

ANNEX B

Education Commissioner in Birmingham – Terms of Reference

Context:

- The Secretary of State has issued a Direction to Birmingham City Council (BCC) dated 9 June under section 497A(4) of the Education Act 1996. He is satisfied that BCC is failing to perform to an adequate standard or at all the functions set out in the Annex to that Direction.
- Representations and evidence received by the Department for Education and media coverage arising from the “Trojan Horse” document (purporting to be a letter setting out the process for Islamists to gain control of schools) have renewed the focus on BCC’s capacity and capability to support schools in the city and to ensure that all children are able to receive a good education.
- As more individuals come forward to share their experiences, the uncertainty in the local community rises. There is a compelling need to establish a clearer understanding of what has happened and what should happen next.
- Although the school landscape is varied, with increasing numbers of academies (both those sponsored by chains and those who choose to move away from the maintained sector and set up their own academy trust) and free schools in Birmingham, BCC still retains responsibility for the majority of schools in the city. BCC also retains responsibility for the provision of governor services to maintained schools and may provide these to academies and free schools as a bought in service.

Purpose:

- To further investigate the allegations and the representations and evidence received to date, and by drawing on a range of further material and evidence, to establish fully what has happened in the schools of concern; to understand the implications for the school system both in Birmingham and more widely with a view to making recommendations to ensure that schools in Birmingham are well-governed and that Birmingham’s children are adequately safeguarded from exposure to extremist views or radicalisation.

Responsibilities:

- The Commissioner’s five priorities will be to:
 - a) Investigate the allegations and representations and evidence received to date so as to further establish what has happened in the schools of concern, with particular reference to governance;
 - b) gather and scrutinise further evidence from a range of sources, also looking beyond governance to the issue of child safeguarding more broadly;
 - c) understand the implications for the school system both in BCC and in Birmingham more widely;
 - d) identify any necessary actions which should be taken by BCC and more widely; and

e) understand what capacity might be needed in Birmingham to undertake any necessary actions identified.

- The Commissioner will need to be able to receive information and evidence from individuals in order to form a considered view of the events that have taken place in each of the schools where concerns have been raised.
- The Commissioner's remit will cover action taken by BCC, and by both maintained schools and academies (including free schools, UTCs and Studio Schools).
- The Commissioner's appointment is supported by a direction under section 497A of the Education Act 1996, requiring BCC to cooperate with him in the fulfilment of his responsibilities and enabling him to receive and review any relevant information held by BCC.

Support:

- The Commissioner will be supported by a small team of DfE officials and will be able to seek expert opinion and advice as necessary, including from Press Office, Legal Advisers and Ofsted.
- The Commissioner will be able to draw on funding to be provided by the Department for Education.

Accountability:

- The Commissioner will be accountable to the Secretary of State for Education.
- A report will be prepared by the Commissioner by mid-July, with the expectation that this will be published by the Government.

Timeframe:

- The Commissioner will take up post for an initial period of four months, with the possibility of an extension if the Secretary of State agrees that this is warranted based on the initial findings.