

WARNING NOTICE ISSUED FOLLOWING THE INSPECTION OF CHILDREN'S SERVICES, POWYS COUNTY COUNCIL

Purpose

This is a warning notice issued to Powys County Council under section 151 of the Social Services and Well-being (Wales) Act 2014 ("the 2014 Act").

The Welsh Ministers' concerns around the ability of the authority to adequately carry out its duties emanate from the inspection undertaken in July 2017 by the Care and Social Services Inspectorate Wales' (CSSIW) Inspection of Children's Services, Powys County Council. CSSIW's report highlighted a significant number serious concerns with regard to the performance, quality and delivery children's services compounded by instability in management, poor and confused direction and weak governance.

Part 8 of the 2014 Act sets out the grounds and the process through which Welsh Ministers can intervene to secure compliance of a local authority in the performance of its social services functions.

The Welsh Ministers recognise that intervention is a serious step. However, the Welsh Ministers are satisfied that CSSIW's inspection report provides sufficient evidence to issue a warning notice to Powys County Council under Part 8 of the 2014 Act.

Grounds for Intervention

The Grounds for Intervention under section 150 of the 2014 Act which are relied on are:

Ground 1 – the local authority has failed, or is likely to fail, to comply with a duty that is a social services function

Ground 3 – the local authority is failing, or is likely to fail, to perform a social services function to an adequate standard

Reasons why the Grounds for intervention exist

CSSIW carried out an inspection of Children's Service, Powys County Council which included site visits during the weeks commencing 17 and 31 July 2017. A draft report of these visits was produced and issued to Powys County Council on 5 September and a final version published on 17 October 2017. The report is referred to in this notice as "the July inspection report".

The report identified the following failings:

Access arrangements: Information, Advice and Assistance

The arrangements for people to access services and to access information about services are not working adequately. The role of the Powys People

Direct service is not sufficiently clear and its links and communication with locality teams, with the Team around the Family and with the Emergency Duty Team are not adequate.

Assessment

Practice in the conduct of assessments of children's needs for care and support is poor and there is a lack of evidence of consistent use of assessment tools or application of thresholds. Assessments are not always carried out within reasonable timescales and there is significant evidence of delays in families or individuals receiving services. There is evidence of a lack of assessment in child protection cases. The lack of assessment, intervention and support together with poor follow up and oversight is placing children at considerable risk.

Care and support

Care and support for children and families is insufficient. There is a lack of leadership, management oversight and direction in order to provide responsive and safe services. Care and support plans were often generic with an absence of focus on the child with significant evidence of delay and drift in supporting children and families. The July inspection report provides evidence of a substantial reduction in the number of foster parents and the subsequent difficulties in finding suitable placements for children needing foster care.

Children and families have expressed dissatisfaction with inconsistency and changes in social workers assigned to cases, and not being fully informed about why decisions are being made. Engagement of families in planning meetings was inconsistent with examples where there was no evidence of care and support plan and lack of monitoring arrangements.

Safeguarding

There is evidence of missed opportunities to safeguard children with a lack of effective systems to identify risks, nor are the risks being appropriately and robustly assessed. There was poor recording of section 47 Children Act 1989 reports and lack of evidence to support agreed actions. A lack of compliance with child protection processes, delays in section 47 reports and assessments being undertaken which lacked clarity and SMART objectives has put children at risk of harm. There is evidence that child protection procedures were not followed, for example, in one case, no record of children protection statutory visits for a period of 6 months.

Leadership, management and governance

Performance of all social services functions is undermined by a leadership deficit. The People Directorate is represented on the corporate management team by the Interim Strategic Director of People and the Interim Chief Social Work Officer – Operations Director for Social Care. The Chief Executive of

Powys Teaching Health Board has been covering the post of Interim Strategic Director of People. Whilst these arrangements are in place to cover functions, there is no officer appointed as Director of Social Services and known by that title as required by section 144(1) of the 2014 Act.

Children's Services has been subject to frequent changes of management of the past 2 years which has meant that the local authority has lacked substantive management arrangements, presenting a fragile organisation without clear structures on which to base sound and safe practice. Quality assurance and performance monitoring is limited and in some instances non-existent. The numbers of complaints to the local authority have gradually increased. However, complaints in the main were not being investigated within the required timescales, recording was poor which meant that it was difficult to assess the robustness of the investigations and responses.

For the above reasons Powys County Council has failed to carry out to an adequate standard the following social services functions:

- (i) section 17 of the 2014 Act (Provision of information advice and assistance)
- (ii) Part 3 (Assessing the needs of individuals) and Part 4 (Meeting needs) of the 2014 Act
- (iii) section 75 of the 2014 Act (General duty of local authority to secure sufficient accommodation for looked after children)
- (iv) section 144 of the 2014 Act (Directors of social services)
- (v) section 171 of the 2014 Act (Complaints about social services).
- (vi) section 47 Children Act 1989 (Local authority's duty to investigate)

Action required by Powys County Council to deal with the grounds for intervention

Powys County Council is required:

- (a) to end the current arrangements and to appoint an interim Director of Social Services to ensure compliance with section 144 of the 2014 Act
- (b) to appoint an Improvement Board to oversee the actions of the Director, to provide constructive challenge and strategic oversight of the Director's actions as regards all social services functions relating to children
- (c) to require the Improvement Board to provide monthly reports to the Leader of the Council with a copy to the Director of Social Services and Integration, Welsh Government
- (d) to require the interim Director of Social Services to draw up an improvement plan addressing the issues raised in the July inspection report
- (e) to agree the improvement plan with the Improvement Board including the timescales within which the actions and objectives should be achieved, and providing strong corporate and political oversight.

- (f) to require the interim Director of Social Services to implement the improvement plan
- (g) during the improvement plan period, no additional organisational structures should be introduced

The period within which the action is to be carried out

Powys County Council is expected ensure compliance with the requirement to produce an improvement plan in response to the recommendations contained within the July inspection report within 20 working days of publication, i.e. within 20 working days of 17 October 2017. A timeframe for improvement for each recommendation should be included in the improvement plan.

Action Welsh Ministers minded to take if local authority fails to take the required action

If Powys County Council does not carry out the actions specified within the specified period satisfactorily, Welsh Ministers are minded to more directly intervene under sections 152-161 of the Social Services and Well-being (Wales) 2014 Act.