

# Public Accounts Committee

## Oral evidence: Child Protection, HC 713

Monday 31 Oct 2016

Ordered by the House of Commons to be published on 31 Oct 2016.

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Members present: Meg Hillier (Chair); Mr Richard Bacon; Philip Boswell; Chris Evans; Caroline Flint; Kevin Foster; Nigel Mills; Bridget Phillipson; John Pugh; Mrs Anne-Marie Trevelyan.

Sir Amyas Morse, Comptroller and Auditor General, Adrian Jenner, Director of Parliamentary Relations, National Audit Office, Ashley McDougall, Director, NAO, and Marius Gallaher, Alternate Treasury Officer of Accounts, HM Treasury, were in attendance.

Questions 1-194

### Witnesses

I: Jonathan Slater, Permanent Secretary, Department for Education, Dave Hill, President, Association of Directors of Children's Services, Paul Kissack, Director General for Children's Services, Equalities and Communications, Department for Education, and Isabelle Trowler, Chief Social Worker for Children and Families.

## Reports by the Comptroller and Auditor General

### Department for Education: Children in need of help or protection (HC 723)

#### Examination of witnesses

Witnesses: Jonathan Slater, Dave Hill, Paul Kissack and Isabelle Trowler.

**Q1 Chair:** Welcome to today's Public Accounts Committee on Monday 31 October, 2016. We are here today to ask about child protection in England. We have had a Report from the National Audit Office that shines a light on it. I will go into that in a moment. Our witnesses today are Dave Hill, president of the Association of Directors of Social Services; Jonathan Slater, the permanent secretary at the Department for Education; Isabelle Trowler, chief social worker for children and families at the Department for Education. Welcome, Ms Trowler; I think this is your first time. And we have Paul Kissack, the director general for children's services, equalities and communications at the DFE. That is a long job title, Mr Kissack. Can you explain what your job actually is, because you have quite a lot of responsibilities listed there?

**Paul Kissack:** The long job title reflects the three bits to my work. One is on children's services, of which children's social care is a part. I oversee the Government's equalities office: the equalities bit in the job title. I also oversee our communications functions, including our correspondence.

**Q2 Caroline Flint:** How much time do you spend on children's services?

**Paul Kissack:** I would say I spend about two thirds of my time on children's services.

**Q3 Chair:** Our hashtag today is #childprotection. At the end of this hearing—you have had notice of this—we are going to ask particularly Mr Slater and Ms Trowler questions about the Department's management of a potential conflict of interest on the back of an NAO investigation. This is not the first time the Committee has looked at this subject. The Department for Education itself raised concerns in 2010 and commissioned the Munro report. But here we are, six years later, Mr Slater, and very little seems to have been improved. If we go back before those six years, we know there have been big problems in child protection services for quite some time. We are going to ask you today what you have been doing over the last six years.

We also want to look forward because you have made new plans to improve everything by 2020. The Committee often finds there is a plan to improve things in four or five years' time, so we will be probing that, particularly whether you have realistic timetables, clear objectives and measureable outcomes about what you can achieve both by 2020 and



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between now and then. I am sure I don't need to remind you or anyone watching this that we are not just talking about outcomes on paper, but about children's lives, their future, and sometimes whether they are going to live or not. We are talking about a very important and vulnerable group of people who need the state's protection. That is the focus of our hearing today.

First, Mr Slater, you have just taken over at the Department. How did you feel when you read the NAO Report and saw the abject failure of child protection services up and down the country?

**Jonathan Slater:** I had been in post for about six months before the NAO Report arrived and there is nothing more important to my brief than child protection, so I was talking to the team even before the NAO colleagues came along. I was struck by the enormity of the task. It was good to see that they had asked Eileen Munro, as you said Chair, to go back to first principles and ask, "What's the problem with the system?" When the NAO subsequently identified—

Q4 **Chair:** But how did you feel personally? You have a huge responsibility on your shoulders.

**Jonathan Slater:** Wherever there is any council whose services are inadequate, that means, as defined by Ofsted, that children are not being protected as they should be by the state. Clearly I want to make sure that we are doing whatever we can to put that right wherever we can. I was pleased to see that, as a consequence of the Department's work, 34 councils that were inadequate back in 2010 are no longer inadequate. I was distressed to see that 26 councils still are. Obviously, the question and challenge for us all is, "What can we do to reduce that number as quickly as possible?"

**Chair:** That is a perfect time for me to bring in Anne-Marie Trevelyan.

Q5 **Mrs Trevelyan:** I was very shocked by the Report. After five years of having it pointed out, with the Munro report, that child protection was really in a bad way, in August 2016 still only 23% of the authorities that have been reviewed by Ofsted are considered good and 20% are falling off the bottom as inadequate. That is truly shocking. These are children who absolutely need the state to be on top of its game, and we are clearly not. Is the Department responsible for the failure or are you going to tell us that it is every local council's fault?

**Jonathan Slater:** Both the Department and local authorities have important roles to play. Parliament gives local government particular statutory duties that you do not want me to rehearse in front of you, although I can if you want me to.

It is the Department's responsibility to set the overall framework within which local authorities do their work, to set the standards against which they will be inspected by Ofsted, to intervene where services are failing, and to seek to improve the whole system. It seems to me—and I am interested in the extent to which the Committee agrees—that the fact that there are still 24 councils where services are inadequate in something as

fundamental as child protection is, as the NAO says, a sign that there is a systemic issue<sup>1</sup>.

**Q6 Mrs Trevelyan:** Would you agree that there may well be more, because you have not actually managed to get Ofsted into every council yet?

**Jonathan Slater:** I am happy to come back to that issue. I think that there is a systemic issue, as well a local one, as the NAO says. That is why it is vital for the Department to focus, council by council. It is our responsibility to do that. It is a power that we have been given and that we are using where individual councils fail.

If there were as many as 60 councils with a problem—and your reference to the number providing good services is a great example of this—clearly there is evidence of a systemic issue as well. That is why Professor Eileen Munro was brought in in the first place, and why she described her review as a long-term piece of work that would “ultimately”—that is her word, in the final sentence of her report—lead to a change in the system.

If there were an area on which no council were outstanding and a couple of dozen were good on child protection, that is a systemic issue as well as a local one, and it requires a systemic and a local response. I see plenty of vigour in both areas, and plenty of useful advice from the NAO. We should do everything we possibly can in both dimensions, given the importance of the subject matter.

**Q7 Mrs Trevelyan:** You indicate that you are working relatively hard on this. However, five years in it does not feel, from where I am sitting, that the Department is working urgently enough to improve the position in order to ensure that those children are protected. How would you justify to us that you are working as urgently as it is possible for you to do to really crack this?

**Jonathan Slater:** I am always interested in anything more or different that we can do on anything, particularly where there are such high stakes for children. What could be more important that we do? I don’t want to say, “It’s cracked, it’s fine. Leave us alone.” No; I am interested in whatever advice or guidance people have got as to what we can do better.

I found the NAO Report helpful, but because I was just as interested in the answer to that question as you would be, one of the first things I did was to ask Professor Munro whether she thought we were messing it up, taking the wrong direction or doing it too slowly, and what she thought we should do differently. The conversation that I had with her was really instructive. She drew my attention to the fact that this was systemic and would take time and a serious effort that must be sustained, whatever you do. “Sustain it, sustain it, sustain it. See it through.” That was her advice to me—not to change path but to sustain it and drive it through. She said she is working with about 35 councils, and she is beginning to see signs that the system might be shifting. It is distressing that it is not quicker—why

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<sup>1</sup> Note from witness: There in fact 26 councils where services are inadequate.

wouldn't we want it to be quicker?—but she is not telling me we are not trying hard enough.

**Chair:** I will bring in Anne-Marie Trevelyan, and then Caroline Flint.

- Q8 **Mrs Trevelyan:** Figure 8 in the Report, on page 25, is a fascinating breakdown of the Department's impact on its responsibilities. Mr Kissack, this is obviously a key part of your day-to-day work. The split in the outstanding schools compared with both the local safeguarding boards and children's services is dramatic. We have come five years, and I am pleased if Professor Munro thinks you are going in the right direction, but that picture says to me that the Department's investment and effort are not working so far, bearing in mind that data on a third of children's services are still not actually in there, so it could be even worse. Mr Kissack, how does that stack up for you? For me, it says your Department is not tackling the children's services crisis that we can all see.

**Paul Kissack:** I would like to make two points. The first is the point that you and the NAO made: that is not good enough. There is no complacency in the Department about the fact that that has to shift significantly. That is about both the number of inadequate local authorities where we have an intervention regime—no doubt we can talk more about that—and, just as importantly, improving the entire spectrum, including by getting our "requires improvement" local authorities to "good".

The key question in terms of whether the energy being put in is leading to results is really about how the picture is changing over time. One complexity is that, in responding to Professor Munro's report, Ofsted significantly changed the inspection approach to the new single inspection framework, which is widely regarded, as the Report notes, as a harder threshold than before. That does not allow framework-to-framework comparisons that would see whether the system is getting better or worse.

There is one exception. In 2012-13, Ofsted introduced a framework that was a precursor to the current single inspection framework and used a very similar methodology, which Ofsted themselves say is comparable. They inspected 49 local authorities under that, 39 of which have subsequently been reinspected; I think this is covered in paragraph 3.6 or 3.7 of the report. What that showed—we have got slightly more updated figures from the NAO Report, because of the constant inspections—is that of the 39, which is a quarter of all local authorities inspected over time under comparable regimes, 46% stayed the same, 41% improved and five appear to have slipped back, all of which are in our interventions framework. The only comparable data we have over time using Ofsted suggests that the system is improving, but clearly it has not improved anywhere near as much as we want, which is why we are not complacent.

- Q9 **Mrs Trevelyan:** So you are saying that within that comparable data, nearly 50% have not moved, on the basis that pretty much everyone is inadequate or requiring improvement, on whichever basis we take it? That indicates that there has been very little impetus from the



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Department to help make that progress. Were you just hoping that the Department would do it themselves?

**Jonathan Slater:** Paul is saying two things. First, that nobody is satisfied that we have cracked this problem yet, absolutely. You have asked whether things are getting better or not; he is simply pointing out that of the 49 councils which have been inspected on a comparable basis, half of them have got better and five have got worse, and the results have stayed the same. You would obviously want all of them to get better and none of them to get worse.

**Mrs Trevelyan:** That would be ideal, yes.

**Jonathan Slater:** That is the aim. Equally, that seems to me to be evidence of this not just being a council-by-council issue. That is why it requires new standards, new training, new assessment, new accreditation and new accountability arrangements, precisely because you have this pattern.

Q10 **Chair:** Mr Slater, what went wrong so badly that, six years ago, the Department called in Professor Munro? Let's be honest, there had been problems over decades. You keep saying that it is systemic. We are talking a lot about systems, processes and figures—that is partly what we do here in this room—but at the heart of it there are some very vulnerable children. If you look at the serious case reviews last year and so far this year, the parents of the children affected in 64 cases last year and 11 cases this year were themselves care leavers. There is a circular thing in the system. Why have you, as a Department, not grappled with that? What are you going to be doing to look at that in human terms?

**Jonathan Slater:** I will bring in Isabelle in a moment to talk about the work that people are actually doing on the ground to tackle the human tragedy that you quite rightly describe. From my perspective, I can see evidence that the Department is trying to take a proper system-wide approach to this on the back of the recommendations from Professor Munro, who said, "It's a whole thing. You've got to do it all. You've got to do the standards, the training, the assessments."

Q11 **Chair:** That was six years ago.

**Jonathan Slater:** I can see that quite a bit of that is starting to come through, but there is much more that still needs to be done. To the extent that anybody—

Q12 **Chair:** In six years a bit of that is starting to come through.

**Jonathan Slater:** Absolutely, which is again why I asked Professor Munro to what extent she thought we should try something different or whether there was evidence that we were doing the wrong thing.

Q13 **Chair:** Are you content with the pace of change?

**Jonathan Slater:** I don't think one can ever be content in a world in which, as we have discussed, there are still children in areas of the country who are not being protected as they should be by the local state.



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We could never be satisfied while that continues. The question is what we do about it.

**Chair:** Absolutely.

- Q14 **Caroline Flint:** I don't think there is anybody on the Committee who doesn't recognise that there is some excellent work being done on the ground. My own authority has been classed as inadequate, which led to an intervention. It is seeking to improve and there was a monitoring report this summer.

**Chair:** Just to be clear, Ms Flint, is this Doncaster?

**Caroline Flint:** Doncaster Council, sorry. Mr Slater, I think in your opening remarks you said that you asked for an update from Professor Munro and that you realised this was a systemic problem that had to be addressed. Do you think that sense of the problem is widely accepted throughout the Department and that there is a good enough sense of urgency in all this? I think one of the criticisms is that the Department seems to wait for local authorities to fail before it intervenes.

**Jonathan Slater:** In answer to the first half of your question, I see a Minister who is hugely committed, a director general, a chief social worker and a dedicated team of people working hard. I see no absence of commitment and energy, I really don't.

- Q15 **Caroline Flint:** So why isn't Mr Kissack solely working on children's services, instead of being given extra responsibilities for equalities and communications across the Department?

**Jonathan Slater:** To be straightforward, if the way to fix the problem was the number of DGs—

- Q16 **Caroline Flint:** I just think that a 100% focus on your biggest problem in the Department—

**Jonathan Slater:** I don't see any evidence of Paul not being able to play a really excellent leadership role as a DG, I really don't. In answer to the second half of your question, the NAO rightly identifies an issue about the ability to intervene before things fail. Obviously that is clearly what you'd want to see in all circumstances. It is important to recognise that the Department formally intervenes using its statutory powers at the point of an "inadequate" inspection result. That is how the legal position works, but the Department is also working with 50 of the 60 councils that are in the "requiring improvement" phase and is seeking to drive up their performance in parallel. If the only thing the Department was doing was tackling failure once it had happened, absolutely—fair cop—but what I am suggesting is both that the Department is seeking to tackle the system and that it is working with 50 out of the 60 councils that were in the "requiring improvement" phase. Again, any suggestions or advice anybody has are welcome. I thought the NAO's recommendations were all helpful and we will do them all. We have an opportunity to do more on early warning than we did in the past, because we have more data than we had



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and so on, but I am trying to be straightforward about what work is being done.

