

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Children and Young People	DFE_001	Children and Young Persons Act 1963 Section 37. Secondary - The Children (Performances) Regulations 1968.	1963	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.
Department for Education	Children and Young People	DFE_002	Children Act 1989 as amended by section 52 of the Children Act 2004 Section 22(3)a. Secondary - Section 22(3)a of the Children Act 1989 placed a duty on local authorities to safeguard and promote the welfare of a child looked after by them. Section 52 of the Children Act 2004 amended that to include a particular duty on local authorities to promote their educational achievement.	2004	Promoting the educational achievement of looked after children.	Addressing the significant degree of educational underachievement of looked after children compared to all children.
Department for Education	Care planning	DFE_003	Children Act 1989 Section 33.	1989	Where a care order is made with respect to a child, the local authority designated by the care order must receive the child into care and keep them in care while the order is in force	Requires a local authority designated in a care order to continue to keep a child in care.
Department for Education	Children and Young People	DFE_004	Children Act 1989 and those in Parts 4 and 5 under section 24D Sections 26(3) and 24D. Secondary - Children Act 1989 Representations Procedure (England) Regulations 2006.	1989	Complaints procedures for looked after children, children in need, care leavers and others about the discharge of LA functions under Part 3 of the Children Act. Regulations extend the right to make complaints about other LA functions, including in respect to adoption and special guardianship	Ensuring local authorities have in place a complaints procedure for looked after children, children in need, care leavers and others about the discharge of their functions.
Department for Education	Children and Young People	DFE_005	Children Act 1989 Section 17(1)	1989	Family law private and public: Imposes a general duty on local authorities to safeguard and promote the welfare of children in need in their area and so far as is consistent with that duty to promote the upbringing of children by their families by providing a range and level of services appropriate to those children's needs.	Imposes a general duty to safeguard and promote the welfare of children 'in need'. Children who are defined as in need under the Children Act 1989 are those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health and development, or their health and development will be significantly impaired without the provision of services
Department for Education	Children and Young People	DFE_006	Children Act 1989 as amended by Sections 17A (inserted by the Health and Social Care Act 2001) and 17B (inserted by the Carers and Disabled Children Act 2000). Secondary - The Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009 and the Carers and Disabled Children (Vouchers) (England) Regulation 2003.	1989	Direct payments and vouchers for parents of disabled children	Section 17A provides power to make regulations requiring local authorities to offer to make direct payments to parents of disabled children and disabled 16 and 19 year olds, rather than provide services under section 17 of the Children Act 1989. The 2009 Regulations set out the details of that duty. Section 17B provides power to make regulations to enable local authorities to issue vouchers to parents of disabled children to exchange for short breaks. The 2003 Regulations set out details of the scheme.
Department for Education	Children and Young People	DFE_007	Children Act 1989, as amended by Section 25 of the Children and Young Persons Act 2008, Paragraph 6(1)(c) of Schedule 2. It is proposed to bring this amendment into force on 1 April 2011. Secondary -The Breaks for Carers of Disabled Children Regulations 2010, which have been laid before Parliament and should come into force on 1 April 2011.	1989	Duty to provide short breaks services to assist carers of disabled children.	Local authorities must provide services designed to minimise the effect on disabled children within their areas of their disabilities and give such children the opportunity to lead lives which are as normal as possible. The Short Breaks duty requires local authorities to provide, as part of the range of services they provide for families, breaks from caring to assist parents and others who provide care for disabled children to continue to do so, or to do so more effectively
Department for Education	Children and Young People	DFE_008	Children Act 1989 Section 47	1989	Local authority's duty to investigate: the local authority is required to make enquiries when it is suspected that a child may be suffering harm and to decide whether they should take action to safeguard or promote the child's welfare.	To ensure local authorities make enquiries when there are suspicions that a child is being harmed to decide whether they should take any action to safeguard or promote the welfare of a child - and to act on the conclusions of those enquiries
Department for Education	Children and Young People	DFE_009	Children Act 1989 Section 16	1989	Court Orders: Power for the court to make a family assistance order requiring the Children and Family Court Advisory and Support Service or a local authority to appoint an officer to advise or assist anyone such as a parent or guardian named in the order.	Intended to trigger professional support for up to 12 months to assist a family in resolving conflicts arising from relationship breakdown. The Family Justice System is currently under review.
Department for Education	Children and Young People	DFE_010	Children Act 1989 Section 37	1989	Court orders: The Children Act 1989 provides that a court, in any family proceedings, may direct a local authority to undertake an investigation of a child's circumstances. The local authority must consider whether they should initiate care or supervision proceedings, provide services or assistance or take any other action with respect to the child	Where concerns about children's welfare emerge during any family proceedings, this provides a way of ensuring those needs are properly investigated and a care and supervision application is triggered if need be. The Family Justice System is currently under review.
Department for Education	Children and Young People	DFE_011	Children Act 1989 Section 31A	1989	The Children Act 1989 provides that the court may make a care or supervision order on the application of any local authority. Where an application is made on which a care order might be made, section 31A provides that it is for local authorities to prepare care plans for the future care of the child	Provides a mechanism, when children are at significant risk of harm, for local authorities to apply to the courts for them to be placed into their care or under their supervision. The Family Justice System is currently under review.

