


<b>Individual Mayoral Decision</b>	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Graham White, Acting Corporate Director Governance & Debbie Jones Corporate Director Children's Services	<b>Classification:</b> Unrestricted
<b>Establishment of the Tower Hamlets Best Value Improvement Board &amp; Children's Services Improvement Board</b>	

<b>Lead Member</b>	<b>Mayor John Biggs &amp; Cabinet Member Education &amp; Children's Services</b>
<b>Originating Officer(s)</b>	Afazul Hoque (Interim Service Manager Strategy, Policy & Performance), Layla Richards (Service Manager Policy, Programmes & Community Insight)
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Community Plan Theme</b>	<b>One Tower Hamlets</b>

### **Executive Summary**

As part of the Council's final update to the Secretary of State for Department for Communities and Local Government (DCLG), it set out proposals to establish a cross party Best Value Improvement Board to drive sustainable improvements across the organisation and deliver the actions set out in the Best Value Improvement Plan 2017-18. The Board will have external representation through the Local Government Association to provide support and challenge. The Council is required under new Directions issued by the Secretary of State for DCLG dated 28<sup>th</sup> March 2017 to establish the Best Value Improvement Board and this report seeks to formally put in place arrangements to meet this requirement.

Following the Ofsted "single inspection framework" inspection of services for children in need of help and protection, children looked after and care leavers in January/February 2017, which graded children's services as "inadequate" in its overall judgement, a Children's Services Improvement Board has been established. This is as required by the draft Direction from the Secretary of State of Education dated 7<sup>th</sup> April 2017. The Tower Hamlets Children's Services Improvement Board will be chaired independently by Alan Wood, former Director Children's Services at the London Borough of Hackney. There will also be external representation in the form of a DfE Intervention Adviser and other external specialist advisers.

## **Recommendations:**

The Mayor is recommended to:

1. The Mayor agrees to the establishment of the Tower Hamlets Best Value Improvement Board to drive sustainable improvements across the Best Value areas;
2. The Mayor agrees the draft terms of reference for the Tower Hamlets Best Value Improvement Board (Appendix 1 of the attached report);
3. The Mayor agrees to the establishment of the Children's Services Improvement Board with an Independent Chair;
4. The Mayor agrees the draft terms of reference for the Children's Services Improvement Board (Appendix 2 of the attached report).

### **1. REASONS FOR THE DECISIONS**

- 1.1 To formally approve the establishment of the Tower Hamlets Best Value Improvement Board and Children's Services Improvement Board as required by Directions issued to the Council by the government and drive improvements across the organisation

### **2. ALTERNATIVE OPTIONS**

- 2.1 The Council can decide not to establish these improvement boards but this is not recommended as the Council is required to establish the Best Value Improvement Board as per the Direction from the Secretary of State for DCLG on 28<sup>th</sup> March 2017. Similarly, the draft Direction from the Secretary of State of Education dated 7<sup>th</sup> April 2017 requires the Council to establish the Children's Services Improvement Board.

### **3. DETAILS OF REPORT**

#### **Tower Hamlets Best Value Improvement Board**

- 1.1 The Council as part of its final submission to the Secretary of State for DCLG outlined proposals to set up a Best Value Improvement Board to drive sustainable improvement across the organisation by providing oversight, support and challenge. The Secretary of State wrote to the Council on 28<sup>th</sup> March 2017 stating that he has revoked the Directions issued on 17<sup>th</sup> December 2014 and removed the Commissioners that were involved in the governance of the Council. The Secretary of State also issued new Directions which will be in force until 30<sup>th</sup> September 2018.

- 1.2 The new Directions require the Council to undertake the following:

- Submit quarterly reports on all outstanding actions in the Best

Value Action Plan and Best Value Improvement Plan 2017-18 to the Secretary of State. The first report to be received by 10am on 30<sup>th</sup> June 2017;

- Set up an independent review of achievement against the Best Value Action Plan and Best Value Improvement Plan 2017-18 to be submitted to the Secretary of State by 1<sup>st</sup> August 2018;
- Set up a new Best Value Improvement Board, chaired by the Mayor, with cross party representation and external representatives to provide suitable challenge to improve all Council activity.

