

<b>29 July 2019</b>	<b>ITEM: 5</b>
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## **General Services Committee**

### **To consider options for the future of the Director of Children's Services role.**

<b>Wards and communities affected:</b> N/A	<b>Key Decision:</b> N/A
<b>Report of:</b> Lyn Carpenter – Chief Executive	
<b>Accountable Assistant Director:</b> NA	
<b>Accountable Director:</b> Lyn Carpenter – Chief Executive	
<b>This report is</b> Public	

#### **Executive Summary**

Following discussion at Council on 19 June 2019, this report is presented to General Services Committee to demonstrate the options considered for the appointment of a permanent Director of Children's Services and to seek the views of GSC on this matter.

The Council is required to appoint a Director of Children's Services (DCS) to fulfil statutory functions and comply with the Children's Act 2004. Interim arrangements (IDCS) were made in accordance with the legislative requirements as well as the Children's Act 2004 on 23 June 2019.

The report sets out considerations for the appointment of a DCS including the context (both local and national), and the timescales of recruiting a new DCS (which reflects the timescale for all senior roles) and options for a joint role with other council services.

#### **1. Recommendation**

- 1.1 That General Services Committee considers the options identified in this report for the future of the Corporate Director of Children's Services role.**
- 1.2 That General Services Committee recommend to Council:**
  - I. The permanent appointment of Roger Harris as Director of Children's Services; or**
  - II. The extension of the current interim arrangements to allow for the recruitment of a Director of Children's Services.**

## **2. Introduction and Background**

- 2.1 The previous permanent Corporate Director of Children's Services left the Council on 23 June 2019.
- 2.2 Having considered the local and national perspective for the recruitment of Directors of Children's Services, the timeframe for the ILACS inspection of children's social care, the length of time to recruit to any senior role in the council, an alternative option for the replacement of the Corporate Director of Children's Services role was considered and a proposal to combine the role with the Corporate Director of Adults, Housing & Health was formally presented to Leadership Group for consultation in April 2019.
- 2.3 Formal consultation, which took place over 4 weeks, concluded in May and the proposal to create a new Corporate Director responsible for Adults, Housing, Health and Children's received unanimous support from all officers both across the senior leadership group and within the services affected. The formal outcome of the consultation was reported to Directors Board on 4 June 2019 with a simultaneous email to Group Leaders the same day.
- 2.4 A meeting was held with group leaders on 17 June 2019 to discuss concerns expressed and to agree a change to the proposed council report recommendation for the appointment of an Interim DCS.
- 2.5 At its June meeting, Council did not support the revised recommendation to appoint an interim DCS with a joint role. To ensure the Council met its statutory and legislative requirements, the Chief Executive used delegations to appoint an Interim Director of Children's Services effective 24 June 2019 for a period of up to 6 months subject to a report being presented to GSC in July 2019.
- 2.6 Since 2007, Thurrock has had 7 Director of Children's Services of which 5 post holders were permanent and 2 were interim. This puts the authority 26 (jointly with 6 others) out of the 151 Local Authorities monitored by The Association of Director of Children's Services Ltd (The ACDS Ltd) for the number of DCS changes in the past 12 years. This level of previous instability in such a key area of council service provision was part of the consideration around the appointment of a joint post holder, to provide stability and effective leadership.

## **3. Issues, Options and Analysis of Options**

- 3.1 Section 18 of the Children's Act 2004 requires every top tier local authority to appoint a Director of Children's Services. The DCS has professional responsibility for the leadership, strategy and effectiveness of local authority children's services, it should therefore be a Chief Officer and report directly to the Chief Executive. The DCS is responsible for the performance of local authority functions relating to both the education and social care of children and young people to improve outcomes and wellbeing.

3.2 There are essentially two main options available to the Council; replace the current Corporate Director of Children's Services and continue with a dedicated role or allocate the functions and responsibilities of the DCS to another Chief Officer. There are strategic and practical pros and cons for each.

3.3 **Corporate Director of Children's Services**

A dedicated DCS role ensures the senior leadership and capacity is only focussed on the outcomes for children. It provides for:

- A focus on education and children's social care and ensure that safety and the educational, social and emotional needs of children and young people are central to Thurrock's vision;
- Recognition of the breadth and importance of children's services functions; and
- A clear and unambiguous line of accountability for these functions

3.4 However, it is essential that services for Children work with and are integrated in a number of other key council services including Adults and Housing in particular. The services cannot and do not operate in isolation.

