



THE LONDON BOROUGH
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BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Philippa Gibbs

philippa.gibbs@bromley.gov.uk

DIRECT LINE: 020 8461 7638

FAX: 020 8290 0608

DATE: 16 May 2016

To: Members of the
EDUCATION SELECT COMMITTEE

Councillor Nicholas Bennett J.P. (Chairman)
Councillor Neil Reddin FCCA (Vice-Chairman)
Councillors Kathy Bance MBE, Kim Botting, Alan Collins, Mary Cooke, Judi Ellis,
Ellie Harmer, Chris Pierce and Stephen Wells

Church Representatives with Voting Rights
Mary Capon and Joan McConnell

Parent Governor Members with Voting Rights
1 x Parent Governor Representative (vacancy)

Non-Voting Co-opted Members
Tajana Reeves, (Young People's Representative)
Alison Regester, (Pre-school Settings and Early Years Representative)

A meeting of the Education Select Committee will be held at Committee Rooms -
Bromley Civic Centre on **WEDNESDAY 25 MAY 2016 AT 7.00 PM**

MARK BOWEN

Director of Corporate Services

Paper copies of this agenda will not be provided at the meeting. Copies can be printed off at <http://cds.bromley.gov.uk/>. Any member of the public requiring a paper copy of the agenda may request one in advance of the meeting by contacting the Clerk to the Committee, giving 24 hours notice before the meeting.

Items marked for information only will not be debated unless a member of the Committee requests a discussion be held, in which case please inform the Clerk 24 hours in advance indicating the aspects of the information item you wish to discuss

All Committee Members are invited to the Preparation Meeting which will take place from 6.30pm in the Committee Rooms (P11) at the Civic Centre.

A G E N D A

PART 1 (PUBLIC) AGENDA

Note for Members: Members are reminded that Officer contact details are shown on each report and Members are welcome to raise questions in advance of the meeting.

STANDARD ITEMS

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES OF THE EDUCATION PDS COMMITTEE MEETING HELD ON 8 MARCH 2016 AND MATTERS ARISING (Pages 5 - 20)**
- 4 QUESTIONS TO THE SELECT COMMITTEE CHAIRMAN FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

To hear questions to the Committee received in writing by the Democratic Services Team by 5.00pm on Thursday 19th May 2016 and to respond. Questions must relate to the work of the scrutiny committee.
- 5 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

To hear questions to the Portfolio Holder received in writing by the Democratic Services Team by 5.00pm on Thursday 19th May 2016 and to respond. Questions must relate to the work of the Portfolio.
- 6 EDUCATION SELECT COMMITTEE WORK PROGRAMME (Pages 21 - 26)**
- 7 PORTFOLIO HOLDER UPDATE**
- 8 THE EDUCATION LANDSCAPE IN BROMLEY - PRESENTATION (Pages 27 - 80)**
- 9 [INFORMATION REPORTS](#)**
 - Youth Offending Team – Improvement Plan Update
 - Proposed Adult Education Curriculum for 2016/2017

Paper copies of this Information Briefing will not be available at the meeting of Education Select Committee.

Information Items will not be debated at Education Select Committee unless a member of the Committee requests a discussion be held. 24 hours notice must be given to the Clerk.

PART 2 (CLOSED) AGENDA

- 10 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000**

Items of Business

Schedule 12A Description

- | | | |
|----|---|---|
| 11 | EXEMPT MINUTES OF THE EDUCATION PDS COMMITTEE MEETING HELD ON 8 MARCH 2016 (Pages 81 - 82) | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
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DATES OF FUTURE EDUCATION SELECT COMMITTEE MEETINGS

Thursday 15th September 2016
Tuesday 17th January 2017
Thursday 23rd March 2017

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EDUCATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 8 March 2016

Present:

Councillor Nicholas Bennett J.P. (Chairman)
Councillor Neil Reddin FCCA (Vice-Chairman)
Councillors Teresa Ball, Kathy Bance MBE, Alan Collins,
Mary Cooke, Judi Ellis and Ellie Harmer

Joan McConnell
Darren Jenkins and Mylene Williams
Alison Regester

Also Present:

Councillors Peter Fortune and Tom Philpott

64 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Bennington and Mary Capon.

65 DECLARATIONS OF INTEREST

The Chairman reminded the Committee that the Declarations of Interest made at the meeting on 8th July 2015 were taken as read. There were no additional declarations of interest.

66 MINUTES OF THE EDUCATION PDS COMMITTEE MEETING HELD ON 19 JANUARY 2015 AND MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

RESOLVED that the minutes of the meeting held on 19th January 2016 be agreed and signed as a correct record, and that matters outstanding be noted.

67 QUESTIONS TO THE PDS CHAIRMAN FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING

No questions had been received.

**68 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS
OF THE PUBLIC AND COUNCILLORS ATTENDING THE
MEETING**

No questions had been received.

69 PORTFOLIO HOLDER UPDATE

The Portfolio Holder started his updated by thanking the Chairman, Vice-Chairman and Committee for their support throughout the municipal year and by noting how quickly the year had seemed to pass. Since the last meeting of the Committee there had been a renewed focus on funding issues with the Secretary of State for Education announcing that there would be a review of school funding with the aim of introducing a fairer funding model for schools. The Portfolio Holder reported that he considered this to be a positive step. To this end, the Portfolio Holder, Director of Education and Director of Finance (as Section 151 Officer) had been attending a number of meetings with colleagues in other Local Authorities in order to bring influence during the consultation process. The Portfolio Holder reported that he believed that the London Borough of Bromley was in an excellent position to take a lead in terms of the impact of the academy programme on education funding.

During the previous week, pupils had received confirmation of their Secondary School place allocation for the 2016/17 academic year. 84% of pupils in Bromley were allocated either their first or second choice of school.

There continued to be a focus on Adult Education and the Portfolio Holder had met with Ofsted for discussions surrounding future provision. The Portfolio Holder also reported that he had received a great deal of correspondence concerning the reorganisation of the Service and that he would be replying to all the letters and emails that had been received.

Finally, the Portfolio Holder had attended a meeting with Early Years Representatives. All issues raised at the meeting would be taken forward.

The Vice-Chairman, with the endorsement of the Chairman and the Committee reported that the Committee would support the Portfolio Holder and Colleagues in other Local Authorities in their efforts to engage with the Secretary of State for Education regarding a fairer funding model for schools.

RESOLVED that the Portfolio Holder update be noted.

**70 UPDATE ON YOUTH OFFENDING SERVICES IMPROVEMENT
PLAN**

Report ED16019

Members considered a report which provided an overview of the progress of the Youth Offending Service (YOS) Improvement Plan. The updated

Improvement Plan demonstrated that work had progressed on all planned actions with the exception of 7(d) - Create a service user forum for current and former young people to enable the service to consult effectively - which had been delayed due to other work priorities including the planning and implementation of an IT upgrade. The service continued to work hard to introduce further improvements identified in the plan. Due to a reduction in the Youth Justice Board (YJB) grant during 2016/17 and the need to meet the local savings target it was necessary to reorganise the service to ensure that the team could continue to provide a seamless service. As part of the reorganisation, a decision had been taken to end the NACRO contract to provide an Intensive Supervision and Surveillance (ISS) programme. The contract would end on 31 March 2016 after which the ISS programme would be provided in-house by YOS staff and managed by one of the Operational Managers. From April 2016 there would no longer be funding to enable an in-house substance misuse worker or a CAMHs worker. In addition the post of "Counsellor" would also be ending. Instead from 1 April 2016, any young person being assessed as being in need of any of these services would be referred to the Bromley Well Being Service, or the Bromley Young People's Substance Misuse Service. The post of Parenting Worker would also cease from 1 April 2016 with all future referrals for parenting support being directed to the Bromley Children's Project.

Members noted that the service was in the initial phase of planning the implementation of Asset Plus, the national assessment tool used by Youth Offending Services. In addition, Members also noted that the YOS Management Team undertook a thematic audit in December 2015 using police intelligence on young people known to the service who were at risk of being involved in transporting drugs across county lines. The audit had looked at 4 cases and found that Assets were being completed within National Standards timescales. The majority of Assets were judged to be 'good'. The quality of active engagement work being carried out with young people and parents/carers to inform the initial assessment was either good or outstanding. Partnership working on safeguarding and promoting the wellbeing of the young person was judged to be 'good' in all cases where this was relevant. The quality of the Intervention Plan for the majority of cases was either 'satisfactory' or 'good'.

The Interim Head of the Youth Offending Service reported that good progress on the current YOS Improvement Plan had been made and that action to develop the next Improvement Plan was being taken by the Management Board. Once the Plan had been developed it would be shared with the Committee.

A number of Members expressed concerns surrounding the reduction in cases that met the standards required in terms of planning as without good planning there could not be good delivery. In response, the Deputy Head of the Youth Offending Service highlighted that there had been a change in the audit tools used by the Service and as a result of this the figures were not directly comparable. It was disappointing that more cases had not met the standard and work was being undertaken to improve standards. However,

staff would continue to receive training on the new audit tool and monitoring would continue. In addition, work was ongoing to recruit more permanent staff in order to bring some additional stability to the Service.

The Chairman noted that a mock inspection of the YOS would be undertaken by the Youth Justice Board. The Chairman requested that the outcome of the mock inspection be circulated to Members of the Committee when it was available.

Another Member expressed concerns surrounding the loss of the post of Parenting Worker and the impact that this may have on the Service. The Interim Head of the YOS responded that the Bromley Children's Project currently worked with parents through the Troubled Families Programme and was therefore very experienced in providing this type of support. A number of very difficult decisions had needed to be made in light of financial constraints. However, the programmes offered by Bromley Children's Project were intense and designed to challenge and support parents in taking responsibility for their children's behaviour. YOS Caseworkers would continue to work with the young offenders and their families and parenting support would be offered to all families.

The Portfolio Holder reported that he saw it as a positive that these issues were being identified while there was excellent interim management in place and support from the Youth Justice Board was ongoing. The Portfolio Holder stressed that the inspection in February 2015 had identified a number of issues with the Service and it would naturally take time to correct these issues. In response to a question, the Portfolio Holder reported that he had the utmost confidence in the staffing and leadership currently in place in the YOS.

The Chairman questioned whether there would be any merit in merging back office functions with other Local Authorities, similar to the Tri-Borough approach. In response the Portfolio Holder stressed that the problems that had been identified during the inspection in February 2015 needed to be addressed and resolved before embarking on any form of shared service.

The Chairman thanked the Interim Head of the YOS and the Deputy Head of the YOS for their ongoing work.

RESOLVED: That

- 1. The progress of the YOS Improvement Plan be noted; and**
- 2. The outcome of the Mock Inspection be circulated to the Committee when it becomes available.**

71 PORTFOLIO HOLDER PROPOSED DECISIONS

A) BASIC NEED UPDATE REPORT

Report ED16030

Members considered a report providing an update on progress in delivering the Council's Basic Need Programme that supported the provision of sufficient pupil places through improvements to and expansion of Bromley Schools and the forward programme for the period 2015-18.

The Council received Basic Need Capital Grant from the DfE to support the delivery of sufficient school places, with a total of £70.9m so far allocated for 2011-2018. The next tranche of Basic Need Capital funding was due to be announced by Government in early 2016, but the announcement had been delayed and was not now expected until after Easter 2016.

The Basic Need capital programme also included capital contributions from a range of other capital funding programmes including Seed Challenge, Access Initiative and Suitability along with Section 106 contributions. The detail of S106 contributions was included within Approval of Procurement Strategy for Basic Need Projects and the Glebe School Expansion and Allocation of Section 106 Funding to education agreed by the Executive on 2 April 2014.

There were currently schemes to the value of £85m either Completed or Projects in Delivery (Funded). These had been allocated £71.7m from the Basic Need Capital Scheme and £10.9m from other sources as detailed in the report. There was currently a £2.4m budget shortfall for these schemes, but this could be covered by the programme contingency. The updated budget contained a contingency of £750,000 to cover the costs of any primary bulge classes required for September 2016. However, potential space for bulge classes had been identified at a number of schools and it was hoped that call on this contingency could be minimised. In addition, a new scheme had been added at Castlecombe School. This project was the first phase in expanding the school to 2FE in KS2 and providing certainty of a place from 2017 to parents of pupils transferring from Dorset Road Infants School.

The increase in overall programme value reflected the increase in the estimated final cost of individual schemes as well as the addition of project management costs related to the programme's delivery. The estimated costs of the scheme at Poverest Primary School had increased during the design development stage due to the need to address the topography of the site and provide a multi-use-games-arena to satisfy Sports England by substituting for playing field lost. At Stewart Fleming Primary School costs had increased as a result of dealing with the constrained nature of the site, having to undertake more structural surveys and the phasing of works. As a result the scheme was likely to be delivered as two distinct projects. These increases in estimated final cost would be reported to the Executive.

The Committee noted that 45 projects within the Basic Need Programme had now been completed, with other significant projects such as Beacon House, Clare House Primary School and Parish CE Primary School nearing completion.

RESOLVED: that

- a) the update list of schemes as outlined at section Appendix 1 of the report be noted;**
- b) the new Project in Delivery (Funded) for decant accommodation at Castlecombe Primary School be noted;**
- c) the addition of the scheme at Mead Road Infants as a Project in Development be noted;**
- d) the estimated increase in final cost of the schemes at Poverest Primary School and Stewart Fleming Primary School be noted; and**
- e) the Portfolio Holder for Education be recommended to authorise the Director of Education to support schools in seeking planning permission at the appropriate time.**

72 AUTHORISATION TO ENTER INTO DYNAMIC PURCHASING AGREEMENT WITH THE SOUTH LONDON CONSORTIUM FOR THE PURCHASING OF INDEPENDENT SPECIALIST SEN PLACEMENTS

This Item was withdrawn following the publication of the agenda.

73 SEND REFORMS - DRAW DOWN AND CARRY FORWARD OF GRANT FUNDING

Report ED16020

Members considered a report seeking approval for the carry forward of the SEN Implementation (New Burdens) Grant 2015/16, the London SEND Regional Lead Grant 2015/16, and the SEN Implementation (New Burdens) Grant 2016/17. The Committee noted that at its meeting on 24 March 2015, the Executive approved the drawdown of £148,000 of the non-ring-fenced £176,000 SEN Implementation (New Burdens) Grant 2015/16, with the £28,000 remainder to remain in the Council's Central Contingency for drawdown at a later date. It was now requested that this £28,000 be carried forward and drawn-down into the 2016/17 budget. A second non-ring-fenced grant was received for 2015/16, the SEND Regional Lead Grant of £62,000, which replaced the previous SEND Pathfinder Grant, and which was approved for drawdown by Executive on 14th October 2015. Due to the lateness in the grant announcement and the time required to recruit temporary skilled staff, there was a projected underspend of £15,000 on the SEND Pathfinder Grant in 2015/16, and a £80,000 underspend on the SEN

Implementation (New Burdens) Grant. It was requested that these underspends were carried forward to the 2016/17 budget. In addition, confirmation of further funding had recently been received, with the Council allocated £210,000 SEN Implementation (New Burdens) Grant 2016/17. It was requested that £180,000 of this was drawn-down to the 2016/17 budget with the remaining £21,000 to remain in Central Contingency for drawdown at a later date if required. This would provide a total of £303,000 funding for 2016/17. The funding would be used to continue the extra capacity to deliver the transitions of statements to EHC plans or pupil resource agreements; review current SEND services and provisions; embed the new policies and practices; develop robust systems for recording and monitoring the EHC process, Personal Budgets and ensure the workforce had a clear understanding of policy and practice. A total of £32,000 would be provided to third parties, and £271,000 used to employ a total of 7 FTE temporary staff.

RESOLVED: That the Executive be recommended to

- (a) Approve the carry forward and drawdown of £28,000 grant for 2015/16 to the 2016/17 budget.**
- (b) Approve the carry forward to 2016/17 of the underspends in 2015/16 of £80,000 and £15,000 as detailed in the report.**
- (c) Approve the drawdown to the 2016/17 budget of part of SEN New Burdens Grant 2016/17 of £180,000, with the remaining £21,000 to stay in contingency ring-fenced for drawdown at a later date if required as detailed in the report.**
- (d) Approve the drawdown to the 2016/17 budget of part of SEN New Burdens Grant 2016/17 of £180,000, with the remaining £21,000 to stay in contingency ring-fenced for drawdown at a later date if required as detailed in the report.**

74 EDUCATION INFORMATION ITEMS

The Education Briefing comprised three reports:

- Minutes of the Education Budget Sub-Committee meeting held on 14 January 2016
- Contract Activity Update
- Summary of the Select Committee Report on the Role of the Regional Schools Commissioner.

75 UPDATE ON UNDER PERFORMING SCHOOLS

Report ED16018

Members considered a report which provided an update on school performance and the implementation of the local policy of Academy conversion. Since the last meeting of the Committee there had been a short

inspection of Pratts Bottom Primary School which had retained its 'Good' outcome. There had also been a monitoring visit of Grays Farm Primary School. However, the 5 'Requires Improvement' and 2 'Inadequate' schools had not received inspections which were now overdue.

The Committee noted that Burwood School and Burnt Ash Primary School had converted on 1 February 2016 and there were a further six schools that were due to convert before September 2016. If these conversions went ahead 82% of Bromley Primary Phase schools would have converted by the end of the 2015/16 Academic Year (excluding special school).

The Director of Education reported that two more schools had received inspections although the outcome of the inspections could not yet be made public.

RESOLVED: That the report be noted.

76 ELECTIVE HOME EDUCATION (INCLUDING CHILDREN'S SAFEGUARDING ISSUES AND MISSING CHILDREN)

Report ED16007

The Committee considered a report providing contextual information regarding Elective Home Education and Children Missing in Education including data appertaining to students within the Local Authority who fell within those categories.

It was compulsory for every child of school age to receive a full time education suitable to their age, ability and aptitude, and to any special educational needs they might have. Over the past three years, there had been a consistent nationwide increase in the number of families choosing elective home education for all or part of their child's education. In the 2013/14 academic year, 171 pupils had been identified as receiving elective home education in Bromley. This was for a range of reasons including an elective home education ethos, lack of progress at existing provision, bullying or health issues.

The Local Authority had no statutory rights to inspect home education provision but continued to be responsible for the safeguarding of children and young people. Where a parent or carer chose to electively home educate their child, they were required to confirm their intention in writing to their child's Head teacher, who then notified the Local Authority. Once the Local Authority was notified, the Child Missing Education Officer would make initial contact with the family to ensure that they were fully aware of their education responsibilities, that the child had no unmet needs and that there were no safeguarding concerns. The Education Advisor would undertake a follow up visit within 2-10 weeks, and if this visit was deemed satisfactory, further visits would be made at approximate six monthly intervals. Should a family fail to engage with the Education Advisor and there was no evidence of a suitable education being provided to a child, the case was referred back to the

Children Missing Education Officer to instigate a School Attendance Order. Students who wished to return to mainstream education from elective home education were supported via the Fair Access Protocol.

The Chairman noted that *The Times* Newspaper on Saturday 5 March had a whole page dedicated to Home Education and asked that this information be circulated to the Committee.

The Senior Education Welfare Officer provided three anecdotal case studies of elective home education in action.

In response to a question, the Senior Education Welfare Officer reported that it was important to note that once a parent had declared that their child was in elective home education they were considered to have an education base and would not be considered a priority for school places.

The Chairman queried how parents of pupils that were GCSE age dealt with the provision of specialist equipment for subjects such as science. The Senior Education Welfare Officer reported that there was no onus on parents to follow the National Curriculum so this data was not collected by the Local Authority. However some parents did have access to specialist equipment and provision through established educational organisations such as the Open University.

In response to a question surrounding the academic achievements and future success of pupils that had been educated at home, the Senior Education Welfare Officer reported that the Local Authority did not hold the information but there was national anecdotal evidence that a number of home educated children went on to study at university, albeit sometimes a couple of years behind their peer group.

In response to a question surrounding attainment for less advantaged pupils, the Senior Education Welfare Officer reported that Bromley had a good reputation in terms of home education and there was a good, established liaison relationship with a number of families. There were only two cases where the home education was deemed to be inappropriate. A number of families that were home educating in Bromley were happy to let Education Welfare Officers into their home to monitor the education provided.

The Chairman highlighted that one of the main concerns was around safeguarding as it was possible for families to disappear. The Committee noted that the Local Authority had a responsibility for safeguarding young people. The Chairman further noted that there had been a number of cases recently publicised where it appeared that schools were encouraging children into home education and sought assurances that this was not happening in Bromley. The Senior Education Welfare Officer reported that when this type of practice came to the attention of officers in Bromley work was undertaken with schools to provide the support necessary to keep the young people in a formal education setting.

In response to a question concerning whether successful home educators were used as a peer mentor group for those new to home education, the Senior Education Welfare Officer reported that the Local Authority did not signpost to specific individuals. However, once a parent had elected to home educate, a Child Missing Education Officer would undertake a home visit and the parents would be provided with an information pack at this very first visit which would signpost the parents to organisations that could provide the necessary support.

The Chairman thanked the officers for the comprehensive report that had been provided and requested that the report be forwarded to the Children's Board for information. The Chairman further suggested that this could be an interesting topic for the Education Select Committee (due to be established for the 2016/17 municipal year) to be considered.

RESOLVED: That the report be noted and forwarded to the Children's Board for information.