1.3 The Council also submitted a detailed Best Value Improvement Plan 2017-18 that has 5 key priority areas comprising 26 strategic actions. These priorities areas are a continuance of those found in the Best Value Action Plans arising from the original Secretary of State's Directions. The Plan is designed to demonstrate continued implementation where current activity could not be implemented before the Directions expired as well as continued improvements.

1.4 The draft terms of reference for the Best Value Improvement Board is attached in appendix 1 and it is expected these will be finalised at the first meeting of the Board in June 2017. The Board will meet on a quarterly basis and in public and its membership includes Cabinet Members, opposition group leaders, Chair of Overview and Scrutiny Committee and external representations provided by the Local Government Association.

### **Children's Services Improvement Board**

1.5 The Children's Services Improvement Board will meet six-weekly with the main objective being to deliver the Children's Services Improvement Plan which is broken down into four key themes:

- A robust model of social work practice
- A sufficient and skilled workforce
- Quality assurance and audit
- Leadership, management and governance

1.6 The Board will be responsible for driving sustainable improvement across Children's Services by providing advice, support and challenge, including to the Local Safeguarding Children Board. It will also be responsible for securing sustainable improvements and performance in Children's Services following the Ofsted inspection and ensuring that all recommendations set out in the Ofsted report are owned and implemented by the Council and partners. The Children's Services Improvement Board will be supported by an Operational Group from which the Board will receive regular reports demonstrating that the changes being introduced are having an impact on improving social work practice and outcomes for children.

- 1.7 The Direction from the Secretary of State also requires the Board to cooperate with the Intervention Adviser's six monthly reviews as to whether the Council has made sufficient progress in improving its children's services.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The Council has a commitment to the establish and effective running of both of these boards and therefore funding will be made available to ensure that they can be properly resourced and that appropriate external representation is in place.
- 4.2 In the case of the Best Value Improvement Board £85k will be drawn down from reserves and managed by the Corporate Director of Governance as part of the usual budget monitoring process. This budget will pay for approximately 1.5 FTE to support the Board.
- 4.3 Similarly, for the Children's Services Improvement Board, £115k will be allocated from reserves and managed by the Corporate Director of Governance as part of the usual budget monitoring process. This budget will pay for approximately 1.5 FTE to support the Board and meet the cost of an independent chair person

#### **5. LEGAL COMMENTS**

- 5.1 The Council's Constitution provides that all executive functions of the Council are vested in the Mayor and the Mayor may exercise those functions himself, or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet Committee/ Sub-Committee/ Panel or Board, an individual Cabinet Member or an officer; or under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 only, by a ward councillor.
- 5.2 The Council is a best value authority within the meaning of Part 1 of the Local Government Act 1999. As a best value authority, the Council has an obligation under section 3 of the Local Government Act 1999 to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness" (the best value duty).
- 5.3 Where the Secretary of State is satisfied that an authority is not meeting its best value duty, the Secretary of State may: (1) direct the authority to take action to bring itself into compliance with that duty; (2) direct that specified functions be carried out by the Secretary of State or a nominee and that the authority follow the Secretary of State's instructions and provide such assistance as may be required (Local Government Act 1999). In accordance with this power the Secretary of

State previously gave directions to the Council on 17 December 2014, 29 April 2015 and 6 May 2015. Revised directions were also given on 16 January 2017.