3.5 Children's services in Thurrock, and the previous DCS, have been subjected to considerable scrutiny and criticism in some elements of the local press. This, along with whistleblowing activity, caused concerns for Members and staff. A full and independent investigation was undertaken and the outcome reported to Members as well as OFSTED. All the allegations in the whistleblowing letters were shown to be unfounded and the performance of children's social care has demonstrably improved over the past 3 years.

3.6 The market for Directors of Children's Services is extremely competitive, the level of unfounded criticism that has been prevalent in the borough could impact on the Council's ability to attract candidates.

3.7 The market for recruiting a Director of Children's Services is also a challenge with a number of local authorities, including London Boroughs, currently recruiting. Thurrock is competing as one of many authorities attempting to attract the top candidates in the current climate at this moment in time.

3.8 In the last 3 months alone the following senior positions were out to advert:

- Corporate Director for People (includes DCS) – up to £149k (Nottingham City Council);
- Corporate Director for Children's and Families – circa £123k (Redcar & Cleveland Borough Council);
- Strategic Director: Children's, Schools & Families – up to £148k (Cornwall Council);
- Corporate Director of Children's Services - £125k (Trafford Council)
- Director of Children's Social Care – salary confidential (BCP Council);
- Director of Children's Services - £140-£160k (Hammersmith & Fulham);

- Executive Director of Children's Services – up to £165k (Westminster/Kensington & Chelsea)
- Corporate Director Children's Services - £148- £190k (Wandsworth); and
- Corporate Director of Children's Services - £169k (Newham)

- 3.9 The pay for the DCS in Thurrock is between £126,501 and a maximum of £147,501. The main recruitment agencies have advised we would have to advertise at our maximum rate to attract candidates.
- 3.10 If the Council were to commence recruitment for a new DCS, an executive search agency would need to be commissioned to deliver the campaign and try to attract the right calibre candidates. The agency costs associated with this recruitment would be in the region of £30,000 including the level of advertisement needed. In addition, a number of panels would need to be set up to interview the candidates including a Member panel and young people panel, Officer time to deliver this would be in the region of £15,000. However, the proposal to create a new combined role was not made on financial costs at all, this section merely provides GSC with an overview of the financial implications of seeking to recruit senior roles to the council. Timescales for such a recruitment campaign would be in the region of 3/4 months from commissioning the agency to appointment of a successful candidate. Likely notice periods would be 3 months meaning a permanent replacement would not be in place for a minimum of 6/8 months.

### **3.11 Corporate Director, People, Housing and Health**

Whilst recognising the concerns raised in combining these critical services/functions under one Corporate Director role, there are a number of authorities who currently have a Corporate Director role that includes the statutory functions for both adults and children's services.

- 3.12 In 2018/19 the Association of Directors Children's Services (ADCS) reported that there had been 51 DCS changes taking place across 40 Local Authorities with 17 new permanent DCS appointments.

There are currently 41 “twin hatter’s” which the ADCS recognise as those carrying out both statutory roles of DCS and DASS including 10 London boroughs.

- 3.13 21 of the 51 changes in DCS within this period have taken place across the Eastern, South East and Greater London regions where there has been a noticeable shortening of tenure of DCS's in authorities.
- 3.14 Since ADCS was established in 2007, 107 of the 152 Local Authorities have had a “twin hat” at some point. The trend for this is ever fluid with 7 Local Authorities having disaggregated services and 3 Local Authorities having combined the services in the past 12 months. Each authority reaches the decision on which model is right for what point in time by considering:

- Skills of existing officers;
  - Market conditions and availability of good quality candidates;
  - Local environment and service demands; and
  - Political context.
- 3.15 Bringing together the totality of Social Care, Health, Education and Housing could improve the council's ability to effectively manage transition arrangements in social care; effectively link health and education to support the drive for improved outcomes, and locate all the key influences of life chances, quality and expectancy together.
- 3.16 Any perceived reduction in leadership capacity can be supplemented by enhancing resources at second tier and below.
- 3.17 The last full inspection by OFSTED in 2016 saw 'requires improvement' outcomes across the board including leadership, management and governance. Recognising this and the appointment of a permanent DCS in May 2016 resulted in a focused visit in 2018 from OFSTED that recognised the improvements made, enhanced by a stable senior management team. The loss of the DCS at a critical point in the improvement action plan was also a key consideration in proposing a joint role. Any new DCS would take up to 6 months to become fully effective.
- 3.18 The next full OFSTED inspection is due in autumn 2019, the appointment of an internal officer as the interim DCS has provided the ongoing stability needed to support services leading up to and during the inspection period, it has ensured the positive progress has been maintained, ensured key officers in children's feel supported, valued and have high quality leadership as Thurrock prepares for its ILACS. Had an external appointment been made, with at least 3 months' notice for senior candidates, it is highly likely that there would not have been a permanent DCS when OFSTED arrived for inspection.
- 3.19 The current and proposed structures included in the consultation are available at appendix 2. The rationale behind the proposal that went to consultation was three-fold, firstly the need to ensure stability following the departure of the DCS heading into an OFSTED inspection, secondly recognition of the highly competitive market for high calibre DCS currently and the challenges that would pose if going out to market and thirdly, the skills, qualities and effectiveness of the proposed officer who already had an excellent working relationship with Children's Services.
- 3.20 If the DCS role is combined with the Corporate Director of Adults, Housing and Health then the Council will realise of cost saving of up to £192,000 based on salary and on-costs which can and will be reinvested to strengthen management structures and ensure the joint role is sustainable. Paragraphs 3.21-3.22 below includes details of how the next layer of management was being strengthened to ensure capacity and sustainability of all services under the new joint role.

