue these are two major organisational transformational journeys which should not be managed concurrently but at best consecutively.

The districts argue that as well as the challenge of two such major projects having to run alongside each other, making massive demands on Buckinghamshire's corporate capacity, the implications of LGR for the county council's management and staff, namely that all organisations would be disestablished and all staff would be placed at risk and needing to apply for their own jobs, are far too disruptive to contemplate during such a critical children's improvement journey.

In our discussions the districts also asserted their willingness and commitment to support the children's improvement journey in any way they could.

Before offering some conclusions about the specific relationship between Buckinghamshire's children's improvement journey and the possibilities of LGR, it is probably fairest if I summarise my own perception of LGR and the attendant implications for children's services, partly and inevitably based on local experience. The following points guide the conclusions:

- There is no question that single tier local government is significantly cheaper to deliver than two-tier, and the costs of two-tier become increasingly difficult to defend at any level in the face of the ongoing and unprecedented pressures on local government finance.

- That financial point is exacerbated in children's services by the financial crisis facing the services nationally.
- That said, different counties are at differing stages with regard to their capacity or readiness to enter into a unitary debate and undoubtedly the costs and disruption of the argument locally need to be born in mind. That is, do the costs and pain of reorganisation outweigh the arguable local benefit.
- Our local analysis also shows clearly that the process of disaggregating existing services in order to achieve LGR is far more expensive and disruptive than the process of aggregating. That is, it is better and more cost-effective to build up services than to dismantle them. This point applies particularly in the more sensitive and risk based services such as children's where there is, frankly, a great deal to lose.
- Size matters – especially in children's services. It is true that there is no direct correlation between size and performance in children's services but our own analysis and long experience in working with failing authorities points to two clear messages: it is increasingly the case for various reasons that children's services can be made to be more effective, stable and sustainable at larger rather than smaller scale; it is also clear that when authorities do fail at children's services, the smaller they are the harder it is for them to recover from that position.
- Finally, it is fair to say, entirely respectfully, that with the best of will district councils have no direct experience of running children's services and necessarily have highly limited concepts of the scale and challenges involved.

All of these assertions are subject to argument of course. I make them here in order to be transparent about the basis for the following conclusions about Buckinghamshire's LGR position as it implicates the children's services improvement journey. They are as follows.

- It is right to ensure that any LGR process should not be allowed to impede the children's services improvement journey.
- That might be regarded by some as an argument for postponing LGR. I am satisfied in the event of LGR proceeding, it could be achieved with careful management.
- One of the ways it can be done, if LGR is to proceed, is to ensure a "fire wall" is placed around the existing Children's Services Department so that the staff, services and systems are not disrupted by any corporate organisational change. This is easy to achieve, irrespective of any decision about the disestablishment or otherwise of all pre-existing organisations in the event of any LGR decision. (The same case can probably be made for Adults' Services.)
- On the other hand, I need to make the strongest possible case against any LGR proposal which would break-up (disaggregate) the existing children's services structures in Buckinghamshire. An uninformed external perspective

might assume that there is little to lose from the disruption of a twice-failing children's services authority. I could not disagree more strongly. In particular, the progress Buckinghamshire has made in the past year, spanning the second Ofsted judgement, is very strong. The leadership core, politically and especially from Chief Executive and DCS down, is now exceptional and is on track not just to achieve recovery but to establish a high performing service in time. A two-unitary proposal would not be able to replicate or duplicate this capacity and its disruption would take back the improvement journey by at least two years, That would pose a direct risk to vulnerable children in the county which I certainly would not wish to be associated with. I cannot make this point strongly enough.

- It goes without saying therefore that the notion of disaggregating into a two council model and then adding other areas from outside of the county is not defensible or sustainable in my view.
- The same point largely applies to any model which suggests we could retain a single children's services organisation (perhaps as a trust) and it could be "commissioned" by two new unitary councils. This model does not make sense to me in these circumstances. I have certainly been involved in the merger of children's services leadership between existing authorities – usually driven by the smaller scale of those authorities. But those were arrangements driven by circumstances, especially with regard to existing leadership capacity, which simply do not now apply in Buckinghamshire.

So, for the purposes of this report the LGR conclusions are clear and as follows. If preferred, it should be manageable, though challenging, to move to a unitary council model through LGR while simultaneously progressing the children's services improvement. The latter should certainly not be presented necessarily as an impediment to the former. Status quo in LGR terms would clearly remove this perceived dilemma – but status quo may not address the obvious other current local challenges that have prompted LGR and the "minded to" decision. Whatever happens, any decision which seeks to disaggregate or disrupt the existing children's services construct, as it now rapidly moves forward, would be retrograde and high risk and is categorically not supported. Whether it be within a single or two-tier arrangement, a single council for the County of Buckinghamshire accountable for the entirety of its children's services, is by far the safest option for children and, especially in the light of the current progress, has the best and most rapid chances of achieving sustainable high performance.

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