

Birmingham Commissioner for Children's Social Care direction

DIRECTION UNDER SECTION 497A (4B) OF THE EDUCATION ACT 1996

TO BIRMINGHAM CITY COUNCIL

WHEREAS

1. The Secretary of State for Education has carefully considered the following reports in respect of Birmingham City Council ("the Authority")
 - a) Ofsted's inspection and report of 23 May 2014 which found the Authority's arrangements for the protection of children to be "inadequate";
 - b) Report of February 2014 to the Secretary of State and the Minister for Children and Families on "Ways Forward for Children's Social Care Services in Birmingham" from Professor Julian Le Grand ("the Le Grand Report").
2. The Secretary of State is satisfied that the Authority is failing to perform to an adequate standard, or at all, some or all 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 sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
3. The Secretary of State issued a direction on 18 March 2013 ("the March 2013 direction") in exercise of his powers under section 497(4B) of the Education Act 1996 in respect of the Authority. The March 2013 direction is revoked and replaced by this direction.
4. The Secretary of State has appointed The Rt. Hon. Lord Warner as Commissioner for Children's Social Care in Birmingham ("the Children's Social Care Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.
5. The Secretary of State, having considered representations made by the Authority, considers it expedient, in accordance with his powers under section 497A of the 1996 Act, to direct the Authority as set out below in order to ensure that the Authority's children's social care functions are performed to an adequate standard.

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 in order that the Children's Social Care Commissioner can carry out the responsibilities set out in the Terms of Reference:

- a. comply with any instructions of the Secretary of State or the Children's Social Care Commissioner in relation to the improvement of the Authority's exercise of their children's social care functions and to provide such assistance as they may require;
- b. cooperate with the Children's Social Care 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,

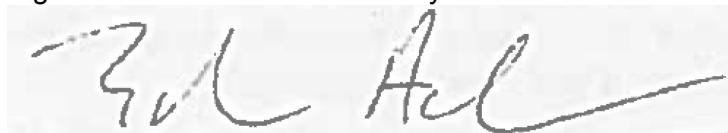
which appears to him to be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference;

- c. provide the Children's Social Care Commissioner with such 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;
- d. appoint an accountable body ("the accountable body") to oversee and to drive improvements to children's social care services in Birmingham. The accountable body shall replace the existing Improvement Monitoring Board and must comprise of the following individuals:
 - i. Councillor Sir Albert Bore, Lead Member for the Authority;
 - ii. Councillor Brigid Jones, Lead Member for Children's Services;
 - iii. Mark Rogers, Chief Executive; and
 - iv. Peter Hay, Director for People;
- e. ensure that the accountable body meets the Children's Social Care Commissioner at least once in each calendar month and that it provides such reports to him as he may require;
- f. ensure that the accountable body continues to work with Ofsted to test the extent of progress against the recommendations made in the Ofsted report of 23 May 2014;
- g. produce a single coherent plan for the improvement of children's services in Birmingham ("the improvement plan"), with a particular focus on the first three years following the date of this direction;
- h. produce an itemised budget for children's services which reflects and aligns with the needs and timescales identified in the improvement plan;

- i. explore and resolve the problem of children who are at risk but who have not yet been identified as at risk and ensure that all children at risk of harm progress swiftly through the child protection system;
- j. review and improve senior management and social work capacity and capability at the Authority;
- k. identify future strategies for the commissioning of children's social care services;
- l. improve systems between itself and its local partners;
- m. build ongoing independent review and challenge into all of its systems for safeguarding and looked after children
- n. cooperate with government officials in relation to implementing this direction.

7. This direction will remain in force until 31 March 2015.


Signed on behalf of the Secretary of State for Education

A handwritten signature in black ink, appearing to read 'G. Archer', written over a light grey rectangular background.

Graham Archer

A Senior Civil Servant in the Department for Education

Date:

A handwritten date '08.04.14' in black ink, written over a light grey rectangular background.

ANNEX

Relevant Functions

Commissioner for Children's Social Care

Terms of Reference

In line with the recommendations set out in the Le Grand report published on 27 March 2014 and the areas for immediate improvement set out in the Ofsted report of children's social care published on 23 May 2014 the Children's Social Care Commissioner is expected to take the following steps, supported by a panel of sector leaders drawn from the expert panel which advised in relation to the Le Grand report. The Commissioner will report to the Secretary of State in July 2014, October 2014 and January 2015, and will provide a final report in March 2015:

- 1) To ensure that the Authority establishes an effective accountable body to oversee and drive improvements in children's social care in Birmingham.
- 2) To ensure that the Authority has a single coherent plan for the improvement of children's services in Birmingham ("the improvement plan"), with a particular focus on the first three years from the date of this direction;
- 3) To oversee the production of an itemised budget for children's services which reflects and aligns with the needs and timescales identified in the improvement plan;
- 4) To ensure that the Authority explores and resolves the problem of children who are at risk but who have not yet been identified as at risk and ensure that all children at risk of harm progress swiftly through the child protection system;
- 5) To review and improve senior management and social work, capacity and capability at the Authority.
- 6) To oversee work to identify future strategies for the commissioning of children's social care services in Birmingham and to make recommendations on further steps to be taken in his final March 2015 report to the Secretary of State.
- 7) To ensure that the Authority improves systems between itself and its local partners.
- 8) To ensure that the Authority builds ongoing independent review and challenge into all of its systems for safeguarding and looking after children.

Department for Education