77 YOUNG PEOPLE NOT IN EDUCATION EMPLOYMENT OR TRAINING (NEET) AND STRATEGIES FOR INCREASING PARTICIPATION

Report ED16017

The Committee considered a report providing an update on the provision of support for young people who were identified as not participating in education, employment or training (NEET) or being at risk of not participating in education, employment or training, and the strategies in place to increase the participation of young people following the implementation of the Education and Skills Act 2008, under which all young people aged 16 and 17 years would be required to participate in education or training until the end of the academic year in which they turn 17 years from September 2013 and 18 years from September 2014. The Education and Skills Act 2008 also introduced duties on Local Authorities to promote the effective participation of young people in education, employment and training in their area and to make arrangements to identify young people not participating in education, employment or training.

The participation of young people aged 16 to 18 years in education, employment and training (EET) was recorded on a national database, from which statistical returns were provided to the Department for Education on a monthly basis around the number of young people who were not participating in education, employment or training or whose status was 'not known'.

The total 16-18yr cohort for December 2015 was 10503. The monthly adjusted NEET performance for Bromley for December 2015 was 344 (3.4%) The December 2015 figures for NEET and 'Not Known' showed a significant improvement on December 2014 performance. Statistical neighbour comparisons also indicated that Bromley's December 2015 NEET

performance for academic age 16-18 year olds was better than the average statistical neighbour performance of 3.8% and Bromley's Not Known figure of 6.5% was much better than the average statistical neighbour performance of 9.1%.

Participation levels for young people of academic age 16 and 17 showed an increase in December 2015 compared with December 2014 and a number of activities had contributed to this including tracking process to identify young people's participation in EET, support for young people who were NEET or at risk of NEET to access EET, and action plan to increase 16-18yr old participation rates.

The Committee noted the statistics provided in the appendices to the report. The Chairman queried why Darwin Ward had such a low proportion of 16-17 year olds as meeting the requirements for participation. The Committee heard that there were 9 young people in the 'not participating' cohort and this small number skewed the statistics. Of the 9 young people in the cohort, 3 were NEET and 6 were unknown.

In response to a question, the Youth Support Programme Manager reported that it was slightly too early to determine whether there was more engagement from young people resulting from the expansion of Bromley College. Officers would have a better perspective in a couple of months. The Director of Education clarified that Bromley College had a good range of subjects for young people that were ready to engage however to date there was no sophisticated provision for the more entrenched NEET cohort.

In highlighting the underachievement of white working class boys, the Chairman requested some further information and analysis surrounding an ethnicity breakdown from census data. The Chairman also requested that the report be forwarded to the Children's Board for information.

RESOLVED: That the report be noted and forwarded to the Children's Board for information.

78 BROMLEY ADULT EDUCATION COLLEGE UPDATE

Report ED16025

The Committee considered a report setting out the criteria to be used for selecting the 2016/17 adult education curriculum in addition to an overview of the forthcoming devolution and area review plans for all post-16 education funding. It was expected that this would influence future funding allocations and the type of provision for which they could be used from the academic year 2017/18 onwards. The report also provided an update on the progress made in relation to the Equality Impact Assessment Plan.

Planning for the 2016/17 curriculum would start in March 2016. The criteria used to determine the range of subjects would need to take into consideration

the recommendations in the Ofsted Inspection report of March 2015, the local priorities of Bromley council, national priorities for publically funded post-16 education providers, and the Skills Funding Agency Funding Rules for 2016/17.

It was envisaged that in 2016/17 all courses would meet one or more of the following criteria:

- Provide progression into employability and/or further study
- Lead to recognised qualifications
- Meet national and local learning and skills priorities
- Contribute to learners' improved mental and/or physical health
- Adhere to the principles of community engagement, particularly with regards to disadvantaged residents and communities in the Borough
- Suitable accommodation and resources, either on BAEC premises or off site
- Generate fee income or add value to the public grant through the Pound Plus principle.

The Head of Bromley Adult Education reported that a separate area review process for adult learning was being undertaken. This would involve either a London-wide approach or a London regional approach and was seen as a very positive development.

The Chairman noted that some students who had been undertaking specialist courses had expressed concerns surrounding the relocation of specialist equipment. The Head of Adult Education reported that in the coming days alternatives for the larger pieces of equipment would be considered. Officers would soon begin liaising with organisations who could be in a position to take the larger pieces of equipment.

Members noted that prior to the reorganisation that had been agreed by Executive, the criteria for the adult education curriculum would have included a bullet point about providing leisure and recreational courses. However, following the reorganisation of the Service, the majority of the curriculum would focus on disadvantaged adults.

In response to a question, the Head of Adult Education reported that part of the support programme for tutors would involve assisting them with finding suitable alternative accommodation and then signposting service users to the provision that was available. The aim was to signpost service users through Bromley Council's website and the Adult Education website.

Members were informed that the curriculum was currently being developed and would be planned by the end of April 2016. It would take longer to identify the provision that was externally available through tutors who no longer work with Bromley Adult Education.

In order for the Committee to have a clear understanding of the shape of Adult Education in the future the Chairman asked that Adult Education be a standing item in future Portfolio Holder updates to Committee meetings and that update emails be circulated to Committee Members.

Action Point 6: that the Committee be provided with email updates concerns the provision of Adult Education and that Adult Education be a standing item in future Portfolio Holder Updates.

RESOLVED: that the Portfolio Holder be recommended to agree the following criteria:

- **Provide progression into employability and/or further study**
- **Lead to recognised qualifications**
- **Meet national and local learning and skills priorities**
- **Contribute to learners' improved mental and/or physical health**
- **Adhere to the principles of community engagement, particularly with regards to disadvantaged residents and communities in the Borough**
- **Suitable accommodation and resources, either on BAEC premises or off site**
- **Generate fee income or add value to the public grant through the Pound Plus principle.**

79 EDUCATION PDS ANNUAL REPORT

The Committee considered the annual report of the Education PDS Committee for 2014/15. It was noted that the annual report would be provided to the Executive and Resources PDS Committee on 16th March 2016 and to Full Council on 11th April 2015.

RESOLVED that the annual report of the Education PDS Committee be approved.

80 EDUCATION PDS WORK PROGRAMME

Report ED16027

The Chairman reported that in the 2016/17 municipal year there would be a new structure for the Committee. The Committee would become the Education Select Committee with Portfolio Holder decisions being dealt with outside of the formal meetings. Portfolio Holder decisions would be circulated to all Members by email prior to the decision being taken, once circulated decisions could be referred to Committee for further debate if necessary, either at a scheduled meeting of the Education Select Committee or an Executive and Resources PDS Committee meeting. After decisions had been taken by the Portfolio Holder the usual 'call-in' rules would apply.

The Portfolio Holder would continue to provide an update to every meeting.

The Committee would consider topics at each meeting. It was envisaged that at each meeting there would be a Short Item (a brief topic for the Committee to consider within a half an hour time slot) followed by the Substantive Item (the main focus of the meeting) comprising evidence gathering, witness sessions etc., being brought to an end with a summary by the Chairman. Following the meeting the Chairman would produce a report outlining the Committee's findings and this would be circulated to all Members by email. The report could then be forwarded to Full Council for further debate if necessary.

For the first meeting in July 2016 it was suggested that the Short Item would be an 'Overview of the Issues Affecting the Department'. Suggestions for topics for future meetings included:

The Changing Education Landscape
Youth Offending Service
Identifying and Tackling School Under Performance
Troubled Families Initiative
Children's Centres
Adult Education Outcomes
Helping Hard to Reach Group
Elective Home Education

Members were asked to forward their suggestions for further topics for consideration.

RESOLVED: That the Work Programme and the new structure for the Committee in 2016/17 be noted.

81 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the press and public be excluded during consideration of the items of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present, there would be disclosure to them of exempt information.

**A) AUTHORISATION TO AWARD CONTRACT FOR TOP UP PLACES
FOR SEN**

Report ED16026

The Committee considered a report seeking authorisation for award of a Funding agreement for the delivery of specialist school places for pupils with special educational needs.

RESOLVED: That Executive be recommended to approve the proposals.

The Meeting ended at 8.22 pm

Chairman

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Report No.
ED16035

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Education Select Committee

Date: 25th May 2016

Decision Type: Non-Urgent Non-Executive Non-Key

Title: EDUCATION PROGRAMME 2016/17

Contact Officer: Angela Buchanan, ECHS HoS Planning & Development
Tel: 020 8313 4199 E-mail: angela.buchanan@bromley.gov.uk

Chief Officer: Jane Bailey, Director of Education

Ward: Borough-wide

1. Reason for report

- 1.1 This report provides a programme of scheduled reports for the year ahead, based on items scheduled for decision by the Education Portfolio Holder and items for consideration by the Education Select Committee.

2. RECOMMENDATION(S)

- 2.1 Members of the Education Select Committee are invited to comment on the Education Programme at Appendix 1; and, note the school visits undertaken in the Spring Term 2015/16 at Appendix 2.

Corporate Policy

1. Policy Status: Existing Policy: As part of the Excellent Council stream within Building a Better Bromley, PDS Committees should plan and prioritise their workload to achieve the most effective outcomes.
 2. BBB Priority: Children and Young People: To secure the best possible future for all children and young people in the Borough, including a clear focus on supporting the most vulnerable children and young people in our community.
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: No specific budget head
 4. Total current budget for this head: N/A
 5. Source of funding: Council's Base Budget
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: No statutory requirement or Government guidance:
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is intended primarily for members of this Committee to use in controlling and reviewing their ongoing work.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

Work Programme

- 3.3 The Programme at **Appendix 1** provides information on items for consideration by the Education Select Committee and proposed information briefings for Members. The purpose of the work programme is to reference future work and enable it to be amended in the light of future developments and circumstances. The programme will also list the meetings of the Executive and Working Groups with dates (once scheduled).

Council Member Visits

- 3.4 Five visits took place in the spring term see attached **appendix 2** for more information. All Elected Council Members and Co-opted Members are invited to attend Council Member Visits and are asked to make known their interest by responding to the emails from cheryl.adams@bromley.gov.uk
- 3.1 The next visits will be organised for the autumn term (Sept – Dec 16), suggested dates and schools will be circulated late June early July.

Non-Applicable Sections:	Policy, Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	

Education Programme 2016/17

Schools Forum	30th June 16
SACRE	6th July 16
Education Select Committee	15th September 16
Item	Status
Education Portfolio Plan 2016-17	Short Item
YOS Improvement Plan	
Schools Forum	22nd September 16
Education Budget Sub Committee	27th September 16
Item	Status
SEN Working Group	20th October 16
SACRE	9th November 16
Schools Forum	12th January 17
Education Select Committee	17th January 17
Item	Status
YOS Improvement Plan	
Education Budget Sub Committee	31st January 17
Item	Status
SACRE	8th March 17
Education Select Committee	23rd March 17
Item	Status
YOS Improvement Plan	
Education Budget Sub Committee	28th March 17
Item	Status

Spring Term Member Visits

Establishment Name	Date	Council Members Attending
Hillside Primary School (Academy)	Thursday 14.01.16	Cllr Christopher Pierce Cllr Mary Cooke Cllr Nicholas Bennett Cllr Robert Evans Cllr Stephen Wells Cllr Peter Fookes
Blenheim Children and Family Centre (Orpington)	Friday 29.01.16	Cllr Mary Cooke Cllr Peter Fookes Cllr Ruth Bennett
Bullers Wood School	Thursday 11.02.16	Cllr Julian Bennington Cllr Keith Onslow Cllr Neil Reddin Cllr Peter Fookes
Hollybank	Thursday 26.02.16	Cllr Christopher Pierce Leslie Marks (Co-Opted Member) Cllr Mary Cooke Rosalind Luff (Co-Opted Member) Cllr Ruth Bennett Cllr Peter Fookes
Balgowan Primary School(Academy)	Thursday 10/03/16	Cllr Julian Bennington Cllr Nicholas Bennett Cllr Stephen Wells Cllr Neil Reddin Cllr Kathy Bance Darren Jenkins (Co-Opted Member) Cllr Peter Fookes

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Report No.
ED16034

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Education Select Committee

Date: Wednesday 25 May 2016

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **POSITION STATEMENT ON EDUCATION AND EDUCATION SERVICES IN BROMLEY**

Contact Officer: Jane Bailey, Director of Education
Tel: 020 8313 4146 E-mail: jane.bailey@bromley.gov.uk

Chief Officer: Doug Patterson, Chief Executive
Tel: 0208 313 4354 E-mail: doug.patterson@bromley.gov.uk

Ward: All Wards

1. Reason for report

- 1.1 This report provides an overview of Education and the Education Services Department within Bromley. It is intended to provide background information and context on the Education landscape within Bromley for further consideration and discussion by the Education Select Committee.
-

2. **RECOMMENDATION(S)**

- 2.1 The Education Select Committee is asked to note the report and use it as background for further discussion.

Corporate Policy

1. Policy Status: Existing Policy: The Education White Paper 2016; the Children and Families Act 2014; the Academies Act 2010; previous relevant legislation.
 2. BBB Priority: Children and Young People :
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: Recurring Cost :
 3. Budget head/performance centre: Education Department Budget and Care Services Budget
 4. Total current budget for this head: £5,245m (Education); £92,548m (Care Services)
 5. Source of funding: Dedicated Schools Grant; Education Services Grant; Council's General Grant
-

Staff

1. Number of staff (current and additional): 272 FTE within Education Department
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement : Numerous Education Acts; more recently, the Education White Paper 2016, the Children and Families Act 2014 and the Academies Act 2010
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All children and young people within the borough of Bromley.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 This paper gives an overview of the Education landscape in Bromley in 2016. It is intended to highlight the key priorities and policies of the various teams within the overall Education Department. This report covers:

- The Education White Paper and the Role of the Local Authority;
- Key Strategic Partners in Education;
- School Performance and Infrastructure;
- School Governance;
- School Place Planning;
- Special Educational Needs and Disability;
- Early Intervention and Family Support Services;
- The Education Department, Staffing and Structure.

THE EDUCATION WHITE PAPER AND THE ROLE OF THE LOCAL AUTHORITY

3.2 The government published the Education White Paper 'Educational Excellence Everywhere' in March 2016. The paper reiterated the Government's strategy to develop a school-led educational system with the aim of every school being an academy, working in multi-academy trusts overseen by Regional School Commissioners and the Department for Education.

3.3 The paper also clearly defined the expected role of the Local Authority in relation to Education, stating that duties will be focused on three areas:

- Ensuring every child has a school place, including that there are sufficient schools, special schools and alternative provision places to meet demand;
- Ensuring the needs of vulnerable pupils are met, including: identifying, assessing and making provision for children with special educational needs (SEN); promoting school attendance and tackling absence; ensuring alternative provision is available for excluded pupils or those who cannot attend mainstream schools; safeguarding children and working with schools to ensure they understand and discharge their safeguarding duties; and supporting vulnerable children;
- Acting as champions for all parents and families including: listening to and promoting the needs of parents, children and the local community; supporting parents in navigating the admissions system; supporting parents to understand and navigate local SEN arrangements; and championing high standards locally for all pupils, working with the Regional Schools Commissioner to tackle underperformance.

KEY STRATEGIC PARTNERS IN EDUCATION

3.4 The main strategic partners in delivering quality education to children and young people in Bromley continue to include:

- **Schools and the Further Education College:**

Officers continue to work closely with all schools and Bromley College of Further and Higher Education to develop the infrastructure and the quality of education in the borough, with safeguarding underpinning everything we do. This requires close working especially in the areas of governance, schools expansion and basic need, admissions, school performance and attendance. The work with Bromley College and their Educational Trust is an important partnership in developing improved provision for vulnerable children and improving work related educational opportunities.

- **The Department for Education, the Education Funding Agency and the Regional Schools Commissioner**

It is acknowledged by all parties that the new education landscape requires strong partnership working between the Council and national government and its agencies. The Regional Schools Commissioner's role in decisions around new academies and school improvement is to be strengthened and all recognise that working closely in partnership is the best way to ensure that the right decisions, influenced by the local knowledge of the Council, is the best way to ensure that the right decisions are made for children and young people in Bromley.

- **Parents and Communities**

The Council needs to build on its relationships with parents and communities to ensure it can act as the champion for parents effectively. We need to continue to encourage engagement of parents in local communities in having a voice in schools planning and decision making to support children's attainment and to achieve their potential. In particular, we need to have a focus on supporting parents of vulnerable children and children with SEN.

- **Other Partners**

Partners in Social Care, Health and the Police will continue to play an important role in the safeguarding of young people, their attainment and wellbeing.

SCHOOL PERFORMANCE AND INFRASTRUCTURE

3.5 The majority of Bromley schools have now converted to academy status and it is expected that the majority of the remaining maintained schools will have converted by the end of the 2016/17 academic year. Proposed measures arising from the Education White Paper (including the proposal to direct conversion for any remaining maintained schools where a local authority has reached a 'critical mass' of academies) are likely to support this.

3.6 Table 1 outlines the current status of schools in Bromley. Table 2 outlines the timetable for schools where academy conversion is currently in progress.

Table 1: Progress to Academy Conversion in Bromley May 2016

School Type	Converted		Maintained - Conversion in Progress		Maintained - Exploring Conversion		Maintained – Not Actively Exploring Conversion		Total	
Secondary	16	94%	0	0%	1	6%	0	0%	17	100%
Primary	59	80%	6	8%	9	12%	0	0%	74	100%
Special	1	25%	0	0%	3	75%	0	0%	4	100%
PRU	1	100%	0	0%	0	0%	0	0%	1	100%
Total	77	82%	6	6%	14	14%	0	0%	96	100%

Table 2: Planned Conversion Timetable

No.	School	Arrangements	Date
1.	Dorset Road Infant	Spring Academy Trust	1 Sept 2016
2.	Clare House	Langley MAT	1 Aug 2016
3.	James Dixon Primary	Swale MAT Kent	1 Sept 2016
4.	Red Hill Primary	Pioneer	1 Sept 2016
5.	St Anthony's RC Primary	Catholic Schools Trust	1 Sept 2016
6.	St George's CE	Aquinas	1 Sept 2016

3.7 The majority of schools in Bromley are rated by OfSTED as either Good or Outstanding, with 77% of schools (not including Free Schools and Alternative Provision schools) within these categories.

3.8 Table 3 gives an overview of OfSTED ratings for schools in Bromley.

Table 3: OfSTED Ratings for Bromley Schools

	Total Schools	Outstanding	Good	Requires Improvement	Special Measures
Primary Schools Academies	59	15 (25%)	31 (53%)	10 (17%)	3 (5%)
Primary Schools Maintained	15	0 (0%)	11 (73%)	4 (27%)	0 (0%)
Secondary Schools (16 Academies)	17	6 (35%)	11 (65%)	0 (0%)	0 (0%)
Special Schools (1 Academy)	4	2 (50%)	1 (25%)	1 (25%)	0 (0%)

- 3.9 Four Primary Schools are therefore receiving direct support and intervention from the Council's School Improvement Team. One of these is expected to convert to academy status by September 2016. The other three schools are due inspection in the Summer and Autumn terms 2016. Assuming no other maintained schools go into support category in the interim, the function and capacity of the School Improvement Team will reduce as schools convert and will eventually be decommissioned from its current form. The main strategic challenge will be to develop new strategic relationships with schools and the Regional Schools Commissioner to champion improved achievement and attainment for children and young people in Bromley.
- 3.10 In relation to attainment by pupils, a full report on the 2015/16 results was provided in the January 2016 report to the Education PDS Committee.
- 3.11 That report illustrated that the attainment gap between pupils eligible for Free School Meals and those ineligible has been closing over time. However, the local gap remains higher than the national average for Key Stage 1 Reading and Writing (Maths is now in line with the national average). At Key Stage 2 Level 4+, the local gap is now smaller than the national average.

SCHOOL GOVERNANCE

- 3.12 The School Governance Team continues to support the development and effectiveness of Local Authority Governors through robust interview and assessment process, supported by Governor Development provision, for both new Governors and those seeking re-appointment.
- 3.13 Local Authority Governor candidates are appointed or re-appointed through a Panel process, made up of Members and ex-head teachers of Bromley schools. This is intended to continue. However, appointment of an LA Governor is only a statutory requirement in relation to a maintained school; it is optional only for an Academy. As all schools convert to Academy status, the demand for LA School Governors may change. Bromley's current support for Governance may need to reduce or move to a fully charged model in response.

SCHOOL PLACE PLANNING

Demand for Schools Places

- 3.14 Pressure for primary school places has been sustained, with over 4,040 applications for school reception places from Bromley residents in 2016, similar to 2015 and 2014. Secondary demand is beginning to increase, with 3,492 applications for a Year 7 place compared with 3,314 in 2014.
- 3.15 Demand for reception places is still concentrated in Penge and Anerley, Beckenham, central Bromley and Cray Valley.
- 3.16 The Local Authority has recently received updated projections from the GLA on the future demand for school places. Although the overall picture is similar to last year's projections, there are some subtle differences.

3.17 The updated projections now reflect that the Local Authority has reached a school reception population of approximately 4,000. Previous projections had indicated that this number of places would not be reached until the beginning of the next decade. The most recent GLA projections predict that reception numbers will drop off slightly after 2017 reflecting in part the drop in borough birth rate from 2013. However, the more recent birth data indicates that live births have increased back to nearly 4,100. Additionally data provided by the ONS indicate that there has been a 123% increase in net migration into Bromley over the past 6 years. Updated projections for specialist places note that this population is likely to increase over the next five years in line with national expectations. An increase of 40 specialist places is noted through current trends and early discussions are taking place to ensure children have high quality provision within Bromley schools where appropriate.

3.18 For secondary school places the projections show the year 7 school population growing from 3,439 in 2015 to a peak of 4,370 in 2023 and then falling back slightly to 4,145 by 2030. Further analysis of the data will be provided as part of the school place planning cycle in autumn/winter 2016. If this demand is sustained, 31 forms of entry will need to be created in the secondary sector between now and 2023 to meet demand.