- Q17 **Mrs Trevelyan:** On precisely that, when you knew you were coming from a low level following the Munro report, it strikes me as extraordinary that you didn't send in Ofsted to do blanket coverage of all 150 local authorities hard and fast. A third of them have not yet been reviewed, and the date for getting that done has been put back by Ofsted because it does not have the resource. Why on earth has the Department not given that as a key priority so you have a decent benchmark from which to work across all the councils?

**Jonathan Slater:** I will ask Paul to come in with more detail if that will help, but let me explain what happened first on the back of Professor Munro's report, which said that the problem with the system was that it is too process-y, and that included the Ofsted inspections themselves—the old Ofsted inspections said things were better than they were because of it all being a measurement of process. The first thing that was done by the Department in response to that was to identify those—and you have a balance, haven't you? You can do a rigorous complete inspection of everybody, which is going to take time, or you can do a short, sharp inspection of those where you have the greatest fears and concerns, to get in fast. It is a balancing act.

- Q18 **Mrs Trevelyan:** Yes, but on the basis that pretty much all of them are pretty rubbish and no one is anywhere near "excellent", there needs to be an assessment of all of them, surely.

**Jonathan Slater:** The approach the Department took with Ofsted—this seems to me to be a defensible approach—was to identify, as Paul said, the 49 councils where the fears were greatest and get a complete inspection of all those councils in 12 months. Given that the key point that Professor Munro was making was that the old regime was too process-driven and identified councils that were supposedly doing fine when, in fact, they were failing, when you change the regime you cannot stint on quality. You have to do it thoroughly. Ten days was not enough: she wanted four weeks; she wanted seven inspectors; she wanted the thing done thoroughly. The focus in the first instance—in the first 12 months—was on those councils where there was the greatest concern. That was the benchmark from which Paul was describing the improvement. Half of those got better and half did not, but they weren't chosen randomly, and then you do the whole lot. Given that there is a balancing act between rigour and speed, that seems to me to be a defensible position<sup>2</sup>.

- Q19 **Mrs Trevelyan:** But we are now having our full set of data put back a year by Ofsted, so what's that about?

**Jonathan Slater:** I will definitely bring Paul in this time, if only to give me chance to take a breath. It is definitely true that it is taking Ofsted a little longer—a year longer—to do that full round than they expected.

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<sup>2</sup> Note from witness: This is in fact the approach Ofsted took.

**Q20 Mrs Trevelyan:** Why is that?

**Paul Kissack:** The main constraint is the number of inspectors they have available. It takes about six months to train an inspector. We have had a conversation with Ofsted about whether additional funding would help to solve the problem. Their view is that it won't. The other thing that has come in since the beginning of the current inspection framework is the introduction of joint targeted area inspections on child sexual exploitation, so there you have—I think rightly—diverted some resource into doing those as well.

One of the points you made was on the number of local authorities who have not yet been inspected under the SIF. In terms of the data, some of those who have not yet been inspected under the SIF were inspected in the 2013 comparable framework. As of today, 29 local authorities have not been inspected under one or the other of those since 2013. Of those, 25 out of the 29 were "good" for either their safeguarding capacity or their capacity to improve safeguarding when they were last inspected, which probably reflects the degree to which Ofsted take a risk-based approach in the order of their inspections. As a Department, we share information with them, as far as we have additional information. They make the judgment on which order to go into local authorities based on their own judgments on the information they have available.

**Q21 Chair:** You give all those figures, but in January 2015 this Committee had a session on children in care—not exactly the same group, but some of those young people will be the same. Sir Michael Wilshaw, the outgoing chief inspector of Ofsted, was one of our witnesses. Our former colleague, Dame Anne McGuire, asked him: "So are you saying that, for some of the most damaged children"—clearly we are talking about them again today—"coming from really quite challenging backgrounds, the three-year cycle of inspection that Ofsted currently undertakes is not suitable to meet their needs?" To which Sir Michael responded: "We have those routine inspections. We are quite happy to inspect on a more regular basis, on the instructions of the Department, if they have the data to identify when things are going badly wrong." As the chief inspector is happy to inspect more regularly, why are you not giving Ofsted what it needs to do so, Mr Slater?

**Jonathan Slater:** Bearing in mind the fact that I had to listen carefully to you read that out from a piece of paper, I think Sir Michael was referring to the relationship with the Department such that, if the Department gets particular information, say from a whistleblower, about a particular council, where they have concerns and it is not in the programme, we would share that with Ofsted, and they would go in straight away. That is precisely something that has happened in the past 12 months. It is important that Ofsted, independently, are making their judgments on a risk basis, and it is important that we share information with them, such that if we think there is a case for them going in quickly, we share it with them, and then they go.

**Q22 Chair:** I do not want to go back over a previous hearing, but in that



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hearing—we have seen this in the NAO Report that we are discussing now, as well—there was an issue with the data that the Department has on performance. In that same hearing, just before that question from Dame Anne McGuire, Sir Michael said: “It is really important that the Department collects that data on a regular basis so that they can intervene much more quickly when things start to go wrong.” I think you would agree that that is a statement of the bleeding obvious. Do you think there are problems with your data collection? In the past six years, what has the Department done to get the information, so that you can get in there early and support local authorities to improve, so that children are better protected?

**Jonathan Slater:** As I was trying to say in answer to a previous question, the quality of data for informing early intervention is obviously crucial and an important area of focus for the NAO. They themselves identify just how complicated it is to get this right. Were there some indicator that definitely identified, in advance, that something was going wrong, who wouldn’t want to use it? But it is not easy; the NAO have not identified it, and do not claim that it is easy. They identify two pieces of early warning: re-referral rates and repeat child protection plans, which you might think would be evidence of a problem, but they themselves point out that there is absolutely no correlation whatever between those pieces of data and Ofsted inspection results. They therefore rightly say, “Can you find something that is?”, which is a great question.

There are some promising signs. One of the things that the Department did in the past six years was to start collecting data, for the first time ever, on what is actually going on with agency staff on the ground, turnover rates and actual caseloads.

**Caroline Flint:** That was included in the recommendations in the NAO Report.

**Jonathan Slater:** Back in 2014, the Department started to collect those sorts of data, so they can now tell you that there are 5,070 agency staff and the turnover is 16%. They never could have told you that before, but they can now. Next year, they will be able to tell you in detail what the case load is, council by council, which they could never do before.

Q23 **Chair:** Are you sharing that information with Ofsted?

**Paul Kissack:** It is all published.

**Jonathan Slater:** It is all published data. The NAO is absolutely right to make the recommendation it has made—there is complete agreement between us on the importance of this—because there are some early signs, although we mustn’t overdo it, of some correlation between agency rates, turnover and Ofsted inspections. The last thing we should do, though, is leap to something and get councils to start to perform against a particular input measure, because that is precisely what was wrong with the system back in 2011. The NAO is absolutely right to make that recommendation, and we are working really hard on it. It would be great if, as a consequence of the data we have been collecting in the past two



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years, we could from next year target the intervention regime that we have in place more expertly. Who wouldn't want that?

- Q24 **Mrs Trevelyan:** This is the key area that worries us. If the Department for Education is not able to use the data that you say is now being collected to get a handle on early warning signs, so that you are not waiting another three years for an Ofsted inspection to discover that something has gone horribly wrong, then there is no hope for these children. They are relying on your picking up the fact that a council is not doing its job properly—that the vacancy rate or the agency rate is sucking money out of the council, so that it is not spending it where it should.

The concern is the need for real urgency. What are you doing? Are you simply still collecting the data and waiting to see how it matches when Ofsted goes back in the next time before you say, "It's a disaster again. Let's look back and see"? There must be a more proactive effort that the Department can make to really be on top of this, so that those children are at less risk, not greater risk. Is it making that effort?

**Jonathan Slater:** Absolutely. I will ask Paul to explain what we are doing in detail, but the basic point I am making is that—for good or ill, this is just a matter of fact—we started to collect this data back in 2014, recognising its potential efficacy, because of this programme focusing on it in a way that previous ones had not. Now, we are getting very close to being able to use it in the ways envisaged by the NAO. You cannot go in and follow up on case load until you measure it properly. Last February, we did the first trial of what a case load measure would be, social worker by social worker. Next February, it will be done comprehensively across the country, and on the back of that, we will be able to start using it.

- Q25 **Chair:** Perhaps Mr Kissack can pick up on this; I think he would be qualified to do so. We have a slightly peculiar constitutional position, in that Mr Kwasi Kwarteng is now a member of the Committee, but is not formally a member of the Committee until 10 o'clock tonight. On his behalf, I am asking a question about the number of local authorities inspected. We know from page 25 of the Report that 103 were inspected by Ofsted. As Mr Kwarteng rightly asks, do you think those are better than the average councils? What rationale was Ofsted using, given what you have just explained to us, Mr Slater, to go into those 103 and not the others? Perhaps you could explain that first, Mr Kissack.

**Paul Kissack:** I can only explain it up to a point, because Ofsted makes its own decisions, and we do not seek to influence that. Two things will play in those decisions. One is that Ofsted will be going in to inspect local authorities where its early warning system suggests there is some cause for concern. We may at times play, and have played, a part in that. For example, in recent months we have had whistleblowing information that we have immediately passed on to Ofsted. Shortly after passing on that information, Ofsted went into the local authority concerned. I cannot say it was as a result of that information, but that is the sort of thing it does.

- Q26 **Chair:** So you are confident that the ones that have not been inspected



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on the cycle are better than the average?

**Paul Kissack:** I cannot say that for sure, because that would require me to make comparisons across non-comparable data.

Q27 **Chair:** Another concern, as colleagues have picked up, is that the data you have are very patchy.

**Jonathan Slater:** It is incomplete.

Q28 **Chair:** Exactly. So you really don't know what is going on. That is my point.

**Jonathan Slater:** What the Department did—having identified through Professor Munro's report a previous method of measurement and assessment by Ofsted, among others, that was too processy—was put in place a rigorous inspection regime and take advice from Ofsted on how long that would take to be done rigorously. Obviously, the first time you do it, it takes quite some time.

I spoke to Eleanor Schooling, who is Michael's No. 2, and who leads on this inspection regime. I asked whether there was anything at all we could do to help speed this up, and she said no. The constraint is the number of inspectors with the skill and resources to do the task. It has to be done rigorously across the country, so we ask for that to be done in as risk-based a way as possible. There are 49 councils, and we want 12 to 13 as fast as possible. If anyone has got any advice about what one might do differently in that situation, I am absolutely up for that, but it seems really important to get a rigorous regime in place and then to move to a more risk-based one in time.

**Paul Kissack:** Can I add a couple of points that are relevant to the past couple of questions? One is to mention that we will of course continue to look at data. We are bringing on more data and looking for correlations with performance that we can then use as lead indicators, but it would not be right to sit back and wait for the data to tell us those answers. Ofsted has developed a local area intelligence system, which it uses in planning its Ofsted inspections. It is of course on the ground in local areas on a regular basis, inspecting early years facilities, residential care homes and so on. It would be wrong to suggest that Ofsted did not have local intelligence in between the SIF inspections. It also has the public data we have got, serious incident notifications and complaints and whistleblowing information—it brings all that together and uses it as the lead indicators, rather than just relying on published data.

On the other point about the three-year cycle and Mr Wilshaw's previous comments, once the SIF is complete, which will be at the end of next year, Ofsted is moving to a more nimble and modular inspection cycle, so where a local authority has, for example, been inadequate on help and protection—the area we are covering today—there will be the opportunity for Ofsted to go in faster and more specifically on help and protection, rather than rerunning the SIF on a three-year cycle. It will continue to do full SIF inspections as well, as part of addressing the comprehensive



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baseline that we have, but it is moving to a more modular system. It has consulted on that. The consultation is closed, and we have not yet had the final word from Ofsted about how it is doing it; however, it absolutely recognises the comment in the NAO Report about moving to a more nimble system, and that is exactly what it is doing.

**Sir Amyas Morse:** If money were no object, could you move this forward faster?

**Jonathan Slater:** I specifically asked the question of Eleanor, whether the—

Q29 **Chair:** Eleanor? People watching have no idea who Eleanor is.

**Jonathan Slater:** I asked Eleanor Schooling, who leads the children's social care inspection regime, whether resources from the Department were a constraint on getting this done, and the answer was no. The constraint is simply what it takes to recruit and train sufficient expertise to do this work.

One of the issues that the Comptroller and Auditor General refers to is the absence of capability across the system. It is another example of the systemic challenge that we face. That is why, along with intervening council by council, it is vital that we put just as much resource into upping the training, skill and all the rest of it of social workers on the ground.

Q30 **Chair:** Before I bring in Isabelle Trowler, are you trawling for people who are British, or are you looking overseas at all? Is there any good practice overseas that we could be recruiting from?

**Jonathan Slater:** In respect of?

**Chair:** Some of these inspectors. You talk about a lack of skill in the system.

**Jonathan Slater:** Have we looked overseas for inspectors?

**Chair:** Inspectors, but also, if there are problems in the system, for the rest.

**Jonathan Slater:** I cannot speak for Ofsted's recruitment, but it is a good enough point. More generally, in respect of the Department's efforts, one thing I was struck by—

Q31 **Chair:** Do you know the answer to the question or not? Is there a good country in the world that is doing this brilliantly, from which you could bring in some fantastic people? I will ask Mr Hill about this.

**Jonathan Slater:** Are we looking around the world for best practice in children's social work? Yes is the answer to that question. Paul can talk about the work he did before the innovation programme was set up to look at how this was done elsewhere. The answer I can't give is to the specific question about Eleanor Schooling's inspectors.

Q32 **Chair:** Isabelle Trowler wanted to come in on this, and I think Dave Hill as



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well. Then we will come back to Anne-Marie.

**Isabelle Trowler:** On the point about inspectors?

**Chair:** The money in the system. The point made by the Comptroller and Auditor General. You were itching to come in.

**Isabelle Trowler:** Was I? I wasn't, but I will say something, because I think this is a very important point, on how you change the systemic problem that we have—that we are entirely reliant on people having the ability to help us turn it round, both at a practitioner level and, critically, at supervisory, practice leader, corporate and local political level. We have to look at all the different layers.

