

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

### **WHEREAS**

1. The Birmingham City Council ("the Council") is the children's services authority for its area;
2. the Secretary of State for Education issued improvement notices to the Council in February 2009 and September 2010 in order to improve children's services;
3. the Ofsted inspection of Safeguarding and Looked After Children dated 16 July 2010 found that arrangements were "inadequate" and unannounced inspections dated 9 December 2009 and 9 November 2011 raised concerns with regard to the quality of practice in protecting children;
4. the Ofsted inspection of Local Authority Arrangements for the protection of Children published on 19 October (the "report") found that the Council's arrangements for the protection of children and young people are "inadequate";
5. the Secretary of State is satisfied that the Council is failing to perform to an adequate standard or at all some or all of the functions to which section 497(A) of the Education Act 1996 is applied by section 50 of the Children Act 2004, 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 local 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, 12, 12C, 12D and 17A of the Children Act 2004
6. the Secretary of State considers it expedient in accordance with section 497A(4B) of the Education Act 1996 to direct the Council, as set out below, in order to secure that those functions are performed to an adequate standard; and
7. the Department for Education will assess progress by undertaking performance reviews at 6 monthly intervals from the date of this direction.

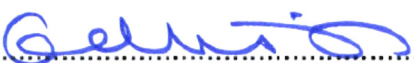
### **NOW THEREFORE**

1. Pursuant to section 497A(4B) of the Education Act 1996, the Secretary of

State for Education directs the Council to:

- i. Submit the Council's plans to improve children's services to the Department of Education for approval within one calendar month of the issuing of this Direction;
  - ii. Appoint Mr David Williams former Corporate Director of Children and Young People's Services in Durham County Council as independent peer support for the Strategic Director of Children's Services.
  - iii. Set up a Performance Monitoring Board which will comprise of the Leader of the Council, the Cabinet Member for Children and Families, the Strategic Director for Children's Services, representatives of the Department for Education, the Children's Improvement Board, David Williams and independent peer support for the Cabinet Member for Children and Family Services. The Council may add other members to the Performance Monitoring Board as it sees fit. The Performance Monitoring Board will oversee and drive improvements to Children's Services;
  - iv. The Performance Monitoring Board must meet on at least one occasion per calendar month and provide quarterly reports on all aspects of the Council's improvement plan to the Secretary of State for Education;
  - v. Ensure that the Independent Chair of the Birmingham Safeguarding Children Board reports quarterly to the Secretary of State for Education on the progress of all agencies in improving children's services in Birmingham; and
  - vi. Work with Ofsted to provide external challenge to test the extent of progress. The Council must report the outcome of this activity to the Performance Monitoring Board.
2. This Direction will remain in force for a period of 2 years from the date on which it is made.

**Signed by authority of the Secretary of State For Education**



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**Dated this 18th day of March 2013**