- 5.4 Although those Directions have now been revoked and the specified functions which were carried out by the Commissioners on behalf of the Secretary have been returned to the authority, the Secretary of State issued fresh directions on 28<sup>th</sup> March 2017 to the Council for it to take specific action which were considered necessary or expedient to secure the Council's compliance with its best value duty without specifying that specified functions be carried out by the Secretary of State or a nominee. These include setting up a new Best Value Improvement Board, chaired by the Mayor, with cross party representation and external representatives to provide suitable challenge to improve all Council activities.
- 5.5 The new directions are enforceable by the Secretary of State, who may seek an order in the High Court requiring the Council to remedy any breach. In the circumstances, it is appropriate for the Mayor to take steps to comply with these new directions and to monitor its compliance with the directions and this includes setting up an Executive Board that includes non-Executive Members.
- 5.6 As to the Children's Services Improvement Board, the framework for Ofsted inspections of Children's Services is set out in sections 135-142 of the Education and Inspection Act 2006 ('the 2006 Act') and associated Employment and Education Act 2006 (Inspection of Local Authorities) Regulations 2007 ('the Regulations').
- 5.7 On 7<sup>th</sup> April 2017 Ofsted published the report of Tower Hamlets' Single Inspection of children in need of help and protection; children looked after and care leavers and the Local Safeguarding Children Board. The overall judgement in this report is that Children's Services in Tower Hamlets are inadequate.
- 5.8 Having regard to that report and using powers pursuant to section 15(5) of the Local Government Act 1999 and section 497A(4) and (4B) of the Education Act 1996 the Secretary of State has issued a draft Direction requiring the Council to establish the Children's Services Improvement Board.
- 5.9 Again, this direction is enforceable by the Secretary of State, who may seek an order in the High Court requiring the Council to remedy any breach. In the circumstances, it is appropriate for the Mayor to take steps to comply with this new and this includes setting up an Executive Board that includes non-Executive Members.
- 5.10 When taking action in response to the directions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the

need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). Compliance with this duty has been a feature, to the extent relevant, of the Council's action in response to the directions.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 This report details the formal establishment of Improvement Boards which will strengthen elected representatives' leadership role in driving improvements across the organisation. The Boards will consider equalities implications throughout the delivery of their work programme.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty.
- 7.2 By virtue of Directions made by Secretary of States on the Council it is required to draw up and agree Improvement Plans and Boards that will provide oversight, support and challenge in delivering the Improvement Plans. This report is looking to put in place arrangements in the exercise of the improvement functions having regard to efficiency and thereby also economy and effectiveness.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There are no direct sustainable actions for greener environment arising from this report.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The Council is required to deliver improvements required by the Directions issued upon it and failure to deliver these may result in further Directions being issued including government appointed officials taking over decision making in the organisation. The Improvement Plans developed by the Council will ensure the required improvements take place.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no crime and disorder reduction implications arising from this report.

## **11. SAFEGUARDING IMPLICATIONS**

- 11.1 The Children's Services Improvement Board will drive improvement to ensure vulnerable children and young people in the borough are appropriately supported and helped to stay safe from harm.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Appendix 1: Draft Terms of Reference Tower Hamlets Improvement Board
- Appendix 2: Draft Terms of Reference Children's Services Improvement Board

#### **Local Government Act, 1972 Section 100D (As amended)**

##### **List of "Background Papers" used in the preparation of this report**

- NONE.

#### **Officer contact details for documents:**

- N/A

**Appendix 1**

**TOWER HAMLETS BEST VALUE IMPROVEMENT BOARD  
DRAFT TERMS OF REFERENCE**

<b>NAME</b>	Tower Hamlets Best Value Improvement Board
<b>DATE</b>	April 2017 – March 19
<b>CHAIR</b>	Mayor John Biggs
<b>FREQUENCY</b>	Quarterly public meetings
<b>MEMBERS</b>	<p>Mayor</p> <p>Statutory Deputy Mayor &amp; Cabinet Member for Housing Management &amp; Performance</p> <p>Cabinet Member for Education &amp; Children's Services</p> <p>Group Leaders</p> <p>Cabinet Member for Resources</p> <p>Overview and Scrutiny Committee Chair</p> <p>Independent Chair of Tower Hamlets Children's Services Improvement Board</p> <p>Local Government Association representative</p> <p>External representative</p> <p>Chief Executive</p> <p>Divisional Director Strategy, Policy and Partnership</p>
<b>Attendees responsible for delivering improvement and being held to account</b>	<p>Cabinet Members as appropriate</p> <p>Corporate Directors as appropriate</p> <p>Divisional Director HR and Transformation</p> <p>Divisional Director Finance, Procurement &amp; Audit</p> <p>Divisional Directors as appropriate</p> <p>Secretariat support</p>
<b>AIM</b>	To drive sustainable improvement across the Council by providing oversight, support and challenge.
<b>ROLE</b>	<p>To provide a Council-wide approach to setting, reviewing and implementing improvement activity by:</p> <ul style="list-style-type: none"> <li>• Acting as the Council's Best Value Improvement Board providing focus, advice and challenge as a "critical friend" on the adequacy of the Council's Improvement Plans, monitoring the pace and impact;</li> <li>• Assessing, challenge and support the robustness of the improvement activity and related implementation plans;</li> <li>• Maintaining an overview of performance against the detailed improvement activity;</li> <li>• Ensure there is sustainable improvements across the Council</li> <li>• Holding cabinet members and officers to account;</li> <li>• Meeting in public every quarter to ensure transparency and accountability in relation to progress being made;</li> <li>• Submitting a progress report quarterly to Department for Communities and Local Government.</li> </ul>