In terms of practice leaders, one of the things we are launching very soon is a practice leader programme, which will be run by Tri-borough, the first outstanding authority in the country. That is really to bring talented people into the system and help them develop in ways that will help us to turn the system around. Part of that will also be to have a close relationship with Ofsted and experience of inspection. Eleanor Schooling and I have talked about the future potential for practice leaders, whether through secondment or some kind of rolling programme, to have a role in inspection in future, so that we can build that capacity.

Q33 **Chair:** And that will require more money?

**Isabelle Trowler:** It will require more money if we go down that route.

Q34 **Chair:** And is that money available?

**Isabelle Trowler:** Is it available?

**Jonathan Slater:** The constraint is the capacity in the system to be used, and not the ability of the Department to buy it.

Q35 **Chair:** Before I pass back to Anne-Marie, Dave Hill, on the international comparators, I hope that the organisation has had a bit of a look at this. Is there an exemplar in the world that we should be looking to, and are we borrowing from those people?

**Dave Hill:** It is interesting; I have spent a lot of time this year talking to people from around the world and getting invited to go and talk about what we do. I have done some European and other stuff, and my sense of it is that they are often looking to us, rather than the other way round.

**Chair:** Blimey! I think you can tell from the Committee's reaction that does not fill us with—

**Dave Hill:** You need to remember that we have one of the safest child protection systems in the western world. It is not perfect, as we are hearing, but lots of other countries think that we do it brilliantly well. That may be shocking, but that is my experience of talking to them.

**Chair:** On that note, back to Anne-Marie Trevelyan, if she is not too gobsmacked.



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**Q36 Mrs Trevelyan:** I am slightly taken aback by that. You have declared, and agreed with the Report, that by 2020 there should be equal access for every child for a level of protection. Between now and 2020, rather than “we hope to get there”, can you say, year on year, where you expect to see step changes, where you will know that you are getting to that goal in 2020? Does it look anything like the schools map at figure 8, which is 20% to 30% “outstanding”, and the bulk of the rest “good”? Is that what we are aiming for and how do we get there?

**Jonathan Slater:** I wouldn’t expect anything like that by 2020. You wouldn’t believe me if I said the opposite.

**Q37 Mrs Trevelyan:** I’d be surprised, Mr Slater.

**Jonathan Slater:** I think there are some big system changes that we can make year on year between now and 2020, which I guess is what you are getting at. One of the most striking things coming into this new is the lack of well-regarded international data on what works. That is another way of describing what you have just heard from Mr Hill.

A really significant change in the nature of the system will be the establishment of a What Works centre next year disseminating good practice across the system. You might say that it is incredible that such an arrangement does not currently exist but it is precisely because that best practice has not been there to be mined and disseminated. That is an important change that I would expect to see in place in 2017.

Another change in 2017 will be the completion of that baseline of quality across the piece and that more proportionate focused regime that you heard about from Paul. The early warning system could start being put into place from that date with the data that I have described.

One thing that is going to happen between 2017 and 2020 is the assessment and accreditation of every single social worker in the country. That is the proposition: to identify all of them—we are talking about 30,000 people—as to whether they have the capability to do the job and, if not, what is to be done about it. That is just a few things.

**Q38 Mrs Trevelyan:** So we have got to the end of 2017 with some clear markers. What do we expect in 2018 and 2019?

**Jonathan Slater:** The NAO says quite rightly that we have described a strategy up to 2020 and it needs to be underpinned by detailed plans underneath each work stream: absolutely. That is just part of the Department’s job and we will be held to account by the NAO for ensuring that we do it. That is why the team tested out the accreditation regime with 1,000 social workers; why they have agreed to trial out with 30 early adopters. There are detailed plans, of course, for each element of this underneath, just as you would expect.

**Q39 Mrs Trevelyan:** At a big level, you have set out clearly what we can hope to see this time next year. What would you, as the accounting officer, not restricted in cash terms, in capability expect to see by 2018? It is a long way to get equal access for every child to 2020. What about in those last



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three years? It is not far away; it will be here in a flash. Are we getting re-elected or not in 2020? It will be here in a flash. What does it look like to you? It surely is not that far away that it is just a vague wish. There must be some very clear markers by then.

**Jonathan Slater:** The NAO rightly identifies that the average council that has been inadequate has been turned round—come out of inadequate—within two years, so one should expect to see that programme of inadequate councils being taken out of inadequate continuing to be driven year by year.

Equally, the Department is getting better at it on the base of experience. When I say “the Department”, what I really mean, of course, are the people out there in the system, as Isabelle was describing. Civil servants do not go and fix these problems. We work with people like Dave who have got excellent practice in individual councils that have made a difference and we apply them elsewhere.

As we learn from that, you can see that improvement happening, so you would want to see a significant reduction in the number of councils—currently, as I say, 26; four years ago, 60—that needed to be improved. Sorry, it has been 60 over the past four years<sup>3</sup>.

Q40 **Mrs Trevelyan:** So, you are not expecting to see a big increase in good councils but you hope, by 2020, that the inadequates may have mostly gone.

**Jonathan Slater:** I will ask Paul to say more about this. I want to see both. As has been said, the more “goods” you have got, the more good practice there is to fix the ones that are bad. If you were to ask me to choose, given the nature of the task that we were describing, I would definitely focus my efforts on reducing the number of inadequates, because those are the ones for which children are being failed. As opposed to requiring improvements, which is requiring improvement to be good. I would love to have more “goods” as well, but the ones I really want to tackle, using the good ones to help me, are the ones that are failing.

Q41 **Chair:** Dave Hill, from your perspective and that of your members, what is stopping progress?

**Dave Hill:** There was something I was going to add in. It is quite difficult, because the numbers are changing constantly because there are more inspections. At the time the NAO wrote the Report there were 43 authorities requiring improvement. Of those 43, 25 had some element of good in their cadre.

I think the key group from where I and my members sit are that group in the middle grounding. That group, if they are going the right way, will come through in 2017-18 and so on, and become good authorities. The ones that are difficult for the Department to spot are the ones in the

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<sup>3</sup> Note from witness: I should have said that 60 councils over the last six years needed to be improved. At present 26 councils need to be improved.

“requires improvement” category that are going in the wrong direction. To be frank, I am worrying a little about the idea that there is some clever set of data that will shine a light on it beautifully and we will all know, and Ofsted will rush in and tell us. I think that is unlikely.

Q42 **Chair:** So how would you tell us as a Committee or the Department where to look for the trouble?

**Dave Hill:** As the permanent secretary just said, what happens rather a lot is that the Department relies on people in local authorities to give it the reconnaissance and input that are required. As Isabelle has said, the difficulty is that we do not have enough good people to go faster. I do not think it is a money issue; the good authorities, given their number—there are now two outstanding authorities, as you may know—are simply not able to do the day job and also help lots of other authorities get better. I agree that we need more pace in the system, but at the moment we simply do not have enough practice leaders who know what good looks like, which is what the programme—

Q43 **Chair:** There was a previous role, wasn't there? What was it called? Lead practitioner?

**Ashley McDougall:** Principal social worker.

**Chair:** Principal social worker, yes. What happened to that?

**Dave Hill:** Every authority still has a principal social worker.

**Isabelle Trowler:** Yes. The role is quite different. The practice leader is the classic assistant director—the qualified social worker who is running the day-to-day operations of a system. That is who we are talking about when we talk about practice leaders.

**Paul Kissack:** On the point about what we can do about “requires improvement”, I entirely agree with Dave about the risks of trying to do it through a data lens. I think it is possible to develop these indicators, but they are often soft intelligence from the sort of reconnaissance that Dave was talking about.

We have recently developed a “partners in practice” programme, which has taken eight of our best performing local authorities—it actually covers 11 areas, because it includes the tri-borough. When we set that programme up, we thought its principal role was likely to be to ask, “How do we get those local authorities from good to outstanding?” Indeed, they have individual plans to do that, which we are working with them on, but what came through more strongly than we perhaps realised was the appetite of those local authorities to help local authorities that are “requires improvement”—not those at the bottom that are inadequate and in our intervention regime already, but those in “requires improvement”. The conversation that we have been having with them is exactly this one: do we want them focusing their efforts on the top end of “requires improvement” to get more into “good”, or do we want them focused on the bottom end and trying to catch those that might fall?

The reality is that different partners in practice want to do different things. They tend to say that they have the local intelligence that allows them to know where local authorities are on that spectrum. We will see whether they do, but it is good that we now have some capacity in the system to try to target exactly the kinds of interventions you are talking about.

- Q44 **Bridget Phillipson:** Mr Slater, you said that you are keen to hear any suggestions about how we might make improvements, but you also talked about the Munro review and subsequent things. There is so much out there about what we need to do to deliver improvements in children's services, and much of it is not a revelation. Why is progress in the Department so slow?

**Jonathan Slater:** I would say that we have essentially implemented Professor Munro's recommendations and a great deal more besides. The reason we still face a situation where a significant number of councils—20%—require improvement is that, as she set out in her report, this is a systemic set of issues, requiring intervention not just council by council but across the system, as the Auditor General describes. That is why Professor Munro rightly, at the end of her report, identifies that the goal is for the ultimate delivery of success. She did not mean 2016, but we have done a lot more than she recommended, and as I say, we are absolutely up for any other advice<sup>4</sup>.

- Q45 **Bridget Phillipson:** We know that it is systemic. We have always known that it is systemic. That is not really a revelation. We also know that where you have high vacancy rates, high numbers of agency workers and high case loads, you get problems. Whether that leads to an outcome from Ofsted is one thing, but we know where that takes us. Why is the Department not doing more to address those systemic problems?

**Jonathan Slater:** Let's discuss what the Department is doing and see to what extent you think we should be doing more.

**Chair:** Could you just answer the question?

**Jonathan Slater:** Specifically, one of the things I was most struck by was the two training programmes to recruit new social workers and graduate social workers for the first time. I think 770 of those have been recruited under the new regime. I have seen external evaluations of both of them, and they have both come out really well. It is practical stuff like that, as you say, that is going to make the difference on the ground where there are vacancy rates.

Alongside that, I would say the 53 innovation projects with 90 councils, 120 private and voluntary organisations and £100 million to identify really good practice so it can be spread. I would also say the knowledge and skills statements that Isabelle has put in place to say, "This is what we need of our social workers so they are able to do their job properly." You

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<sup>4</sup> Note from witness: I should have said that there were in fact 20% of councils that are inadequate.



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need interventions across all those dimensions and more to make a difference.

- Q46 **Bridget Phillipson:** It just feels like there has been a lack of urgency in recent years. We know what many of the solutions are and we know what needs to be done, but it is a question of the Department just getting on and doing it. Where does children's social care sit in your list of responsibilities and all the things you have to do on a day-to-day basis? How important do you regard it? If you had to rank your responsibilities, where would children's social care be, given everything we know about the outcomes? When this goes wrong, children can die, so it is one of the most important things we can do to make sure children succeed in life and, in fact, live to have a childhood. How important is it to you, and what is the Department going to do to make it the priority that it really should be, because it doesn't appear to have been for some time?

**Jonathan Slater:** I can't think of anything I have ever done, let alone do at the moment, that is more important than tackling this issue. Maybe that's because of how I was brought up—I had a children's social worker for a mother—but it is probably for the obvious reason: as the Chair said, children's lives are at risk.

I have been in the Department for only six months. It would be easy for me to come along and say, "Now I've arrived, it's going to get the urgency it has always demanded." What an easy line for me. If I genuinely thought it to be true, it would be my job to say so. I am genuinely saying to you that I am rather struck by the programme of work that the Department has been taking ever since they asked Professor Munro to do the report. I can take no credit for it at all. I don't see any absence of energy and commitment—I really don't.

- Q47 **Chair:** Can I interrupt? Isabelle Trowler, you talked about the practice leads. How many are in post now and how many do you need to recruit?

**Isabelle Trowler:** Most authorities have a practice leader—there are about 152 now—but the issue is whether they know how to run a good practice system. The issues of caseloads and vacancy rate will not just disappear unless you have practice leaders who know how to manage caseloads, for example. Giving more money to manage caseloads in authorities that have had a lack of investment might shift it a bit, but you can bet your bottom dollar that if you have people in charge who don't know how to throughput cases, your caseloads will just rise again.

It goes back to the same issue. We are talking about really serious infrastructure issues. I am an impatient person, and for the past 20 years I have seen that this system has been in dire straits. I have to say that I think the work the Department has done to get it to this point is pretty good actually. What we need to sort this out is consistent political commitment and attention in this area.

- Q48 **Chair:** But earlier in one of your answers, you turned to Mr Slater and said, "Will the money be available?" You seemed to indicate that you need the right resource to do this. Is there enough money in the system,



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given how squeezed local authority budgets have been, to deliver this? Have you got an ask financially?

**Isabelle Trowler:** From my perspective, the thing I think is important is to get the long-term strategy in place. The money is there. I haven't been frustrated by people telling me there's no money.

**Jonathan Slater:** It's striking, isn't it, Chair, that the NAO concluded that there is a lack of a correlation between money and performance. Of course I'm not an expert in it—that's what I look to Isabelle and others for—but the notion of having a well-run children's social service department with a practice leader who knows what they are doing, with access to the best possible practice, a low turnover and manageable caseloads makes sense. You can see why this stuff would work consistently across the piece. It is about the capacity in the system to do that, rather than the total budget. That is the conclusion that the NAO identified.

**Chair:** I think the Comptroller and Auditor General is itching to get in on that point.

**Sir Amyas Morse:** Just to make sure I have understood Miss Trowler's testimony: what proportion of the current practice leaders in place are at the standard you would like to see? I was not quite clear about that. Can you please be clear about that?

**Isabelle Trowler:** Well, I think that will be reflected in the Ofsted results.

Q49 **Sir Amyas Morse:** You are an expert; you must have a feeling for it. Is it half as many as are needed? What is it? How many are we short of, because this is a crucial ingredient?

**Isabelle Trowler:** Yes, sure. I would say, and people often say, that it is probably the case that about a third of authorities have strong practice leaders in post now, who are either already running a good show or are in the process of getting there. There will be another third who, with support and help through things like the development programme, will become really strong practice leaders. There is probably a group—Dave is probably closer to this than me—who might not be able to do the job at all. I think it is important that we don't pin it all on the practice leaders. They are the professional lead and they need to know how to run good day-to-day operations of children's social care. They are reliant, to some extent, on good DCS and good corporate and political leadership.

