

# [News story: CMA final decision on ICE/Trayport agreement](#)

As a result, ICE will now be required by the Competition and Markets Authority (CMA) to end the commercial agreement and must also press ahead with selling the Trayport business.

Following its [provisional decision in April](#), the CMA has found that the loss of competition identified in the original merger investigation (see below) would not be comprehensively remedied if the agreement remained in place.

In particular, the agreement, is a legacy effect of ICE's control over Trayport and risks the ability of Trayport's future owner to set its own commercial strategy towards ICE, while also potentially offering ICE beneficial terms as result of that control.

In view of these risks and the low costs arising, the CMA has concluded that termination of the agreement is necessary.

ICE acquired Trayport in December 2015. ICE is the largest operator of exchanges and clearinghouses in the trading of wholesale European utilities. Trayport's software products form an integrated platform which underpins around 85% of European utilities trading.

The CMA's investigation into the merger which concluded in October 2016 found that traders, and the brokers, exchanges and clearinghouses that compete with ICE in the trading and clearing of European utilities, depend on the Trayport platform. ICE could have used its ownership of Trayport's platform to reduce competition between itself and its rivals which could have led to increased fees for execution and clearing, and worse terms offered to traders. In order to resolve this, the CMA directed [ICE to sell the Trayport business](#).

In March 2017, following a challenge by ICE, the Competition Appeal Tribunal (CAT) [upheld the CMA's findings](#) that the merger between the two companies was likely to result in a loss of competition and that in order to resolve this, [ICE must sell the Trayport business](#).

However, the CMA was asked by the CAT to reconsider its additional requirement that the companies terminate an agreement entered into during the original investigation and which would significantly expand their commercial relationship.

The requirement for ICE to sell the Trayport business had been put on hold until the remittal investigation was concluded. With today's decision by the CMA that the agreement should be terminated, the period within which the sale of the Trayport business must complete has commenced.

The final decision is available on the [case page](#).

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## [News story: Family Restoration Fund gets £2 million extra funding](#)

The fund pays the travel costs for British former child migrants to be reunited with their families.

The Department of Health has announced a £2 million increase in its funding of the Family Restoration Fund, which is administered by the [Child Migrants Trust](#).

Health Minister Jackie Doyle-Price said:

Seven years on from the national apology, the Government continues to remember the suffering endured by so many people as a result of child migration programmes. I am pleased that we have been able to extend the Family Restoration Fund, enabling more people to be helped.

[The Independent Inquiry into Child Sexual Abuse](#) is working to ensure that justice is done for all victims of abuse. Its focus on the child migration schemes allows us to learn important lessons from the events of the past, to ensure that we never forget former child migrants and their families.

The Family Restoration Fund was launched in 2010 at the formal national apology to British former child migrants. So far, it has helped more than 1,000 former child migrants to be reunited with their families.

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## [Speech: Amanda Spielman's speech at the Association of Directors of Children's Services conference](#)

Good morning everyone.

Can I start by saying how pleased I am to be here in Manchester and to have this opportunity to address you for the first time.

I really enjoyed meeting and getting to know many of you at last night's gala dinner. And I'm grateful for the warm welcome you've extended to me so far. I'm just keeping my fingers crossed that the goodwill continues right up to the end of my session here this morning.

In all seriousness, it is incredibly important to me that our 2 organisations, ADCS and Ofsted, work closely together in the months and years ahead. Of course, we aren't always going to agree on everything. But I sincerely hope that ours will continue to be a relationship based on a spirit of collaboration and mutual respect.

After all, we share a common and fundamental interest. To improve the lives of children wherever they live and whoever they are.

Like Ofsted, as directors of children's services you have a broad and complex remit. And like Ofsted, your job gives you a particular perspective on the many different ways that children and young people interact with the education and care systems.

The actions you take touch the lives of millions of children from their earliest years to the point they reach adulthood. You are not only charged with caring for and protecting the neediest children but also for ensuring that every child in your area has the chance of a decent education.

I struggle to think of any other position in either the public or private sector that comes with such a high level of responsibility.

And I understand very well the challenging circumstances in which you are operating.

All of you are having to cope with heavy caseloads. Many of you are facing the challenge of a rising pupil population, a growing demand for school places and an ever more fragmented education landscape. And you are dealing with increasing numbers of children being educated outside the mainstream – with all the safeguarding issues that raises.

