

**Direction to Birmingham City Council in relation to children's services:**

**DIRECTION UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996  
TO BIRMINGHAM CITY COUNCIL**

**WHEREAS**

1. The Secretary of State for Education ("the Secretary of State") issued directions to Birmingham City Council ("the Authority") pursuant to section 497A(4B) of the Education Act 1996 in 2013, 2014, 2015 and 2016 in light of inadequate performance by the Authority of its children's social care functions;
2. The Secretary of State has further considered the advice of its Children's Services Commissioner in respect of the performance by the Authority of the functions to which section 497A of the Education Act 1996 ("the 1996 Act") is applied by section 50 of the Children Act 2004 ("children's social care functions"), namely:
  - a. social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
  - b. the functions conferred on the Authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph a. above); and
  - c. the functions conferred on the Authority under section 10 of the Children Act 2004.
3. The Authority has with the agreement of the Secretary of State voluntarily established a company limited by guarantee (company number 10762047) named Birmingham Children's Trust ("BCT") which from 01/04/2018 will discharge the Authority's children's social care functions on its behalf pursuant to the terms of a Service Delivery Contract to be entered into by the Authority and the Company.
4. The Secretary of State intends to retain the Children's Services Commissioner – Dave Hill – for the purpose of monitoring and reporting to the Secretary of State as to progress in securing improvement in the performance of the Authority's children's social care functions and supporting BCT and the Council in securing such improvement.
5. In order further to secure that the Authority's children's social care functions are discharged to an adequate standard, the Secretary of State considers it expedient to direct the Authority as set out below.

**NOW THEREFORE**

6. Pursuant to his powers under section 497A(4B) of the 1996 Act, the Secretary of State directs that the Authority shall, in particular, do the following:

a. Engage with BCT, and the Authority's partners whose work impacts on the delivery of the Authority's children's social care functions, in a way likely to facilitate improvement in the exercise of those functions.

b. Comply with any instructions of the Secretary of State or the Children's Services Commissioner in relation to the improvement of the exercise of the Authority's children's social care functions and provide such assistance as may be required.

c. Cooperate with the Children's Services Commissioner, including on request allowing the Commissioner at all reasonable times access:

i. to any premises of the Authority;

ii. to any document of or relating to the Authority; and

iii. to any employee or member of the Authority,

which appears to them to be necessary for achieving the purposes of assessing or improving the performance of the functions set out at paragraph 2. above and meeting the terms of reference annexed to this direction;

d. Provide the Children's Services Commissioner with such amenities, services and administrative support as he may reasonably require from time to time for carrying out his responsibilities in accordance with the Terms of Reference, including:

i. providing officers' time or support;

ii. providing office space, meeting rooms or computer facilities;

iii. complying with such reporting and review arrangements as the Commissioner feels necessary to meet the term.

7. The Direction dated 25 November 2016 is revoked from 1 April 2018.

8. This Direction shall come into force on 1 April 2018 and remain in force until revised or revoked.

**SIGNED ON BEHALF OF THE SECRETARY OF STATE FOR EDUCATION**



Suzanne Lunn  
A Civil Servant in the Department for Education

Dated: 23/03/2018

## **ANNEX**

### **Non-Executive Commissioner for Children's Services**

#### **Birmingham City Council**

The Children's Services Commissioner for Birmingham is expected to take the following steps.

1. To issue any necessary instructions to ensure that the local authority supports improvement in the delivery of children's social care by Birmingham Children's Trust.
2. To monitor the early operation of the Birmingham Children's Trust and use best endeavours to foster effective working arrangements between the authority and the trust.
3. To provide regular updates to the Secretary of State or his officials on progress in Birmingham, including participation in such formal review meetings as may be convened, and the submission of a report in autumn 2018 providing an assessment of the trust's first six months of operation and the Commissioner's views on appropriate next steps to secure sustained improvement of services.