Q50 **Mr Bacon:** DCS?

**Isabelle Trowler:** Sorry, director of children's services. You can't just waltz in and do it; it is a skill to run an effective practice system.

Q51 **Mr Bacon:** How is it that people are able to waltz into permanent secretaryships without the right experience?

**Isabelle Trowler:** I think that—

**Jonathan Slater:** I don't think that is a question for you, Isabelle.



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- Q52 **Mr Bacon:** But it does happen. You said something extremely interesting, actually, which is hugely important. You said you can bet your bottom dollar that if people in charge don't know how to throughput a case then things will slow down. Is one of the central problems that too many of the people who have been in charge have not had that skill for far too long and not enough has been done about it for too long?

**Isabelle Trowler:** Yes.

**Mr Bacon:** My question about permanent secretaries was slightly flippant.

**Chair:** Facetious.

**Mr Bacon:** It might have been facetious but it was serious.

**Chair:** This is Ms Trowler's first visit. We talk a lot about skills in the civil service that are outside your area of responsibility, Ms Trowler.

- Q53 **Kevin Foster:** It was interesting, Ms Trowler, that you talked about accessing the best possible practice. However, when we look at the NAO Report, it talks about local thresholds for help and protection services potentially not being well understood or applied and, bluntly, a lack of consistency, particularly between different areas. How do we ensure this is actually consistent, given that these are ultimately statutory services? How satisfied are you that all areas actually apply at least the basic levels of thresholds in ensuring that children are protected?

**Jonathan Slater:** It is precisely why it is important that Ofsted, as part of its rigorous inspection regime, should inspect the extent to which councils are taking the right thresholds decisions.

- Q54 **Kevin Foster:** This will probably link back to the discussion we have just had about councils that haven't been inspected, but what work is done to ensure that, where inconsistencies are highlighted—as the NAO was able to find—some action is taken to try to ensure at least baseline standards?

**Jonathan Slater:** To take one example, Sandwell, in its Ofsted inspection last year, was assessed to be not applying the thresholds of 20% to 25% of cases properly. It was precisely that sort of evidence that led to the intervention that the Department took as a result. It is crucial to make sure that consistent thresholds are in place. That is why Ofsted inspect them and why we take action where they aren't.

- Q55 **Kevin Foster:** Mr Hill, at the Association of Directors of Children's Services presumably you play a part in trying to ensure your members are being consistent and following best practice. What work do you see going on, or have you been involved in, to sort consistency? Also, what work is there to identify those authorities that might need that extra support?

**Dave Hill:** I will quote from the Ofsted annual report from June, which I think might be helpful. It says, "Higher performing local authorities spend their money more effectively". With respect, the NAO Report sort of said that the jury was out on the spend and the quality. I don't think it is, actually. I think that there really is quite compelling evidence that the local



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authorities are doing rather better on, are thinking very carefully about, this issue of thresholds.

I am here for ADCS, but I will use an Essex example, because that is where I hang about when I am not doing this. We were in a real mess; we were one of the worst authorities in the country in 2010, and what did we do to sort it out? The threshold was higher—harder—to get into care. It was harder to become subject to a child protection case. Did we just do that without thinking about the rest of the system? No. We have lots of services that try to spot the first problem in a family and do something about it, thereby stopping people having to hit the threshold.

I slightly worry that the threshold issue is being oversimplified. If I have a child in Essex whose family are showing a sign of having a bit of a problem, frankly it is really good use of my money to get somebody alongside that child and that family and to do something positive, rather than to wait until they hit a threshold further up the system.

- Q56 Kevin Foster:** I understand that the sphere of interventions is for local government. How do you then communicate? How confident are you that good practice from a council like Essex is communicated around, is taken note of and has been implemented in, let us say, authorities rated inadequate? How confident are we that when we do apply thresholds, we are keeping focus on the outcome for the child concerned, rather than on the process element? Some parts of this could get very processy, but it is actually about an outcome in an individual circumstance, which can be a lot more grey.

**Dave Hill:** There are two answers to that. First, Essex and a number of other good and better-performing authorities are doing huge amounts to help other local authorities. My own local authority works in about six or seven other local authorities.

Secondly, you need to understand, I think, that when Ofsted changed its inspection regime for the SIF back in 2013 or 2014, what it did was to look at real places and to interview real social workers. That is akin to Ofsted going to a school inspection and standing at the back of the class to watch the teaching in action. That is what it did. What we saw, as people alluded to earlier, was authorities that had a good strategy and could make the numbers stack, in terms of what we were measuring. But the proof of the pudding was in the work between the social workers and the child and family—

**Chair:** The relationships, rather than the process.

**Dave Hill:** The relationships, exactly right. You have seen some authorities do ever so well on that measure, and you have seen some that were doing very well before, but when tested have proved not to be as good as that. I think that it is a systemic problem and it will take years, not months, to get people there.

- Q57 Kevin Foster:** We have heard that point quite a few times. Mr Kissack, I saw you nodding. Do you have anything you would like to add on that



point?

**Paul Kissack:** I was merely agreeing with the point that Dave was making about, first, not simplifying the debate around thresholds, partly because there is a suggestion about how to get consistency of thresholds. It would be very easy to end up with a rather processy answer to that, but it is all about how they are applied in practice by individual social workers, the relationships they build and the decisions they make.

Q58 **Kevin Foster:** I am assuming that, inevitably, there will be some threshold that you would assess once that is crossed—

**Paul Kissack:** Of course, and every local authority will have a threshold document set out publicly. When you read those documents, and I have probably read more than most, they are very similar. Across different local authorities, they generally have the same four-tiered approach, with some variation. The impression you get when you read these documents is not that this is the thing that determines the quality of practice locally but the individual decision making that goes on around them. Almost all these documents say that there are limits to what you write down as a threshold, and that what you apply day to day through professional judgment is what it boils down to. That is why it boils down to the quality of the social worker and their knowledge and skills.

Q59 **Kevin Foster:** I saw you nodding as well, Ms Trowler. Do you also have comments?

**Isabelle Trowler:** What is interesting about thresholds is that if there is a continuum of need or risk, at the ends there is very low and very high, and those are pretty easy decisions—it is pretty clearcut what you should do—but most of the decisions that we make, at the different points at which we have to make them, are in the grey area, so actually there is not always a right answer. Depending on what the local strategy is for managing practice and for working directly with children and families, the threshold for certain processes will shift. It is an important thing to understand. When you are looking at all the different referral, re-referral and CP rates and so on, you have to look at it in the whole, for each local authority, and understand what their intention is, in terms of their management of risk.

Q60 **John Pugh:** Following on from that, I noticed in figure 17 that Birmingham is one of the councils you have intervened on. This is on page 51 of the Report. I am particularly interested in this, because many children who are presumably in Birmingham's care and also on their child protection risk register are in rather inadequate accommodation in my constituency. It strikes me that if Ofsted are having an even-handed inspection, it will be far more problematic if a local authority pursues a path of a lot of extra out-of-area placements. Do you have any feel for this—the extent to which it occurs? Mr Kissack might be able to help us here.



**Paul Kissack:** It slightly goes outside the scope of this Report, because you are talking about looked-after children, rather than children on child protection plans.

Q61 **John Pugh:** Some will be both, won't they?

**Paul Kissack:** People move off child protection plans, generally speaking, at the point at which they go into a looked-after child category, because at that point the local authority is their corporate parent. The general point you make, though, about the out-of-area placements is something we have looked at closely.

**Chair:** It is worth pointing out that figure 8 in the Report looks at the inspection rates for children in care, Mr Pugh, which I think covers that point; it is on page 25.

**Paul Kissack:** What we found on out-of-area placements—Sir Martin Narey looked again at this in his recent review of residential care—is that it is absolutely true that this is a performance-related issue that we need to watch; but a large number of out-of-area placements does not equal poor practice, if those placements are being made for the right reasons.

**Mr Bacon:** Could you just repeat that? A large number of what?

**Paul Kissack:** A large number of out-of-area placements. This is where a local authority will place residential care of children in another local authority. Certainly, when you look at the data, if you were to have a league table based on out-of-area placements, again it would bear no correlation at all with actual practice.

**John Pugh:** So, again, not an indicator of good performance. Thank you.

Q62 **Caroline Flint:** I understand the point you are making about the different rules that apply in different local authorities and how they set the thresholds, but surely that should be something that the Department looks at in terms of best practice, so that there is less of a postcode lottery, and so that if those working in the field move from one borough to another during their career, there is as much consistency and stability as possible, and a defined agreement on what a threshold should look like, and on things like child protection plans, and how often they should be changed? It seems to me that is a job for the Department, to have that oversight.

**Jonathan Slater:** Again, I will bring Paul in on the detail, but it absolutely is the case that the Department wants to see consistency of practice across the country, and that is why it is a critical area of investigation by Ofsted when they do their inspections—the extent to which the appropriate threshold is being met, and the particular area of attention and intervention where it isn't, but that is just at the inspection end. That is just to clarify that we do have responsibility.

**Paul Kissack:** There is a clear national framework, which starts with the Children Act itself, which sets out the clear responsibilities, the statutory

guidance setting out the definitions of children in care, children in need and children on child protection plans.

I think one of the points Isabelle was making was about the individual case level. Different local authorities will take different approaches. I was in Doncaster a few months ago, to spend time with an amazing social worker, who was talking about an individual case where a lot of the people around her were advising her to take what they thought was a lower-risk course of action on a particular individual child. She held true to holding that risk and managing it, because she thought she could deliver a better outcome, and in fact she did. That is not the sort of thing you can prescribe through a national document; that is about a highly trained, empowered, skilful social worker making an individual case decision.

Q63 **Chair:** I will let the NAO come in on a factual point.

**Ashley McDougall:** On thresholds, Ofsted, in paragraph 2.23 on page 32 of the Report, talk about “lack of a common understanding...of thresholds”, and “thresholds set too high or too low”. I absolutely take the point that there will be different practice and different models, and that what Ofsted are finding in their four-yearly reports to the Department—it is quite a partial picture that the Department can have through Ofsted—is that thresholds are not always followed. They can be too high and too low. Paragraphs 3.30 and 2.23 show that some people did not pay any attention to thresholds in some of the cases we saw in Somerset. Local partners do not always follow the thresholds. It is more a problematic pattern—

**Jonathan Slater:** To be clear, none of us is suggesting that best practice is in place around the country. Clearly we are not suggesting that. We are suggesting that there is a systemic problem; we are agreeing with you, as per your point that there is a problem. Wherever you look at children’s social work, you will see a problem where social workers do not have the competency and capability to do the work that Isabelle is describing, which is why it requires a systemic set of actions. What it does not require, according to Professor Munro, is a detailed set of prescriptions from the Department telling social workers how to do it. That is precisely what she has asked us to stop doing.

Q64 **Chair:** Except that Ms Trowler has talked eloquently about the practice leaders, and their role as not just good practitioners but good leaders and managers of caseloads. That is best practice, from what Ms Trowler has said.

**Jonathan Slater:** The question is how we grow 152 of the best possible practice leaders and practice supervisors. That is what the children’s social care reform agenda is on, which you are going to get a subsequent report on. We are suggesting that you cannot fix that problem by detailed prescription from the centre. You fix it by the programme of training, development, accountability and What Works that one has to strike. If you could fix it by controls from the centre, wouldn’t life be easier?

**Mr Bacon:** It’s not just a case of controls.



**Q65 Caroline Flint:** Obviously people on the ground have to be equipped with the skills, resources and general multi-agency workers in this area. Someone said that we only have two outstanding local authorities when it comes to child protection<sup>5</sup>, and they do not have the capacity to train everybody else. I accept that, but the Department sits there with its very strong relationship with Ofsted—you set the framework by which Ofsted then inspects. You have not just the data but the information you get from your field trips, which Mr Kissack just referred to, to see what is working or not working, to understand that it is not just a tick-box process, to look at the variations and to come up with some ideas—that is why you have the innovation projects and everything else—and to hold the ball when it comes to saying, “All things being equal, this works better than that, and we want to see more of it.” That is your job, isn’t it?

**Jonathan Slater:** Completely; it is. That is the point of the Partners in Practice programme that Dave was describing, and the Innovation programme.

**Q66 Caroline Flint:** So it can’t just be done at a local level.

**Jonathan Slater:** No, of course it can’t. It can’t at all. That is why it is crucial to bring together these, as the NAO rightly says, rather diverse and not well-organised means of sharing best practice into a comprehensive source that is used comprehensively, right across the system. We do not have that, and we definitely need it. That is the Department’s job, and that is the What Works centre will do, which will be opening next year.

**Q67 Chair:** Mr Hill, you are a practitioner representing a lot of practitioners. What do you think the Department could or should be doing that would support the best on the ground?

**Dave Hill:** I use a phrase that I use with my colleagues: creating the conditions for success. They can do no less and no more than that. An idea that there is some clever fix from the centre is folly, frankly. It is probably sacrilege to say this in this Committee, but I really don’t care what Ofsted say very much, if I’m honest. I care, as a director of children’s services in Essex, about my children in my place, as do my social workers and my councillors. Ofsted turn up every three or four years and inspect me. If I’m going to use every four years as a judgment of whether I’m getting better, I’m not going to have a very good system. Most of the system will improve because local authorities, as Isabelle and others indicated, have good leaders and good social workers who make good professional judgments. Once in a while, Ofsted turn up. The idea that Ofsted is going to drive the improvement in the system—they will give you a bellwether every so often.

**Q68 Chair:** Ofsted tell us—it is in the Report today—that there is a lot of failure out there, and I think we need to hear that.

<sup>5</sup> Ofsted have judged that no local authorities are Outstanding for help and protection services. In March 2016 Ofsted judged overall children’s services as Outstanding in Kensington and Chelsea and in Westminster. Both local authorities were judged Good for their help and protection services.



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**Caroline Flint:** And all those practitioners in children's services probably said the same as you.

**Dave Hill:** If I might give an analogy, I was with some international colleagues in Holland a few weeks back, and I was talking to the guy who runs the Finnish education system. They are widely acknowledged as having the best education system in the world, as you may know, and they have no inspection. I said to him, "How does that work?". He said, "It works because we trust our teachers to take great pride. They are held in very high esteem. Their professional judgment is fabulous. That is why we have got a great education system." A lot of what our system needs is professional social workers who take great pride in what they do, doing a great job. Yes, we have inspection. I recognise that we are not going to move to the Finnish model, but that is more important than top-down telling people what to do.