And all this against a backdrop of ever tighter budgets.

In her inaugural speech a couple of months ago and again yesterday, Alison referred to the funding gap that exists in many local children's services. While generally less talked about in media and political circles than the funding gap for adult social care. I recognise this presents just as much of a headache for local authorities. And, as Alison pointed out, it is leaving you and your elected members with some difficult decisions about where and how you prioritise your scarce resources.

Over these past few months, I've had the chance to see for myself how you are grappling with these challenges.

When I was appointed Chief Inspector, I said I would make a real effort to spread my time fairly across all of Ofsted's different remits. And I have been putting that pledge into practice since taking up post in January.

While the public and the media will invariably be most interested in what we have to say about schools, I understand that our work in early years, in further and education and skills, and, of course, in children's social care is every bit as important. In some respects, even more so. And I realise that each of these areas requires just as much focus and attention as do schools.

I also knew when I took on this job, I already had 15 years experience in education but that the world of children's services was new to me and so would present my steepest learning curve. That's why over the past 6 months, I've been devoting a lot of time to this vital area of our work.

I have made it a priority to get out and visit a range of local authorities, including York, Birmingham, Nottingham, Darlington and Rotherham. I've been on some social care inspector training. I've been out on inspection, including shadowing a full 2-day monitoring visit. And I've been to the pub with our whole team of social care inspectors.

In Nottingham and in Rotherham, I saw the local 'front door' teams in action. I have visited a number of children's homes and I've spent many hours talking to frontline social workers, chief executives, cabinet lead members and, of course, to DCSs.

All of this has left me with an overriding impression of a sector single-mindedly determined to overcome past and present difficulties. And of a compassionate profession, committed to doing the very best for the children and families who depend on you.

Of course, we all know that much of this work passes under the radar as far as the media are concerned. It is an unfortunate fact of life that most of the general public only get to hear about children's services when something goes badly wrong. Fairly or not, local authorities are invariably the first in the queue to be pilloried when catastrophes happens.

But we so rarely see the counter-balance, the good news stories, even the florid profile pieces that successful headteachers, for example, can usually rely on these days. Unlike public sector occupations, such as nursing and firefighting, social care is the ultimate unsung hero profession. Of course, it is much more difficult to celebrate success publicly within this sphere. Client confidentiality dictates that stories about a child being successfully placed with a permanent and loving family won't ever make it into the local paper.

However, we should be doing whatever we can to recognise the significant contribution that all of you working in children's services – whether on the frontline or in leadership positions – make to our society.

Unfortunately, Ofsted has no more influence over how the media reports on the work of children's services than you do. However, what we can do is ensure we are helping you to carry out your hugely important job as effectively as possible.

As you may have heard me say elsewhere, my ambition is for Ofsted to be a

real force for improvement, both in education and children's social care.

This implies using our inspection and regulatory powers in an intelligent, focused and responsible way.

And, of course, it means being an effective, credible and independent arbiter of standards. We're certainly not about to retreat from that important function.

But it also means looking across the full spectrum of services we inspect to make sure we have our finger on the pulse and are joining up the dots (if you'll forgive the mixed metaphor). That we are thinking about the right sort of problems and focusing our resources and energies on where we can make the biggest difference.

It also involves working with the grain of the system as much as possible. The cross-remit meetings we now hold periodically with individual local authorities – what some of my regional directors refer to as their annual conversations – are a good example of this. I know in some places, these sessions are becoming a key part of your own cycle of self-evaluation and peer challenge. It's a development I welcome and very much want to see continuing.

Of course, Ofsted will never be universally popular. Nor will inspection ever be a perfect tool. But we are continuing to refine our processes, strengthen the quality of our workforce and make sure our inspections are as valid and as reliable as they possibly can be.

I want us to be able to highlight and share the excellent practice we see.

To recognise where leadership and management is performing well in challenging circumstances.

To give constructive feedback to help providers who aren't yet good enough.

And I am convinced that Ofsted can add the most value when we aggregate our insights, triangulate our findings with existing research and evidence, and produce robust analysis of what is working well, both at the national and the more local level.

So what does all that mean for children's services in particular?

Perhaps a good place to start is our last report on the overall state of the sector, which was published around this time last year.