School Expansions

3.19 The Council has now entered the stage of permanently expanding many of the primary schools that have taken bulge classes over recent years. Clare House has been rebuilt as a 2 Form Entry Primary School and Harris Primary Academy Crystal Palace, Midfield, Parish, St Paul's Cray and Worsley Bridge have all received works to enable permanent expansion.

3.20 Permanent SEN expansion has taken place at both Riverside School and the unit at Crofton Infants School. Work is in progress to expand Glebe School by 2 Forms of Entry for Autism Spectrum Disorder at secondary age.

3.21 In the next phase of building works, Edgebury, Farnborough*, Leeson's*, Poverest*, Princes Plain, St George's Bickley, Scotts Park* and Stewart Fleming primary schools and secondary are all planned to expand (subject to planning consent*). With regards to Beacon Academy, works at Beacon House to expand specialist Social, Emotional, Mental Health provision are also due to be completed during 2016. Proposals are also being developed to open an improved KS2 and KS3 offer on the existing Burwood/Avalon Road site.

Free Schools

3.22 Currently there are 4 Free Schools open in the borough: Harris Aspire Alternative Provision Academy; Harris Primary Academy Beckenham; Harris Primary Academy Shortlands; and La Fontaine Academy. Langley Park Primary is due to open in temporary accommodation at the Hawes Down Centre in September 2016.

3.23 Work is nearing completion for Harris Primary Academy Shortlands' new accommodation which will be in operation from September 2016. Harris Aspire is now planned to relocate to Croydon and planning permission has been achieved for Harris Primary Academy Beckenham, with construction underway. The permanent location for La Fontaine Academy, currently based at Princes Plain, has still to be finalised.

3.24 In the secondary sector, the proposed Eden Park High School (previously known as The Beckenham Academy) and Bullers Wood Boys School have been deferred to open in 2017. Proposals for the Crystal Palace Free School (Primary) have been dropped due to a lack of site. Bromley College proposals for an 11-19 Technical School specialising in health and wellbeing sciences were approved with an opening date of 2018.

Local Plan – Education Sites

3.25 One of the challenges facing the Local Authority is providing sufficient land to accommodate the increase in demand for school places. This is specifically a problem in the secondary phase where demand will need to be met through a combination of expanding existing schools and opening new schools.

3.26 The National Planning Policy Framework (NPPF) 2012 sets out the role of the Local Planning Authority in developing their Local Plans to deliver sustainable development, taking account of longer term requirements of their areas over a 15-year time horizon.

3.27 Local Planning Authorities are required to assess the quality and capacity of infrastructure (including education) and its ability to meet forecast demands; and to plan positively for the infrastructure required in the area. Specifically the Government “attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities”. It states that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education by giving great weight to the need to create, expand or alter schools; and by working with schools promoters to identify and resolve key planning issues before applications are submitted.

3.28 There are, however, three dimensions to sustainable development: economic, social and environmental and hence under the NPPF there are a range of policies which place constraints on the use of land for education, for example related to open space, and notably in respect of Bromley, Green Belt. The protection afforded to Green Belt through the NPPF is equally applied to Metropolitan Open Land by virtue of The London Plan.

3.29 The process of Local Plan development has run in parallel with the increasing pressure for school places. Appendix 1 illustrates how the Council’s emerging Local Plan has developed alongside the evolving education need, as articulated through the primary and secondary development plans. These plans, approved by the Education Portfolio Holder, indicate proposed expansions to existing schools and proposals for new Free Schools.

3.30 The emerging Local Plan seeks to facilitate the necessary expansion in existing provision and assessments of potential sites for new schools have been undertaken in light of the location specific demand for places, strategic planning policies and site specific constraints.

3.31 The draft Local Plan Urban Open Space policy increases the flexibility for expansions of schools within that designation, through the allocation of new school sites.

3.32 In September 2015 the Council consulted on proposed changes to the open space designations affecting a number of schools. It sought to re designate school sites from Green Belt and MOL to Urban Open Space. Additionally a number of new sites were proposed as specific education allocations. The Council will be consulting on its Local Plan Proposed Submission Draft this summer.

Section 106 / Community Infrastructure Levy Funds

- 3.33 The Council's UDP policy IMP1 and adopted Supplementary Planning Document (SPD) Planning Obligations, set out the basis on which contributions under S106 will be sought and calculated for education purposes. These are sought on a site by site basis by development control officers as part of the planning application process. Education contributions may only be sought where the development will give rise to demand for education uses, and the S106 will be required to meet the Community Infrastructure Levy (CIL) Regulation 122 tests.
- 3.34 The Council is undertaking viability work into the potential for a Bromley CIL. The Council will consider the findings, and assuming the decision is to progress a local CIL, the Council will consult on a Preliminary Draft Charging Schedule (PDCS) showing the proposed CIL charges on different types of development, supported by an Infrastructure Delivery Plan identifying the infrastructure required to support the delivery of the Local Plan to 2031. The range of infrastructure to be funded from the CIL should also be identified, and will be published later as its draft Reg 123 list of infrastructure on which CIL can be legitimately spent. The Council will have to decide if education is included on this list. There is a further public consultation phase for the Draft Charging Schedule (DCS). After responses are considered it is then submitted to Examination by an Inspector. The Inspector reports back to the Council, and if the submission is found to be sound, then the Council can adopt and publish the date in advance for when CIL monies will start to be collected and also the final Reg 123 list of projects that will benefit. There is the potential to include generally across the borough but exclude a specific site, on the basis of seeking S106 contributions for education for that site, subject to a pooling limit of 5 s106's.
- 3.35 No CIL will be charged on education developments.
- 3.36 Under the Community Infrastructure Levy Regulations 2010 the Council is restricted in 'pooling' more than 5 S106 contributions to any one piece of infrastructure. This would include a specific school. Education, legal and planning services have discussed this issue with an assessment of specific infrastructure required to avoid the potential problems of pooling.

SPECIAL EDUCATIONAL NEEDS AND DISABILITY

- 3.37 The Special Educational Needs Service continues to deliver the reforms set out in the Children and Families Act 2014. Following on from Bromley Pathfinder work, a four year transition plan is in place to transfer Statements of SEN into Education Health and Care Plans. A range of activities have ensured that SEND processes are statutory compliant and the Bromley Local Offer has been published which provides information on universal, targeted and specialist activities available for young people with SEN/D and their parents.
- 3.38 A SEND Strategy "Working Together to Improve Outcomes" 2015-2020 is in place with 16 key priorities and a robust action plan maps and monitors progress of the deliverable objectives in the strategy.
- 3.39 The Department for Education has commissioned Ofsted and the Quality Care Commission to inspect local areas on their effectiveness in fulfilling their new duties in

respect of the Children and Families Act 2014 and Bromley was chosen to be part of a 5 day pilot Local Area Ofsted which took place in October 2015.

3.40 The Inspectors reviewed all the services involved in ensuring that children with SEN/D were identified appropriately and holistically. This included Education, Care and Health services. Whilst there was no formal published feedback from Ofsted on the outcomes from the pilot inspection, the overall report back was very positive and outlined the identification and meeting of needs in appropriate timeframes as a strength; and there was also very positive parental and young people feedback on their involvement in the process.

3.41 The Preparing for Adulthood Service was also highly commended for their work progressing positive outcomes in preparing young people for their transition to adulthood.

3.42 Other positive outcomes identified through the pilot inspection include:

- Reduced tribunal appeals due to robust mediation by SEN staff;
- Bromley as part of 10 borough consortium, reviewing quality and costs of independent provisions and working towards joint commissioning;
- Effective implementation of non- statutory support for SEN via Pupil Resource Agreements

3.43 Bromley is a member of the ten borough joint commissioning project. The aim of the project is to ensure that the commissioning of independent school placements is done efficiently and effectively using the joint commissioning power of all the south London Boroughs. Placements need to be of good quality and cost effective, delivering very specific outcomes for those Bromley young people with very complex and enduring special educational needs. The project has been successful in attracting grant funds to deliver these outcomes at minimum cost to the local authorities. This will result in savings over time.

3.44 Priority workstreams for the future include:

- Developing the future model for delivering SEN services 0-25:
 - realign current services and resources to deliver high quality cost effective statutory services across the full age range;
 - implement specialist place planning to ensure quality provision in borough;
 - work with the ten borough consortium to ensure that when there is no provision in borough to meet highly complex needs that it is commissioned at a fair price.
- Future provision requirements:
 - Reducing out of borough provision;
 - Re-shaping specialist provision to meet projected future demands;

- Revisit the model for sensory provision which continues to be directly line managed by the LA.

EARLY INTERVENTION AND FAMILY SUPPORT SERVICES

3.45 A full report on the new Early Intervention and Family Support Service, which includes the Children and Family Centres, went to Children's Board on 23 March 2016. A bullet point summary of that report follows:

- Key findings of the Early Intervention Performance Digest (published monthly) on Children and Family Centre activity shows:
 - Steady and continuing increase in unique individuals being supported;
 - Year on year increase in unique individuals and on target to show a further increase in 2015/16 academic year;
 - Steady increase in the overall number of visits (footfall), up 2% in 2015/16;
 - The percentage of all users described as 'targeted' accessing support through the Children and Family Centres is greater than 75% and has been for the past three years.
- Children and Family Centres offering additional statutory services:
 - Increase in Health services from Midwifery and Health Visiting;
 - Working with Family Nurse Partnership;
 - Birth Registrations now in two Children and Family Centres (Biggin Hill & Community Vision);
 - Two staff seconded from Job Centre Plus to increase employment opportunities and reduce reliance on benefits;
 - Bromley's Road Safety Team, Children's Car Seat Service, now operating out of Community Vision Children and Family Centre;
 - Saturday sessions for midwifery Early Parent Education Classes running successfully;
 - IDVA drop-ins available in two Children and Family Centres (Blenheim and Community Vision);
 - Delivery of Freedom Programme (DVA) continuing in Children and Family Centres.
- Targeted Family Support work (including Tackling Troubled Families) linked into Children and Family Centres:
 - Centres used for appointments;

- Observations of the family;
- Contact for families separated from their children;
- Delivery of parenting skills;
- Delivery of AVA Children's Group Work Programme (now in our sixth term).
- Delivery of Parenting offer for Bromley:
 - Range of evidence based parenting programmes delivered throughout year;
 - Delivery of parenting expanded offer to include Saturdays and evening sessions.
 - Parenting Plus Model working with families with children on Child Protection Plans and at risk of legal proceedings;
 - Development of 'Caring for your Child'; a course for parents with children on Child Protection Plans and at risk of legal proceedings specifically in relation to neglect.
- Challenges for 2016:
 - Data sharing with Health colleagues;
 - Exploring the potential for further co-location and / or integration of Health and Early Intervention;
 - Increasing referrals for targeted activity and family support from Health colleagues.

EDUCATION DEPARTMENT, STAFFING & STRUCTURE

3.46 The Director for Education now reports directly to the Chief Executive and has a team of five Heads of Service, overseeing the work of the Education Department in the following areas:

- School Place Planning and Admissions;
- Special Educational Needs and Disability;
- School Standards and Early Years;
- Access and Inclusion (vacant);
- Adult Education.

3.47 This is a much reduced central team compared to previous years to reflect the Council's diminished role in the oversight of academies. However, it is clear that we need to have more robust processes in place to support the management of school exclusions as well as the strategic oversight of co-ordinated in-year admissions and will be seeking to fill the vacant post of Access & Inclusion.

- 3.48 The Council's role in overseeing the performance of all schools and academies will continue to be valued by partners and an important addition to the team will be a dedicated data analyst who can monitor the performance of academies as well as, temporarily, remaining maintained schools. Where an academy is seen not to be performing to expectations we will continue to provide challenge and work with DfE colleagues to broker solutions.
- 3.49 The Director also intends to appoint to the Senior Schools Standards Adviser post that has remained vacant over the last year while we waited to see how the new landscape would develop. When all schools have converted to academy status we will still be required to engage in challenging conversations with senior leadership teams and governors when the evidence tells us that an academy is not serving their children as well as they should.

Non-Applicable Sections:	Financial Implications Policy Implications Legal Implications Personnel Implications
Background Documents: (Access via Contact Officer)	N/A

NEED FOR SCHOOL PLACES

APPENDIX 1 LOCAL PLAN PROCESS

Academies Act 2010 - creation of Free Schools

Primary Education Need (2009 - 11)

- Primary Schools Development Plan (PSDP) Review 2009 - Expand 3 schools
- PSDP Review Jan 2011 – additional 7FE



Core Strategy Issues Document July 2011

- Demographic changes (Issue 14)
- Changing nature of provision (Issue 15)

Education Act 2011 – Local Authorities that need to create a new school must in most circumstances seek proposals for an Academy or Free School creation of Free Schools

Primary Education Need (2012)

- Primary Schools Development Plan (PSDP) Review Nov 2012 (EPDS Jan 2013)– proposed increased intake in 7 of 9 Education Planning Areas



Options and Preferred Strategy March 2013

- Designate Education land,
- monitor need and allocate new sites as required
- develop criteria based policy for new sites

Primary and Secondary Education Need (2013/ 14)

- Primary Schools Development Plan Review (EPDS Sept 2013 – including 2011 Census data proposed increased intake in 7 of 9 Education Planning Areas
- Planning for Growth: Review of Secondary Education (EPDS Jan 2014) – up to 30 additional FE by 2025



Draft Policies and Designations Feb 2014

- Draft Policy 6.5, Education Land, extensions and allocations
- Draft Policy 6.6, criteria based policy
- Draft Policy 8.20, Urban Open Space, increased flexibility for educational development
- Call for Sites

Primary and Secondary Education Need (2014 /15)

- Primary Schools (PSDP) Review Sept 2014
 - over 20 additional FE through increased places at existing schools
 - up to 10 additional FE from 5 new Free Schools.
- Planning for Growth: Review of Secondary Education (Jan 2015) 35 additional FE by 2021/22
 - expansions at 7 existing secondary schools
 - 4 new secondary schools
 - further extensions to existing schools or a 5th new school



Consultation Draft Allocations, Further Policies and Designations Document (Summer Sept 2015)

- Urban Open Space (further amendment)
- Proposed Education Site Redesignations from Green Belt and Metropolitan Open Land to Urban Open Space
- Proposed Education Site Allocations

Sequential Site Assessment

- Sites grouped 1 – 4 according to the strategic policy constraints in respect of final Local Plan adoption (assuming the open space redesignations). Only the Group 1 sites are currently policy compliant.
- Sites within each group assessed and ranked A – D



Consultation Local Plan Submission Draft (Autumn 2016)

- and ranked A – D according to the potential they offer

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NEED FOR SCHOOL PLACES

Academies Act 2010 - creation of Free Schools

Primary Education Need (2009 - 11)

- Primary Schools Development Plan (PSDP) Review 2009 - Expand 3 schools
- PSDP Review Jan 2011 – additional 7FE

Core Strategy Issues Document July 2011

- Demographic changes (Issue 14)
- Changing nature of provision (Issue 15)

Education Act 2011 – Local Authorities that need to create a new school must in most circumstances seek proposals for an Academy or Free School creation of Free Schools

Primary Education Need (2012)

- Primary Schools Development Plan (PSDP) Review Nov 2012 (EPDS Jan 2013)– proposed increased intake in 7 of 9 Education Planning Areas

Options and Preferred Strategy March 2013

- Designate Education land,
- monitor need and allocate new sites as required
- develop criteria based policy for new sites

Primary and Secondary Education Need (2013/ 14)

- Primary Schools Development Plan Review (EPDS Sept 2013 – including 2011 Census data proposed increased intake in 7 of 9 Education Planning Areas
- Planning for Growth: Review of Secondary Education (EPDS Jan 2014) – up to 30 additional FE by 2025

Draft Policies and Designations Feb 2014

- Draft Policy 6.5, Education Land, extensions and allocations
- Draft Policy 6.6, criteria based policy
- Draft Policy 8.20, Urban Open Space, increased flexibility for educational development
- Call for Sites

Primary and Secondary Education Need (2014 /15)

- Primary Schools (PSDP) Review Sept 2014
 - over 20 additional FE through increased places at existing schools
 - up to 10 additional FE from 5 new Free Schools.
- Planning for Growth: Review of Secondary Education (Jan 2015) 35 additional FE by 2021/22
 - expansions at 7 existing secondary schools
 - 4 new secondary schools
 - further extensions to existing schools or a 5th new school

Consultation Draft Allocations, Further Policies and Designations Document (Summer Sept 2015)

- Urban Open Space (further amendment)
- Proposed Education Site Redesignations from Green Belt and Metropolitan Open Land to Urban Open Space
- Proposed Education Site Allocations

Sequential Site Assessment

- Sites grouped 1 – 4 according to the strategic policy constraints in respect of final Local Plan adoption (assuming the open space redesignations). Only the Group 1 sites are currently policy compliant.
- Sites within each group assessed and ranked A – D

Consultation Local Plan Submission Draft (Autumn 2016)

- and ranked A – D according to the potential they offer

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Decision Maker: Education Select Committee

Date: Wednesday 25 May 2016

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **POSITION STATEMENT ON EDUCATION AND EDUCATION SERVICES IN BROMLEY**

Contact Officer: Jane Bailey, Director of Education
Tel: 020 8313 4146 E-mail: jane.bailey@bromley.gov.uk

Chief Officer: Doug Patterson, Chief Executive
Tel: 0208 313 4354 E-mail: doug.patterson@bromley.gov.uk

Ward: All Wards

1. Reason for report

1.1 This report provides an overview of the Education Services Department within Bromley and background policy context on the Education landscape for consideration and discussion by the Education Select Committee.

2. **RECOMMENDATION(S)**

2.1 The Education Select Committee is asked to note the report and use it as background for further discussion.

Corporate Policy

1. Policy Status: Existing Policy: Further Details; The Education White Paper 2016; the Children and Families Act 2014; the Academies Act 2010; previous relevant legislation.
 2. BBB Priority: Children and Young People :
-

Financial

1. Cost of proposal: Estimated Cost : N/A
 2. Ongoing costs: Recurring Cost :
 3. Budget head/performance centre: Education Department Budget and Care Services Budget
 4. Total current budget for this head: £5,245m (Education); £92,548m (Care Services)
 5. Source of funding: Dedicated Schools Grant; Education Services Grant; Council's General Grant
-

Staff

1. Number of staff (current and additional): 272 FTE within Education Department
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement : Further Details: Numerous Education Acts; more recently, the Education White Paper 2016, the Children and Families Act 2014 and the Academies Act 2010
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All children and young people within the borough of Bromley.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 This paper gives an overview of the Education landscape in Bromley in 2016. It is intended to highlight the key priorities and policies of the services within the Education Department. This report covers:

- The Education White Paper and the role of the Local Authority;
- Key Strategic Partners in Education;
- School Performance and Infrastructure;
- Support for School Governors;
- School Place Planning;
- Special Educational Needs and Disability;
- Early Years Service

THE EDUCATION WHITE PAPER AND THE ROLE OF THE LOCAL AUTHORITY

3.2 The government published the Education White Paper 'Educational Excellence Everywhere' in March 2016. The paper reiterated the Government's strategy to develop a school-led educational system with the aim of every school being an academy, working in multi-academy trusts overseen by Regional School Commissioners and the Department for Education.

3.3 The paper also defined the future education duties of the Local Authority, focused on three areas:

- Ensuring every child has a school place, including that there are sufficient schools, special schools and alternative provision places to meet demand;
- Ensuring the needs of vulnerable pupils are met, including: identifying, assessing and making provision for children with special educational needs (SEN); promoting school attendance and tackling absence; ensuring alternative provision is available for excluded pupils or those who cannot attend mainstream schools; safeguarding children and working with schools to ensure they understand and discharge their safeguarding duties; and supporting vulnerable children;
- Acting as champions for all parents and families including: listening to and promoting the needs of parents, children and the local community; supporting parents in navigating the admissions system; supporting parents to understand and navigate local SEN arrangements; and championing high standards locally for all pupils, working with the Regional Schools Commissioner to tackle underperformance.

KEY STRATEGIC PARTNERS IN EDUCATION

3.4 The main strategic partners in delivering quality education to children and young people in Bromley continue to include:

- **Schools and the Further Education College:**

Officers continue to work closely with all schools and Bromley College of Further and Higher Education to develop the infrastructure and the quality of education in the borough, with safeguarding underpinning everything we do. This requires close working especially in the areas of governor support, schools expansion and basic need, admissions, school performance and attendance. The work with Bromley College and the Bromley Educational Trust is an important partnership in developing improved provision for vulnerable children and improving work related educational opportunities.

- **The Department for Education, the Education Funding Agency and the Regional Schools Commissioner**

It is acknowledged by all parties that the new education landscape requires strong partnership working between the Council and national government and its agencies. The Regional Schools Commissioner's role in decisions around new academies and school improvement is to be strengthened and all recognise that working closely in partnership is the best way to ensure that the right decisions, influenced by the local knowledge of the Council, are made for children and young people in Bromley.

- **Parents and Communities**

The Council needs to build on its relationships with parents and communities to ensure it can act as the champion for parents effectively. We need to continue to encourage engagement of parents in local communities in having a voice in schools planning and decision making to support children's attainment and to achieve their potential. In particular, we need to have a focus on supporting parents of vulnerable children and children with SEN.

- **Other Partners**

Partners in Social Care, Health and the Police continue to play an important role in the safeguarding of young people, their attainment and wellbeing.

SCHOOL PERFORMANCE AND INFRASTRUCTURE

3.5 The majority of Bromley schools have now converted to academy status and it is expected that the remaining primary maintained schools will have converted by the end of the 2016/17 academic year. Proposed measures arising from the Education White Paper (including the proposal to direct conversion for any remaining maintained schools where a local authority has reached a 'critical mass' of academies) are likely to support this.