Q69 **Chair:** When was the golden age of children's social work and child protection, if this is what you say is the answer?

**Dave Hill:** I think there was an age soon after I trained, which was a little while ago now.

**Chair:** Give us a decade.

**Dave Hill:** I trained in 1981 to '83. I think in the period just after that, there was some really significant progress made. I think in the 1990s and early 2000s, we took backward steps; I watched it happen.

Q70 **Chair:** I have to say that I was a councillor in Islington in the 1990s, and we have seen what has happened in Hackney.

**Dave Hill:** Islington was having a particularly rough time during that period, weren't they?

**Chair:** Well, the women and children in Islington. Let's not get down rabbit holes—we could revisit all our pasts.

Q71 **Kevin Foster:** We have heard quite a lot on the issue of having quality social workers and directors of children's services, which obviously is vital. Given the number of agency workers and vacancy rates, how confident are any of you that we have got that quality and consistency of people if, to put it bluntly, so many are locums and agency workers? Ms Trowler, would you like to start? How confident are you that, with so many locums in the system, we have that level of consistency we were talking about?

**Isabelle Trowler:** My position on agency workers is that it is not about their employment status; that is not the issue. It is about whether or not they are good social workers. So you might in a local authority—I certainly have done it—employ agency or self-employed social workers for years, because the value for money I got out of them, as they were particularly good, was worth the additional cost.

Q72 **Kevin Foster:** If it makes no difference, why has virtually every council—



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or certainly every children's services director—got a target to try to recruit agency workers on to the books as full-time staff?

**Isabelle Trowler:** Because if you have lots of them, it costs you a lot, but the point is that I do not agree with the idea that agency staff are worse or of poorer quality than permanent staff. In fact—

- Q73 **Mr Bacon:** Hang on. On this very point, I am sure that it is possible to find agency staff who are very competent and do a good job, but let us go back to Mr Hill's example of teachers in Finland for a minute. Do you think that most of those teachers would feel as good about themselves, be held in such professional esteem and produce the best system in the world if they were all on temporary agency contracts? Or does their employment status and the esteem in which they are held in that society have something to do with it?

**Isabelle Trowler:** I do not think that agency workers necessarily suffer from low self-esteem in this country. A lot of them have proactively decided, in effect, to become self-employed so that they are much more flexible.

- Q74 **Mr Bacon:** There is a reason for that, as there is in nursing. When many nurses qualify, the moment they can, they do a runner. Then they come back and work when they want to, and not when they don't, because the culture inside hospitals has become so awful. The same is true of many supply teachers. I was asking, how do you get to a position where you have a position that is very well regarded, that is held in high esteem and that does a great job, as with the Finnish teachers example? I am asking you to speculate, because I do not expect that you are an expert on teachers in Finland, but we know that it is the best system in the world. Do you think that their employment status has anything to do with how they feel about themselves?

**Isabelle Trowler:** I have no idea about teachers in Finland, but what I do know is that—

- Q75 **Mr Bacon:** Hang on, I am trying to interrogate this very point. You said that their employment status was not relevant. That is interesting. It is a view, but it doesn't sound like a very plausible view.

**Isabelle Trowler:** When I came to work in Hackney, the Chair's authority, I had 80% agency staff in my duty service, and about 50% agency staff overall. Over a period of some years, we got that down to about 5% or 6%. It is not that I do not understand that if you provide a good practice environment and social workers can practice effectively, they want to stay. What I am saying, and what the proof of concept work that we have done through assessment and accreditation will show you, is that the knowledge, skills and ability of agency workers is no worse than of permanent staff. For individual agency staff, it is not necessarily reflective of their capability. That is the point I was trying to make.

- Q76 **Mr Bacon:** I am sure that is right; I am sure that is common ground. The issue is how you build a great profession.



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**Isabelle Trowler:** Having high numbers of agency staff who move around a lot is a problem, because it creates real instability for the children and families that you are working with, and it does cost.

Q77 **Chair:** Thinking about the point that Mr Hill teased out about relationships, do you also believe that relationships are a big part of the solution?

**Isabelle Trowler:** Absolutely. There is no question.

Q78 **Chair:** So therefore, as you have just described, because of the turnover and the lack of certainty, agency staff are not good for the children and families.

**Isabelle Trowler:** A smaller number of agency staff, who stay with you and do the work you want them to do, is not necessarily a problem. When you start to move to 20% plus, it becomes a major problem; but it is possible to turn around, because I have done it.

**Chair:** Back to Mr Foster, who was pursuing this originally.

Q79 **Kevin Foster:** To be fair, I would not want to say that each individual agency staff member is poor; they have to have the relevant qualifications, and some can be good. However, Sunderland, for example—the constituency of one of the members of this Committee—has a 43% agency rate. That must surely spark some concern. This is not about having one or two talented people to help sharpen up a team or cover a maternity vacancy. That is almost the whole department relying on people who, fundamentally, could give very short notice and walk out the door.

**Jonathan Slater:** Again, none of us is suggesting that children's social work practice is what it should be across the country. Sunderland is one of those councils that we are intervening in in the strongest possible ways imaginable. Absolutely; I think we are all agreeing with each other.

Q80 **Kevin Foster:** Does it represent fundamentally good value for the taxpayer, or does it say that there may be issues with the structure of pay and rewards for permanent social workers if, bluntly, we are having to be so reliant on rather expensive agency staff?

**Jonathan Slater:** I don't think—but I will ask Isabelle to answer the question—that the way she got 80% agency down to 5% was by doubling the pay of the permanent staff. It was down to the quality of the management.

**Isabelle Trowler:** It was about creating the right environment. I think it depends on the point at which you have high numbers of agency staff. In authorities that get a poor Ofsted judgment, and there is an exodus of permanent staff because they think, "I am not staying here anymore", then you are very reliant on agency staff, and it is a good job that you have them, because otherwise the whole system would implode. It is about the point that you are looking at. Now, where you have 40% plus in your practice system, there is something seriously wrong, absolutely.



**Q81 Kevin Foster:** Mr Hill, I see you nodding.

**Dave Hill:** I was only going to add something to strengthen Isabelle's point. I went to Essex in 2010—the Sunderland figure was pretty low, I thought—and we were running on 70% agency and temporary staff. We had 2,000 unallocated child protection cases in 2010. I do not think that the issue is the agency staff, as Isabelle has said; I think the issue is turnover, whether of agency or permanent staff. If you want relationships at the centre of the work, which frankly I do, then you have to have the people. It is like a good hospital, a good school or a good anything. Consistency, and people who stay and commit themselves, are really important to you, and it is the turnover, not the employment status, that is the real issue.

**Q82 Kevin Foster:** Looking at the other end of the spectrum—at the leadership end—clearly a good strong director of children's services in authority can make a difference. Are we happy that enough of those types of candidates are coming forward when vacancies are available? Perhaps we can start with you, Mr Hill, given your association.

**Dave Hill:** I don't think that we are. I think we have had a position in which, for many years, directors of children's services were shot at quite a lot, and disappeared quite often. I saw many of my colleagues just disappear on the back of a bad Ofsted inspection. We have all wondered whether that might happen to us, to be honest. Do we have the quality? It is the same answer as I think Isabelle Trowler gave about the practice leaders. I have been doing it for quite a long time, so maybe I have become a bit inured to the pressures of it. We have about a third who I think could be fantastic, and a third of local authorities are really struggling to appoint directors of children's services, so it is not dissimilar to the position further down the system with social workers and practice leaders.

**Q83 Kevin Foster:** Obviously, there have been some publicised examples of the sort of locum fees that can happen when they cannot recruit. Do you think that is a serious problem affecting finances? Are quality people coming in?

**Dave Hill:** Sorry, I missed the beginning of that question.

**Kevin Foster:** Given that you mentioned a third are struggling to recruit, do you think the interim arrangements that are put in place represent value for money for the taxpayer and deliver for the local authorities concerned?

**Dave Hill:** I can tell you that for authorities that have got into big trouble with Ofsted—I have been involved with helping people trying to find interim directors of children's services—it is a real struggle to find people to do those jobs, because it is a thankless task. You have to want to push a rock up a hill for three or four years in order to get a service sorted out. There are many great people on the interim circuit. There are also some people on the interim circuit because they couldn't cut it when they were doing the job more permanently. It is a bit of both.



- Q84 Kevin Foster:** Mr Slater, do you have any comment? Is there anything the Department can do, perhaps to help develop more leaders for the future in this area?

**Jonathan Slater:** That is the point that I am trying to make about the need to recruit the best possible leaders for the future. The success of the work that Isabelle is describing by way of recruiting the best possible practice leaders as assistant directors will turn into the best possible directors of children's services. The task gets easier the better the quality of leadership. I bow to people who have been working in this job longer than I have about the numbers.

**Paul Kissack:** We asked Sir Martin Narey to take a look at this a couple of years ago. He did a short review for us on DCS leadership in particular.

- Q85 Chair:** What is DCS?

**Paul Kissack:** Director of children's services, apologies. He reached very much the conclusion which Dave has set out: that there are terrific directors of children's services and there are less good ones. As Martin would say, in the bell curve that you get on performance, it was not any different from what you would expect from those kinds of senior executive positions in those kind of roles.

- Q86 Chair:** That is a very big statement there: "those kinds of positions in those kinds of senior roles". Can we be clear, are you expecting quite a lot of people in senior roles not to do very well?

**Paul Kissack:** No, that is not what I meant to say. Martin has worked in a number of different sectors and has experience of leadership across a number of different sectors. One of the questions I asked was should we be particularly worried about the cadre of director of children's services and his answer was no. That said, there is more that we can do to support directors of children's services. That is work that ACDS and the LGA do among lead members.

The additional bit of our reform programme that has really come to the fore over the last couple of years is around practice leaders and the assistant director role. That is partly because what we have found from Ofsted reports is the importance of practice leadership as opposed to or complementing corporate leadership, which tends to be the DCS role. That is not to suggest DCS is not important in setting the conditions for effective practice. I think our bigger priority over the next few years will be around practice leadership and getting those 152 accredited and assessed practice leaders in place.

- Q87 Caroline Flint:** Does that include the advanced teachers we used to have for practice in the classroom?

**Paul Kissack:** I don't feel qualified to respond to that. I don't know enough about it.

**Mr Bacon:** Mr Kissack, it sounds to me—sorry, Ms Trowler, you want to say something.



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**Isabelle Trowler:** I suppose the equivalent is the headteacher of a school, where we had accreditation for headteachers, who is in charge of a system. It is that kind of idea.

- Q88 **Mr Bacon:** Mr Kissack, I don't understand your last reply. You asked Martin Narey whether we should be worried about the cadre of children's services directors and he said no. How is that consistent with what Mr Hill said three minutes beforehand? We know there is a significant problem with not having enough good leaders. Three sentences ago, Mr Hill said there is a huge problem in getting enough of these people—you have to find someone who is prepared to push a rock uphill for four years—and you are saying there is no problem.

**Paul Kissack:** The specific question where Martin Narey said no was whether there was any particularly different spectrum of performance for DCSs than you would expect for equivalent jobs in the public sector.

- Q89 **Mr Bacon:** In other roles in other domains?

**Paul Kissack:** Correct. But he didn't say there isn't more that we could do to improve the quality of leaders in this area.

- Q90 **Mr Bacon:** When you were talking about the bell curve, you were saying the distribution of inadequate, good and outstanding people is pretty much the same as it is for other domains within the leadership in the public sector. That is what you were précising him as saying.

**Paul Kissack:** Broadly speaking, yes.

- Q91 **Mr Bacon:** And yet, we seem to find that this is a more wicked issue—a more difficult issue—to deal with than the other issues. That suggests that Martin Narey's answer is wrong and that there is a bigger problem here than there is elsewhere.

**Jonathan Slater:** Paul is seeking to distinguish between the role of director of children's services at the department level and the practice leader who makes the difference on the ground in terms of child protection in a particular locality, such as Hackney. The evidence from the people who have been working on this is that the key leader in the local system who will make the difference on child protection is the practice leader or the assistant director of children's social services. That is where, as you say, there clearly is not enough good quality to deliver the services being described.

- Q92 **Caroline Flint:** Just to be clear, is the practice leader the assistant director?

**Chair:** Yes.

- Q93 **Mr Bacon:** You are saying that when it comes to the overall leaders, you are okay, but when it comes to one level down and the more operational, day-to-day responsibility, that is where you are not okay. Am I précising you accurately?

**Paul Kissack:** I wouldn't say okay in the sense that—

**Mr Bacon:** Mr Slater?

**Jonathan Slater:** I wouldn't say not okay. The particular challenge that the child protection programme is focusing its attention on—the particular leadership role that seems most critical—is the practice leader role, which is one down from the director of children's services. That is what I am saying.

**Sir Amyas Morse:** Listening to you speak about the exodus of staff following a negative Ofsted report, I wondered whether the problem of retaining people at a level where they can be blamed for performance will clearly go away because of the reforms that you have in mind. In other words, if it is a very high-risk game to be in charge of social services and people clear off as soon as something negative is on the horizon because they recognise that there is a high risk of public blame of a pretty extreme kind, is that one of the dynamic factors in the system that at least needs to be discussed and thought about? Forgive me, because it seems to me that if you have all these temporary staff and temporary people, some of them may be people who have opted out of being heavily identified with the structure. What are your thoughts on that?

**Isabelle Trowler:** I don't think that you have good practice leaders and bad inspections unless you have been there for quite a short period of time. If you have a bad inspection, but you are a good practice leader, you are very likely to be in the process of changing the system with a real grip of the problems and the strategy to improve.

**Jonathan Slater:** The question that I asked Isabelle when I first arrived was, "Given the scale of the challenge, the importance of the challenge and how long it has been going on for, is this fixable?" That was my first question.

**Chair:** We ask the same question.

**Jonathan Slater:** Absolutely. We are all asking the same question. The answer was, "Yes, it is fixable. There are councils that have fixed this; there just are not enough of them." The difference between the councils that have fixed it and the councils that have not is not the overall level of resource and so on. It can be done with a determined effort. That is the answer.

