

**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 his 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 has discharged the Authority's children's social care functions on its behalf pursuant to the terms of a Service Delivery Contract entered into by the Authority and the Company.
4. Having considered the Ofsted inspection report of 17 January 2019, the Secretary of State intends to withdraw the Children's Services Commissioner – Dave Hill.
5. In order to further secure that the Authority's children's social care functions are discharged to an adequate standard, the Secretary of State considers it expedient to continue 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 continued improvement in the exercise of those functions.

b. Comply with any instructions of the Secretary of State 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.

7. In consequence of this revised direction, the Secretary of State for Education revokes the second direction. This direction will remain in force until it is revised or revoked by the Secretary of State.

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



Fiona Nzegwu  
A Civil Servant in the Department for Education

Dated: 22/07/2019