

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”) is satisfied that Birmingham City Council (“BCC”) are failing to perform to an adequate standard or at all the functions set out in Annex A, being functions to which section 497A of the Education Act 1996 (“the 1996 Act”) applies (“the relevant functions”).
2. The Secretary of State has appointed Peter Clarke, the Education Commissioner (“the Commissioner”), in accordance with, and for the purposes set out in, the terms of reference at Annex B (“the Terms of Reference”).
3. The Secretary of State, having considered representations made by BCC, considers it expedient, in accordance with his powers under section 497A of the 1996 Act, to direct BCC as set out below in order to ensure that the relevant functions are performed to an adequate standard.

NOW THEREFORE

4. Pursuant to his powers under section 497A(4B) of the 1996 Act, the Secretary of State directs that BCC shall, in particular, do the following in order that the Commissioner can carry out the responsibilities set out in the Terms of Reference, to the extent that those responsibilities relate to the exercise of the functions specified in Annex A:
 - a. provide such assistance as the Secretary of State or the Commissioner may require;
 - b. cooperate with the Commissioner, including, upon his request:
 - i. seeking from any school which they maintain information or documents;
 - ii. facilitating access by the Commissioner or persons acting for him to the premises of any school which they maintain or any member of staff or pupil at any such school;
 - c. on request, allow the Commissioner at all reasonable times, access:
 - i. to any premises of BCC;
 - ii. to any document relating to BCC; and

iii. to any employee or member of BCC,

which appears to him to be necessary for achieving the purpose and carrying out the responsibilities set out in the Terms of Reference;

- d. provide the Commissioner with such reasonable amenities, services and administrative support as he may reasonably require from time to time for the 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;
- e. cooperate with government officials in relation to implementing this Direction.

Signed on behalf of the Secretary of State for Education



Andrew McCully
A Senior Civil Servant in the Department for Education

Date: 9 June 2014

ANNEX A

Relevant Functions

EDUCATION ACT 1996

Section 13 (Duty, so far as their powers enable them to do so, for local authorities to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary and secondary education is available to meet the needs of their area's population).

Section 13A (Duty for local authorities to ensure their relevant education and training functions are exercised with a view to promoting high standards; ensuring fair access to opportunity for education and training; and promoting the fulfilment of learning potential by persons under the age of 20).

SCHOOL STANDARDS AND FRAMEWORK ACT 1998

Section 59 (Duty to ensure no discrimination with respect to staff in certain maintained schools due to their religious opinions).

Section 69 (Duty for local authorities to exercise their functions with a view to securing that religious education is given in accordance with the provision for such education to be included in a maintained school's basic curriculum by section 80(1)(a) of the Education Act 2002).

EDUCATION ACT 2002

Section 35 and The School Staffing (England) Regulations 2009 (SI/2009/2680) made under that section (Functions of local authorities as the employer of staff in community, voluntary controlled, community special schools and functions with respect to the appointment, discipline, suspension and dismissal of teachers and other staff).

Section 79 (Duty for local authorities to exercise their education functions with a view to securing that every school which they maintain satisfies the requirements of having a balanced and broadly-based curriculum under section 78).

Section 175 (Duty for local authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children).

CHILDREN ACT 2004

Section 10 (Duty for local authorities to make arrangements to promote the well-being of children).