3.21 The proposed structure supporting the Corporate Director would include the following permanent roles, this structure is currently in place on an interim basis for the same time period as the interim DCS arrangements:

- Director of Children and Families; and
- Director of Adult Social Care and Community Development.

These would replace the existing Assistant Director level roles that currently exist at that level. The increased authority at these levels allows for closer leadership and oversight. This will ensure that leadership capacity is not diluted and provides capacity for the Corporate Director to focus on the most significant and strategic issues whilst ensuring clear lines of accountability to the Chief Executive, Portfolio Holder for Children and Adult Social Care and the Leader. All commissioning services have been moved to another directorate. In addition, the 2018/19 budget included a further £1m investment in the service to support transformation and has been given further funding during this year to support the forthcoming OFSTED inspection.

3.22 These two posts would be in addition to the below existing roles:

- Assistant Director – Housing Management;
- Assistant Director – Education and Learning; and
- Director of Public Health.

3.23 Strengthening the structure underneath the proposed new Corporate Director post would provide the resilience required to ensure that the post holder is supported appropriately in discharging their statutory requirements. The newly created Director roles are supported by Strategic Leads for each core function to ensure that all aspects of social care within the authority have clear leadership and direction to enable the best outcomes for the residents of Thurrock.

#### **4. Reasons for Recommendation**

4.1 To consider options for the future role of Director of Children's Services.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

5.1 Consultation on the original proposal was undertaken with key and affected staff.

#### **6. Impact on corporate policies, priorities, performance and community impact**

6.1 The appointment of a Director of Children's Services (DCS) is essential to the Council to comply with the Children Act 2004 and to ensure statutory functions are fulfilled.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Sean Clark**  
**Director of Finance, IT & Legal**

There has already been considerable investment within Children's Services to strengthen key areas and aid transformation, especially in the areas of early intervention, adoption, fostering and Headstart Housing.

If GSC support the proposal for a new directorate with an overall Corporate Director People, Housing and Health this would result in the reduction of one Corporate Director. Whilst this creates a saving, as indicated in the report there will need to be other changes within the senior leadership of this combined Directorate to ensure that any increased responsibilities are recognised and that there is sufficient capacity to support the Director. These will be contained within the current budget envelope.

If the proposal is for a dedicated DCS and a separate Directorate, there are no financial implications as this reflects the budget already agreed.

### **7.2 Legal**

Implications verified by: **Tim Hallam**  
**Deputy Head of Law and**  
**Deputy Monitoring Officer**

The Council is required to appoint a Director of Children's Services under Section 18 of the Children Act 2004 who has responsibility for Children Services and education. This role can be combined with other posts. The Council should have regard to the statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services (DoE 2013). The Council should ensure that the focus on outcomes for children and young people remains assured by combining the roles.

The final decision on the appointment of statutory Chief Officers is by Full Council.

### **7.3 Diversity and Equality**

Implications verified by: **Natalie Warren**  
**Strategic Lead, Community Development and**  
**Equalities**

No diversity or equality implications.

**7.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None.

**9. Appendices to the report**

- Appendix 1 – Local Authorities with ‘twin hatters’ as at 31 March 2019
- Appendix 2 – Structure Chart