**Sir Amyas Morse:** I don't doubt that. I am just trying to understand how far having a fear culture in this affects people's willingness to stay in the job. I am asking Isabelle Trowler and Dave Hill to say something about that. I am not trying to put words in your mouth; I am just curious what you think.

**Isabelle Trowler:** Being in charge of those sorts of systems is kind of scary, and you have to have the resilience to be able to manage it, but you also have to be responsible for what you have responsibility for. That is what makes you a good practice leader: knowing what to do, getting on and doing it, and feeling responsible for and owning what you have



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responsibility for. I think practitioners have a hard time, and the fact is—I see social workers all over the country, and one of their big, real, emotional responses to how they feel they are treated is that they are fearful. They think they will be blamed when things go wrong, when there was nothing they could do about it.

**Jonathan Slater:** I think that is a really important distinction to make, between the individual practitioner and the head of the relevant department. When my council was being intervened in under a previous Education Department, I was asked to manage the outsourcing of it. I was at pains to point out to the staff that they were doing a good job. The problem was the way they were being managed and the way resources were being applied. That was the task.

**Dave Hill:** I think these are very hard jobs. I was an assistant director for 10 years and I have been a director of children's services for 12 years in three different local authorities. You not only need the capacity to know how to do the job, but also the word Isabelle just used, which was "resilience", to keep going.

I think there are some really good people in the system who, frankly, over time get very worn down and try to get out and do other things, because they just need to replenish their energy. We are making decisions every single day. In Essex, I have 8,000 open child protection and children in need cases and looked-after children. My workers are making judgments every day and they are difficult judgments. I am not pleading that it is the only difficult job in the world, but it is a difficult job.

If you are going to get people who are going to stay and bring their wisdom and experience and so on, they need to work in an atmosphere that is not characterised by fear. If it is characterised by fear, whether social workers or directors, they will probably disappear at some point.

Q94 **Chair:** I want to pick up on one comment. You said people need to know how to do the job, but when the children's services role was created, didn't the vast majority go to education directors rather than directors of children's social services?

**Dave Hill:** I was one of the few that was not. I barely went to school, actually, so that is the joke I tell—

Q95 **Chair:** Do you think there is a direct correlation between what is happening now and that?

**Dave Hill:** I don't know what the position is now; probably 80% or 90% have got a social care background.

Q96 **Chair:** It has shifted the other way.

**Dave Hill:** That happened particularly post Baby Peter. To be honest, I saw amazingly bright directors of children's services who had an education background looking very scared and getting out because they thought this was not territory they were comfortable in.



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Q97 **Chair:** Do you think that role was suitable for someone who did not have a social services background?

**Dave Hill:** I was interested in the comments being made a few moments ago: we can have a debate about what the director of children's services is and does and what the practice leader—the assistant director—does. In my experience, it is about the chemistry and combination of people. You can have an enormously bright director of children's services from an education background, but they probably then need an assistant director who is mired in social care. It is not as simple as just looking at the tiers in isolation. It is the chemistry between the tiers.

Q98 **Chair:** On the practice lead role, it is an assistant or deputy director role. They always had that role, didn't they? You just changed the title—

**Isabelle Trowler:** To focus on practice.

Q99 **Chair:** So what has been lost from that role since they focus on practice? What were they doing before that was not focusing on practice?

**Isabelle Trowler:** I do not know if they are doing it yet. The intention is that they shall and the reason I think putting that title in place is important is that, prior to Munro, we had a system that was driven by process.

Q100 **Chair:** So it is like a senior practitioner role but at director level. They are managers, so system-wide they get it, as well as being good social workers.

**Isabelle Trowler:** Indeed. They take their practice experience and expertise and they learn how to make an environment work so everyone can practice to a high standard.

Q101 **Caroline Flint:** Are you saying that did not exist before?

**Isabelle Trowler:** I think that what happened was that, without any doubt, because of the focus on process, you had people in charge of children's social care who were not focusing on practice. The realities for children and families and the quality of work between social workers and—

Q102 **Caroline Flint:** Who is responsible for that?

**Isabelle Trowler:** That is a very good question.

Q103 **Caroline Flint:** Is it the Department for Education? Is it because we brought education and children's services together and education ruled the roost when it came to that and that area therefore suffered? Who is responsible?

**Isabelle Trowler:** I remember being given, in 1998, the first set of duplicate forms to complete for looked-after children. It was the beginning of the introduction of a national approach to recording, which then became an electronic recording system, and a whole range of performance indicators were introduced. That meant that a lot of data entry was required, and we found ourselves in a situation in which social workers were—some still are—spending about 80% of their time in front of



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computers. For me, watching that and being told to do that with my practice time—

Q104 **Chair:** So what is the answer? I always say no anecdotes, but I remember when I was first visiting social work offices in Islington I was told, “Everyone’s got a computer”. They showed me the computer, which is where they kept the files, and paper files were stacked on top of the computer and social workers were not keeping good records. That was one of the problems—

Q105 **Chair:** So what is the alternative?

**Isabelle Trowler:** Professional recording is really important. Data collection is really important. In my view, what you do not do is get your social workers to enter the data. Again, in Hackney, what—

Q106 **Caroline Flint:** So who should enter the data?

**Isabelle Trowler:** Administrators.

Q107 **Chair:** What if they get it wrong? What if they can’t read the handwriting of the social worker?

**Isabelle Trowler:** There are ways of making sure that your data is clean.

Q108 **Caroline Flint:** So the issue is not necessarily that the data is not important, it is that social workers spend their time and local authorities should employ proper admin back-up to do that work for them.

**Jonathan Slater:** Combined with, as Isabelle was saying—and this was well described by Professor Munro in her report—a set of processes that were required from the top down, telling people from the centre how to do their jobs rather than what to do—

**Chair:** We need to move on.

**Jonathan Slater:** And so she said, “Get rid of all those processes. Get rid of all those rules”, and the level of documentation went down from 400 pages to 100 pages, focusing on practice. Has that been fully achieved yet? Absolutely not, but that is the change that Isabelle is trying—

**Chair:** Of course, there is further change going through Parliament at the moment. So there will be lots much change that we will no doubt be assessing the impact of in the next year or two.

**Jonathan Slater:** Yes, absolutely.

Q109 **Chair:** Before we move on to the other report, I just wanted to ask an important question about eligibility criteria and children with disabilities, because they are also included in this group and we have not mentioned them yet. I wanted to draw your attention to something you probably have not had the chance to see. Someone called Sue Gerrard, who is a parent of a disabled child, sent in some clear evidence on this. I will quote from her, because she puts it very well. She raises the issue of the prioritisation of safeguarding over promoting welfare and prioritising protection over help, saying that this prioritisation “runs the risk of local



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authorities safeguarding at the expense of promoting welfare, or protecting at the expense of helping. In my son's case, the criterion used in his Initial Assessment was whether or not there was a risk of immediate harm—to himself or others. Because there were no safeguarding concerns, he was deemed not to meet the threshold for help." It seems rather odd that we push children with disabilities—I declare an interest here as one of my relatives is a severely disabled child—into the same category as children who are at serious risk of harm from their parents. Why is that still the case and are there any plans to change it?

**Paul Kissack:** The short answer to why that is the case is that it is exactly what section 17 of the Children Act 1999 sets out: by definition, a disabled child falls within the category of children in need. So it does not fall to the Department to change what is set out in primary statute. I am not familiar with that particular case and I would be very happy to take it away and look at it—

Q110 **Chair:** No, no. It is just evidence that came in to the Committee. I am not familiar with it.

**Paul Kissack:** One of the things we do know in the system though—Ofsted have highlighted this to us and I think are going to make it one of the themes of their next joint targeted area inspections—is that often the social care system can be focused on the needs of the disabled child as a disabled child and on parental support, and can overlook safeguarding concerns. They did a report a year or two ago, I think, worried that the system was not looking sufficiently at the safeguarding angles around disabled children. So it is a complicated area. It ultimately boils down to the quality of practice, again.

**Isabelle Trowler:** That experience I have heard many times, and it is really distressing for families when they just want help and they are getting dragged into the child protection system—

**Chair:** They know exactly what they want. It is not necessarily expensive—

**Isabelle Trowler:** And it is something that we need to address—

Q111 **Chair:** Do you think that one of the issues is the way in which it is done—the bureaucratic approach you have to go through, with all the form filling and so on, when evidently it is about a disabled child?

**Isabelle Trowler:** One of the things we are funding through the innovation programme, through the Council for Disabled Children, is their work with five local authorities to look at the assessment process and what could shift so that we are not subjecting families inappropriately and risking the child protection focus.

Q112 **Chair:** There is also the risk that those children are not getting the basic elements of support that they need just to live their lives because they are in this category. So it is something you're looking at. What is the timescale for the outcomes on that?



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**Isabelle Trowler:** The evaluations for innovation will start to come out—we have had a couple so far—from November. The bulk of them will be done by—

**Paul Kissack:** Spring next year.

**Chair:** Civil service spring, so that is March, August—

**Paul Kissack:** October.

Q113 **Chair:** Mr Kissack's an optimist. Sorry. I should not be so flippant about civil service timetables, but we have long experience. Okay, we will leave that one there, but we may come back to it.

We are now moving on to the investigation by the NAO into the management of the potential conflict of interest. Before I look into how you have handled it, it might be worth clarifying with you, Ms Trowler, first of all. Perhaps you could explain to us how you set out to manage the conflict of interest. I want to get on the record what the conflict was. Explain what your job was before; what you felt was a conflict; and how you chose to manage it.

**Isabelle Trowler:** Prior to taking up this role, I was a co-director of Morning Lane Associates, which is an organisation whose raison d'être was to try and improve social work practice. When I came to the role I sold my shares and came out of the company completely. I discussed with the director general at the time my intention to do that, and did so before I took up the post. When I was appointed to the innovation programme board I declared a potential conflict of interest.

Q114 **Chair:** Why did you have an ongoing conflict of interest? Explain that part.

**Isabelle Trowler:** Because I have a close and personal relationship with the director.

Q115 **Chair:** There were three directors of Morning Lane Associates. One of them is still a director. What about the third one?

**Isabelle Trowler:** They are no longer a director.

Q116 **Chair:** What is that person doing now? Is there any conflict there? Are they working in social work?

**Isabelle Trowler:** They are. They work in Firstline, which is a spin-off of the Frontline programme.

**Chair:** That is like Teach First for social workers, is it?

Q117 **Mr Bacon:** What was it called?

**Isabelle Trowler:** Firstline. It is a programme to develop first-line managers.

Q118 **Chair:** Which of those organisations now have a contract with the Department, Mr Slater?

**Jonathan Slater:** Morning Lane<sup>6</sup>.

Q119 **Chair:** Okay. To go into what happened, Ms Trowler, you attempted to make your declaration of interest known, but, as I understand it, you sat on the board and, to cut a long story short—it is all in the Report, which is agreed; or it is in the investigation—you ended up in a room with your former director from Morning Lane Associates, the prime contractor for the contract for improving social work, to discuss how that contract could be improved. Am I right?

**Isabelle Trowler:** That was a separate innovation programme. This was about the contract for assessment and accreditation for social workers. Jonathan might want to explain the process by which I was brought in.

**Jonathan Slater:** As the Report says, Isabelle declared her interest in respect of the programme for which Morning Lane were bidders. She recused herself from that process and so had nothing to do with it. Then the Department was down to one bid—theirs—from a consortium led by KPMG and supported, as per the Report, by Morning Lane. She was asked if she was confident that the quality of the proposition would meet the requirement of the specification in her capacity as chief social worker. She was not asked whether she thought the bid should be approved; she was not asked the question about value; and she was not asked about the nature of the contract. Did she think it would meet the requirement? As set out here, she thought not. That led to an independent third party being employed to advise on whether she was right or whether the bidder was right. So that was taken right out of her hands.

Q120 **Chair:** Who was the independent third party?

**Jonathan Slater:** They were called—

**Paul Kissack:** Research in Practice. They are independent. They are a bit like a What Works centre in this territory.

**Jonathan Slater:** They were asked to carry out an independent, third-party assessment<sup>7</sup>.

Q121 **Mr Bacon:** Who was this third party? I'm sorry.

**Chair:** We just said.

**Paul Kissack:** Research in Practice.

**Isabelle Trowler:** In partnership with the University of Sussex.

**Jonathan Slater:** They were funded by us to assess whether we should go with the proposition from KPMG with Morning Lane in support, or not,

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<sup>6</sup> Note from witness: I should also have mentioned that the Department grant funds Firstline through the Innovation Programme. Firstline is a specific programme run by the independent not-for-profit organisation Frontline—the recipient organisation of DfE grant funding. The Department does not believe there is a conflict to be managed in this case.

<sup>7</sup> Note from witness: Research in Practice were commissioned by KPMG to do this work.

or take the advice of the chief social worker as to what was effectively the best way of assessing a social worker's competence<sup>8</sup>.

**Q122 Chair:** I think the difference was whether it was computer based or face to face.

**Jonathan Slater:** To cut a long story short, the original proposition was whether you could do it online, or turn that into one that would actually watch what people were doing, reminiscent of what they were saying earlier. That was essentially what the chief social worker was saying—

**Q123 Chair:** Just to go back one step before we continue, who set out the specification for the bid in the first place? Did you have a very broad base? Did you throw it out there—asking “How would you assess social workers?”—and in came this bid saying they would do it online? You didn't at any point say they were required—

**Jonathan Slater:** No. The nature of their bid was to do it in a particular way, which they thought would work. Isabelle thought it wouldn't. We asked an independent third party to carry out an evaluation of the two methods and they—

**Q124 Mr Bacon:** Sorry, could you just complete the sentence? Isabelle thought it wouldn't?

**Jonathan Slater:** Isabelle thought that a digital proposition would not adequately assess the competence and capability of social workers to do their job.

**Q125 Chair:** I am sorry but can we just go back again? The Department asked for people to bid for this contract. You ended up with only one bidder, but there were presumably other bidders interested along the way. Did any of them not go forward because they were encouraged, or there was a push, towards a digital analysis?

**Jonathan Slater:** No.

**Q126 Chair:** They dropped out for other reasons.

**Paul Kissack:** There were three bidders. One was knocked out very early because it was nowhere near. Two were invited to interview.