3.6 Table 1 outlines the current status of schools in Bromley. Table 2 outlines the timetable for schools where academy conversion is currently in progress.

Table 1: Progress to Academy Conversion in Bromley May 2016

School Type	Converted		Maintained - Conversion in Progress		Maintained - Exploring Conversion		Maintained – Not Actively Exploring Conversion		Total	
Secondary	16	94%	0	0%	1	6%	0	0%	17	100%
Primary	59	80%	6	8%	9	12%	0	0%	74	100%
Special	1	25%	0	0%	3	75%	0	0%	4	100%
PRU	1	100%	0	0%	0	0%	0	0%	1	100%
Total	77	82%	6	6%	14	14%	0	0%	96	100%

Table 2: Planned Conversion Timetable

No.	School	Arrangements	Date
1.	Dorset Road Infant	Spring Academy Trust	1 Sept 2016
2.	Clare House	Langley MAT	1 Aug 2016
3.	James Dixon Primary	Swale MAT Kent	1 Sept 2016
4.	Red Hill Primary	Pioneer	1 Sept 2016
5.	St Anthony's RC Primary	Catholic Schools Trust	1 Sept 2016
6.	St George's CE	Aquinas	1 Sept 2016

3.7 The majority of schools in Bromley are judged by Ofsted as either Good or Outstanding, with 77% of schools (not including Free Schools and Alternative Provision schools) within these categories.

3.8 Table 3 gives an overview of Ofsted outcomes for schools in Bromley.

Table 3: Ofsted Outcomes for Bromley Schools

Primary phase schools Judgements (as at 26 April 2016)	Maintained Schools	% of M schools	Academy Schools pre-conversion	Academy Schools post-conversion	% of A schools
Outstanding	0	0%	14	1	25%
Good	11	73%	26	5	53%
Requires Improvement	4	27%	6	4	17%
Special Measures	0	0%	2	1	5%
Total number of schools	15	100%	59		100%

3.9 Five Primary Schools receive support and intervention from the School Standards Team. One has now received a Good Ofsted outcome so support will cease at the end of the academic year. Another is expected to convert to academy status by September 2016. The other three schools are due inspection in the Summer and Autumn terms 2016. The function and capacity of the School Standards Team is reducing as schools convert and its future is under review. There will be a need to further develop strategic relationships with schools and the Regional Schools Commissioner to champion improved achievement and attainment for children and young people in Bromley.

3.10 In relation to attainment by pupils, a full report on the 2015/16 results was provided in the January 2016 report to the Education PDS Committee.

3.11 That report illustrated that the attainment gap between pupils eligible for Free School Meals and those not eligible has been closing over time. However, the local gap remains higher than the national average for Key Stage 1 Reading and Writing (Maths is now in line with the national average). At Key Stage 2 Level 4+, the local gap is now smaller than the national average.

SUPPORT FOR SCHOOL GOVERNORS

3.12 Bromley Governor Services continue to support the development and effectiveness of School Governance through a traded service.

- 3.13 Local Authority Governor candidates are appointed or re-appointed through a Panel process, made up of Members and ex-head teachers of Bromley schools. There have been four panels held this academic year in September, December, February and March. The appointment of an LA Governor is a statutory requirement only in relation to a maintained school; it is optional for an Academy. As all schools convert to Academy status the future role of Governor Services will be reviewed.

SCHOOL PLACE PLANNING

Demand for Schools Places

- 3.14 Pressure for primary school places has been sustained, with over 4,040 applications for school reception places from Bromley residents in 2016, similar to 2015 and 2014. Secondary demand is beginning to increase, with 3,492 applications for a Year 7 place compared with 3,314 in 2014.
- 3.15 Demand for reception places is still concentrated in Penge and Anerley, Beckenham, central Bromley and Cray Valley.
- 3.16 The Local Authority has recently received updated projections from the GLA on the future demand for school places. Although the overall picture is similar to last year's projections, there are some subtle differences.
- 3.17 The updated projections now reflect that the Local Authority has reached a school reception population of approximately 4,000. Previous projections had indicated that this number of places would not be reached until the beginning of the next decade. The most recent GLA projections predict that reception numbers will drop off slightly after 2017, reflecting in part the drop in borough birth rate from 2013. However, the more recent birth data indicates that live births have increased back up to nearly 4,100. Additionally data provided by the ONS indicate that there has been a 123% increase in net migration into Bromley over the past 6 years. Updated projections for specialist places note that this population is likely to increase over the next five years in line with national expectations. An increase of 40 specialist places is noted through current trends and early discussions are taking place to ensure children have high quality provision within Bromley schools where appropriate.
- 3.18 For secondary school places the projections show the year 7 school population growing from 3,439 in 2015 to a peak of 4,370 in 2023 and then falling back slightly to 4,145 by 2030. Further analysis of the data will be provided as part of the school place planning cycle in autumn/winter 2016. If this demand is sustained, 31 forms of entry will need to be created in the secondary sector between now and 2023 to meet demand.

School Expansions

- 3.19 The Council has now entered the stage of permanently expanding many of the primary schools that have taken bulge classes over recent years. Clare House has been rebuilt as a 2 Form Entry Primary School and Harris Primary Academy Crystal Palace, Midfield, Parish, St Paul's Cray and Worsley Bridge have all received works to enable permanent expansion.
- 3.20 Permanent SEN expansion has taken place at both Riverside School and the unit at Crofton Infants School. Work is in progress to expand Glebe School by 2 Forms of Entry for Autism Spectrum Disorder at secondary age.
- 3.21 In the next phase of building works, Edgebury, Farnborough*, Leeson's*, Poverest*, Princes Plain, St George's Bickley, Scotts Park* and Stewart Fleming primary schools and secondary are all planned to expand (subject to planning consent*). With regards to Beacon Academy, works at

Beacon House to expand specialist Social, Emotional, Mental Health provision are also due to be completed during 2016. Proposals are also being developed to open an improved KS2 and KS3 offer on the existing Burwood/Avalon Road site.

Free Schools

- 3.22 Currently there are 4 Free Schools open in the borough: Harris Aspire Alternative Provision Academy; Harris Primary Academy Beckenham; Harris Primary Academy Shortlands; and La Fontaine Academy. Langley Park Primary is due to open in temporary accommodation at the Hawes Down Centre in September 2016.
- 3.23 Work is nearing completion for Harris Primary Academy Shortlands' new accommodation which will be in operation from September 2016. Harris Aspire is now planned to relocate to Croydon and planning permission has been achieved for Harris Primary Academy Beckenham, with construction underway. The permanent location for La Fontaine Academy, currently based at Trinity Church of England Primary School, has still to be finalised.
- 3.24 In the secondary sector, the proposed Eden Park High School (previously known as The Beckenham Academy) and Bullers Wood Boys School have been deferred to open in 2017. Proposals for the Crystal Palace Free School (Primary) have been dropped due to a lack of site. Bromley College proposals for an 11-19 Technical School specialising in health and wellbeing sciences were approved with an opening date of 2018.

Local Plan – Education Sites

- 3.25 One of the challenges facing the Local Authority is providing sufficient land to accommodate the increase in demand for school places. This is specifically a problem in the secondary phase where demand will need to be met through a combination of expanding existing schools and opening new schools.
- 3.26 The National Planning Policy Framework (NPPF) 2012 sets out the role of the Local Planning Authority in developing their Local Plans to deliver sustainable development, taking account of longer term requirements of their areas over a 15-year time horizon.
- 3.27 Local Planning Authorities are required to assess the quality and capacity of infrastructure (including education) and its ability to meet forecast demands; and to plan positively for the infrastructure required in the area. Specifically the Government “attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities”. It states that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education by giving great weight to the need to create, expand or alter schools; and by working with schools promoters to identify and resolve key planning issues before applications are submitted.
- 3.28 There are, however, three dimensions to sustainable development: economic, social and environmental and hence under the NPPF there are a range of policies which place constraints on the use of land for education, for example related to open space, and notably in respect of Bromley, Green Belt. The protection afforded to Green Belt through the NPPF is equally applied to Metropolitan Open Land by virtue of The London Plan.
- 3.29 The process of Local Plan development has run in parallel with the increasing pressure for school places. Appendix 1 illustrates how the Council's emerging Local Plan has developed alongside the evolving education need, as articulated through the primary and secondary

development plans. These plans, approved by the Education Portfolio Holder, indicate proposed expansions to existing schools and proposals for new Free Schools.

- 3.30 The emerging Local Plan seeks to facilitate the necessary expansion in existing provision and assessments of potential sites for new schools have been undertaken in light of the location specific demand for places, strategic planning policies and site specific constraints.
- 3.31 The draft Local Plan Urban Open Space policy increases the flexibility for expansions of schools within that designation, through the allocation of new school sites.
- 3.32 In September 2015 the Council consulted on proposed changes to the open space designations affecting a number of schools. It sought to re designate school sites from Green Belt and MOL to Urban Open Space. Additionally a number of new sites were proposed as specific education allocations. The Council will be consulting on its Local Plan Proposed Submission Draft this summer.

Section 106 / Community Infrastructure Levy Funds

- 3.33 The Council's UDP policy IMP1 and adopted Supplementary Planning Document (SPD) Planning Obligations, set out the basis on which contributions under S106 will be sought and calculated for education purposes. These are sought on a site by site basis by development control officers as part of the planning application process. Education contributions may only be sought where the development will give rise to demand for education uses, and the S106 will be required to meet the Community Infrastructure Levy (CIL) Regulation 122 tests.
- 3.34 The Council is undertaking viability work into the potential for a Bromley CIL. The Council will consider the findings, and assuming the decision is to progress a local CIL, the Council will consult on a Preliminary Draft Charging Schedule (PDCS) showing the proposed CIL charges on different types of development, supported by an Infrastructure Delivery Plan identifying the infrastructure required to support the delivery of the Local Plan to 2031. The range of infrastructure to be funded from the CIL should also be identified, and will be published later as its draft Reg 123 list of infrastructure on which CIL can be legitimately spent. The Council will have to decide if education is included on this list. There is a further public consultation phase for the Draft Charging Schedule (DCS). After responses are considered it is then submitted to Examination by an Inspector. The Inspector reports back to the Council, and if the submission is found to be sound, then the Council can adopt and publish the date in advance for when CIL monies will start to be collected and also the final Reg 123 list of projects that will benefit. There is the potential to include generally across the borough but exclude a specific site, on the basis of seeking S106 contributions for education for that site, subject to a pooling limit of 5 s106's.
- 3.35 No CIL will be charged on education developments.
- 3.36 Under the Community Infrastructure Levy Regulations 2010 the Council is restricted in 'pooling' more than 5 S106 contributions to any one piece of infrastructure. This would include a specific school. Education, legal and planning services have discussed this issue with an assessment of specific infrastructure required to avoid the potential problems of pooling.

SPECIAL EDUCATIONAL NEEDS AND DISABILITY

- 3.37 The Special Educational Needs Service continues to deliver the reforms set out in the Children and Families Act 2014. Following on from Bromley Pathfinder work, a four year transition plan is in place to transfer Statements of SEN into Education Health and Care Plans. A range of activities have ensured that SEND processes are statutory compliant and the Bromley Local Offer

has been published which provides information on universal, targeted and specialist activities available for young people with SEN/D and their parents.

3.38 A SEND Strategy “Working Together to Improve Outcomes” 2015-2020 is in place with 16 key priorities and a robust action plan maps and monitors progress of the deliverable objectives in the strategy.

3.39 The Department for Education has commissioned Ofsted and the Quality Care Commission to inspect local areas on their effectiveness in fulfilling their new duties in respect of the Children and Families Act 2014 and Bromley was chosen to be part of a 5 day pilot Local Area Ofsted which took place in October 2015.

3.40 The Inspectors reviewed all the services involved in ensuring that children with SEN/D were identified appropriately and holistically. This included Education, Care and Health services. Whilst there was no formal published feedback from Ofsted on the outcomes from the pilot inspection, the overall report back was very positive and outlined the identification and meeting of needs in appropriate timeframes as a strength; and there was also very positive parental and young people feedback on their involvement in the process.

3.41 The Preparing for Adulthood Service was also highly commended for their work progressing positive outcomes in preparing young people for their transition to adulthood.

3.42 Other positive outcomes identified through the pilot inspection include:

- Reduced tribunal appeals due to robust mediation by SEN staff;
- Bromley as part of 10 borough consortium, reviewing quality and costs of independent provisions and working towards joint commissioning;
- Effective implementation of non- statutory support for SEN via Pupil Resource Agreements

3.43 Bromley is a member of the ten borough joint commissioning project. The aim of the project is to ensure that the commissioning of independent school placements is done efficiently and effectively using the joint commissioning power of all the south London Boroughs. Placements need to be of good quality and cost effective, delivering very specific outcomes for those Bromley young people with very complex and enduring special educational needs. The project has been successful in attracting grant funds to deliver these outcomes at minimum cost to the local authorities. This will result in savings over time.

3.44 Priority workstreams for the future include:

- Developing the future model for delivering SEN services 0-25:
 - realign current services and resources to deliver high quality cost effective statutory services across the full age range;
 - implement specialist place planning to ensure quality provision in borough;
 - work with the ten borough consortium to ensure that when there is no provision in borough to meet highly complex needs that it is commissioned at a fair price.
- Future provision requirements:
 - Reducing out of borough provision;

- Re-shaping specialist provision to meet projected future demands;
- Revisit the model for sensory provision which continues to be directly line managed by the LA.

SCHOOL ATTENDANCE

- 3.45 The Local Authority recognises it has a statutory duty to identify children that may be missing from education. Primarily this is covered by the work of Education Welfare and the other mechanism by which Bromley identifies and monitors this cohort on a regular basis is through the multi-agency panel called Children out of Mainstream Education (COOME).
- 3.46 The Education Welfare Service combines a statutory role in relation to school attendance and exclusion alongside a traded service with schools.

EARLY YEARS

- 3.47 The Education White Paper states that local authorities have a number of growing functions relating to the education of 2, 3 and 4-year-olds. In addition to the current funding schemes the Early Years Service is planning for the implementation in September 2017 of the additional 15 hours free early education to be made available to working parents of 3 and 4 year olds. 4,189 3 year olds and 1644 4 year olds in Bromley currently access free early education 623 (63%) of eligible 2 year olds access free early education. Quality Officers continue to support settings that have a less than good Ofsted judgement and Outreach Officers encourage and promote the take up of free early education for 2 year olds. The local authority also has a sufficiency duty to ensure that places are available to meet the local demand for early education and childcare. This will be challenging in the context of the additional 15 hours.

Non-Applicable Sections:	Financial Implications Policy Implications Legal Implications Personnel Implications
Background Documents: (Access via Contact Officer)	N/A

Bromley Local Authority Education Dashboard

Academic Year:	2010/11	2011/12	2012/13	2013/14	2014/15	Trend	Outer London	National
Attainment								
Early Years Foundation Stage								
Early Years Foundation Stage - Percentage of Pupils reaching a Good Level of Development	New Indicator	New Indicator	61%	68%	74%	↑	68%	66%
Phonics								
Phonics: Percentage of Year 1 Pupils meeting the expected standard	New Indicator	61%	75%	82%	83%	↑	79%	77%
Phonics: Percentage of Pupils at the end of Year 2 meeting the expected standard (/combined year 1 cohort plus year 2 cohort taking check for first time or rechecked)	New Indicator	New Indicator	89%	92%	93%	↑	91%	90%
Key Stage 1								
Key Stage One: The percentage of pupils achieving Level 2+ in								
Reading	87%	88%	91%	92%	93%	↑	91%	90%
Writing	83%	83%	87%	89%	90%	↑	89%	88%
Maths	91%	91%	92%	94%	94%	→	94%	93%
Key Stage 2								
Key Stage Two: The percentage of pupils achieving Level 4+ in								
Grammar	New Indicator	New Indicator	79%	82%	86%	↑	85%	80%
Reading	88%	90%	89%	92%	94%	↑	91%	89%
Writing	81%	85%	86%	88%	91%	↑	89%	87%
Maths	84%	86%	88%	91%	92%	↑	90%	87%
Reading, Writing and Maths	New Indicator	79%	80%	84%	86%	↑	84%	80%
Progression by 2 levels in Reading between Key Stage 1 and Key Stage 2	New Indicator	89%	90%	94%	95%	↑	93%	91%
Progression by 2 levels in Writing between Key Stage 1 and Key Stage 2	New Indicator	92%	92%	95%	96%	↑	96%	94%
Progression by 2 levels in Maths between Key Stage 1 and Key Stage 2	86%	88%	91%	94%	94%	→	92%	90%
Key Stage 4								
Key Stage 4: Achievement of 5 or more A*-C grades at GCSE or equivalent including English and Maths	67%	69%	74%	66%	68%	↑	60%	53%
Percentage making the expected level of progress from KS2 to KS4 in English	81%	78%	82%	79%	80%	↑↓	76%	71%
Percentage making the expected level of progress from KS2 to KS4 in maths	74%	78%	81%	76%	78%	↑	73%	68%
Post 16								
Level 3 points per candidate of 16-18 year olds by gender (All schools and FE colleges)	724.7	738.2	744.9	738.6	718.5	↓	691.3	700.5
Children in Care								
Children in care reaching level 4 in reading, writing and maths at Key Stage 2	New Indicator	New Indicator	55%	63%	58%	↑↓	N/A	2013/14 48%
Children in care achieving 5 A*-C GCSEs (or equivalent) at Key Stage 4 (including English and Maths)	9%	11%	16%	14%	26%	↑	N/A	2013/14 14%
Absence and Exclusions								
Overall absence at primary schools	4.8%	4.3%	4.3%	3.7%	3.8%	↑	N/A	4.0%
Authorised absences at primary schools	4.0%	3.5%	3.6%	3.0%	3.0%	→	N/A	3.1%
Unauthorised absences at primary schools	0.8%	0.7%	0.8%	0.7%	0.8%	↑↓	N/A	0.9%
Overall absences at secondary schools	6.0%	5.6%	5.2%	4.7%	4.8%	↑	N/A	5.3%
Authorised absences at secondary schools	4.9%	4.4%	4.2%	3.9%	3.8%	↓	N/A	4.0%
Unauthorised absences at secondary schools	1.1%	1.1%	0.9%	0.8%	1.0%	↑	N/A	1.3%
Secondary school persistent absence rate (15% absence)	New Indicator	7.3%	5.1%	4.5%	4.4%	↓	N/A	5.4%
Rate of permanent exclusions from school	0.07%	0.14%	0.07%	0.09%	n/a	↑↓	N/A	0.06%

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School Census Data for Bromley 2014 / 2015 / 2016

Figures are based upon the January School Census collection in each year
 Figures are for all pupils educated in Bromley maintained and academy schools (where collected)
 National Averages, where available, are shown in brackets.