You will recall that our main finding was that children who had come into the care system were, for the most part, doing well. We said that the experience of children placed with foster families was overwhelmingly positive, while the quality of adoption services was generally strong across the board. At the same time, a much higher proportion of children's homes were being judged good or outstanding based on the progress and experience of the children resident in them. This improving picture for most children in the care system was also being reflected in their improved progress and achievement at

school.

The clear pattern emerging from this report was that the greatest challenge lay in the quality of provision for children in need of help and protection. Our inspections were uncovering some serious weaknesses around identifying these children, assessing their needs properly at an early stage and giving the right help promptly.

I have already said that childhood is not deferrable. And it is for these children that procrastination and feet dragging is especially harmful. Social workers need to be able to make good decisions in the interests of the child, however difficult and imperfect the available choices may be. We all know the risks of putting off these decisions in the hope – usually a forlorn one – that the ideal solution will manifest itself if given time.

Of course, dedicated professionals need to know they can count on the support and confidence of their leaders, to make these difficult decisions. And indeed, our Annual Report found that effective and supportive leadership was the key to transforming the quality of work with children. And leadership remains the single most important factor in determining the standard of help, care and protection that is provided.

To really make a difference to children's lives, children's services need leaders with a firm grip on practice at every level, who make sure vulnerable children don't have to wait for help and that frontline social workers have enough time to work with every family on their caseload. We see this type of leadership in an increasing number of local authorities – but not everywhere yet.

Of course, the evidence to support our findings on the performance of children's services is currently drawn from the inspections we have carried out under the single inspection framework. And I think you and your colleagues in the sector would generally acknowledge that the SIF programme has delivered the most robust baseline of local authority performance that there has been up to this point.

What the SIF generally hasn't done is enable us to take a more nimble, flexible and proportionate approach to inspection. This has left some places without any contact with the inspectorate for far too long. It has meant, among other things, that we haven't been able to step in to try to catch local authorities before they fell.

As you all know, our recognition of this has led us to consult on a new approach to the inspection of local authority children's services. Our aim is to improve and streamline the existing model by ensuring future inspections are focused on where they will make the most difference.

Like Eleanor Schooling, our National Director for Social Care, I have been really encouraged that we've been able to benefit from the close engagement and collaboration of the sector, most notably ADCS, on the design and piloting of these future arrangements.

I'd like to give a particular shout-out to Nottingham, Enfield and Calderdale for volunteering for the pilots. Your time and support have been invaluable.

I don't propose to go into detail here of how the new framework, the ILACS – how would we manage without acronyms – will work, as most of you will be very familiar with this already. But it is worth stressing that the new grading structure we are proposing should make decisions on intervention far clearer. And there will be a crucial shift of emphasis when it comes to the leadership and management judgement. What we are setting out to assess is the extent to which leaders are creating an environment in which good social work can flourish, and whether leaders have the capacity to tackle any major weaknesses that we identify.

As you know, the new arrangements will intersperse formal inspection, with visits that do not have a graded judgement. This increased contact should give us the opportunity to help local authorities identify where they can improve, and to catch any deterioration at an earlier stage.

Of course, this isn't an entirely new model for inspection. The proposed arrangements are very much designed to build on the monitoring visits we began last year, and which have been going well. The focused visits should give you useful information about what is working well in your area and about where you should be focusing your energies. I have already had good feedback from local authorities on these, including from a couple of you last night.

Further ILACS pilots are planned throughout the summer, and we are working closely with ADCS to secure volunteers for these.

I'm aware that some people may be wondering whether a new parliament and recent changes to the ministerial line-up may prompt a rethink of these new arrangements. I hope that the new Children's Minister, Robert Goodwill, who you heard from yesterday, was able to give you some assurances on this score. And certainly nothing we've heard so far from the Department for Education leads us to think there's been a change of heart.

What I am clear won't be changing under these new arrangements is the resolute focus we place on the journey of children, from the moment they first come into contact with social care services, through to intervention and, where necessary, being taken into care – and indeed, once they have left care. In my view, this focus on the experience of care leavers, has been one of the really positive aspects of the SIF programme. It is one we certainly want to carry on under the new programme.

Another overwhelmingly positive development in the last couple of years has been the introduction of joint targeted area inspections, with our partner inspectorates. Probably for the first time, we've created a truly joined-up model of multi-agency inspection and it's something we are very proud of. The JTAIs are also another good example of the growing collaboration we are seeing between those being inspected and those doing the inspecting.

