

FOLLOW-UP 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") and follows the warning notice issued on 17th October 2017 ("the First Warning Notice").

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 ("the July Inspection 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.

The First Warning notice cited the grounds and supporting reasons for intervention. The First Warning Notice set out the following action required by Powys County Council:

- (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

Action carried out by Powys County Council in response to the First Warning Notice

Powys County Council has:

- appointed an interim Director of Social Services
- appointed 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
- ensured that the Improvement Board has provided reports to the Leader of the Council with a copy to the Director of Social Services and Integration, Welsh Government
- delivered an improvement plan drawn up by the interim Director of Social Services to address the issues raised in the July inspection report within the 20 days required
- started to implement the improvement plan

Reasons why the Grounds for Intervention still exist

The issues identified through the July Inspection Report are set out in the First Warning Notice. Powys County Council has taken a number of positive steps to address those issues. The positive steps have been identified and are set out in a letter dated 4/1/2018 from the Head of Local Authority Inspection in CSSIW to the Interim Director of Social Services.

The letter also sets out a number of areas where improvement is still required to ensure that the issues from the July Inspection Report are fully addressed and to ensure that progress already made is not lost.

For these reasons Powys County Council is failing 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)

Follow-Up Warning Notice - Grounds for Intervention

As for the First Warning Notice, 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

Further action required by Powys County Council to deal with the grounds for intervention and period for compliance is as follows:

- (a) To submit a revised Improvement Plan to Care Inspectorate Wales (formerly, CSSIW) and a copy to the Director of Social Services and Integration, Welsh Government no later than 7 February 2018. The revised plan is to include actions for improvement which the authority will achieve -
 - i. within 6 months of the date of this notice and
 - ii. within 12 months of the date of this notice and
 - iii. Within a period which goes beyond 12 months from the date of this notice up until January 2020;
- (b) The actions for improvement must address the findings described in CCSIW's letter and appendix one dated 4 January 2018 to the Interim

Director of Social Services issued following CSSIW's monitoring visit in December 2017;

- (c) Once the revised plan has been submitted, an addendum to this notice will be issued requiring Powys County Council to achieve the improvement actions within the time periods specified in the plan and these will be the relevant compliance periods for the purpose of section 151(2)(d);
- (d) To introduce a quality assurance framework to improve consistency and standards of frontline practice across the county. The framework must be drafted by 31 March 2018 and the authority must be able to provide substantial evidence of implementation of the framework by 30 June 2018;
- (e) To continue to arrange for an Improvement Board¹ to oversee the actions of the Interim Director, to provide constructive challenge and strategic oversight of the Interim Director's actions as regards all social services functions relating to children;
- (f) The Interim Director to provide monthly reports to the Improvement Board and Leader of the Council with a copy to the Director of Social Services and Integration, Welsh Government.

When corporate support package is agreed any changes to the Improvement Board will be notified as an addendum to this warning notice.

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 set out within the specified period satisfactorily, Welsh Ministers are minded to more directly intervene in one or more of the methods of intervention provided for under sections 152-161 of the Social Services and Well-being (Wales) Act 2014.

¹ Powys County Council has requested statutory support under the Local Government Measure 2009. The detail of this package is currently being developed and may result in a revised governance structure which may have implications for the Improvement Board. Any revised arrangements will be agreed with the Council.