Number of Schools (April 2016)	Community	Foundation	Voluntary Aided	Voluntary Controlled	Academy/Free School	Total Schools
Primary	12	0	1	2	62	77
Secondary	0	0	1	0	16	17
Special	2	1	0	0	1	4
PRU	0	0	0	0	2	2
Total	14	1	2	2	81	100

	Annual (Jan)		
Total Pupils Numbers by Gender:	2014	2015	2016
Primary Male	13023	13381	13733
Primary Female	12591	12869	13128
Primary Total	25614	26250	26861
Secondary Male	10676	10553	10421
Secondary Female	11428	11317	11402
Secondary Total	22104	21870	21823
Special Male	371	372	385
Special Female	119	135	146
Special Total	490	507	531
Total Pupils	48208	48627	49215

Free School Meals	2014	2015	2016
Primary Eligibility	13.17% (17%)	11.35% (15.6%)	9.9%
Secondary Eligibility	8.74% (14.6%)	8.38% (13.9%)	7.7%
Special Eligibility	31.84% (37.2%)	33.53% (37.2%)	33.0%

Pupils with SEN (%)	2014	2015	2016
Primary with Statements	2.5%	1.8%	1.1%
Primary School Action	7.6%	2.3%	~
Primary School Action Plus	6.1%	1.6%	~
Primary ECHP	~	0.4%	0.8%
Primary Support (K)	~	7.9%	10.9%
Secondary with Statements	2.5%	2.4%	1.8%
Secondary School Action	6.8%	1.3%	~
Secondary School Action Plus	5.7%	1.2%	~
Secondary ECHP	~	0.0%	0.1%
Secondary Support (K)	~	8.6%	9.5%

Pupils with English as an Additional Language (%)	2014	2015	2016
Primary	12.6% (18.7%)	13.4% (19.4%)	14.1%
Secondary	8.0% (14.3%)	8.6% (15.0%)	9.3%
Special	9.6% (13.2%)	11.3% (13.9%)	12.8%

Ethnicity (%)	2014	2015	2016
Asian - Bangladeshi	0.6%	0.6%	0.6%
Asian - Indian	1.7%	1.9%	2.2%
Asian - Pakistani	0.4%	0.4%	0.4%
Asian Other	2.1%	2.1%	2.2%
Black African	5.3%	5.4%	5.5%
Black Caribbean	3.0%	3.0%	2.9%
Black Other	1.2%	1.2%	1.3%
Chinese	0.9%	0.9%	1.0%
Mixed Other	3.0%	3.2%	3.4%
Mixed White and Asian	1.8%	1.9%	2.0%
Mixed White and Black African	1.1%	1.2%	1.3%
Mixed White and Black Caribbean	2.9%	3.0%	3.1%
White - British	66.0%	64.7%	63.1%
White - Irish	0.5%	0.6%	0.5%
White Other	5.5%	6.1%	6.7%
Traveller of Irish Heritage	0.1%	0.1%	0.1%
Gypsy / Roma	0.3%	0.3%	0.3%
Any Other Ethnic Group	1.4%	1.3%	1.3%
Information Not Yet Obtained	1.1%	0.9%	0.7%
Refused	1.0%	0.9%	0.9%
Not detailed for some < 5	0.3%	0.4%	0.4%
Total BME (excluding White British)	31.6%	33.1%	34.9%

Absence Rates - % half days missed (Academy Data not included)	2011/12	2012/13	2013/14	2014/15
Primary Authorised	3.52%	3.5% (3.9%)	3.0% (3.1%)	3.12%
Primary Unauthorised	0.78%	0.8% (0.8%)	0.7% (0.7%)	0.84%
Primary Total Absence	4.30%	4.3% (4.7%)	3.7% (3.8%)	3.95%
Secondary Authorised	4.80%	4.2% (4.5%)	3.9% (3.9%)	4.62%
Secondary Unauthorised	0.60%	1% (1.4%)	0.8% (1.2%)	0.94%
Secondary Total Absence	5.41%	5.2% (5.9%)	4.7% (5.1%)	5.57%
Special Authorised	8.56%	8.2% (7.7%)	8.1% (7.2%)	9.20%
Special Unauthorised	1.56%	1.5% (1.9%)	1.7% (1.8%)	1.27%
Special Total Absence	10.12%	9.7% (9.6%)	9.8% (9.0%)	10.48%
BROMLEY Authorised	3.72%	3.9% (4.2%)	3.4% (3.5%)	3.76%
BROMLEY Unauthorised	0.78%	0.9% (1.1%)	0.8% (1.0%)	0.88%
BROMLEY Total Absence	4.50%	4.8% (5.3%)	4.2% (4.4%)	4.64%

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Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Children and Young People	Children and Young Persons Act 1963 Section 37. Secondary - The Children (Performances) Regulations 1968.	Duty on local authority to consider licence applications for children to take part in performance or take part in paid sports or paid modelling work.	Local authorities have a duty to safeguard children who take part in performances by ensuring adequate protections are in place, for example, regulating the hours of performance and breaks, the provision of a chaperone to protect the child's welfare and the provision of education when children are missing school. This legislation is currently being reviewed to see how it can be updated, streamlined and made more proportionate to risk.	Education Welfare	YES	
Education	Education Act (EA) 1996 Section 13A. Section 13A was inserted by Section 1 of Education and Inspections Act (EIA) 2006 - duty to promote high standards and the fulfilment of potential. Amended by Para 3, Schedule 2 of Apprenticeship, Skills, Children and Learning Act (ASCL) 2009.	No formal title and in practice is linked to Section 13 (general responsibility for education) and 14 (securing sufficient schools) duties.	For local authorities to be responsible for securing that sufficient education is available to meet the needs of the population in their area.	Strategic Place Planning	YES	
Education	Education Act (EA) 1996 Section 14 . General duty on local authorities to secure sufficient schools in their area. Section 14 (3A) added by Section 2 of Education and Inspections Act (EIA) 2006 – to secure diversity of provision of schools and increasing opportunities for parental choice. Secondary legislation - The Information as to Provision of Education (England) Regulations 2008	Referred to as place planning duty but is in fact general duty to secure sufficient schools in their area. Local authorities to secure sufficient primary and secondary schools. To complete the annual Surplus Places Survey (renamed for 2010 as the School Capacity Collection). This data has been gathered in some form since 1994.	For local authorities to be responsible for securing sufficient primary and secondary schools in their area. The survey provides the Department for Education and Partnership for Schools with data on the number of surplus school places, and the areas of projected shortfall, across England, and the actions local authorities are taking to address this.	Strategic Place Planning	YES	
Education	Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006.	Local authorities to consider and respond appropriately to parental representations about school provision in relation to local authorities' functions under Section 14 of the Education Act 1996.	For local authorities reasonably to consider parental representations regarding the provision of schools. To respond accordingly, including outlining any proposed action, or where it is considered action is not needed, to explain the reasons for this.	Strategic Place Planning	YES	
Education	Education Act 1996 Section 457	Charges and remissions policies required by all governing bodies.	To provide clarity about what can and cannot be charged for.	Finance	NO	
Education	Education Act 1996 Section 458	Charges for board and lodging at boarding schools.	Intended to insure that maintained boarding schools are funded for the cost of board and lodging by parental fees but the local authority must ensure the level does not exceed cost of provision; and that where such education is necessary (as opposed to desirable) for a pupil the parents do not bear the cost of it but rather the pupil's home local authority does, by remitting the fees or paying to the maintaining local authority.	Finance	NO	
Education	Education Act 1996 Section 409 & Part 10, Chapter 2 of the Apprenticeships, Skills, Children & Learning Act (ASCL) 2009, amended by Education Act 2011 section 45.	Complaints about the curriculum in maintained schools.	S409 requires local authorities to consider complaints about the curriculum, religious education and collective worship referred to them after the complaint has been considered by school governing bodies. This duty was removed in some areas following the partial commencement of the complaints provision in ASCLA 2009. This duty is therefore currently in force in all local authorities except the 14 areas where the Local Government Ombudsman complaints service operates. In those areas such complaints can currently be considered by the LGO. The duty on the remaining English local authorities to investigate complaints will be removed when Section 45 of the Education Act 2011, which restricts Section 409 of the EA96 to Wales, is commenced. This is expected to happen in August 2012.		NO	
Education	Education Act 1996 Section 19 (3A) and (3B). Secondary: Education (Provision of Full-Time Education for Excluded Pupils) England Regs 2007(SI 2007/1870). Education Act 1996 Sections 3A and 19 and schedule 1, amended by section 3 of the Children Schools and Families Act 2010. Secondary - enactment regulations apply other areas of education law to Pupil Referral Unit (PRU).	Statutory duty for the local authority to provide full time education from the sixth day of exclusion for permanently excluded pupils and for pupils who are excluded from a pupil referral unit for a fixed period of more than 5 days. To make arrangements for the provision of suitable education at school or otherwise for each child of compulsory school age who, for reasons of illness, exclusion or otherwise, would not receive it unless such arrangements were made. Local authorities may establish pupil referral units to discharge their duty but do not have a duty to do so.	This ensures that children who cannot (for whatever reason) be in mainstream education, continue to receive full time education unless it is not in the child's best interests. These measures were introduced to make exclusions a more effective sanction and to reduce the disruption to a child's education caused by exclusion.	Behaviour Support	YES	This statutory duty seems questionable in light of the Education White Paper proposal that Alternative Provision funding from the High Needs Block (from which provision for permanently excluded pupil/pupils with health needs are funded) transfers to schools.
Education	Secondary - The School Finance (England) Regulations 2012	Determination of schools' budget shares in the case of excluded pupils and determination of the amount to be paid by one local authority to another when a pupil permanently excluded from a school maintained by one local authority is, in the same financial year, admitted by a school maintained by another authority. Redetermination of a school's budget share where a permanently excluded pupil is subsequently reinstated in a maintained school.	This is intended to ensure that funding follows the pupil in the case of an exclusion - it is transferred to the admitting school or the local authority's central schools budget (if the pupil is not admitted within a set timescale to another school) to ensure that there is at least some funding available to contribute to the costs incurred by the new provider. The Regulations also deal with excluded pupils who are subsequently educated in another local authority. This is intended to ensure that where an excluded pupil is reinstated in the school from where they had been permanently excluded, an appropriate level of funding is reallocated to the school.	Finance	YES	This statutory duty seems questionable in light of the Education White Paper proposal that Alternative Provision funding from the High Needs Block (from which provision for permanently excluded pupil/pupils with health needs are funded) transfers to school

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Education	Education Act 1996, schedule 1, amended by Education Act 2011 section 45. Secondary - Education (Pupil Referral Units) (Management Committees etc.) England Regulations 2007. Education (Pupil Exclusions and Appeals) (Pupil Referral Units) England Regulations 2008.	Duties in relation to pupil referral units : Determine and review a curriculum policy; that the curriculum should be balanced and broadly based; make information available to parents in relation to the unit; establish management committees and appoint first members for all PRUs. Local authorities must delegate some of their functions in relation to pupil referral units to the management committee but must not delegate functions in relation to staffing and finance of the unit, health and safety issues, control of premises and a reserve power in relation to prevention of a breakdown of discipline.	The intention of requiring a local authority to establish management committees for every pupil referral unit was to improve their management of PRUs, by giving them similar responsibilities to governing bodies of mainstream schools.		NO	
Education	Education Act 1996 Section 447	Duty for local authorities to consider an Education Supervision Order instead or alongside a prosecution under section 36 of the Children Act 1989 before prosecuting a parent under section 444 of the Education Act 1996.	An Education Supervision Order can help where parents find it difficult to exercise a proper influence over their child, and where the child has developed a pattern of irregular attendance. It gives the backing of the court to the supervising officer and can help bring home to parents the need to fulfil their responsibilities for their child's education.	Education Welfare	YES	
Education	Education Act 1996 Section 436A.	Duty on all local authorities to make arrangements to enable them to establish (so far as it is possible to do) the identities of children residing in their area who are not receiving suitable education by attendance at school or otherwise	The identification of children missing education.	Education Welfare	YES	
Education	Education Act 1996 Section 437.	If it appears to the local authority that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, they must begin procedures for issuing a School Attendance Order.	Ensure that all children get a suitable education	Education Welfare	YES	
Estates	Education Act 1996 Section 543. Secondary - The Education (School Premises) Regulations 1999 and the Education (School Premises) (England) Regulations 2012.	Sets minimum standards for school premises.	Sets minimum standards for school premises.	Strategic Place Planning	NO	
Special Education Needs	Education Act 1996 Part IV, Chapter 1 (sections 312-332B) and Schedules 26 and 27 . Secondary - The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 2001/3455).	Children with Special Educational Needs	Identifying and assessing Special Educational Needs, making and reviewing Special Educational Needs statements and a transition plan from age 14. Keeping arrangements for Special Educational Needs provision under review. Making arrangements for an advice and information service and a dispute resolution service for parents of children with Special Educational Needs. More recent legislation has made minor amendments to the Education Act 1996. (Subject to proposals in the SEN Green Paper.)	Special Educational Needs	YES	
Special Education Needs	Education Act 1996 Section 14 .	Functions in respect of provision in primary and secondary schools.	In carrying out their duty to provide sufficient schools for the area local authorities must have particular regard for the need to secure Special Educational Needs provision for pupils with Special Educational Needs. (Subject to proposals in the SEN Green Paper)	Strategic Place Planning	YES	
School Meals	Education Act 1996 Section 512(3) as amended by Education Act 2002.	To provide school lunches (upon request) to those eligible for free lunches and to those pupils for whom it would not be unreasonable to provide lunches.	Ensures that local authorities where the school meal budget has not been delegated to schools, supply school lunches where appropriate.		NO	
School Transport	Education Act 1996 Section 508B. Inserted by section 77 of the Education and Inspections Act 2006.	Requirement for the Local Authority to make provision for suitable home to school travel arrangements for eligible children of compulsory school age (5-16) to facilitate attendance at a relevant educational establishment. Travel arrangements are provided free of charge.	Re-affirms eligibility criteria and extends eligibility to free home to school transport for low income families (see below). Schedule 35B sets out the meaning.	Admissions	YES	
School Transport	Education Act 1996 Section 508A . Secondary - Statutory Instrument 2008 No 3093 The School Information (England) Regulations 2008.	Duty on Local Authorities to Promote Sustainable Modes of Travel to assess general school travel needs. The Local Authority must publish each academic year a document containing their strategy to promote the use of sustainable modes of travel to meet the school travel needs of their area and must also publish a summary.	The promotion of sustainable modes of travel (walking, cycling, bus use etc) that may improve the well being of those who use them and the environment. This is closely linked with local transport planning work required b the Department of Transport.	? Establish who currently does this.	YES	LA duties on transport seem unclear and questionable as to what the expected role of the LA is in academy landscape (where schools are their own admissions authorities).
School Transport	Education Act 1996 Section 509AD as inserted by section 84 of the Education and Inspections Act 2006.	Duty to have regard to religion and belief in exercise of travel functions.	Re-affirms that local authorities are required to have regard to any wish of a parents to have their children provided with education at an establishment on the grounds of the parent's religion or belief, in exercising any of their travel functions. A root and branch review of home to school transport is under consideration.	? Establish who currently does this.	YES	LA duties on transport seem unclear and questionable as to what the expected role of the LA is in academy landscape (where schools are their own admissions authorities).
School Transport	Education Act 1996 Section 509AB.	Further provision about transport policy statements. Requires local authorities to specify to what extent the arrangements they include in their annual transport policy statement facilitate the attendance of disabled persons and persons with learning difficulties.	Requires local authorities to specify to what extent the arrangements they include in their annual transport policy statement facilitate the attendance of disabled persons and persons with learning difficulties. Intended to ensure that local authorities enable these learners to attend educational establishments.	? Establish who currently does this.	YES	LA duties on transport seem unclear and questionable as to what the expected role of the LA is in academy landscape (where schools are their own admissions authorities).
School Transport	Education Act 1996 Section 509AA. Amended with additional criteria for local authority post 16 transport policy statements in Education & Skills Act 2002. Education and Inspections Act 2006, Education and Skills Act 2008 and Apprenticeships, Skills, Children and Learning Act 2009	Duty on local authorities to publish annual Post 16 Transport Policy Statement. Statement must set out the arrangements for the provision of transport, and for financial assistance towards transports costs, it considers necessary to facilitate attendance of students of 6th form age.	Secures access to learning for young people post 16 - transport having been identified as a significant barrier to young people in accessing post 16 learning and training - and ensures transparency regarding local arrangements and complaints processes for these learners	? Establish who currently does this.	YES	LA duties on transport seem unclear and questionable as to what the expected role of the LA is in academy landscape (where schools are their own admissions authorities).

