



Department for Education

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Date: June 2014

Dear Mark,

LEGAL DIRECTION FROM SECRETARY OF STATE TO BIRMINGHAM CITY COUNCIL

Thank you for your letter of 29 May setting out Birmingham City Council's response to the consultation on the draft legal direction.

The Secretary of State has considered carefully all the points you raised in your letter.

We are pleased to note your saying that the Council continues to co-operate fully with the Education Commissioner's investigation. We are also grateful to you for sharing Ian Kershaw's updated terms of reference.

We disagree with your view that the direction is unnecessary. As you suggest, the Commissioner faces similar pressures in terms of the timescale and sensitivities of the investigation, and regard it as essential that we ensure the Commissioner is able to conduct his work on an appropriate legal basis from now until his investigation concludes.

As you will be aware from his terms of reference, the Commissioner will not only be looking at schools but also the role of the Council in relation to the allegations. As suggested in my letter of 20 May, the direction will secure the co-operative arrangement already in place and ensure that the Commissioner has full confidence that up until the point he submits his final report he will have access to the relevant people and information that will enable him to do a thorough investigation. We consider it is important to issue the direction without any further delay and so please find attached the signed final direction.

In terms of the content of the direction itself, I would like to highlight a clarificatory amendment in clause 4. The purpose of this amendment is simply to clarify that the terms of the direction are related only to the Council's statutory functions set out in Annex A.

I am copying this letter to Councillor Sir Albert Bore, Councillor Brigid Jones, Stephen Rimmer, and Ian Kershaw.

*Yours
Andrew*

ANDREW MCCULLY
DIRECTOR GENERAL
INFRASTRUCTURE AND FUNDING DIRECTORATE