

## **Appendix E**

### ***Appendix E: Letter from the Commissioner – Cabinet Report (September)***

Dear Members,

I am writing to you today in my capacity as the Commissioner for Children's Social Care in Slough, an appointment that was made by the Secretary of State for Education as part of the Direction issued to the Council in October 2014. The Commissioner's responsibilities are two-fold: to oversee the establishment of a new organisation to deliver children's social care on behalf of Slough Borough Council (SBC), and to oversee improvement to services until the organisation is fully operational.

As you know, the Secretary of State for Education considered that there was significant evidence which indicated that the problems in children's social care in Slough were considerable and deep-rooted and that insufficient progress had been made to rectify them. The background leading to the issuing of the Direction is summarised at the end of this letter.

Since October work has progressed rapidly to fulfil the requirements of the Direction.

A very important initial step was to agree the Memorandum of Understanding (MoU) between DfE and SBC. The MoU was drafted during October/November and agreed on 21 November 2014. Although the MoU is not a legal document, it creates an important understanding between the Council and the DfE – it included an agreed 'vision' for the new organisation, along with the steps that would be taken to ensure that the organisation is operational in 'shadow form' by the end of March this year.

Initial key activity included: the establishment of the Council's project team, and a transition group led by Roger Parkin, the appointment of Deloitte by DfE to undertake due diligence activity, the recruitment of Elaine Simpson to be the chair of the Slough Children Services Trust (known as 'the Trust'), clarification and agreement on the scope of services to transfer to the Trust, and the recruitment of the Chief Executive Nicola Clemo. Work was initiated to determine accommodation, TUPE arrangements, pension and other HR matters, support services arrangements, the treatment of 3<sup>rd</sup> party contracts including Cambridge Education, service specification and the contract itself.

This has been a very complex endeavour and we have only been able to reach this point through the collective commitment and hard work of officers of the Council, the DfE project team, the new recruits to the Trust, lawyers for both the Council and the DfE and the Deloitte project team.

There have been some challenging issues to resolve to ensure that the new organisation will be fit for purpose, will be able to deliver an improving and effective children's social care service, and will be value for money. At the same time I am very aware of the ongoing need to improve services and create better outcomes for Slough's most vulnerable children. It has also been important during this period to support the interim DCS and her team to continue to manage the service as effectively as possible, and to focus

attention on areas requiring improvement. Although there have been some steps in the right direction, the pace of improvement remains too slow, with continuing high levels of agency staff, and too little evidence of consistent good practice. The Trust will be expected to tackle these issues from the outset.

On 29<sup>th</sup> June the Leader, Chief Executive and I met the Minister, Edward Timpson, to review progress. At that time it was clear that there were some matters that had not yet been resolved that needed urgent attention. We agreed that there were 5 key achievables, and I was able to report back on those one month later that significant steps had been taken to move things forward. The position in relation to each of these achievables is:

**1. An agreed contract with performance standards and monitoring arrangements, including service specification (clearly outlining which services will fall within the scope of the Trust), a funding mechanism and a clear agreement for the treatment of support services and the budget.**

- The Council and Trust, with my support, have agreed the final scope of services for transfer, including those areas that are currently delivered by Cambridge Education: it is agreed that the SEN assessment team and the Virtual School Head functions should move to the Trust. I agree with the Chief Executive of Slough Council that it is important not to frustrate the current contract with Cambridge Education, but any arrangement must ensure that the Trust is provided with the appropriate degree of control over 'in-scope' services and ensure that the Council, the Trust and Cambridge Education work as effectively as possible to provide a co-ordinated and appropriate response to the needs of vulnerable children and their families.
- Critical discussions around budget were needed. Historically, the service has overspent over a number of years, including by £3.8m in 14-15 (as set out in the financial due diligence completed by DfE's professional partner). I have been clear that the Trust will need to secure a budget from the Council based on actual spend rather than base budget, but we also recognise that savings will be required as the Trust begins to provide better value for money and the Council's own resources reduce in the future.
- Work has been undertaken to agree the terms and conditions for the delivery of support services for the Trust: those provided by Arvato, a third party supplier, and those provided by the Council.

**2. Separate accommodation with sufficient space for Trust staff in line with the principle of Trust independence outlined in the MoU.**

- I am pleased to report that accommodation for the Trust has been confirmed as Ground Floor West at Saint Martin's Place. This follows agreement from the Minister that funding will be provided by the Department to meet the additional costs associated with making sure the space is ready for go-live.

**3. The Trust established as a legal entity, registered with Ofsted, with governance and accountability arrangements in place.**

- The Trust was registered as a legal entity on 12 March with a Chair appointed. I am pleased that, following the meeting with the Minister, the Leader of the Council has agreed that a Councillor will be a non-executive director on the Board.

- I anticipate that all the work to ensure Ofsted registration, which will need to be in place before go-live, will have been successfully completed.
- 4. Management and support arrangements in place sufficient to receive and manage the transferring staff and service.**
- Nicola Clemo as Chief Executive of the Trust started formally on 20 July and is ably supported by the Trust's Transition Team, which includes an interim Finance Director, and Heads of Communications, HR, and Improvement.
  - The Council has prepared a list of staff and estimated budget for the support services that will transfer to the Trust. At the moment the organisational structure is transferring largely 'as-is' – including the operational management and delivery of frontline services.
- 5. A pensions agreement, HR policies and TUPE procedures in place.**
- The Council's Cabinet has agreed key principles to the pension arrangements: admission to the fund on an open basis; the Council will provide a guarantee to the fund in relation to the Trust meeting its liabilities during the service delivery contract term; and, that on return transfer of the services, the Council will assume any Trust liabilities.
  - The TUPE consultation began on 28 July and concluded on 25 August. The Trust has offered to undertake informal 'transition talks' with Council staff who can take them up on a voluntary basis. Formal 1-2-1s will take place after the consultation has closed.

In conclusion, we are now weeks away from the Trust being fully operational. I am grateful to all the Council officers who have worked tirelessly with the DfE, and the Trust, to ensure that the organisation is up and running by the end of September. I am confident that the arrangements proposed strike a good balance between independence for the Trust, and sufficient governance and accountability for the Council to be satisfied that it is fulfilling its statutory obligations.

When I accepted this role, I saw it as a real opportunity to secure the best improvement, and the right set of services, for the benefit of children and young people in Slough. I have overseen the Trust's implementation, and have immense confidence in its leadership and expertise to create a fresh start in the delivery of improved services.

This will be the second children's services Trust to be established in the UK as a result of government direction, following the successful creation of the Doncaster Children's Services Trust. As such, the Trust is at the forefront of new developments in how we safeguard and improve outcomes for vulnerable children and young people.

I hope you will agree that the Trust gives Slough an opportunity to create a service that is innovative while being responsive to the needs of local children and families.

Yours sincerely,

Eleanor Brazil

Slough Commissioner for Children's Social Care