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
School Transport	Section 509AB Education Act 1996 as amended by the sections 54-57 of the Apprenticeships, Skills, Children and Learning Act 2009.	New additional requirements for Post 16 Transport Policy Statements for 2011/12 academic year and thereafter including: linking consideration of transport arrangements to commissioning duty (15ZA(1)); re-enacting Adult Transport Duty (section 509 of Education Act 1996); adding young people of sixth form age and their parents to the list of named stakeholders local authorities have to consult in drawing up their statements; and power for Local authorities to amend and republish their statement in year in response to complaints or direction from the Secretary of State.		? Establish who currently does this.	YES	LA duties on transport seem unclear and questionable as to what the expected role of the LA is in academy landscape (where schools are their own admissions authorities).
Education	Education Act 1996 Section 507B- introduced through section 6 of the Education and Inspections Act 2006.	The duty to secure access to positive activities.	To ensure so far as reasonably practicable young people have access to sufficient educational leisure-time activities which are for the improvement of their well-being and personal and social development, and sufficient facilities for such activities; that activities are publicised; and that young people are placed at the heart of decision making regarding the positive activity provision.	Youth Services	YES	Questionable in light of reductions to LA grants; also 'reasonably practicable' and 'sufficient' are open to interpretation.
Class sizes	School Standards and Framework Act 1998 Sections 1 and 138(7). Secondary legislation - Infant Class Size Regulations 2012	Duty placed upon local authorities and other relevant bodies to restrict class sizes for pupils aged 4-7 to thirty pupils per class.	Limit Infant classes to 30 + permitted exceptions and data (via annual schools census) on compliance. New exceptions permitted by the 2012 regulations are children of service personnel and children of multiple births (including twins).	Strategic Place Planning	NO	
School Admissions	School Standards and Framework Act (SSFA) 1998 Section 84 as amended by section 40 EIA 2006 - the School Admissions Code and School Admissions Appeal Code - duty on governing bodies to act in accordance with the Codes. Secondary legislation - The School Admissions (Adjudicator Determinations Relating to Looked After Children and Certain Other Children) (England) Regulations 2007, School Admissions (Admission Arrangements) (England) 2008, School Admissions (Admissions Arrangements and Co-ordination of Admission Arrangements) (England) 2012, School Admissions Appeals Arrangements (England) 2012, School Admissions Code (Appointed Day) (England) Order 2010, School Admissions Code and School Admissions Appeals Code (Appointed Day) Order 2012, School Admissions (Co-ordination of Admissions Arrangements) (England) Regulations 2008, School Admissions (Infant Class Sizes) (England) Regulations 2012.	To comply with the legislative Code on Admissions in exercise and discharge of local authority functions in relation to admissions under the School Standards and Framework Act (SSFA) 1998. The SSFA and relevant regulations confers a number of duties which require the LA to carry out different functions at different times of the admissions cycle.	School Admissions Code and School Admissions Appeal Code 2012 came into force on 1 February 2012.	Admissions	YES	
School Admissions	School Standards and Framework Act 1998 Section 86(1A) as amended by section 42 of the Education and Inspections Act 2006.	To provide advice and assistance to parents when deciding on a school place and allow parents to express a preference.	Support parents when deciding on a school place and allow them to express a preference for at school.	Admissions	YES	
School Admissions	School Standards and Framework Act 1998 Section 88P amended by Education Act 2011 section 34.	Reports by local authority to adjudicator about matters relevant to schools admission as may be required by the School Admissions Code.	To provide a national picture of admissions issues.	Admissions	YES	
School Admissions	School Standards and Framework Act 1998 Section 92. Substituted by Education Act 2002.	For each school year, the local authority must publish the prescribed information about the admission arrangements for each of the maintained schools in their area, and if regulations so provide, such maintained schools outside their area.	To provide local parents with a collated set of admission arrangements for schools in their area.	Admissions	NO	
School Admissions	School Standards and Framework Act 1998. School Admission Appeals Code Section 94.	A local authority shall make arrangements for enabling the parent of a child to appeal against admissions decisions.	To impose a duty on governing bodies for schools that are their own admission authorities and local authorities to act in accordance with any relevant provisions of the Appeals Code.	Admissions	NO	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Religious Education	School Standards and Framework Act 1998 Section 69.	Duty to secure due provision of religious education. Subject to section 71, in relation to any community, foundation or voluntary school— (a)the local education authority and the governing body shall exercise their functions with a view to securing, and (b)the head teacher shall secure, that religious education is given in accordance with the provision for such education included in the school's basic curriculum by virtue of section 80(1)(a) or 101(1)(a) of the Education Act 2002]. (2)Schedule 19 has effect for determining the provision for religious education which is required by section 80(1)(a) or 101(1)(a)] of that Act to be included in the basic curriculum of schools within each of the following categories, namely— (a)community schools and foundation and voluntary schools which do not have a religious character, (b)foundation and voluntary controlled schools which have a religious character, and (c)voluntary aided schools which have a religious character. (3)For the purposes of this Part a foundation or voluntary school has a religious character if it is designated as a school having such a character by an order made by the Secretary of State. (4)An order under subsection (3) shall state, in relation to each school designated by the order, the religion or religious denomination in accordance with whose tenets religious education is, or may be, required to be provided at the school	Ensures that local authorities and schools provide Religious Education in accordance with the law.	School Improvement	NO	
Religious Education	School Standards and Framework Act 1998 Section 70.	All registered pupils attending a maintained school should take part in a daily act of collective worship which is wholly or mainly of a broadly Christian character. The local authority must exercise its functions with a view to securing this.	This duty is designed to ensure that all registered pupils attending a maintained school take part in a daily act of collective worship. The Government believes that the requirement for collective worship in schools encourages pupils to reflect on the concept of belief and the role it plays in the traditions and values of this country. Parents have the right to withdraw their children from collective worship and sixth-formers have the right to withdraw themselves.	School Improvement	NO	
Schools	School Standards and Framework Act 1998 Section 22, as amended by Education Act 2002 and Education and Inspections Act 2006, amended in relation to VA Schools by the Regulatory Reform (Voluntary Aided School Liability and Funding) (England) Order 2002.	Duty for local authorities to maintain schools in their areas.	Ensures the school estate is not subject to decay which could put the health and safety of children at risk.	Strategic Place Planning	NO	
Estates	School Standards and Framework Act 1998 Section 77 as amended by schedule 4 to the Education and Inspections Act 2006	Legislation governing disposal of land on schools sites.	Protection of School Playing Fields	Strategic Place Planning	NO	
School Budget	School Standards and Framework Act 1998 Sections 45A, 45AA, 46, 47, 47ZA, 47A and 48 and Schedule 14, as amended by Education Act 2011 sections 46 and 50. Secondary - School Finance (England) Regulations 2011, School Finance (England) Regulations 2012.	Local authorities must determine their school and pupil referral unit budgets and budget shares in accordance with the school finance regulations. They must establish a schools forum for their area in accordance with the schools forums regulations and maintain a scheme for financing their maintained schools in accordance with the school finance regulations.	The scheme includes provisions for approval of deficits, management of delegated budgets and banking arrangements. The finance regulations set out the services for which funding can be retained centrally within the schools budget, the factors which are allowed in a local funding formula, the arrangements for protection of school budgets through the Minimum Funding Guarantee and the matters which must be dealt with in schemes for financing schools. The Secretary of State may issue directions to local authority schemes, including directions to remove particular provisions in schemes.	Finance	YES	
Teachers and staff	Education Act 2002 Part 8 Sections 135A-135C and 141A-141E, inserted by Education Act 2011 sections 8 and 9.	Sets out the Secretary of States disciplinary powers with regard to teachers, and the Secretary of State's powers to create regulations requiring teachers to serve induction periods.	Relates to local authorities as employers of teachers in maintained schools.	Human Resources	NO	
Teachers and staff	Teaching and Higher Education Act 1998 Section 19 (teachers in Wales).	Duty to act as Appropriate Body in statutory induction process for maintained schools and non-maintained special schools, which includes: joint responsibility with the head teacher for the supervision and training of Newly Qualified Teachers (NQTs) during their induction; responsibility for deciding whether or not NQTs have passed induction; where they are the employer, responsibility for terminating the employment of NQTs who have failed their induction; responsibility for granting extensions or reductions to the induction period in certain circumstances; and where they are the employer, responsibility for terminating the employment of NQTs who have failed their induction.	Ensure that all teachers in the maintained sector (in Wales) have demonstrated that they meet the core professional standards for teaching. No qualified teacher can be employed in a maintained school or a non-maintained special school unless that person has satisfactorily completed an induction period in accordance with these regulations, subject to various exceptions.		NO	
School Meals	School Standards and Framework Act 1998 Section 114A. Secondary - Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007.	Food provided to pupils by local authorities, where the school meals budget has not been delegated to the school, must comply with the standards and requirements specified in the regulations.	Ensures meals provided by the local authority are nutritious		NO	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Special Education Needs	Learning and Skills Act 2000 Section 139A (as amended by Education and Skills Act 2008, Section 80)	Expands and transfers to the local authorities the duty currently on the of the Secretary of State to arrange for assessments of a person's educational and training needs in certain circumstances, and his power to arrange such assessments. The duty on local authorities is to arrange for an assessment of a person in respect of whom it maintains a statement of Special Educational Needs - who is either in his or her last year of compulsory schooling or is over compulsory school age but still at school - at some time during the person's last year of schooling.	To ensure young people with a learning difficulty or disability are able to secure appropriate learning provision in the Further Education Sector	Special Educational Needs	YES	
Estates	Care Standards Act 2000. Secondary - Includes regulations governing children's homes and secure units (e.g. Children's Homes Regulations 2001).	Places duty of care on local authorities to ensure standards in children's homes are maintained to a specified level.	Ensuring decent standards in children's homes.		YES	
Special Education Needs	The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (SI 2001/2218).	Publication of information about Special Educational Needs (SEN).	Publishing information on the local authority's Special Educational Needs policies and the arrangements and activities in carrying them out.	Special Educational Needs	YES	
Children in Care	Children Act 1989 Paragraphs 19A, 19B and 19C of Schedule 2. Secondary - Children (Leaving Care) England) Regulations 2001 but from the 1 April 2011 this group of children will be covered in the Care Planning, Placement and Case Review (England) Regulations 2010.	Duties on local authorities in relation to children about to leave care (eligible children).	To ensure good pathway planning for the child so that from the age of 16 the local authority, in full consultation with the child, develops a pathway plan that identifies the needs of the child and how they relate to their future requirements as they approach adulthood.		YES	
Children in Care	Children Act 1989 Section 23A(3). Secondary - Regulation 4 of the Children (Leaving Care) (England) Regulations 2001. From 1 April 2011 this group of children will be covered in the Care Leavers (England) Regulations 2010.	Care leaver support for former looked after children who reach age 16 when in custody or in hospital.	To provide this group of young people with the same care leaving entitlements as "relevant children" (see below). Even though the local authority does not accommodate them, it must keep in touch and maintain the young person's pathway plan.		YES	
Children in Care	Children Act 1989 Section 23C(5A), amended by the Children and Young Persons Act 2008, which came into force in August 2009. Secondary - The Children (Leaving Care) (England) Regulations 2001 [from 1 April 2011, the Care Leavers (England) Regulations 2010] and The Children Act 1989 (Higher Education Bursary) (England) Regulations 2009.	Paying a higher education bursary to a former "relevant child" who pursues higher education in accordance with their pathway plan.	To help formerly looked after children make a successful transition to adulthood, the local authority has to pay a fixed amount in the form of a bursary for those who are undertaking a course of higher education. The section confers on the relevant national authority (HMG / WAG) a regulation making power to specify the amount of the bursary and the conditions/arrangements for payment and recovery.		YES	
Special Education Needs	The Education (Special Educational Needs) (City Colleges) (England) Regulations 2002 (SI 2002/2071).	SEN payments to Academies in relation to pupils with statements. Duty is to review the payment arrangements in the event that any such arrangements are made.	Sets out arrangements whereby local authorities may make payments to an approved Academy in respect of a child for whom a statement is made. Local authorities are required to review the payment arrangements, in consultation with governing bodies.	Special Educational Needs	YES	
School Governors	Education Act 2002 section 19, amended by Education Act 2011 sections 38 and 39. Secondary - School Governance (Constitution) (England) Regulations 2007, School Governance (Constitution) (England) Regulations 2012	Sets out requirements for governing bodies of maintained schools including appointment of at least one LA governor and that the LA must give notice of any removal of an LA governor.		School Improvement	NO	
Education	Education Act 2002 section 20. Secondary - School Governance (Constitution) (England) Regulations 2007. School Governance (Federations) England Regulations 2007. School Governance (Constitution) (England) Regulations 2012.	To make the Instrument of Government for all maintained schools and federations of maintained schools	Provides a framework for decision making and accountability.	School Improvement	NO	
School Governors	Section 22 of the Education Act 2002.	To provide training and information for school governors.	To provide information they consider appropriate and training they consider necessary free of charge for governors of maintained schools to enable governors effectively to discharge their duties.	School Improvement	NO	
School Governors	Education Act 2002 section 34. Secondary - School Governance (New Schools) (England) Regulations 2007.	Provides for LA to set up a temporary governing body for new maintained schools until the governing body is constituted for the school under an instrument of government.	Ensures that new schools have a temporary governing body until permanent governing body is constituted.		NO	
Assessment	The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (article 6) (made under section 87 of the Education Act 2002).	Key Stage 1: Local authorities must make provision for moderating teacher assessments in respect of the schools which they maintain in relation to at least 25% of all relevant schools.	Requirement for local authorities to moderate assessment in at least 25% of schools to ensure consistency of standards. This requirement has been reviewed and confirmed following the commitment in the White Paper 'The Importance of Teaching'.	School Improvement	NO	
Assessment	Assessment and reporting arrangements for Early Year Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783, but also includes non-statutory guidance to local authorities	Key Stage 1: Local authorities must collect teacher assessment information from their maintained schools, quality assure it and submit it to the Department for Education.	Key Stage 1 data is reported to the Department for Education for school performance monitoring purposes. This requirement has been reviewed and confirmed following the commitment in the White Paper 'The Importance of Teaching'.	School Improvement	NO	
Assessment	Assessment and reporting arrangements for Early Years Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783, but also includes non-statutory guidance.	Key Stage 1: Local authorities should offer schools training and advice on all aspects of assessment at Key Stage 1 and ensure they have an electronic system to submit Key Stage 1 data.	Ensuring schools are equipped to undertake Key Stage 1 teacher assessment and capture / submit results.	School Improvement	NO	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Assessment	Assessment and reporting arrangements for Early Years Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783, but also includes non-statutory guidance.	Key Stage 1: Local authorities should ensure schools are aware of the need to store Key Stage 1 task and test materials responsibly.	Ensuring security of assessment documents.	School Improvement	NO	
Assessment	The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (article 6) (made under section 87 of the Education Act 2002 and article 11 of the Order).	Key Stage 2: Local authorities must visit 10% of schools administering National Curriculum Tests (NCTs) for monitoring purposes.	Requirement for local authorities to visit 10% of schools during test week to ensure they are being administered correctly. The requirement has been confirmed following the external review of KS2 testing and accountability.	School Improvement	NO	
Curriculum	Education Act 2002 Section 79	Local authorities, governing bodies and head teachers have a duty to exercise their curriculum functions with a view to securing that the curriculum in their school satisfies the requirements of section 78 of the Education Act 2002 - balanced and broadly based curriculum.	Ensures that the curriculum provided by maintained primary and secondary schools is broad based and balanced and that it comprises the National Curriculum and provision for religious education and, for pupils in secondary school, sex education.	School Improvement	NO	
Curriculum	Education Act 2002 Section 85(9)	The local authority, governing body or head teacher shall have regard to any guidance issued by the Secretary of State about the curriculum.	To enable the Secretary of State to issue guidance to which local authorities and schools must have regard about course of study.	School Improvement	NO	
Curriculum	Education Act 2002 Section 85A(5), amended by Education Act 2011 section 31	The local authority, governing body or head teacher shall have regard to entitlement areas for pupils at key stage 4 (arts, humanities, DT, modern foreign languages) which is issued by the Secretary of State	To enable the Secretary of State to issue guidance in relation to the exercise of functions.	School Improvement	NO	
Curriculum	Education Act 2002 Section 88 (1A)	The local authority and governing body of each school is required to exercise their functions with a view to ensuring, and the head teacher must ensure, that the National Curriculum for England and the assessment arrangements specified in the National Curriculum, are implemented.	Requirement for local authorities to ensure head teachers fulfil their statutory duty in implementing and administering Key Stage assessment arrangements. Basic feature first laid out in the Education Reform Act 1988 to deliver the national curriculum. Part 6 of the Education Act 2002, as amended, provides for the current curriculum requirements in maintained schools. This requirement has been reviewed and confirmed following the external review of KS2 testing and accountability and the commitment in the White Paper 'The Importance of Teaching'.	School Improvement	NO	
Education	Education Act 2002 section 51A, inserted by Education Act 2011 section 4. Secondary - The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (No. 3178). The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002.	Prescribes the duties of the local authority with regard to an exclusion from a school and appeals against exclusions. Duties include: receiving information from schools on exclusions (permanent and fixed term); passing this information to the Secretary of State for Education when prescribed; and establishing review panels.	Provides a framework for exclusion to control how pupils are removed from school and provides independent scrutiny.	Behaviour Support	YES	This statutory duty seems questionable in light of the Education White Paper proposal that Alternative Provision funding from the High Needs Block (from which provision for permanently excluded pupil/pupils with health needs are funded) transfers to schools.
Schools	Education Act 2002 Section 32	Responsibility for fixing dates of school terms and holidays in community, voluntary controlled, community special; and maintained nursery schools.	Fixes the minimum number of sessions which schools must hold in a year and requires governing bodies to set the times of the school sessions.	Strategic Place Planning	NO	
Financial Reporting	Education Act 2002 Section 44enables the Secretary of State to make regulations to: require maintained schools to supply accounting information to the LA which maintains them; and to require Local authorities to provide accounting information provided by the schools to the Secretary of State. Secondary - The Consistent Financial Reporting (England) Regulations 2012.	The local authority must provide the Secretary of State with any financial statement provided to them in accordance with regulation 3 by the third Friday in the July following the financial year in respect of which the statement is made.	The CFR Regulations require schools to report on their income and expenditure to a common framework. All publicly funded schools need to keep accounts for reasons of public accountability, and this happened before CFR. The standardisation through CFR means that schools are able to benchmark their spend against others which helps them become more efficient. Increasing the detail in CFR improves benchmarking. CFR data is used to feed into outturn returns under section 251 of the Apprenticeships, Skills, Children and Learning Act 2009: previously local authorities had to fill in details of school expenditure separately. In the interests of transparency all of this data is published by DfE.	Finance	NO	
Teachers' Pay	Education Act 2002, Part 8 s122 gives the Secretary of State a power to prescribe pay and conditions for teachers in maintained schools by Order. Secondary - The School Teachers' Pay and Conditions Order 2012 makes provision for the pay and conditions of teachers by reference to a document entitled "The School Teachers' Pay and Conditions Document" (STPCD).	The STPCD imposes various duties on relevant bodies in relation to the determination of teachers' pay. The local authority is the relevant body where the school does not have a delegated budget or where the teacher is an unattached teacher (Part 1 of the STPCD).	In practice most decisions about pay are delegated to school governing bodies and the local authority is expected to support, challenge and advise its schools on financial propriety (including audit of other maintained schools). A national framework ensures there is no requirement on individual schools and local authorities to negotiate teachers' terms and conditions. The Government has made a commitment to give more freedoms and flexibilities over teachers' conditions and pay.	Human Resources	NO	
Teachers and staff	Education Act 2002 Sections 21, 131 and 210. Secondary - The Education (School Teacher Performance Management) (England) Regulations 2012.	The local authority has to establish a performance management policy and is responsible for establishing a written policy. Prior to the policy being established or revised, there must be consultation with all unattached teachers and the recognised unions. The local authority must appoint a reviewer for unattached teachers	To ensure effective performance management arrangements are put in place for teachers	Human Resources	NO	
Adoption	Adoption and Children Act 2002 Section 3. Secondary - Adoption Agencies Regulations 2005 (SI 2005/389). Local Authority Adoption Service (England) Regulations 2003 (SI 2003/370)	A general duty on the local authority to maintain an adoption service within their area. Further requirements are set out in the "conduct regulations", including duties relating to staffing and managers. Also a related duty to set up an adoption panel.	This duty must include making arrangements for the adoption of children and the provision of adoption support services. As part of this, local authority must complete a statement of purpose and a children's guide.		YES	
Adoption	Adoption and Children Act 2002 Section 3. Secondary - The Adoption Support Services Regulations (SI 2005/691) set out which types of support services must be extended to which categories of persons.	Preparing a plan and keeping it under review, where the local authority decides to provide adoption support services.	Ensuring that various procedures are followed, including the appointment of an adviser, where the local authority decides to provide adoption support services.		YES	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Adoption	Adoption and Children Act 2002 Sections 2, 18, 19, 22, 30-35 . Secondary - Adoption Agencies Regulations 2005 (SI 2005/351) (made under s.9 of the 2002 Act)	Detailed provision in relation to functions and duties of adoption agencies at various stages of the adoption process. "Adoption agency" is defined as a local authority or registered adoption society (Voluntary Adoption Agency).	To ensure that adoption processes are undertaken efficiently and effectively - including matching and decision making - in the best interests of the child. Also ensuring that the local authority only places a child for adoption where they are satisfied that the child ought to be placed for adoption, either with parental consent or a placement order (an order of the court authorising an LA to place a child for adoption).		YES	
Adoption	Adoption and Children Act 2002 Section 56. Secondary - (see the Disclosure of Adoption Information (Post-Commencement Adoptions) Regs 2005 (SI 2005/888).	Keeping prescribed information in relation to an adopted person .	This applies to all adoption agencies, including local authorities.		YES	
Adoption	Adoption and Children Act 2002 section 56. Secondary - (see the Disclosure of Adoption Information (Post-Commencement Adoptions) Regs 2005 (SI 2005/888).	Access to Information and Intermediary Services - Duty on the adoption agency to keep prescribed information in relation to an adopted person .	This applies to local authorities in their capacity as adoption agencies.		YES	
Adoption	Adoption and Children Act 2002 Section3(2). Secondary - The Adoption Support Services Regs 2005 (SI2005/691).	Making arrangements for the provision of adoption support services. Adoption Support Services are defined in section 2(6) of the 2002 Act. By virtue of the Adoption Support Services Regs 2005 the LA may provide these facilities by securing their provision by e.g. registered adoption societies, another LA, a registered adoption support agency.	To ensure that local authorities provide support to adopters and adopted children. Regs prescribe the activities considered to be Adoption Support Services.		YES	
Adoption	Adoption and Children Act 2002 Act Sections 83 Secondary - Adoptions with a Foreign Element Regulations 2005 ('FERs'): Non-Hague Convention (s.83) cases	Responsibilities in relation to inter-country adoption. In non Convention cases, a duty to review and visit a child once it has been brought into the country.	Ensures that adoption agencies assess prospective adopters in accordance with the regulations before the child can be brought into the UK. Also that they visit and review the child's placement; and provide pre and post adoption support to prospective adopters.		YES	
Safeguarding Children	Education Act 2002 (introduced 1 June 2004) Section 175	Duty on local authorities in relation to their education functions to ensure that these functions are exercised with a view to safeguarding and promoting the welfare of children. The authority must have regard to guidance given by the Secretary of State (in England)/ Welsh Ministers (in Wales).	Aims to ensure that safeguarding is integral to all that local authorities do in carrying out their education functions. Applies to: Local authorities in their education functions (and also to governing bodies of maintained schools, governing bodies of Further Education institutions; independent schools).		YES	
Curriculum	Education Act 2002 Sections 79 (6) and (7).	General duties in respect of sex education and the curriculum.	To have regard to statutory guidance on sex education issued by the Secretary of State when exercising any function that may affect the provision of sex education in maintained schools	School Improvement	NO	
Teachers and staff	The Education (School Teachers Prescribed Qualifications) (England) Regulations 2003 and The Education (Specified Work and Registration) (England) Regulations 2012 and Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012	Require maintained and non maintained special schools in England to check that their teachers have Qualified Teacher Status or fall within the special categories outlined in the regulations and sets out qualifications they must have.	Relates to local authorities in their capacity as employers of teachers in maintained schools.	Human Resources	NO	
Teachers and staff	The Education (Health Standards) (England) Regulations 2003	Require schools to ensure that staff involved in relevant activity or teaching meet the necessary health and physical capacity required to do their job.	Relates to local authorities in their capacity as employers of teachers in maintained schools.	Human Resources	NO	
Teachers and staff	The Education (Specified Work and Registration) (England) Regulations 2012 and Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012	Requires school teachers to be qualified.	Relates to local authorities in their capacity of employers of teachers in maintained schools	Human Resources	NO	
Inspection	Local Authority accountability: (1) s20 Children Act 2004 and The Children Act 2004 (Joint Area Reviews) Regulations 2005 (2) s137 Education & Inspections Act 2006 and The Education & Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007(3) s.141 Education & Inspections Act 2006	(1) Joint Area Reviews: regulations require the local authority to distribute the report and produce and distribute a post inspection action plan (2) Reports of inspections under section 136: requires the LA to distribute the report and produce and distribute a post inspection action plan as specified in regulations. (3) Power to require information etc: requires the local authority to provide the Chief Inspector with any information or document she requires in relation to local authority performance of its functions or in connection with her own functions.	Inspection of local authority children's services - (1&2) There is no current programme of full joint area reviews, however, the legislation is used for the programme of 3 yearly inspections of safeguarding and looked after children. There is no current programme of s136 inspections of local authorities, but the legislation could be used for ad hoc inspections. Where an inspection takes place under either provision, the duties on the local authority ensure that: relevant bodies / persons are aware of the outcome of the inspection; the local authority responds to the report; and relevant bodies / persons are made aware of that response. (3) Facilitates the process of inspection and assessment of a local authority.		YES	
Children and Young People	Children Act 2004 Section 11 .	Duty to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children; and applies where services provided through a third party.	The aim is to ensure that safeguarding is integral to all that local authorities do.		YES	
Safeguarding Children	Children Act 2004, sections 13. (Sections 14 - 16 refer to the functions, procedure and funding of Local Safeguarding Children Boards). Secondary - Local Safeguarding Children Boards Regulations 2006, SI 2006/90.	Local authority duty to establish a Local Safeguarding Children Board (LSCB), to ensure representatives of various bodies and of the local community are included on it, and to co-operate with the "Board partners". The LSCB co-ordinates what is done by partners to safeguard and promote the welfare of children. The LSCB has a range of specific functions including serious case reviews, reviews of child deaths and the production of an annual report.	Safeguarding and promoting the welfare of children requires effective co-ordination in every local area. The LSCB is the key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children in that locality.		YES	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Children and Young People	Children Act 2004 Section 18	Duty to appoint a Director of Children's services to fulfil the functions of the local authority as they relate to children and young people, including education, children's social care and local partnerships	To provide a single line of accountability within the local authority for services to children and to promote co-operation to improve children's well-being among partners in the local area		YES	Education White Paper indicates possible changes.
Children and Young People	Children Act 2004 Section 19	Duty to designate a Lead Member for Children's Services to discharge functions of the local authority as above	To provide a single line of political accountability within the local authority for services to children and to promote co-operation to improve children's well-being among partners in the local area		YES	Education White Paper indicates possible changes.
Children and Young People	Children Act 2004 Section 10 (1)	Duty to co-operate' – to make arrangements to promote co-operation between the local authority; each of the authority's relevant partners, and such other persons or bodies the authority consider appropriate to improve outcomes for children. Those outcomes are defined as the five Every Child Matters outcomes: be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being	To promote and encourage better co-operation and partnership working among the various agencies which provide or commission services for children (and families) at every organisational level from strategic planning to front line multi agency team work		YES	Still applicable in relation to potential changes arising from the Education White Paper?
Children and Young People	Children Act 2004 Section 10(3)	Duty to have regard to the importance of parents and carers in improving children's wellbeing.	To highlight the importance of families to children's well-being in the Children Act 2004.		YES	
Children and Young People	Children Act 2004 Section 12A as amended by the Apprenticeship, Skills, Children and Learning Act 2009	Duty to establish a Children's Trust Board as part of the wider co-operation arrangements.	To standardise existing arrangements by creating a statutory body in every local authority area to oversee the co-operation arrangements to improve children's well-being. The Government has announced its intention to repeal this requirement.		NO	
Complaints	Education Act 2005 Sections 11B and 11	Power of Chief Inspector to investigate complaints about schools: Duty on local authority, if requested to do so by the Chief Inspector, to (1) provide information relevant to an Ofsted investigation of a parental complaint about a school maintained by the local authority; (2) make arrangements for meeting for parents to be held (where the school does not have a delegated budget); (3) provide a copy of the Chief Inspector's report to parents (where the school does not have a delegated budget).	To facilitate the investigation, by Ofsted, of a parental complaint about a maintained school.	School Improvement	NO	
Schools	Education Act 2005 Section 15 amended by Education Act 2011 Section 40	If after a section 5 inspection the Chief Inspector considers a school to require special measures or significant improvement, local authorities are required to consider what action to take in light of the report and prepare a written statement of action they propose to take in light of the report and to send a copy to the Chief Inspector, and in the case of a voluntary aided school, the person who appoints the foundation governors and the appropriate appointing authority.	To ensure local authorities take action when a school goes into an Ofsted category.	School Improvement	NO	
Adoption	Adoption and Children Act 2002 Sections 61, 62 Secondary (post commencement) - Adoption Agencies Regulations 2005- duty to keep child/prospective adopter (PA) case records. Disclosure of Adoption Information (Post-Commencement Adoptions) Regs 2005 . Secondary (pre-commencement) - Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regs 2005. Adoption Agencies Regulations 1983.	Disclosing, where appropriate, 'protected information' about adults/children following an application, and obtaining the views of the person the information is about (or parent/guardian/child if the information is about a child) before doing so. Retaining adoption information for certain periods and keeping it secure and confidential.	Sets out how adoption agencies should manage information about adoptions. Ensures those involved in adoption have access to appropriate information and that contact between adopted persons and their birth relatives can be facilitated where appropriate.		YES	
Adoption	The Adoption Support Services Regs (SI 2005/691) set out which types of support services must be extended to which categories of persons.	Where the local authority decides to provide adoption support services, they have a duty to prepare a plan and keep this under review. There is a duty on the local authority to review the provision of support services/financial support where, for example, there is a change in that person's circumstances, or annually.	The Regs also place a duty on the local authority to appoint an adoption support services adviser; set out the procedure for the local authority to follow when carrying out an assessment for support services and financial support; and impose a duty on the local authority to give the person requesting an assessment notice of the proposed decision to allow for representations.		YES	
Adoption	Adoption and Children Act 2002 Section 84. Secondary - Adoptions with a Foreign Element Regulations 2005.	Preparing reports for the court in relation to applications for parental responsibility orders where a child is being taken out of the UK for the purposes of adoption. In Convention cases, providing counselling and information, undertaking assessments and reports, and exchanging relevant documents.	Ensuring that adoption agencies understand and comply with inter-country adoption procedures to protect children who are being adopted outside of the UK, providing relevant information for the courts so that they are able to make fully informed decisions.		YES	
Adoption	Private Fostering Regulations 2005	For local authorities to safeguard privately fostered children in their area	To assess and monitor private fostering arrangements to ensure that they are safe and suitable for children		YES	
Establishment of New Schools	Education and Inspections Act 2006 Sections 6a, 7, 9, 10 and 11, amended by Education Act 2011 section 37. Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007.	Local authorities to follow the prescribed statutory process when considering inviting proposals / considering proposals to establish new schools	Outlines the statutory process and local decision making arrangements. Requires local authorities to give precedence to academy proposals when they consider that there is a need for a new school in their area.	Strategic Place Planning	YES	Replaced by the Free School process.
Closure of Schools	Education and Inspections Act 2006 Section 15 . Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007. (applies to Local authorities).	Local authorities to follow the prescribed statutory process when proposing the closure of existing maintained schools.	Local authorities are able to take an overview to plan the provision of schools to meet local needs	Strategic Place Planning	NO	
Alterations of Existing Schools	Education and Inspections Act 2006 Section 19 . Secondary legislation - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.	Local authorities to follow the prescribed statutory process when proposing alterations to existing schools.	Outlines the statutory process and local decision making arrangements. To ensure a consistent, open and transparent process when proposing changes to existing maintained schools.	Strategic Place Planning	NO	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Complaints	Education and Inspections Act 2006 Section 60	If an LA issues a performance, standards and safety Warning Notice (WN) to a governing body of a school it must comply with a set of statutory requirements (e.g. WN must be in writing; it must set out the matters which have caused concern, the action which the governing body is required to take to remedy those matters, the initial period when they must remedy the concerns or make representations to Ofsted and the action the LA are minded to take if the governing body fail to take the required action).	It is intended to achieve early intervention by local authorities in schools causing concern. A school is eligible for intervention if it is in an Ofsted category or if it fails to comply with a valid warning notice issued by a local authority where there are concerns over performance, poor management and governance or where the safety of pupils and staff are threatened.	School Improvement	NO	
Complaints	Education and Inspections Act 2006 Section 63	If a local authority requires a school eligible for intervention (other than where a warning notice has been given under section 60A) to enter in to 'arrangements' (e.g. collaboration/federation etc), the local authority must consult the Governing Body of the school and, in the case of foundation or voluntary schools, the appropriate diocesan or appointing authority. If the school is eligible for intervention because a warning notice has been given under section 60 of the Act, the power must be exercised within 2 months following the end of the compliance period.	To allow a local authority to require a school eligible for intervention to enter into a contract or arrangements with another school, FE college or named person for the purpose of school improvement.	School Improvement	NO	
Intervention	Education and Inspections Act 2006 Section 64	Power fo LA to appoint additional governors if the school eligible for intervention. If school is eligible for intervention for failure to comply with a warning notice - this power only lasts for 2 months after warning notice has been given and not compeoled with by GB.	To strengthen the local authority voice on the Governing Body and/or to appoint governors with expertise in key areas to support a school's improvement.	School Improvement	NO	
Intervention	Education and Inspections Act 2006 Section 65	If local authorities want to put in place an Interim Executive Board (IEB) in a school eligible for intervention, they must apply to the Secretary of State for consent and before doing so, must consult the Governing Body and in the case of foundation or voluntary schools, the appropriate diocesan or appointing authority.	To secure a step change in the leadership and membership of a school through a specially appointed Governing Body for a temporary period.	School Improvement	NO	
Intervention	Education and Inspections Act 2006 Section 66	If a local authority decides to give notice to a governing body of a school eligible for intervention that it is suspending its right to a delegated budget, the power must be exercised within 2 months following the end of the defined compliance period where it is eligible for intervention for failing to comply with a warning notice.	For the school to secure control over staffing and spending decisions in order to achieve improvements or where the budget is proving a distraction from improvement priorities.	School Improvement	NO	
Estates	Sections 18, 19, 21, 22, 23, 24, 31, 181 and 183 Education and Inspections Act 2006. Secondary - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.	Transfer of land on the change of a school category	Legislation governs transfer of land from one body to another as a school changes category, e.g. if a community school becomes a Trust.	Strategic Place Planning	NO	
Safeguarding Children	Safeguarding Vulnerable Groups Act 2006	Imposes various requirements on (among other bodies) local authorities, including requirements: not to employ barred people to do 'regulated activity' (s7 and s9); to check that their employees/volunteers are subject to monitoring (Independent Safeguarding Authority -registered (ISA) before permitting them to engage in regulated activity (was s10(1) - repealed by the Protection of Freedoms Act 2012, s115(1), (2), Sch 9, Pt 6, paras 43, 50, Sch 10, Pt5); to refer individuals to the ISA (e.g. where they are removed from regulated activity) (s39); and to give information to the ISA on request (s40).	Duties apply to local authorities and others. Duty to refer and provide information to the ISA is intended to assist ISA in relation to its barring functions. All duties, save those relating to subject to monitoring are in force. This is currently subject to a review	Human Resources	YES	
Teachers and staff	Education Act 2006 Sections 60A and 69B.	The Secretary of State may direct the local authority to give a warning notice to the governing body under section 60A if the local authority decides not to do so. The local authority must comply with that direction. (Section 60A confers power on local authorities to give a warning notice (a teacher's pay and conditions warning notice) to a governing body where it is satisfied that the governing body have failed to comply with any provision of a School Teachers' Pay and Conditions Order which applies to teachers or the governing body has failed to secure that the head teacher complies with any such provision.) Section 72 of the 2006 Act imposes a duty on local authorities to have regard to guidance.	The intention is to provide a safeguard so that local authorities (or ultimately the Secretary of State) can ensure that teachers receive their statutory entitlements regarding their terms and conditions.	Human Resources	NO	
Early Years	Childcare Act 2006 Section 1	General duty to improve the well-being of children under five and reduce inequalities.	Places a duty on local authorities to improve the outcomes of all children under 5 and close the gaps between groups with the poorest outcomes and the rest by ensuring early years' services are accessible to all families.	Strategic Place Planning	YES	
Early Years	Childcare Act 2006 Section 1(3) and (4). Secondary - Local Authority Targets (Well-Being of Young Children) Regulations 2007 (SI 2007 / 1415) as amended by 2008 regulations.	Local authorities are required to act in manner best calculated to meet targets set for them by the Secretary of State.	Section 1 gives powers to Secretary of State to set targets in relation to the local authority early years outcome duties and underpinning regulations set out the process to be followed. i.e. local authority targets set must relate to the Early Years Foundation Stage Profile. Local authorities are under a duty to act in response to targets set for them by the Secretary of State in relation to Early Years outcomes, but the Secretary of State no longer sets any such targets so this duty has no practical effect.		NO	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Early Years	Childcare Act 2006 Section 3	Specific duties in relation to early years services. Includes duties to: make arrangements to ensure integrated provision of early years services; take steps to identify parents not using services and to encourage them to do so; take reasonable steps to encourage the involvement of various interested parties in the making and implementation of arrangements made under this section of the Act; have regard to such information about the views of young children as is available; and have regard to statutory guidance.	Section 3 encourages local authorities to work with health services and employment services when arranging early years services. It also encourages them to take into account the views of interested parties, and to promote early years services to those parents least likely to use them.	Early Years	YES	
Early Years	Childcare Act 2006 Section 4	Duty to make arrangements to work with the National Health Service Commissioning Board and Job Centre Plus in performance of the local authority's duties under sections 1 and 3 of Childcare Act 2006	To ensure Local authorities work with National Health Service Commissioning Board and Jobcentre Plus to achieve their early years outcome duty.	Early Years	NO	Defunct
Early Years	Childcare Act 2006 Section 99 . Secondary - The Childcare (Provision of Information About Young Children) Regulations 2009 (SI 2009 / 1554).	Annual collection of Early Years Foundation Stage Profile data. Gives power to local authorities to collect information about individual children receiving early years provision, but also places a duty on local authorities to supply that information to the Secretary of State if requested.	This duty underpins various information collections and enables the Secretary of State to obtain information collected by local authorities from childcare providers to help compile Early Years Foundation Stage Profile data and the Early Years Census returns. Local authorities need a range of information to exercise their roles and responsibilities effectively. They are required to provide informatio to parents and families in their areas about provision.	Early Years	YES	
Information	Childcare Act 2006 Section 12. Secondary The Childcare Act 2006 (Provision of Information to Parents (England) Regulations 2007.	Duty to provide information, advice and assistance	The duty is intended to ensure that local authorities establish and maintain a service providing information, advice and assistance for parents and prospective parents with information on the provision of childcare and on other services or facilities, or publications, that may benefit them or children or young people. They should also provide particular help to parents from groups likely to find it more difficult to access suitable childcare, e.g. parents of disabled children.	Early Years	YES	
Children's Centres	Childcare Act 2006 Section 5A	Duty to secure sufficient children's centres to meet local need, so far as this is reasonably practicable	Intended to ensure there are sufficient children's centres in all local authority areas		YES	
Children's Centres	Childcare Act 2006 Section 5C	Duty to secure that each children's centre is within the remit of an advisory board	Intended to ensure there are advisory boards for all children's centres. These provide advice and assistance to children's centre leaders, who are responsible for managing children's centres		YES	
Children's Centres	Childcare Act 2006 Section 5D	Duty to secure that consultation is carried out before children's centres are opened or closed or have significant changes made to services	Intended to ensure that local parents and any other interested parties are consulted about any major changes that are proposed to be made to children's centre provision		YES	
Children's Centres	Childcare Act 2006 Section 5E(2)	Duty to consider whether early childhood services should be delivered through one of the children's centres in the area	Intended to ensure that local authorities (and Primary Care Trusts and Job Centres Plus) actively consider whether services to young children and/ or their parents should be provided through children's centres.		YES	
Children's Centres	Childcare Act 2006 Section 98C(3)	Duty to produce and publish an action plan after an Ofsted inspection	Intended to enable parents and others interested in the quality of children's centre provision to see how any concerns arising during an inspection are going to be addressed.		YES	
Childcare	Childcare Act 2006 Section 6	Duty to secure sufficient childcare for working parents (or parents in education/training)	To require local authorities to ensure there is childcare available to enable parents to take up or remain in work or to undertake education or training to assist them in obtaining work.	Strategic Place Planning	YES	
Childcare	Childcare Act 2006 Section 7 as amended by Education Act 2011 Section 1	Duty to secure prescribed early years provision free of charge	To ensure that all children under school age, as described in regulations or guidance from the Secretary of State, can access free nursery education.	Strategic Place Planning	YES	
Childcare	Childcare Act 2006 Section 11	Duty to assess childcare provision	To ensure local authorities undertake an assessment to childcare provision in their area to enable them to meet their duty to secure sufficient childcare for working parents (s6 Childcare Act 2006)	Strategic Place Planning	YES	
Childcare	Childcare Act 2006 Section 13	Duty to provide information, advice and training to childcare providers, and prospective providers.	To ensure that local authorities give local childcare providers and would-be providers in their area the necessary support to help deliver sustainable affordable and high quality childcare that meets the needs of the community.	Early Years	YES	
Early Years	The Early Years Foundation Stage (Learning and Development Requirements) Order 2007	Early Years Foundation Stage: places a duty on local authorities to make provision to ensure that early years foundation profile assessments made by providers in their areas are accurate and consistent, and have regard to any guidance given by the Department for Education.	Enables local authorities to ensure schools and early years providers fulfil their statutory duty in implementing and administering early years foundation stage assessment arrangements. The duty is intended to support the accuracy and consistency of early years foundation stage profile data reported to parents and practitioners, and by the Department for Education at national and local authority levels.	Early Years	YES	
School Admissions	The Information as to Provision of Education (England) Regulations 2008 No. 4	Information to be provided by authorities to the Secretary of State	Local authorities must provide the Secretary of State with a report on secondary school admissions on 1st March (or in any year which 1st March is not a working day, on the next working day.)	Admissions	YES	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Teachers and staff	The Education (Induction Arrangements for School Teachers) (England) Regulations 2012	Sets out the regulations relating to the need for registered teachers to complete formal induction periods and for schools not to employ a person as a teacher unless they have satisfactorily completed their induction period. This relates to local authorities in their capacity as employers of teachers in maintained schools.	It is intended to ensure that all teachers in the maintained sector have demonstrated that they meet the core professional standards for teaching. No qualified teacher can be employed in a maintained school or a non-maintained special school unless that person has satisfactorily completed an induction period in accordance with these regulations, subject to various exceptions.	Human Resources	NO	
Schools	The Education School Information (England) Regulations 2008 SI 2008/3093 Regulation 5.	Local authority to publish composite prospectus	Places a duty on local authorities to publish annually, and make available to parents, a composite prospectus which includes all local primary and secondary schools. Amendments to these Regulations (SI 2010/1006), intended to broaden the range of statutory information to be included in composite prospectuses, came into force 1 September 2010.	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Special Education Needs	The Education School Information (England) Regulations 2008 Regulation 8 of SI 2008/3093.	Local authority to publish other information for parents	Places a duty on local authorities to publish miscellaneous information annually (including the making of educational grants, Special Educational Needs provision, school transport strategies, school uniform policies etc). The amendments to these regulations (SI 2010/1006), which came into force on 1 September 2010, do not amend this duty.	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Young People	Education and Skills Act 2008 Section 68.	To make available to young people and relevant young adults such services as they consider appropriate to encourage, enable or assist them to engage and remain in education or training. The services are currently known as Connexions services. Local authorities must: have regard to any guidance issued by the Secretary of State; comply with any directions given by the Secretary of State relating to the exercise of their functions under section 68; and can fulfil the duty to make services available either by providing them itself or by making arrangements with others which could include other local authorities.	Local authorities have a statutory duty to 'assist, encourage and enable' young people aged 13-19 (and young adults with a learning difficulty and/or disability up to the age of 25) to participate in education or training. Services provided under this duty are delivered under the 'Connexions' brand. The Government announced on 4 November 2010 the establishment of an all-age careers service by April 2012. These new arrangements will mean local authorities no longer provide a universal careers guidance offer, but they will retain responsibility for providing targeted support for vulnerable young people and have greater flexibility to do so.		YES	Is this still an appropriate duty for the LA?
Young People	Education and Skills Act (2008) chapter 2 section 10	Required to promote the effective participation in education or training of the young people in their area to 18 (or 25 for those with learning difficulties or disabilities). The duty is already enacted but comes into force in June 2013.	Key driver behind Raising the Participation Age.	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Budget	Apprenticeships Skills Children and Learning Act 2009 Sections 251 and 252 .	Local authorities must provide information about their planned and actual expenditure (annual budget and outturn statements) on their education functions and their children's social services functions, in accordance with directions given by the Secretary of State.	The statements are an important means of informing schools, school forums, the public and Parliament about the funding plans and spend of local authorities in respect of their schools and their children's services. The statements provide a consistent format across the country so that meaningful comparisons can be made between authorities about the overall education and children's services budgets. This data collection is the main source of financial information the Government draws upon to evaluate the effectiveness of its funding mechanisms. In addition, those data allow schools, school forums and the Department for Education to challenge allocations that do not allow for high quality education and children's services at the front line, and for local authorities to compare their spending patterns with those of other local authorities in order to follow good practice.	Finance	YES	
Teachers and staff	The School Staffing (England) Regulations 2009.	The appointment, management and dismissal of staff.	Outlines the duties of the local authority (and the governing body) in relation to the appointment, management and dismissal of staff.	Human Resources	NO	
Teachers and staff	School Staffing (England) Regulations 2009	Require schools in England to keep a register or single central record of the recruitment and vetting checks carried out on staff.		Human Resources	NO	
Safeguarding Children	The Local Safeguarding Children Boards (Amendment) Regulations 2010 - SI 2010/622 (under Children and Young Persons Act 2009)	To ensure local authorities take reasonable steps to ensure representation of schools and further education institutions on the Local Safeguarding Children Boards	To ensure local authorities take reasonable steps to ensure representation of schools (maintained and independent) and further education institutions on the Local Safeguarding Children Boards		YES	
Over compulsory school age	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 41 inserts sections 15ZA and 15ZB into the Education Act (1996)	Duty in respect of education and training for persons over compulsory school age:	That local authorities act as the strategic commissioner of provision for young people aged 16-19 (and those aged up to 25 who are subject to a learning difficulty assessment).	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Over compulsory school age	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 42 inserts section 15ZC into Education Act (1996)	Encouragement of education and training for persons over compulsory school age.	To ensure local authorities encourage participation in education and training.	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Education	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 44 inserts section 51A into Further and Higher Education Act 1992	Duty to provide for named individuals	Local authorities, if necessary, can require a provider to make provision for a named individual	Strategic Place Planning	YES	Is this still applicable?
Education	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 45, inserts section 17A - 17D in the Education Act (1996)	Duties in relation to the core entitlement.	Defines the core entitlement and the local authority's role in securing this. The core entitlement comes into force from the academic year 2013/14.	Strategic Place Planning	NO	
Special Education Needs	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 46 inserts section 514A - in the Education Act (1996)	Provision of boarding accommodation for persons subject to learning difficulty assessment	Local authorities have a power to secure boarding accommodation for young people aged over 16 but under 25 who are subject to a learning difficulty assessment	Special Educational Needs	YES	
Over compulsory school age	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 47 inserts section 560A into the Education Act (1996)	Work experience for persons over compulsory school age: England	Sets out the role of the local authority in securing work experience for young people aged 16-19 (25)		YES	Is this still an appropriate duty for the LA?