The 'deep dive' element of these inspections – examining the local response to issues like neglect and domestic abuse – have been based on feedback from

you and from other agencies. The topics have been selected not because they're the most fashionable ones but because they're the ones most likely to lead to improvements in the way children are supported and protected

As far as our inspections go, the importance of viewing performance through the lens of children applies as much to schools, colleges and early years settings as it does to children's services.

As directors of children's services you have a role to play in school improvement and provision within your patch. And of course this is complicated, as for many, many years now local authorities have not had direct control of schools. As an aside, some of you will know that I came into education through setting up and building a multi-academy trust. This gave me 2 important insights: first, how broad and challenging the roles of local authorities are; and secondly I saw what it looks like when an authority works really well.

And the accountability mechanism that govern the school system in particular were designed for a far simpler world. A world that no longer exists and seems unlikely to come back.

That is why all of us – local authorities, regional commissioners, MATs, and Ofsted – have a responsibility to really understand our changing and inter-locking roles in the new emerging system. And where we can add most value. We each need to be willing to adapt, so we give coherence to the overall framework, however complex it may seem for those looking in from the outside.

I don't for one minute underestimate the challenge that this presents. It's fair to say we are still on a collective journey to our final, settled destination. But we owe it to our children and young people to work together to find the right model that enables us to operate effectively and in tandem – and without falling over one another.

Of course, when it comes to improving outcomes for children, what happens in schools will always be far more important than governance and oversight structures. All of us want children to benefit from a full, broad, and rich education which equips them to do well in adult life.

As Chief Inspector, I particularly want to ensure that pupils are receiving the full education that they deserve. I would be the last person to deny that education has to prepare our young people to succeed in the labour market. But, as I told the audience at the recent Wellington College Festival, to reduce education down to this kind of functionalist level is rather wretched. Education should be about broadening minds, enriching communities and advancing civilisation.

And I really do think Ofsted has a vital role to play in balancing the accountability system.

What Ofsted measures through inspection should be able to counteract some of the inevitable pressures being created by performance tables and floor standards. It's important our inspections explore what is behind the data,



and ask how results have been achieved. We have a responsibility to make sure that if schools focus on the right things, then a good inspection outcome will follow.

Can I just be very clear though that – contrary to what one misleading and mischievous newspaper headline recently suggested – this does not mean we will be ‘punishing’ schools in any way. That is absolutely not our intention. Nor have I ever said nor remotely implied that it is.

I do, however, see an important role for Ofsted in discouraging the reductive idea that a modern education is all about making pupils jump through a series of accountability hoops.

And yet I am the first to concede that our current inspection framework doesn’t quite capture the full substance of education. Curriculum can end up getting lost, as just one in a long list of areas that we inspect under the leadership and management judgement.

That is why, earlier this year, I started a review of the curriculum – the main research project of my first year. This project is looking at curriculum practice in hundreds of schools across the country to see what is actually going on. Once we have collected the first wave of evidence, we will look at whether routine inspection needs rebalancing in favour of the curriculum. If it does, we’ll be able to reflect this in the new inspection framework we are developing for 2019.

I was really pleased to see Alison lending her endorsement to this piece of work and I hope some of you will be able contribute your own experiences and insights as part of the review.

However, it is not just in our state schools where there is an imperative for Ofsted and children’s services directors to work in partnership together to try to address pressing problems.

We also need to pool our knowledge and understanding about the needs of children who, for whatever reason, find themselves outside the mainstream and on the margins of our educational system.

Whether in alternative provision, being tutored at home, or being taught in some of the small non-association independent faith schools that we are increasingly concerned about, the education and welfare of these children is our collective responsibility.

And the related problem of children being put at risk in illegal unregistered schools is also something I intend to tackle with the same zeal and passion as my predecessor. These are evolving challenges that require creative and joined-up solutions.

As a country, we are living through a period of great challenge and upheaval. None of us can be quite sure where political events will take us over the next few months and years. But I hope that as leaders within our care and education systems, you will be able to count on Ofsted as a source of stability in an uncertain world.

Just as importantly, I hope I can convince you by our actions and not just by my words that inspection has a powerful role to play as a force for improvement in these systems.

I look forward to further strengthening the relationship between our 2 organisations and consolidating that spirit of cooperation over the next 12 months.

