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8 July 2016

The Rt Hon Nicky Morgan MP  
Secretary of State for Education  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
Westminster  
London SW1P 3BT

**Sir Michael Wilshaw**  
Her Majesty's Chief Inspector

Dear Secretary of State

**Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, on:**

- **Birmingham City Council children's services**
- **its support for vulnerable schools**
- **wider issues around the local authority duty to safeguard children**

**Birmingham City Council is still failing its children - particularly the most vulnerable**

The main purpose of this letter is to bring to your attention my continuing concerns about the performance of Birmingham City Council and its ability to provide the necessary help and protection for children in need as well as to ensure the safety of all school-age children in the city.

### **Children's services**

Ofsted has recently published a letter that summarises the findings of its latest monitoring inspection visit to Birmingham's children's services department.<sup>1</sup>

During this visit, the third since the local authority was judged inadequate in May 2014, Her Majesty's Inspectors (HMI) found children in the city remain at risk. The reasons for this are that:

- services to help and protect vulnerable children remain very poor
- vulnerable children who may be at risk do not always receive an effective and timely assessment of their needs

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<sup>1</sup> 'Monitoring visit of LA children's services', Ofsted, 30 June 2016; <http://reports.ofsted.gov.uk/local-authorities/birmingham>.

- intervention thresholds are still unclear
- there is too much inconsistent and variable practice by children's social care professionals
- processes for tracking the whereabouts of children missing from education are inadequate.

As you know, Birmingham's children's services department has failed seven Ofsted inspections over the last decade. Vulnerable children in the city have been inadequately protected throughout this period. Despite the appointment of a succession of commissioners to the city, there has been little tangible improvement to the overall quality of child protection services.

I have previously remarked that this long and shocking track record of inadequate provision represents a failure of corporate governance on a grand scale.

I regret to inform you that I have seen nothing in the intervening period to alter this view. Birmingham's political leaders, in my opinion, have consistently shown themselves to be incapable of delivering the urgent and sustained change required to improve the safety and well-being of the city's vulnerable children.

I note the recent announcement that the management of Birmingham's children's services will be handed over to an independent voluntary trust. I would urge you to ensure that this trust is, indeed, independent and not influenced by those in the local authority who have demonstrated such incompetence over many years.

### **Safeguarding in schools**

Our monitoring inspection also focused on the local authority's oversight of safeguarding arrangements in the city's schools and its response to children missing from education.

HMI found that the strategic leadership of safeguarding children in Birmingham's schools is weak and lacks sufficient rigour. The different teams with responsibilities for safeguarding children in schools are not working together effectively.

Inspectors also found that staff are too slow in checking the whereabouts of children missing from education. Too few children are traced and those who remain missing are simply being removed from the council's records. Between September 2015 and January 2016, the council removed 253 children from their list of missing children without locating their whereabouts.

We also found that checks made on children whose parents have elected for them to be educated at home are not rigorous enough. Home visits by council staff focus on educational provision and do not give sufficient attention to safeguarding issues.

These findings very much reinforce the concerns expressed to me by headteachers and others in my visits to Birmingham over the last few months.

### **The situation in schools in the east of Birmingham**

It is now two years since I wrote to your predecessor following our inspections of 21 academies and maintained schools in Birmingham. In my letter, I stated that the local authority had failed in its responsibility to support schools in their efforts to keep pupils safe from the potential risks of radicalisation and extremism.

The schools that were placed in special measures as a result of Ofsted's findings have undergone changes of leadership and governance in the intervening period and are now generally improving.

Two of the schools at the centre of the so-called 'Trojan Horse' episode have been upgraded from inadequate to good in their recent re-inspections.

In keeping with my pledge that Ofsted would stay close to these schools and support and monitor their progress, I have made a number of visits to the city. These include four this calendar year to meet with senior leaders from a number of the schools involved, as well as with council officers, elected members, officers from the West Midlands Police and my own inspectors.

As a result of these discussions, I am quite clear that, although many of these schools have improved and children are now much safer, the situation remains fragile. While the overwhelming majority of parents support the changes that have taken place over the past two years, there are a minority of people in the community who are still intent on destabilising these schools.

In one particular meeting I held with a group of heads, it was distressing to hear how isolated and vulnerable many of them said they felt. One remarked that this was the first time that anyone had arranged for them to meet together as a group to discuss issues of common concern.

This lack of coordinated support meant that, in their view, the good practice developed by some schools to counter radicalisation and extremism was not being disseminated effectively to others.

These headteachers are working hard in often difficult circumstances to provide the strong leadership necessary to keep their schools on track. However, it was commonly recognised by members of the group that the culture of fear that I identified two years ago had not gone away. One headteacher said that, "the problem has gone underground, but it is definitely still there". Other headteachers spoke of overt intimidation from some elements within the local community.

During our meeting, they outlined the scale and nature of the challenges they face – including organised resistance to the personal, social and health education (PSHE)

curriculum and the promotion of equality, as well as derogatory comments posted on social media and continual pressure from some parents to change the schools' curriculum and staffing.

A number of school leaders said that they felt unsupported by the local authority in confronting these challenges.

### **The local authority duty to safeguard children is not being discharged adequately by some councils in England**

Some of the serious shortcomings I have outlined above are not confined to Birmingham City Council. I remain worried about the capacity of a number of councils to address the particular risks that pertain to their local populations and to ensure the safety of **all** children in their area, irrespective of the type of education they are receiving.

In previous advice letters, I have highlighted the potential risks to those children who are being educated at home or in unregistered schools, as well as those attending some independent faith schools. I have also identified issues around the ineffective tracking by some local authorities of pupils who are taken out of mainstream schools at points other than the usual transition dates.

I have recently visited both Bradford and Luton to learn more about the level and quality of safeguarding in these areas. In Bradford, I was accompanied by Louise Casey, who, as you know, is leading a government review into opportunity and integration in some of our most isolated communities.

From my meetings with senior officials and elected councillors from both local authorities, it was clear that much more needs to be done to ensure that the possible risks to certain groups of children are fully understood and acted on. We found a number of troubling gaps in their knowledge relating to:

- how all schools, and independent schools in particular, were discharging their 'Prevent' duties
- the monitoring of children who were being home-educated
- the number of children who may be attending unregistered schools
- the whereabouts of pupils who have been removed from school rolls in year.

Last year, your department published a revised version of 'Working together to safeguard children'. The very first line of this clarifies the primacy of the role of local authorities in safeguarding children.

'Local authorities have overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area.'

On the basis of my meetings with the local authorities in Birmingham, Bradford and Luton, as well as my discussion with school leaders, I am far from assured that these responsibilities are being adequately carried out.

I am particularly concerned about the failure of these local authorities to address the problem of children missing from education and to satisfy themselves that these children are not being exposed to harm, exploitation or the risk of falling under the influence of extremist views. I welcome the government's recent consultation on this issue. I understand that changes to regulations take time but, in my view, this is an urgent and escalating problem.

### **Recommendation**

I therefore recommend, Secretary of State, that you support Ofsted by agreeing that one of Her Majesty's Inspectors should be assigned to any local authority area where the government considers children are at a greater risk of radicalisation or their safety is being put in jeopardy by poor safeguarding practices.

Subject to your agreement, the assignment would enable Ofsted to closely monitor the effectiveness of the local authority in carrying out its statutory safeguarding duties towards all children of school age whether they are attending school, missing from school or being educated at home. These designated HMI would report termly to you as the Secretary of State for Education and to me as Her Majesty's Chief Inspector.

Yours sincerely

A handwritten signature in black ink that reads "Michael Wilshaw". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Sir Michael Wilshaw**