<b>OBJECTIVES</b>	<p>To demonstrate sustainable progress against the Best Value Duty by:</p> <ul style="list-style-type: none"> <li>• Submitting quarterly reports to the Secretary of State from 30<sup>th</sup> June 2017 on all outstanding actions in the Best Value Action Plan and Improvement Plan 2017-18;</li> <li>• Setting up an independent review of achievement against the Best Value Action and Improvement Plan 2017 – 18 to be submitted to the Secretary of State by 1<sup>st</sup> August 2018;</li> <li>• Considering progress in, and corporate assistance to, improvement priority areas across the Council, identified by, or referred to, the Mayor and Chief Executive;</li> <li>• Challenging progress, pace and impact.</li> </ul>
<b>STANDARD AGENDA ITEMS</b>	<p>Review minutes, actions and matters arising  High level progress against all activities in the Best Value Improvement Plan 2017-18  Review of risks  Review progress reports to be submitted to Secretary of State and other Government Departments.  Forward Plan</p>
<b>OFFICER SUPPORT</b>	<p>Officers will meet with the Mayor every six weeks to maintain pace, delivery and unblock issues.</p> <p>The Strategy, Policy and Partnership Service will support the work of the Best Value Improvement Board.</p>
<b>SERVICING OF MEETINGS</b>	<p>The servicing of meetings will be undertaken by the Democratic Services Team and will include:</p> <ol style="list-style-type: none"> <li>(a) dispatch of agenda and reports;</li> <li>(b) taking of minutes and recording of actions/decisions;</li> <li>(c) dissemination of minutes and decisions; and</li> <li>(d) audio recording of meetings.</li> </ol> <p>Officers preparing reports for consideration must liaise with Democratic Services in good time to ensure that meetings are able to be convened as required to consider reports.</p>
<b>PREPARATION AND PRESENTATION OF REPORTS</b>	<p>The lead Corporate Director/ Divisional Director will be responsible for preparing and presenting reports. This will include:</p> <ol style="list-style-type: none"> <li>(a) preparing reports and recommendations;</li> <li>(b) obtaining legal and financial clearance of reports;</li> <li>(c) sending completed reports to Democratic Services for dispatch;</li> <li>(d) presenting reports ; and</li> <li>(e) implementing actions/decisions agreed.</li> </ol>
<b>RECORD OF ATTENDANCE</b>	<p>All members of the Tower Hamlets Best Value Improvement Board present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.</p>
<b>PROCEEDINGS</b>	<p>The Tower Hamlets Best Value Improvement Board will meet in public and conduct its proceedings in accordance with the relevant rules of procedure contained in the Council's Constitution.</p>
<b>DECLARATIONS OF INTEREST</b>	<p>The Council's Members Code of Conduct requires Members to declare disclosable pecuniary interests and any other interest that they may have within the published register of interests and also any</p>

items for consideration by the Board.