**Q127 Mr Bacon:** Just remind us who the two bidders were at that point.

**Paul Kissack:** One was the KPMG-led consortium.

**Mr Bacon:** With Morning Lane.

**Jonathan Slater:** Yes.

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<sup>8</sup> Note by witness: The scope of the work was to review evidence of the use of direct practice observation methods and assess the scope for using them as part of the assessment of social work practice alongside the digital solution at each of the three levels of practice. The output was to produce a written report of the options and produce recommendations regarding the methods of direct observation that should be developed as part of the testing approach.



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**Paul Kissack:** The other was a bid which involved the College of Social Work and Pearson. At the interview stage it was found that the latter bid did not score sufficiently highly to go through to the next stage. We didn't think it was viable and would deliver the contract. Each bid had a slightly different approach to how they would assess. One of the things in this territory is that there is no international evidence really about how you can best assess social workers, because we are trying to do something that no other country has done. That is one of the challenges that we then faced with Research in Practice.

Q128 **Mr Bacon:** Once you had knocked out the third, of the two that were remaining, the one that you felt didn't meet the sufficient criteria was the Pearson/College of Social Work one. Is that correct?

**Paul Kissack:** Correct.

Q129 **Mr Bacon:** So the people whom you might expect to know how to measure social work performance, the College of Social Work—

**Jonathan Slater:** No, no. In fairness to the college, I don't think it was that that was the problem. I think it was about delivery capacity. There were a whole set of criteria that the assessment measured.

Q130 **Mr Bacon:** I am trying to understand the difference between the two bids. The IT point—the how much of it was online point—was that the College of Social Work/Pearson bid would have had more online. No?

**Jonathan Slater:** We were left with one credible, deliverable bid, which was KPMG supported by Morning Lane. That was the only one that was credible and deliverable. That was the view of the evaluation team, but they wanted to know from the chief social worker whether it was good enough. Was the quality good enough to assess social work practice? Isabelle's view was no, it wasn't good enough, for the reason I have said.

**Mr Bacon:** Because it relied too much on online.

**Jonathan Slater:** Exactly. So at that point, what the Department did, very sensibly, was to ask an independent third-party company to evaluate the proposition from KPMG, which we had signed up to, and Isabelle's alternative. They came back and said she was right—the best way to achieve value for money was to do more face-to-face watching people in work than more digital, and so the contract was amended in line with that third party's independent advice as to the best way to achieve—

Q131 **Chair:** But then you skip over quite a bit in the Report there.

**Jonathan Slater:** Well, you asked for the short version.

Q132 **Chair:** Absolutely. I am just going to see if we can go back to a couple of those points. First, you appointed the third party assessor because Isabelle Trowler had this close personal relationship declaration with Morning Lane, so she therefore could not be involved in the process. That was the only reason you had a third party, just to be clear.

**Jonathan Slater:** No.

Q133 **Chair:** Would you have had that anyway?

**Jonathan Slater:** There was a difference of view between KPMG as the bidder and Isabelle as to whether—

Q134 **Chair:** Who was the ultimate arbiter, then? You've got the chief children's social worker, Ms Trowler, brought in, presumably because of exemplary good practice in children's social work—one would hope so, otherwise you shouldn't be in your job. She said this; the bidder said something different on the money they were bidding for. So why was the third party brought in to adjudicate?

**Jonathan Slater:** Paragraph 3.17 of the NAO report sets this out. You referred to the meeting, Chair. The report says "As a result of the meeting, the Department"—not Isabelle, but the Department—"agreed with KPMG that it would include in the bid the commissioning of an independent review of assessment approaches to determine whether an element of observation of social work practice was necessary." So that was the way to resolve the matter.

**Mr Bacon:** It is amazing that you had to buy in that advice about whether an element of independent observation was necessary. Anybody could have told you that. Why did you have to buy in that advice?

Q135 **Chair:** Can I just pin this down, Mr Slater? I don't want to go on for too long. You had to buy the advice in. I said that that was presumably because Ms Trowler had a conflict of interest. You said no. Can you explain that? Would you have bought in the advice anyway because of the difference of opinion? If Ms Trowler had had no connection with the final bidder, could she have been the arbiter, or would you still have brought in a third party?

**Paul Kissack:** We were at a point where we had two different views on exactly the point Mr Bacon is raising about whether or not you could develop a viable assessment system solely digitally, in the way that KPMG has, for example.

**Mr Bacon:** Solely what?

**Paul Kissack:** Digitally, which is what they had done for the NHS academy, for example, where they had gone big on a digital solution—or whether you needed some degree of simulated practice observation. There was essentially a disagreement of views, so we said, "Let's work out what the evidence suggests" and we commissioned Research in Practice to look at the evidence, such as it was.

Q136 **Chair:** The issue isn't about that particularly—it is about the conflict of interest—but I am still puzzled that you employ a highly professional person to do a professional job and you then have to go out for third-party advice on the bids. I can see why in terms of the conflict of interest, but you are saying it wasn't just because of that that you got third-party support.



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**Jonathan Slater:** Paul is making the point that this is something that has not been done anywhere in the world before. You put it out to a competition; you ask people what they think is the best way of doing it. They came up with their proposal. The reason I mentioned the third party is that, in the end, it seems to me that the question is "Was Isabelle and was the Department seeking to maximise value for money?" The answer is evidently yes, because a third-party evaluation demonstrated that—

Q137 **Chair:** That's not what I was asking, actually. Can we just go back, because Ms Trowler is sitting here waiting as we go through this rather painfully slowly? I think it will be fairer on everyone involved if we just move a bit faster. The meeting that took place: in the end, there was a discussion with KPMG and Morning Lane Associates in attendance, at which Isabelle Trowler was present. As a result of that meeting, the work—the contract—was amended. Am I right so far, Mr Slater?

**Jonathan Slater:** Yes.

Q138 **Chair:** And the contract was actually for an increased value.

**Jonathan Slater:** In the first instance, the—

**Chair:** More money went into KPMG's coffers.

**Jonathan Slater:** In the first instance, it was to carry out an evaluation whether that change was the right one. Once the results of the evaluation—the third-party work—came back and demonstrated that that proposal was right, the value of the contract was then increased, because obviously that sort of intervention is more expensive than just—

Q139 **Chair:** Am I right that, as it says here in the Report, Ms Trowler was in the room at the time when this was all being discussed?

**Jonathan Slater:** Yes.

Q140 **Chair:** So that leads to the point about management of the conflict of interest. Ms Trowler made it very clear what her conflict was and you relied on her. Are you new to the civil service, Ms Trowler—is it your first appointment?

**Isabelle Trowler:** Indeed.

Q141 **Chair:** Ms Trowler has an absolute responsibility under the civil service code to make the declarations, but you as a Department also have a governance arrangement in place to make sure that these declarations are handled properly. It seems from reading the report that you relied entirely on her self-declaration. Is that fair?

**Jonathan Slater:** It is not, no. The NAO identifies ways in which the Department sought to make clear to Isabelle her requirements. Equally, it points out quite fairly and accurately that the records of that were not as full as they should have been.

Q142 **Chair:** Which is paragraph 13.



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**Jonathan Slater:** Yes. So it is a perfectly factually accurate account of what happened, of which there is no difference of view. What I'm saying is that I can see bags and bags of evidence—it's set out here—of Isabelle recusing herself from discussions, and being asked a specific question about a specific quality thing by the Department and answering it in a way that was subsequently demonstrated to be right.

It is also the case that the Department was not as thorough in its record keeping of the way it was asking her to do that as it should have been. That is absolutely right; that is true as well. Equally, I saw the email from the DG she is referring to telling HR how important it was that that conflict was properly managed before the contract of employment was signed. But was all the due process followed properly? No. Should it have been? Yes. Have I asked my corporate services DG to put in place tightened-up arrangements for recording conflicts of interest more fully in the future? Yes.

Q143 **Chair:** Right. So you are apologising for your errors, or the Department's errors. Yes?

**Jonathan Slater:** I am saying that the Department should have recorded—

Q144 **Chair:** Just a "sorry" would be fine. You got it wrong. We have had long answers, but the facts are quite clearly laid out in the Report. How many of your top civil servants have not completed their assurance framework returns—the annual return on declarations of interest? Do you know?

**Paul Kissack:** I think there may be two.

Q145 **Chair:** Why not, after all this?

**Paul Kissack:** Because they are senior civil servants. They are policy advisers, and they don't have direct budgetary responsibility. They have now been asked to. It was an error. Isabelle, who was the third who hadn't filled it out, has now completed it, and I have seen that. That was a procedural error, for which I apologise.

Q146 **Chair:** Whose fault was it? Ms Trowler, did you try to—

**Jonathan Slater:** She wasn't asked to fill it in. Because of a procedural error, the Department didn't ask—it should have done—those people without budgetary responsibilities to fill in the form. It should have done so. As soon as she was asked to fill it in, she filled it in, and so have the other two people. I should have checked before I came in whether they have signed it yet.

Q147 **Chair:** I hope they have.

**Jonathan Slater:** I hope they have, too.

Q148 **Chair:** They had a big hint that we are meeting you today to discuss this. On the wider issue of managing conflicts of interest, this doesn't look good, whatever the rights and wrongs of the details of the procedure. If it smells bad, it makes people very suspicious and nervous about what is



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going on. Are you satisfied that your Department is now managing conflicts of interest properly, Mr Slater?

**Jonathan Slater:** Yes, the Department does manage conflicts of interest properly. Was this recorded as well as it should have been? No. In the particular case that we are describing, was the perception of a conflict managed as well as it possibly could have been in the circumstances? No. I conceded quite happily in paragraph 13 that “alternative approaches might have been taken to more fully manage any perception of a conflict”. One of the useful things about this Report is that it will draw more to the attention of people in the Department the critical importance of not only doing the right thing, but recording doing the right thing. That is why this Report is helpful. We must do better, so we do not have that sort of comment made in the future.

Q149 **Chair:** That is all well, but we on this Committee have looked at academy chains, in particular, for some of the interesting omissions in their returns, and the conflicts of interest that have had some publicity—a lot of journalists have looked into this, too. Mr Slater, you are head of the Department responsible for making sure those schools that now report directly to the Department get it right. What have you got to say to them? That you got it wrong on this occasion? It doesn’t set a good tone, does it, when we are trying to get schools to manage public money properly and be aware of their declaring responsibilities?

**Jonathan Slater:** Clearly, I do not want to be sitting in front of you and conceding that an alternative approach might have been taken to more fully manage a perception.

Q150 **Chair:** We have got the words there on page 9.

**Jonathan Slater:** Well, it is important that I am reading them out, because that’s the crucial thing.

**Chair:** Don’t worry; I would have read them out if you hadn’t.

**Jonathan Slater:** I would not want to be in that position. I want to ensure that the Department learns from this experience. At the same time, I want to recognise that the evidence demonstrates that the Department was acting in a way that was seeking to maximise value for money, and that it actually did so. That doesn’t excuse poor record keeping, or a process in which the perception wasn’t managed as well as it should have been—absolutely not. That is why I am absolutely conceding that this was not good enough and needs to be better next time.

Q151 **Mr Bacon:** If you had hired a PR consultant as well as Research in Practice, the perception would have been alright as well, wouldn’t it?

**Jonathan Slater:** I am simply making the point that the evidence demonstrates that the intervention made improved significantly value for money, and that children’s social workers will be assessed better as a consequence of their intervention. That is all I am saying.

Q152 **Mr Bacon:** Could you just clarify? On this assessment system, do we now



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have a valid and credible assessment? I see in paragraph 3.17 that the contract was signed in March 2015 and was amended by KPMG, and a bit more money was paid later.

**Jonathan Slater:** That was on the basis of that independent evaluation.

Q153 **Mr Bacon:** That was a year ago. Is that work now done? Do we now have a valid and credible assessment in place?

**Jonathan Slater:** I will ask Paul to give us some idea of where we have got to.

**Paul Kissack:** We completed the proof of concept and tested it on 1,000 social workers. That finished just before the summer. Advice is with Ministers now on what we do in terms of next steps. Broadly speaking, we think we have a valid assessment.

Q154 **Mr Bacon:** But it has not been signed off yet?

**Paul Kissack:** It has not been signed off yet.

Q155 **Mr Bacon:** When do you expect that to happen? I am not asking you to sign your name in blood. You can always say "spring".

**Paul Kissack:** It is with Ministers now. I would be disappointed if it was not earlier than spring.

Q156 **Mr Bacon:** Before Christmas?

**Jonathan Slater:** Let's leave it at that.

Q157 **Mr Bacon:** Question two: how much did you pay to Research in Practice—you said it was all good value for money—to tell you the bleeding obvious, that you would not be able to get a valid and credible assessment system without observing social workers' practice in practice?

**Paul Kissack:** I don't have a precise figure. I think it was around £100,000.

**Mr Bacon:** I could have done it for half that.

**Jonathan Slater:** I was over-simplifying the difference of opinion between the KPMG and the chief social worker on the quality, in order to try to keep the story short. It was a bit more complicated than that<sup>9</sup>.

Q158 **Mr Bacon:** But it is clear, is it not—Ms Trowler, you are here, so you can tell us—that your concern was whether the proposal that was then on the table was likely "to fully meet the requirements to develop a valid and credible assessment system against the knowledge and skills statements as required by Ministers, unless it had an element of observation of social work practice"? Is that a fair summary of your concern?

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<sup>9</sup> Note from witness: The Department agreed an extension of the contract with KPMG for a further £90,564 + VAT to carry out a critical review of direct observation of social work assessment and accreditation. KPMG contracted Research in Practice directly to lead this work. This specific piece of work ended in June 2015.

**Isabelle Trowler:** Indeed.

Q159 **Mr Bacon:** Right, and you thought that unless it had an element of the observation of social work practice, it would not be an adequate system that fully met the requirements.

**Isabelle Trowler:** That's right.

**Mr Bacon:** Good, so I have understood it correctly. As I say, I could have told you that for a lot less money, because it is blindingly obvious, it really is. Mr Slater, is there something I have missed—a complication that you would like to explain around how doing it digitally was going to be adequate? It reminds me of Modernising Medical Careers and the medical training application service, where they thought that junior doctors could do it all online. That was some years ago, and it crashed badly. They might have learned from that.