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Education of Young Offenders	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 sections 48-52 insert various clauses into the Education Act (1996)	Provision of education for persons subject to youth detention	Sets out the role of the local authority in providing education for 16-19s in youth detention in their area		YES	
Education	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 sections 56-57	Power of Local Education Authorities to arrange provision of education at non-maintained schools		Strategic Place Planning	YES	Is this still applicable?
Teachers' Pensions	Teachers' Pensions Regulations 2010	Local Authority is regarded as the employer for pension purposes for all teachers in schools maintained by them (Local authorities). These specific duties are related to service and contribution remittance.	The Teachers' Pension Scheme is an occupational pension scheme which benefits employers as well as teachers.	Human Resources	NO	
Education	Equality Act 2010 Section 88 and Schedule 10. This came into force on 1 October, replicating duties under the Disability Discrimination Act 1995. The Disability Discrimination (Prescribed Times and Periods for Accessibility Strategies and Plans for Schools) Regulations 2005	Accessibility for Disabled Pupils	To develop accessibility strategies to facilitate better access to education for disabled pupils. Under this same legislation schools also have to develop access plans which build upon the local authority access strategy.	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Child Poverty	Child Poverty Act 2010	Duties of local authorities and other bodies in England: requires local cooperation arrangements to be made to reduce and mitigate the effects of child poverty in local areas; and the arrangements to include arrangements to prepare and publish local child poverty needs assessments, and to prepare joint child poverty strategies for local areas.	Tackling child poverty requires action at national and local levels, and the Child Poverty Act therefore compels both tiers of government to act (the Act requires the Government to publish a UK child poverty strategy). Part 2 of the Child Poverty Act aims to ensure that all local authorities take steps to enable more effective cooperation at local level, grounded in strong knowledge and understanding of child poverty in local areas and leading to clear strategies and plans through which cooperation and partnership working can have a demonstrable impact on child poverty in local areas.		YES	
Religious Education	Education Act 1996 Section 390	The LA shall convene a Standard Advisory Council for Religious Education (SACRE) who must consider and approve applications for a determination from a school to modify the type of collective worship (CW) provided to reflect the backgrounds and traditions of the school community.	This ensures that where a school serves a community which is predominantly of a faith other than Christian, they have the flexibility to change the nature of their daily act of collective worship in order to reflect the needs of the local community.	School Improvement	YES	Why would this still be a role for the LA?
Looked after Children	Children Act 1989 section 22	Duties on local authorities in relation to looked after children: duty to safeguard and promote their welfare; duty to ascertain wishes and feelings of child/parents before making any decision; and in making any decision to give due consideration to those wishes and feelings and to the child's religious persuasion, racial origin and cultural and linguistic background.	A looked after child is a child who is subject to care order or provided with accommodation by the local authority in exercise of its social services functions. The duty to take account of the wishes and feelings of the child is important to ensure these children have a say in key decisions about their life and that the plan for the child's care is appropriate to their needs. Required for compliance with articles 12&13 of United Nations Human Rights Charter.		YES	
Looked after Children	Children Act 1989 section 23	Accommodation for looked after children. A child may be placed back with their parents, with local authority foster parents (which could be family/friend), in a children's home or through other arrangements.	The following sets of Regulations set out in detail the local authority care planning responsibilities: Arrangements for Placement of Children (General) Regulations 1991 (SI 1991/890); Placement of Children with Parents etc Regulations 1991 (SI1991/893); and Fostering Services Regulations 2002 (SI 2002 /57) - Parts 4,5 and 6.		YES	
Looked after Children	Children Act 1989 Schedule 2 paragraph 15.	Promoting contact between the child and his family.	To ensure that local authorities use their best endeavours to promote contact between the child and his family.		YES	
Looked after Children	Children Act 1989 Schedule 2, paragraph 19.	Making arrangements for a looked after child to live outside England and Wales.	Restrictions on the making of such arrangements.		YES	
Looked after Children	Children Act 1989 Sections 25A, 25B and 25C, inserted by Children and Young Persons Act 2008, coming into force on 1 April 2011 – to replace the duty under section 26 Secondary - Care Planning, Placements and Case Review (England) Regulations 2010	Extending the duties in relation to Independent Reviewing Officers (IRO) including their appointment, qualifications and responsibilities.	These changes ensure that local authorities appoint a suitably qualified IRO for all looked after children to ensure that care planning and case review are done well, reflect the needs of the child and take into account their wishes and feelings. The IRO also monitors the performance of the LA in its functions and ensures independence and appropriate governance in decisions about the child's case.		YES	
Looked after Children	Children Act 1989 Section 23ZA, inserted by Children and Young Persons Act 2008. Secondary - Care Planning, Placement and Case Review (England) Regulations 2010 and Visits to Former Looked After Children in Detention (England) Regulations 2010 (both to come into force on 1 April 2011).	Visits to and contact with looked after children and certain children who cease to be looked after.	New arrangements to ensure visits take place for children who cease to be looked after as a result of being detained in custody.		YES	
Looked after Children	Section 23ZB inserted by the Children and Young People's Act (this replaces Schedule 2, paragraph 17)	A duty on local authorities to appoint an independent visitor to visit, advise and befriend a looked after child of a prescribed description/in any other case it appears to the local authority it would be in child's interests to do so.	This provides for extending the group of looked after children for whom an independent person must be appointed to visit, befriend and advise the child to include all those for whom an appointment would be in their interests. Under schedule 2 para 17 of the Children Act 1989 a local authority needed only to appoint an independent visitor to children where communications/visits from the family were infrequent. It gives the appropriate national authority the power by regulations to extend those to whom the duty is owed to prescribed groups of looked after children.		YES	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Care leavers	Children Act 1989 Sections 23A to 24B Secondary - Children (Leaving Care) (England) Regulations 2001 which are to be replaced from 1 April 2011 with new Care Leavers (England) Regulations 2010.	Care Leavers - Supporting 'relevant children' and 'former relevant children' (care leavers). A relevant child is defined as a child who is aged 16 or 17, who is no longer looked after, and who was, before last ceasing to be looked after, an "eligible child". A former relevant child is defined as (i) a person who was a relevant child (and would be one if he was still under 18) or (ii) a person who was an eligible child when, at the age of 18, he ceased to be looked after	To support good quality professional practice and ensure that local authorities provide care leavers with the necessary support to achieve positive outcomes in adulthood – e.g. stable accommodation, financial assistance and an up to date pathway plan. These duties continue until the former relevant child reaches 21 and in some cases beyond that age.		YES	
Care leavers	Children Act 1989 sections 23C and 24B	Duties on Local authorities in relation to former relevant children: to keep in touch; to continue with the pathway plan and the personal adviser; to give financial assistance related to the child living near the place where he is or will be employed, so far as his welfare requires it; and to give financial assistance to the extent his welfare and his educational or training needs require. These duties continue until the former relevant child reaches the age of 21, except in the case of a former relevant child whose pathway plan sets out a programme of education or training which extends beyond his 21st birthday in which case the duties to continue with related financial assistance, the pathway plan, and the personal adviser continue for as long as he pursues that programme.	To provide on-going support and guidance to 18 year old care leavers particularly with regard to their education.		YES	
Care leavers	Children Act 1989 Section 24C	Providing information to another local authority if a care leaver or person qualifying for advice and assistance proposes to live or is living in the area of that other local authority .	Ensuring that care leavers are adequately supported by ensuring that relevant information is shared between local authorities when appropriate.		YES	
Care leavers	Children Act 1989 Part 3 and Parts 4 and 5 under section 24D of the Children Act 1989	Complaints may be made about the local authority functions specified in regulations and adoption functions and special guardianship support services or in the case of complaints "leaving care" functions of the local authority			YES	
Care leavers	Children Act 1989 Section 26A Secondary - Advocacy Services and Representations Procedure (Children) Amendment Regulations 2004.	Making arrangements for the provision of advocacy services for care leavers and children who make or intend to make representations.	To ensure looked after children and care leavers have access to independent advice and advocacy where they feel there are serious problems with the quality of the support or care being provided to them.		YES	
Adoption	Adoption and Children Act 2002 Section 2(8).	Providing facilities for inter-country adoption within adoption service.	Extends the duty of Local authorities to provide adoption services to include inter-country adoption. Provides that "adoption" includes the adoption of persons wherever habitually resident and effected under the law of any country or territory within or outside the British Islands.		YES	
Safeguarding Children	Children Act 1989 section 22	Places a duty on the local authority to apply for a placement order in certain circumstances.			YES	
Adoption	Children Act 1989 sections 30-35	The local authority may remove a child who has been placed for adoption from the prospective adopters and duties on the local authority where the parent wishes to recover the child or the potential adopters wish to return the child.	Allows the local authority to remove a child from an unsuitable placement which is not in the child's best interests and might put the child's welfare at risk, following adoption		YES	
Adoption	Adoption and Children Act 2002 Section 58, 60.	Disclosing information to adopted adult if requested and to a prescribed person in prescribed circumstances.	Ensuring adults who have been adopted have access to information about their background, including their birth family.		YES	
Adoption	Adoption and Children Act 2002 Sections 4(1). Secondary - The Adoption Support Services Regulations (SI 2005/691) - set out procedure for assessment	Carrying out an assessment for adoption support services where specified parties request this.	Ensuring that those involved in adoption, at any stage of the process, have access to adoption support services where appropriate.		YES	
Adoption	<i>Hague Convention cases</i>	Adoption agency duties to: provide counselling (reg 14); carry out assessment and prepare potential adopters' report; make a decision as to the potential adopters' suitability to adopt (reg 17); send all relevant information to central authority; consider Article 16 information and discuss with the potential adopter; notify the central authority that procedures have been followed and content for adoption to proceed; inform of proposed placement; where notice of intention to adopt – duties to monitor/review in reg 5 apply (see above); various duties imposed on the local authority if the placement breaks down.	Ensures the UK meets the objectives of the Hague Convention to protect and safeguard children.		YES	
Adoption	Adoption and Children Act 2002 Sections 42, 43, 44 .	Making an assessment/investigation in relation to applications for adoption orders.	The local authority must provide a report to the court where that child has or has not been placed for adoption by the local authority. The local authority must have been given sufficient opportunities to see the child and prospective adopters in the home environment.		YES	
Safeguarding Children	Children Act 1989 Section 20.	Providing accommodation for any child in need in their area who appears to require accommodation because there is no person with parental responsibility for them, they are lost or abandoned, or the person who has been caring for them being prevented (permanently or not, for whatever reason) from providing them with care.	Ensures children are looked after by the local authority in circumstances where parents or others are unable to do so.		YES	
Safeguarding Children	Children Act 1989 Section 21	Accommodation for children in police protection or detention or on remand (Local authority duty to provide)			YES	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Safeguarding Children	Children Act section 25. Secondary - Children (Secure Accommodation) Regulations 1991 (SI 1991/1505) and Children (Secure Accommodation) (No. 2) Regulations (SI 1991/2034).	Allows a local authority to make an application to the Court to seek a secure accommodation order.			YES	
Safeguarding Children	Children Act 1989 sections 44, 44A, 44B and 45	Allows the Court to make emergency protection orders on the application of a local authority (or other authorised body).			YES	
Looked after Children	Children Act 1989 Sections 62, 64.	Ensuring that the welfare of children in voluntary and private children's homes in their area is being safeguarded and arranging for children to be visited.	Ensuring local authorities focus on improving the safeguarding and welfare of the children placed in children's homes in their area, including those living out of area.		YES	
Looked after Children	Children Act 1989 Section 22G	Securing sufficient accommodation within the local authority's area to meet the needs of their looked after children.	This is intended to lead to an increase in the number and range of placements available within the local authority area and so reduce the use of out of area placements, unless they are the most appropriate for the child. It should also lead to a more efficient and cost effective commissioning process.		YES	
Looked after Children	Children Act 1989 Section 22C, 22D, 23 Secondary - Arrangements for Placement of Children (General) Regulations 1991 (SI 1991/890) . Placement of Children with Parents etc Regulations 1991 (SI1991/893) Fostering Services Regulations 2002 (SI 2002 /57) - Parts 4,5 and 6.	Providing accommodation for looked after children and ensuring that the child's case is reviewed prior to making such arrangements.	Ensuring looked after children are provided with suitable accommodation, which can include placement back with their parents, with LA foster parents (which could be family / friends), in a children's home or in other arrangements.		YES	
Looked after Children	Children Act 1989 Section 53 . Part 2 of the Care Standards Act 2000. Secondary - Children's Homes Regulations 2001 (soon to be replaced by the Children's Homes 2001 Amendment Regulations).	Securing sufficient children's homes for the care and accommodation of children looked after by the local authority. As a provider of children's homes, a local authority must be registered in respect of the home under the Care Standards Act 2000, and manage the home in accordance with the Children's Homes Regulations, which impose various obligations on providers.	Ensuring there is adequate provision of children's homes for children looked after by the local authority who need such a home, and that the children's homes are maintained and run to an acceptable standard.		YES	
Care leavers	Children Act 1989 section 23	Adds a further class of former relevant child' - one who is under 25, to whom section 23C no longer applies, and who has informed his local authority that he wishes to pursue a programme of education or training. Duties: to provide a personal adviser; to carry out an assessment of needs, to prepare a pathway plan; and to provide financial assistance to the extent his educational or training needs require it.	Due to come into force on 1 April 2011.		YES	
Safeguarding Children	Children Act 1989 Section 14A(8) subsection(9) Secondary - Special Guardianship Regulations 2005 (SI 2005/1109).	Investigating and preparing a report on the suitability of applicants for a Special Guardianship Order on receipt of notice of an individual's intention to apply.	Facilitating the creation of Special Guardianship Orders (a way of providing a permanent home for children in care and ensuring that the applicant is suitable.		YES	
Special Guardianship	Children Act 1989 Section 14F. Secondary - The Special Guardianship Regulations 2005.	Making arrangements for provision of special guardian support services (including financial support).	Ensuring that local authorities provide support to those involved in special guardianship. Local authorities may provide these services by securing their provision by another local authority or a registered adoption society/registered adoption support agency/registered fostering agency.		YES	
Sixth Form College	Further and Higher Education Act 1992 Section 33E, amended by the Apprenticeships, Skills, Children and Learning Act 2009 Schedule 8.	Requires sixth form colleges to consult with local authorities before offering or participating in secondary education.	Most other local authority duties in relation to further education are transferred to the Secretary of State by the Education Act 2011.	Strategic Place Planning	NO	
Teachers and staff	Education Act 2005 Section 94 as amended by Education Act 2011 Section 15	Duty to provide the Secretary of State with any information necessary for school workforce training.	Reflects the Secretary of State taking over the role of the Training and Development Agency for Schools. From 1 April 2012 the duty to provide this information to the TDA is replaced by the duty to provide it to the Secretary of State.	Human Resources	NO	
Young People	Education Act 1997 section 42A, inserted by Education Act 2011 section 29	Duty to provide independent careers guidance to all pupils in Pupil Referral Units from the ages of 14 to 16. this guidance must be impartial, and include information on all training options available both at ages 16 and 18 including apprenticeships.	Specifies local authorities' duties to provide careers guidance for pupils in Pupil Referral Units. For schools, this duty rests on the governing body. Statutory guidance underpinning this will be published shortly.	Behaviour Support	NO	
Education	Apprenticeships, Skills, Children and Learning Act 2009 Schedule 13 inserts section 69A into the Education and Inspections Act 2006, amended by Education Act 2011 section 44.	Powers of Secretary of State to require a local authority to give a warning notice to a maintained school.	Allows the secretary of state to intervene in under performing schools.	School Improvement	NO	
Education	Academies Act 2010 section 6 amended by Education Act 2011 section 58	Requires that local authorities cease to maintain a school once it becomes an academy. This does not, however, prevent them from providing goods or services to the academy or making payments for some but not all of its expenses.	Makes clear that section 6(2) of Academies Act 2010, which prohibits a local authority from maintaining a school once it has converted into an Academy, does not prohibit a local authority from doing any of the things set out in paragraphs a to c which do not amount to maintaining a school.	School Improvement	NO	
Education	Academies Act 2010 section 7 amended by Education Act 2011 section 57	Requires local authorities to pay the proprietor or an academy any surplus in a school's budget when it converts.		Finance	NO	
Education	Academies Act 2010 section 8 amended by Education Act 2011 section 59, 63, schedule 14	Allows the Secretary of State to transfer to converter academies property (including land), rights or liabilities held by local authorities on behalf of schools which convert.		Legal	NO	
Special Education Needs	Education Act 2011 section 75 inserts section 532A, 532B and 532C into Education Act 1996	Allows local authorities to make direct payments for services for children with special educational needs, and allow the Secretary of State to set up pilots for such direct payments.	Enables direct payments for services for special educational needs.	Special Educational Needs	YES	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Curriculum	The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (article 6A, inserted by the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 2011) (made under section 87 of the Education Act 2002).	Key Stage 1: Local authorities must exercise their functions to monitor at least 10% of relevant schools to ensure the Year 1 phonics screening check is being administered correctly.	Requirement for local authorities to ensure head teachers fulfil their statutory duty in implementing and administering the Year 1 phonic screening check, which is being rolled out nationally from summer 2012.	School Improvement	NO	
Curriculum	Assessment and reporting arrangements for Year 1 phonics screening check - document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of the SI 2004/2783 as amended by article 7 of SI 2011/3057 but also includes non statutory guidance to local authorities.	Key Stage 1: Local authorities must visit at least 10% of relevant schools before, during and/or after the phonics screening check and submit information/data to the Department.	Requirement for local authorities to monitor the phonics screening check in at least 10% of schools to ensure it is being administered correctly (from summer 2012).	School Improvement	NO	