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Department for Education	Children and Young People	DFE_012	Children Act 1989 Sections 85, 86 and 86A of, and paragraph 8A of Schedule 2, amended by Children and Young Persons Act 2008. Secondary - The Visits to Children in Long-Term Residential Care Regulations 2011 (due to come into force on 1 April 2011)	1989	Safeguarding and visiting children placed in long term placements who are not looked after.	Ensuring local authorities, when they are notified that children have been accommodated under health or education legislation, visit the child and take such steps as are reasonable to determine the child's welfare is adequately safeguarded and promoted.
Department for Education	Children and Young People	DFE_013	Children Act 1989 Section 67 and Part 9 of, and Schedule 8, Secondary - The Children (Private Arrangements for Fostering) Regulations 2005.	1989	Private fostering: Local authorities are required to satisfy themselves that the welfare of privately fostered children in their area is safeguarded and promoted.	Regulations set out in more detail local authorities' duties once they have been notified that a child is, or is going to be, privately fostered and stipulate when and how the visits to privately fostered children should take place
Department for Education	Children and Young People	DFE_014	Children Act 1989, Section 17 (and related duties in Schedule 2 to the Act)	1989	Places a duty on local authorities to safeguard and promote the welfare of children in their area who are in need. And, so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs	To ensure a focus on how well children in need are progressing and whether their development will be impaired without the provision of services.
Department for Education	Children and Young People	DFE_015	Children Act 1989, Section 26 Secondary - the Review of Children's Cases Regulations 1991 (SI 1991/895). [From 1 April 2011, the duty to appoint an IRO is set out in Section 25A of the Children Act 1989, as amended by Children and Young Persons Act 2008. Part 6 of the Care Planning, Placement and Case Review (England) Regulations 2010 will replace the 1991 Regulations in respect of looked after children case reviews.]	1989	Reviewing looked after children's cases and appointing an independent reviewing officer (IRO) for each looked after child.	The duty to review cases is to ensure that changes to the child's situation are considered and, where any action is necessary, that it is identified and taken. The IRO is intended to ensure planning and case review are done well, reflect the needs of the child, and take into account their wishes and feelings.
Department for Education	Children and Young People	DFE_016	Children Act 1989, Section 34 Secondary - Contact with Children Regulations 1991 (SI1991/891) . From 1 April 2011, provision is made in Care Planning, Placements and Case Review (England) Regulations 2010.	1989	Reasonable Contact between a child in care and their family.	Duty on local authority to allow the child, subject to a care order, reasonable contact with his family where the local authority refuse contact for welfare reasons. The regulations set out what information must be given to the child, parents and others where contact is refused and the circumstances where a section 34 order may be departed from.
Department for Education	Children and Young People	DFE_017	Children Act 1989 Schedule 2, paragraph 17 has been replaced by section 23ZB inserted by the Children and Young Persons Act 2008. Secondary - The Definition of Independent Visitors (Children) Regulations 1991 (SI 1991 892) - replaced by regulation 47 of The Care planning, Placement and Case Review (England) Regulations 2010.	1989	Appointing an independent visitor for a looked after child in circumstances where communication or visits between the child and family are infrequent. This duty is to be repealed with effect from 1 April 2011 and when the new duty in Section 23ZB comes into force. From 1 April 2011, appointing an independent visitor to visit, advise and befriend a looked after child of a prescribed description and in any other case in which it appears to the LA it would be in child's interests to do so	Extends 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.
Department for Education	Education	DFE_018	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	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.
Department for Education	Education	DFE_019	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	2006	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.
Department for Education	Education	DFE_020	Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006.	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.
Department for Education	Education	DFE_021	Education Act 1996 Section 457	1996	Charges and remissions policies required by all governing bodies and Local Authorities.	To provide clarity about what can and cannot be charged for.
Department for Education	Education	DFE_022	Education Act 1996 Section 458	1996	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

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Department for Education	School Governors	DFE_023	Education Act 1996 Section 499. Secondary - Parent Governor Representatives (England) Regulations 2001	1996	To appoint Parent Governor Representatives to local authority committees dealing with education.	Enables local authorities to include parents on their committees dealing with education – usually overview & scrutiny committees.
Department for Education	Education	DFE_024	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.	2009	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 provisions in ASCLA 2009. This duty is therefore currently in force in all local authorities except the 14 areas where the Local Government Ombudsman (LGO) 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.
Department for Education	Education	DFE_026 (plus DFE_028)	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).	1996	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.
Department for Education	Education	DFE_027	Secondary - The School Finance (England) Regulations 2012	1998	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.
Department for Education	Education	DFE_029	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.	1996	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.
Department for Education	Education	DFE_030	Education Act 1996 Section 447	1996	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
Department for Education	Education	DFE_031	Education Act 1996 Section 436A.	1996	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.
Department for Education	Education	DFE_032	Education Act 1996 Section 437.	1996	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
Department for Education	Estates	DFE_033	Education Act 1996 Section 543. Secondary - The Education (School Premises) Regulations 1999 and the Education (School Premises) (England) Regulations 2012 1999.	1996	Sets minimum standards for school premises.	Sets minimum standards for school premises.