Appendix 2

**TOWER HAMLETS CHILDREN'S SERVICES  
IMPROVEMENT BOARD (CSIB) 2017  
DRAFT TERMS OF REFERENCE**

<b>NAME</b>	Tower Hamlets Children's Services Improvement Board
<b>DATE</b>	April 2017
<b>CHAIR</b>	Independent Chair Alan Wood
<b>FREQUENCY</b>	Every six weeks
<b>MEMBERS</b>	<p>Independent Chair</p> <p>Mayor</p> <p>Cabinet Member for Children's Services</p> <p>Chief Executive</p> <p>DfE Intervention Adviser - From Direction - tbc</p> <p>Corporate Director of Children's Services</p> <p>Divisional Director of Strategy, Policy and Partnership</p> <p>Chief Officer of CCG</p> <p>Borough Commander</p> <p>Lead scrutiny councillor for Children's Service</p>
<b>ATTENDEES</b> Responsible for delivering improvement and being held to account	<p>Specialist external adviser – Nigel Richardson</p> <p>Specialist internal adviser – Steve Hart</p> <p>Divisional Director of Children's Social Care</p> <p>Independent Chair of Children's Safeguarding Board</p> <p>Children's lead officer for Strategy, Policy and Performance</p> <p>Divisional Director of HR and Transformation</p> <p>Divisional Director of Finance</p> <p>Primary Head Teacher representative</p> <p>Secondary Head Teacher representative</p> <p>VCS representative</p> <p>Secretariat support</p>
<b>AIM</b>	<p>To drive sustainable improvement across Children's services by providing advice, support and challenge LBTH and its partners, including the LSCB.</p> <p>To secure sustainable improvements and performance in children's services following the Ofsted Inspection.</p> <p>To ensure that all recommendations set out in the Ofsted report are owned and implemented by Council and its partners, including the LSCB.</p> <p>To hold the Council and its key partner agencies to account for their contributions to keeping children and young people safe through the implementation of the Improvement Plan.</p>
<b>ROLE</b>	<p>To provide a Council-wide approach to setting, reviewing and implementing sustainable improvement activity.</p> <p>To hold to the Council and partners to account for the</p>

	<p>delivery of the CS Improvement plan providing support, challenge and guidance.</p> <p>To provide clear accountability, scrutiny and reporting lines between the CS Operational Board and the CS Improvement Board.</p> <p>To consider and make recommendations on, the terms of reference and mode of working of the operational improvement group.</p> <p>To receive regular reports from the operational improvement group on how it demonstrates that the changes being introduced are having an impact and improving social work practice and outcomes for children.</p> <p>To challenge the delivery and direction of the actions contained within the CS Improvement Plan to ensure that improvements are timely and sustainable.</p> <p>To monitor the delivery of the CS Improvement Plan to agreed quality standards and timescales.</p> <p>To provide assurance that the culture of CS improvement is embedded across all those agencies beyond the life and work of the CS Improvement Plan.</p> <p>To report progress against the CS Improvement Plan to Cabinet, the Department for Education and Mayor, and TH BV Improvement Board.</p> <p>To ensure that the voices of children and young people are reflected in the developments in the CS Improvement Plan.</p> <p>To challenge the existing strategic governance, accountability framework, (including the Local Safeguarding Children Board, Health and Wellbeing Board, Children and Families Partnership, and relevant Overview and Scrutiny Committee(s)), and assess how they are contributing to overall improvement in outcomes for children.</p>
<b>OBJECTIVES</b>	<p>To deliver the CS Improvement Plan that leads to:</p> <ul style="list-style-type: none"> <li>• Robust model of social work practice;</li> <li>• Sufficient and skilled workforce;</li> <li>• Quality assurance and audit;</li> <li>• Leadership, management and governance.</li> </ul> <p><b>From Direction</b></p> <p>To co-operate with the Intervention Adviser's six monthly reviews as to whether the Council has made sufficient progress in improving its children's social care services.</p> <p>To ensure that the Chair of the Improvement Board reports to the Secretary of State on progress in delivering the improvement plan, on a quarterly basis, the first report being within 3 months (end of June 2017).</p>
<b>STANDARD</b>	To ensure that a comprehensive progress report is

<b>AGENDA ITEMS</b>	<p>provided by the Director of Children's Services to each meeting of the Improvement Board (from Direction)</p> <p>Review and note minutes, actions and decisions previously made.</p> <p>Overall progress update from the Independent Chair. High level progress against all action plans from Lead Members and Corporate Directors for Plans. Review of risk. Review progress reports to be submitted to Secretary of State and other Government Departments. Items for future meetings.</p>
<b>OFFICER SUPPORT</b>	The strategy, policy and partnership service will support the work of the CS Improvement Board.