**Jonathan Slater:** I am trying to draw the Committee's attention to the extent to which the intervention from the chief social worker improved value for money for the taxpayer. I am not seeking to defend the bid submitted by KPMG. Equally, I do not think it is right for me to sit in front of you and describe and attack the KPMG bid. I am not from KPMG. That is all I am saying. I think Isabelle's contribution was—

**Mr Bacon:** Please, Mr Slater, be clear. I was not asking you to either defend or attack the KPMG bid. I am merely questioning the necessity of spending £100,000 of taxpayers' money getting an answer to something that is really very obvious.

Q160 **Chair:** Had you taken the alternative approaches, which might have fully managed any perception of a conflict, as you keep reminding us you should have done, would you have asked people other than the chief social worker to make the judgment about whether this was going to work or not?

**Jonathan Slater:** That is one of the possible ways in which it might have been dealt with.

Q161 **Caroline Flint:** Would you do that in future?

**Jonathan Slater:** It is not the only way. It depends on the circumstances. Another way of dealing with such things is to make it unclear to the individual who the bid is from—to make the thing anonymous. It depends on the circumstances in a particular situation.

Q162 **Chair:** But you had a duty of care to Ms Trowler, as well as her having professional responsibilities. Do you think you let her down? She is here sitting in front of the Public Accounts Committee, the subject of an investigation.

**Jonathan Slater:** I think what the Department in general and Isabelle in particular sought to do was to maximise value for money. We could have managed that process better than we did, and we will do so next time.

Q163 **Chair:** Next time—that's the key thing. Ms Trowler, you were a director of



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this company, and there is nothing to stop you, in time, leaving the Department and working again for Morning Lane Associates, or potentially other businesses that come and bid in. Although there is a process that the civil service puts you through before you can do that, isn't there a potential issue here for you, Mr Slater, and perhaps not just Ms Trowler, given the Government's direction of travel on social work in the private sector? You are going to have issues managing the conflicts of interest of the children's chief social worker, because she already has a connection with a private company, and potentially with other people, too. What are you putting in place to manage that—first, with Ms Trowler?

**Jonathan Slater:** As you say, Chair, there are processes in place that have to be followed when it comes to civil servants leaving the Department and going to work not just in the private sector but in any other job. The permanent secretary needs to sign off any such changes, if any conflict of interest were to arise.

Q164 **Chair:** Notwithstanding the fact that Ms Trowler has given up her shareholding and directorship, with all the safeguards in place, there is nothing to stop her going back and working for Morning Lane Associates in the future. This is potentially going to be an increasing issue.

**Jonathan Slater:** There are rules—

Q165 **Chair:** Well, you can't stop someone going back forever, can you? Is it a year or six months?

**Jonathan Slater:** The Government and the civil service set out rules designed to manage any such potential conflict of interest—it depends on the circumstances—when a civil servant leaves. I would need to sign off those in the particular circumstances.

Q166 **Chair:** We are not a policy Committee, but the policy direction of travel means that there is potentially more work for organisations such as Morning Lane Associates.

**Jonathan Slater:** Sure, that's true.

Q167 **Philip Boswell:** Two questions for Ms Trowler, although the second one also involves Mr Slater. The first is a bit long-winded, but I want to be as clear as I can. The chief social worker for children and families carries a substantial duty of care. Prior to this role, Ms Trowler, we have heard that you both resigned your directorship and sold shares in a company providing child protection services named Morning Lane Associates. As Mr Slater said, and I am sure you agree, the test—let's call it the red-face test—for someone in your position is that there should be not only no bias in the execution of your duties, but no perception of bias. That, I believe, is the reasonable legal test. Given that you disclosed that you had a close and personal relationship with a director of Morning Lane Associates, and that since your appointment the company has won £2.9 million-worth of contracts with your Department, please explain why you think you pass the red-face test.



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**Jonathan Slater:** I am going to come in here and say that the NAO has thoroughly investigated the way that the Department and, within the Department, Isabelle, managed any potential conflicts of interest, and summarised that very clearly. They identified two things. First, they identified that the Department did not record its systems as well as it should have, which is absolutely nothing to do with Isabelle at all and is definitely a failing of the Department. That is why I asked my director general, who just arrived two weeks ago, to improve our systems, so that we record these things more thoroughly in the future.

Secondly, the NAO identifies in paragraph 13 that we asked the chief social worker for a view about whether a particular evaluation method would work in respect of the bid, and she said no. That is what happened. I don't think that raises a broader question about the chief social worker's—

Q168 **Chair:** Well, there is a broader question, not just for your Department, but for the Government as a whole, as more people cross between the public sector and the private sector. This conflict is not the first and it is not going to be the last. Mr Boswell's point is a wider one about how you are going to manage that in the future. There will be people coming to work in the civil service, having a say and input, or even a chat at the water cooler. The perception is that they have an influence over contracts that are going to be lucrative for people whom they may have worked for before, whether they were a director or just—

**Jonathan Slater:** That's why managing conflicts of interest is really important.

Q169 **Chair:** Exactly, and you haven't done it very well, have you?

**Jonathan Slater:** And the Report is packed full of evidence of the conflict of interest being actively managed. It also identifies that some of the records weren't as good as they should have been, and they need to be better. In one particular occasion, an alternative approach might have been taken to more fully manage any perception. I'm just saying, let's keep it focused. It is important that we do this well all the time. I wouldn't want this to turn into a broader conversation about the Department failing, and certainly not about Isabelle failing.

Q170 **Philip Boswell:** Thank you, Mr Slater, but the question was specifically about the duty of care of the chief social worker; it was not about yourself. That is why I asked Ms Trowler the second one, which we will come on to because it gets to the same place. It has been said or inferred that, quite rightly, there was no direct involvement with Ms Trowler in the assessment of the bids, but she was involved in the process. That has been said several times. So what about indirect involvement? "The Chief Social Worker was not involved when the Department contracted with Morning Lane Associates to appoint it to a call-off contract as an expert adviser."

**Jonathan Slater:** Where are you quoting from?



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**Philip Boswell:** This is in some of the supplementary questions we've got. As an ex-contracts manager myself, I know that call-off contracts are often viewed as veritable goldmines in many sectors. Ms Trowler, were you responsible for or involved in developing the strategy whereby it was determined that call-off contracts were to be put in place with expert advisers for services that Morning Lane Associates subsequently benefited from?

**Isabelle Trowler:** No.

**Philip Boswell:** That's a straight answer.

Q171 **Caroline Flint:** Mr Elphicke and I have conferred on this. After the KPMG and Morning Lane bid was accepted, the chief social worker was asked to get involved in terms of what was missing. According to paragraph 13, "The original contract for £2.6 million, agreed in March 2015, increased to £3.8 million in October to incorporate the additional work." That was partly based on advice from the chief social worker that elements were missing. Am I right?

**Jonathan Slater:** Yes.

Q172 **Caroline Flint:** I am not for one minute suggesting that Ms Trowler's advice was wrong or that anything was gained by it, but do you think it was right, even at that point, to involve Ms Trowler in something that led to an increase in the contract's worth? You keep saying, "value for money", but I think that is a terrible position to put Ms Trowler in when you could have gone to alternative sources for expert advice.

**Jonathan Slater:** That is why that sentence in paragraph 13 is there, because I recognise that an alternative approach "might have been taken to more fully manage any perception of a conflict".

Q173 **Caroline Flint:** Given that Morning Lane is an organisation in this sector and it may be that down the road they come back again to bid for contracts either on their own or with KPMG, will you confirm that that will not happen again in any future awarding of a contract or in seeking advice on a contract in similar circumstances?

**Jonathan Slater:** That is exactly what I am doing. This could have been managed better. The rules are being tightened up and we will make sure it does not happen again.

Q174 **Chair:** Are you supplying advice to your colleagues around Whitehall about this? As I say, you are not the only Department that will have this problem.

**Jonathan Slater:** That is a good point. I have been focusing first on making sure that I have updated my own processes, but that is a good challenge.

Q175 **Chair:** So you are thinking about it.

**Jonathan Slater:** I will talk to others. I don't know whether they have the same sorts of issues.



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**Chair:** There is a smell test and also an individual duty of care to people. We talked earlier about the morale of people in top jobs and things that can make people leave, and I think being at the centre of an NAO investigation is not much fun for anyone. I will not repeat what the Report says about all parties, but we know what is there.

Q176 **Mr Bacon:** You can always say you will think about it and reply in the spring. Mr Slater, I have one more question. Actually, Mr Kissack smiled more at my permanent secretary joke than you did, but he is not a permanent secretary yet. Have you been to the major projects leadership academy?

**Jonathan Slater:** No.

**Mr Bacon:** You would know if you had; it costs £30,000 to train a senior civil servant.

**Jonathan Slater:** I haven't been.

Q177 **Mr Bacon:** None the less, you were appointed a permanent secretary without having been through the major projects leadership academy process.

**Jonathan Slater:** You are absolutely right. I pause because you may be amazed to hear that the major projects authority has used me as an assessor of the capability of major projects across Whitehall.

**Mr Bacon:** That doesn't surprise me at all.

**Jonathan Slater:** And I have been an SRO of programmes myself. Before that £30,000 programme came along, you would have to judge for yourself whether the training experience I had had before that came along—

Q178 **Chair:** How many senior officials in the Department for Education are on the MPLA?

**Jonathan Slater:** I do not know. In my last job at the Ministry of Defence, I was trying to ensure that as many as possible were, but I do not know how many it is—

Q179 **Chair:** Can you write to us?

**Mr Bacon:** Yes, please, that would be helpful to know.

**Jonathan Slater:** On how many DfE people have done the MPLA thing?

**Mr Bacon:** Yes. If I was director general for commissioning services at the Ministry of Defence, I would have wanted to have done the MPLA course. The Chair and I have both been on a couple of occasions, and what is interesting is that you see people from very different domains. You might see an army officer next to a prison governor next to someone running a large programme in a mainline Department. You would have a lot to contribute, I am sure, to the discussions.

**Jonathan Slater:** Again, you may be amazed to hear this, but they have used me and continue to use me to give talks to people going through the programme. I am one of the people who assess—

Q180 **Mr Bacon:** It does not surprise me at all. Mr Slater, I go down to the Royal Military Academy at Shrivenham and I lecture one-star generals on project management. Anything is possible! I have never managed a project, but they still want me. Here is my point—

**Jonathan Slater:** I do contribute to the MPLA both in my—

**Mr Bacon:** Good. In all seriousness, the reason why I ask is that what has become very apparent in this hearing—we heard it several times from different witnesses—is that there is a difficulty getting enough good people with the right skills to become good senior managers and good leaders. We heard that in lots of different places. If you look at the Lord Laming report on the death of Victoria Climbié, which was published in January 2003—nearly 17 years ago—it says in paragraph 1.28: “The most lasting tribute to the memory of Victoria would be if her suffering and death resulted in an improvement in the quality of the management and leadership in these key services”, by which it means children’s services. Here we are, however, 14 years later, talking about there being a systemic problem with the quality and quantity of good leadership and management at the top of children’s services.

It turns out, as we know, that there is a broader problem across Whitehall that it is not considered axiomatic that people like you, before you get your promotion to a very important post, should have been through the MPLA process, although it was said at the time by the then Minister Francis Maude that it ought to be the case. I might have been sounding slightly facetious earlier, but it certainly was not a trivial point. It ought to be absolutely the case. If you do go and you have got stuff to contribute to help others on the course, that would be great. It seems to me that it is the sort of thing that, even if it is not yet, ought to become axiomatic.

Perhaps part of the reason why we still have a problem developing enough good leaders and managers at the top of children’s services is because we have a bigger problem of developing leaders and managers full stop. We do not value enough the process of training leaders and managers. I will now come to my question, Chair, if I can just find the relevant part. If I cannot, I will have to stop. I am not quite as in fear of my iPad as I was, but I have now lost the bit that I was going to ask you a question about.

**Chair:** Perhaps you can write to Mr Slater.

**Mr Bacon:** Yes, I will.

**Chair:** Mr Slater, you have a billet-doux coming from the deputy Chair. I thank you all very much—

Q181 **Mr Bacon:** I am sorry; I have remembered what it was. Mr Slater, you were the director in the Prime Minister’s delivery unit responsible for the health targets in the autumn of 2005. That is correct, is it not?



**Jonathan Slater:** Yes.

Q182 **Mr Bacon:** We all know how the health targets ended up being gamed very considerable. Do you think that your reticence about the central direction—I hear everything that Mr Hill said about central direction, and plainly it will not work with central direction alone—stems partly from your experience of seeing how the system ended up being gamed, despite a strong attempt to have command and control from the centre?

**Chair:** That is a big question to answer in a couple of minutes.

**Jonathan Slater:** In respect of children's social care, I'm going to take the lessons from those more expert than me. In particular, Professor Munro's report, which is well regarded, identified a key problem with process and how there is not enough focus on outcome. It is a good call to arms for us all, and we are working through and on that. I try to learn lessons in whatever work I do, at any time, and apply them to the future, whether it is as the guy running the health team in the Prime Minister's Delivery Unit, as the SRO of a major programme or, now, as the Permanent Secretary at the Department for Education. I look forward to carrying on learning lessons with you while ever I am doing the job.

**Chair:** I am sure you have read Mr Bacon's book—

**Jonathan Slater:** I have.

**Chair:** There you go. We will end on that note, Mr Bacon. I think you can now be satisfied.

I apologise that this took a bit longer than we had thought, but we had the second Report to cover as well. It is worth remembering that while we are sitting here talking about numbers and processes, in the end it is those vulnerable children and their families who need support. I think that all of us around this table—witnesses and members of the Committee—would agree that none of us are happy with the state of children's services in this country at the moment. Children are still being let down every day. As Caroline Flint said right at the beginning, of course there is excellent work going on out there too, but unfortunately those excellent social workers are drowned in the overall picture of things not going very well.

We hope that our Report will help you to improve things, but we will be calling you back regularly. I know that our two lead questioners today are very keen to keep pursuing this, both here and elsewhere—so your Ministers will no doubt be asked to talk about it as well. We are all very clear, and I hope you are too, that 2020 is too long to wait for improvement. Thank you very much for your time. We hope that our Report will be out before Christmas, and the transcript in the next couple of days.