Thank you for listening.

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## [Press release: Lord Lieutenant of Merseyside: Mark Blundell](#)

Mr Mark Blundell DL is appointed Her Majesty's Lord-Lieutenant of Merseyside.

The Queen has been pleased to appoint Mr Mark Blundell DL as Her Majesty's Lord-Lieutenant of Merseyside when Dame Lorna Muirhead DCVO DBE retires on 13 September 2017.

### **Biographical notes**

Mark Blundell is a landowner and former solicitor who has established a residential centre for children of all backgrounds on his family estate at Crosby Hall. He has given much time to Merseyside, having served as President and Pro-Chancellor of Liverpool University, on the Heritage Lottery Fund for the North West, as chair of Merseyside Building Preservation Trust (MBPT), on the Council of Tate Liverpool, and as a trustee of Liverpool Charity and Voluntary Services.

He is at present a governor of the Royal Northern College of Music, a trustee of MBPT and of the Heritage Trust for the North West, chair of Crosby Hall Educational Trust, and chair of Liverpool University Pension Fund.

Mr Blundell lives in the Borough of Sefton with his wife Suzanne, a psychotherapist. They have two daughters and five grandchildren, all of whom live nearby.

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## [Press release: New charity](#)

# investigation: Anaya Aid

The Charity Commission, the independent regulator of charities in England and Wales, has opened a statutory inquiry into Anaya Aid, registered charity number 1152971. The inquiry was opened on 5 June 2017.

Anaya Aid has objects to provide humanitarian aid internationally during emergency or disastrous situations.

In December 2015, the Commission was made aware by police that a trustee and a former trustee of Anaya Aid were stopped by UK Ports Officers and approximately £5000 in cash belonging to the charity was seized. Although these funds were later returned to the charity, the Commission advised the trustees of the inherent risks involved in cash couriership and the need to safeguard the charity's funds. In April 2017, the Commission was again informed by police that the same trustee of the charity was stopped by UK Ports Officers where cash totaling €23,000 and £1,500 belonging to the charity was seized. These funds are subject to a cash detention order and are at risk of loss in the event of a successful forfeiture application.

The 2017 cash seizure came despite the Commission having previously provided the trustees with regulatory advice and guidance against cash couriership, which was not followed.

Furthermore, the Commission has previously carried out 3 compliance visits at the charity's premises due to a range of regulatory concerns, particularly in relation to the charity's work in Syria and the partners it has used. The trustees were issued with an action plan to address these concerns but failed to comply with all of its requirements.

The trustees have put charity funds at risk of loss on a number of occasions, and have failed to comply with the Commission's regulatory advice and guidance. The Commission has therefore opened a statutory inquiry to take further regulatory action. The Commission has issued an order under section 84 of the Charities Act 2011 directing the trustees to take specific actions within set timeframes and issued a further order under section 76(3)(f) of the act restricting certain transactions that the trustees can enter into without the Commission's prior consent.

In order to thoroughly address these concerns, the investigation will look at:

- whether the trustees have put the charity's funds at risk by allowing a trustee of the charity to carry the charity's funds in cash whilst travelling via a convoy
- the inability of the trustees to adequately account for the end use of the charity's aid and funds which are applied, on the charity's behalf, through partners
- the trustees' failure to fully comply with regulatory advice and guidance issued by the Commission over the course of its engagement with

the charity's trustees

- the administration, governance and management of the charity by the trustees

The Commission recently [issued an alert](#) to charities strongly advising against the use of cash couriers.

It is the Commission's policy, after it has concluded an inquiry, to publish a report detailing what issues the inquiry looked at, what actions were undertaken as part of the inquiry and what the outcomes were. [Reports of previous inquiries](#) by the Commission are available on GOV.UK.

The charity's details can be viewed on the Commission's [online charity search tool](#).

Ends

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#### **Notes to editors**

1. [The Charity Commission](#) is the independent regulator of charities in England and Wales. To find out more about our work, see our [annual report](#).
2. Search for charities on our [online register](#).
3. Section 46 of the Charities Act 2011 gives the Commission the power to institute inquiries. The opening of an inquiry gives the Commission access to a range of investigative, protective and remedial legal powers.
4. The Commission's decision to announce the opening of a statutory inquiry is based on whether it is in the public interest to do so and with consideration of our objective to increase public trust and confidence in charities.