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White Paper: Educational Excellence Everywhere (March 2016)

Implications for Bromley

The White Paper states:

Bromley local authority has already made the commitment that all of its schools should become academies. It has been working closely with the DfE and its maintained schools to encourage them to apply for academy status.

As at March 2016, 79% of Bromley's schools are academies. DfE officials are in regular contact with Bromley local authority to discuss the progress of schools applying to become academies. This work includes defining the most appropriate MATs for schools to join, and meeting small groups of governing boards and headteachers to discuss governance and explain the process of academy conversion.

No Bromley maintained school is currently in an Ofsted category of concern. DfE officials continue to work closely with Bromley to support any vulnerable schools to join strong MATs, helping to drive up standards for children across the Bromley area. (p 69)

White paper reference	Anticipated impact
Local authorities should act as advocates for their electorate, challenging school providers to deliver high educational standards and better outcomes for children; the local authority's education duties will focus on three areas:	<ul style="list-style-type: none">• Governance: there is no expectation that the LA retains a relationship with governing boards and MATs. The DfE will no longer require academies to reserve places for parents on governing boards; appointments will be made according to skills. <i>It is therefore recommended that the governor services function ceases to operate from April 2017 when it is anticipated that all Bromley schools will have converted.</i>• School improvement: the LA will no longer carry out this

	<p>function as there will be a shift to a school led system. Remaining duties are oversight of testing arrangements (this could be commissioned from another organisation) and possibly SACRE (tbc). <i>The schools standard team will become redundant and we are planning to effect this by December 2016.</i></p> <ul style="list-style-type: none"> • There is reference to the role of lead member and director of children's services changing; members will need to consider the current arrangement of separating care services from education.
<p>a. Ensuring every child has a school place including that there are sufficient school, special school and alternative provision places to meet demand. Local authorities will retain responsibility for this in a fully academised system. The government will support them by continuing to provide substantial funding to allow them to deliver sufficient places, as well as by creating places through the free schools programme. As in the past, we expect that they will use their strong relationships with local schools to deliver the places needed in a local area, including planning ahead where necessary to support applications through the central free schools programme or to seek proposals for presumption free schools. Where local authorities are failing in this duty, the government will not hesitate to intervene. Local authorities will also work with schools and parents in developing local school transport policies, giving schools the opportunity to provide school transport services where that makes sense locally; and take a lead in crisis management and</p>	<ul style="list-style-type: none"> • The paper indicates that planning restrictions surrounding school building and expansion will be relaxed; currently a consultation is underway on increasing the square meterage that a school can build on without permission from 100 to 250 sq mtrs. • When a maintained school converts the land will automatically go to The Secretary of State who will issue the lease, rather than the current arrangement where The Council gives 125 year lease and retains ownership of the land. • It is possible that the current limitation of a maximum of 50% faith places for faith schools will be relaxed. This is of particular interest to Bromley as it would allow for a Catholic secondary academy to open using the free school route. • Central crisis management and emergency planning services need to be retained and communication routes and possibly support for individual schools strengthened.

<p>emergency planning</p>	<ul style="list-style-type: none"> • Early years duties remain and there is expansion linked to the new 30 hours free education programme to be implemented from September 2017 : <i>it is planned that the Early Years Funding Team move to Liberata</i>. In addition there is a small team that leads on early years quality (raising standards across the nearly 800 providers but focusing on those less than good and not yet inspected) and <i>this function could be commissioned from another organisation</i>. The sufficiency duty could be aligned with the work of the school place planning and admissions service.
<p>b. Ensuring the needs of vulnerable pupils are met including identifying, assessing and making provision for children with special educational needs and disability and looked after children; promoting school attendance and tackling persistent absence; ensuring that alternative provision is available for headteachers to commission for children and young people excluded from school or otherwise unable to attend a mainstream school, leading on safeguarding responsibilities for all children, including those in unregulated settings, educated at home and children missing education, as well as children at risk of radicalisation; working with schools to ensure that they understand and discharge their safeguarding duties; and supporting vulnerable children, for example, acting as the 'corporate parent' for looked after children, using the statutory Virtual School Head role to work with schools and other agencies on promoting their educational achievement and progress, and deciding how to spend the</p>	<ul style="list-style-type: none"> • This is a significant retained area of responsibility with the local authority seen as the champion for ensuring all vulnerable children's educational and well-being outcomes are met. • AP academies: the significant change is that mainstream schools will commission places from alternative providers rather than the current situation where the LA is commissioner (high needs block). The LA will still be responsible for ensuring that we have a sufficiency of AP places. • Virtual headteacher role: much emphasis is put on the importance of this position in ensuring that pupil premium plus expenditure is outcomes driven. It is also likely that the educational needs of adopted children will become the responsibility of the virtual headteacher through a legislative change. • Education welfare officers: it appears that there is no anticipated change to current statutory function sitting

Pupil Premium Plus	<p>with the LA. A decision will need to be made as to whether Bromley wants to continue to offer a traded element to the service. Currently this is deemed successful in that schools that buy in the service have fewer court cases but this element is subsidised by Bromley.</p> <ul style="list-style-type: none"> • Safeguarding: this major responsibility continues to sit with the LA but, within a changing external landscape, how this duty is undertaken will require a review and possibly an increase in resources. Currently early years safeguarding training is managed by the early years team and a slicker approach might be to bring it together under the LADO. • SEN: Changes to high needs funding will demand radical changes to how we manage this funding stream. We are already reviewing the function and purpose of The Phoenix Centre and also need to realign provision of deaf services where The Council is currently a direct provider of deaf teaching through The Griffins Centre and Darrick Wood School.
<p>c. Acting as champions for all parents and families including listening to and promoting the needs of parents, children and the local community – working alongside elected mayors; supporting parents in navigating the system through a continuing role in admissions; supporting children, young people and parents to navigate local SEND arrangements (such as providing information, advice and support) and engaging them in designing and co-producing local SEND policies, service commissioning</p>	<ul style="list-style-type: none"> • This gives a clear remit for a lead member while also implying that The Council works in partnership with the RSC and local MATs, retaining shared strategic oversight of school provision in Bromley. This duty also encompasses the provision of practical current information and service-user engagement. This places the LA as an advocate and influencer rather than having direct change control, which will require sensitive manoeuvring to be effectively delivered. The current

and delivery; and championing high standards locally for all pupils, for example, by encouraging high performing providers to establish new school places and where necessary calling for action from the Regional Schools Commissioner to tackle underperformance	Information, advice and support service, that sits with Rachel Dunley and operates out of the children's centres, already provides direct support to parents and families and it is anticipated that any increase in direct family work would be through this team.
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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