**Report Author:**

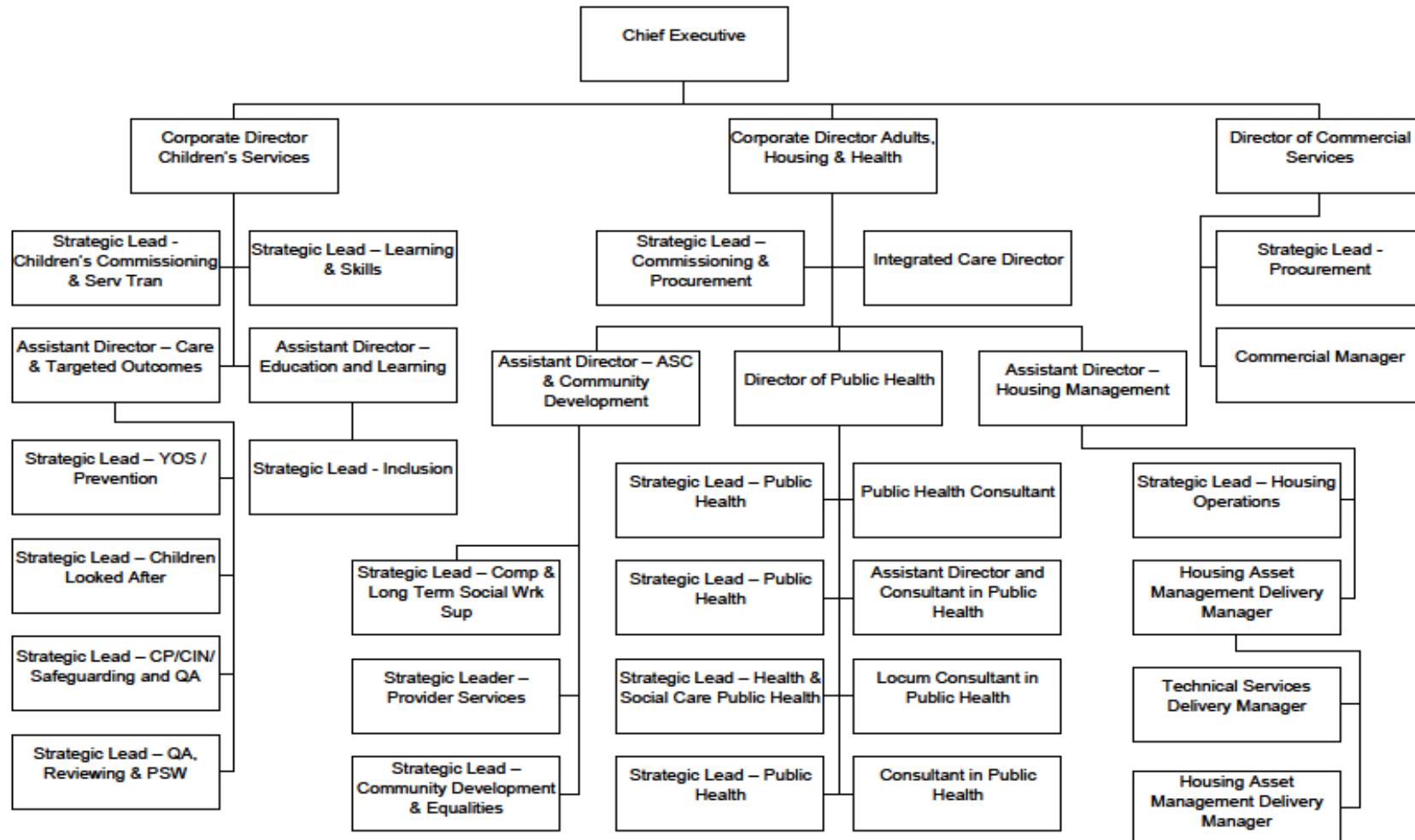
Lyn Carpenter

Chief Executive

## **Appendix 1 – Local Authorities with ‘twin hatters’ as at 31 March 2019**

<b>LA</b>
Barking & Dagenham London Borough
Barnsley Metropolitan Borough Council
Bath & North East Somerset Council
Bolton Council
Bournemouth Council
Cambridgeshire County Council
Cheshire East Council
City of London
Council of the Isles of Scilly
Cumbria County Council
Darlington Borough Council
Derby City Council
Doncaster Metropolitan Borough Council
Dudley Metropolitan Borough Council
Ealing London Borough
Gateshead Council
Hackney London Borough
Hillingdon London Borough Council
Hounslow London Borough
Leicester City Council
Luton Borough Council
Medway Council
Newcastle Upon Tyne City Council
Newham London Borough Council
North Somerset Council
North Tyneside Council
Peterborough City Council
Poole Borough Council
Redbridge London Borough
Rutland County Council
Salford City Council
Sefton Metropolitan Borough Council
South Tyneside Metropolitan Borough Council
Southend-on-Sea Borough Council
Southwark Council
St Helens Metropolitan Borough Council
Sutton London Borough
Telford & Wrekin Council
Waltham Forest London Borough
Warrington Borough Council
Warwickshire County Council

## Appendix 2 – Current Structure



## Appendix 2 – Proposed Structure