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Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Special Educational Needs	DFE_034	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).	1996	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.)
Department for Education	Special Educational Needs	DFE_035	Education Act 1996 Section 14 .	1996	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)
Department for Education	School Meals	DFE_036	Education Act 1996 Section 512(3) as amended by Education Act 2002.	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.
Department for Education	School Transport	DFE_037	Education Act 1996 Section 508B. Inserted by section 77 of the Education and Inspections Act 2006.	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.
Department for Education	School Transport	DFE_038	Education Act 1996 Section 508A . Secondary - Statutory Instrument 2008 No 3093 The School Information (England) Regulations 2008.	1996	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.
Department for Education	School Transport	DFE_039	Education Act 1996 Section 509AD as inserted by section 84 of the Education and Inspections Act 2006.	1996	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.
Department for Education	School Transport	DFE_041	Education Act 1996 Section 509AB.	1996	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.
Department for Education	School Transport	DFE_042	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.	1996	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
Department for Education	School Transport	DFE_043	Section 509AB Education Act 1996 as amended by the sections 54-57 of the Apprenticeships, Skills, Children and Learning Act 2009.	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.	
Department for Education	Education	DFE_044	Education Act 1996 Section 507B- introduced through section 6 of the Education and Inspections Act 2006.	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.
Department for Education	Class sizes	DFE_045	School Standards and Framework Act 1998 Sections 1 and 138(7). Secondary legislation - Infant Class Size Regulations 2012	1998	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)

Review of Statutory Duties

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Department for Education	School Admissions	DFE_046	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 - School Admissions (Adjudicator Determinations Relating to Looked After and Certain Other Children) (England) Regulations 2007, School Admissions (Admission Arrangements) (England) 2008, School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) 2012, School Admissions Appeal Arrangements) (England) 2012, School Admission Code (Appointed Day) (England) Order 2010, School Admissions Code and School Admissions Appeals Code (Appointed Day) Order 2012, School Admissions (Co-ordination of Admission Arrangements (England) Regulations 2008, School Admissions (Infant Class Sizes) (England) Regulations 2012	1998	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.	Schools Admissions Code and School Admissions Appeal Code 2012 came into force on 1 February 2012.
Department for Education	School Admissions	DFE_047	School Standards and Framework Act 1998 Section 86(1A) as amended by section 42 of the Education and Inspections Act 2006.	1998	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 a school.
Department for Education	School Admissions	DFE_048	School Standards and Framework Act 1998 Section 88P amended by Education Act 2011 section 34.	1998	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.
Department for Education	School Admissions	DFE_049	School Standards and Framework Act 1998 Section 92. Substituted by Education Act 2002.	1998	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.
Department for Education	School Admissions	DFE_050	School Standards and Framework Act 1998. School Admission Appeals Code Section 94.	1998	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 on local authorities to act in accordance with any relevant provisions of the Appeals Code.
Department for Education	Religious Education	DFE_051	School Standards and Framework Act 1998 Section 69.	1998	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	Ensures that local authorities and schools provide Religious Education in accordance with the law.
Department for Education	Religious Education	DFE_052	School Standards and Framework Act 1998 Section 70.	1998	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.
Department for Education	Schools	DFE_053	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	2006	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.

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Department for Education	Estates	DFE_054	School Standards and Framework Act 1998 Section 77 as amended by schedule 4 to the Education and Inspections Act 2006	1998	Legislation governing disposal of land on schools sites.	Protection of School Playing Fields
Department for Education	School Budget	DFE_055	School Standards and Framework Act 1998 Sections 45, 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	1998	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 directed revisions to local authority schemes, including directions to remove particular provisions in schemes.
Department for Education	Teachers and staff	DFE_056	Education Act 2002 Part 8 Sections 135A-135C and 141A-141E, inserted by Education Act 2011 sections 8 and 9	2002	Sets out the Secretary of State's 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.
Department for Education	Teachers and staff	DFE_057	Teaching and Higher Education Act 1998 Section 19 (teachers in Wales)	1998	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.
Department for Education	School Meals	DFE_058	School Standards and Framework Act 1998 Section 114A. Secondary - Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007.	1998	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
Department for Education	Special Education Needs	DFE_059	Learning and Skills Act 2000 Section 139A (as amended by Education and Skills Act 2008, Section 80)	2008	Expands and transfers to the local authorities the duty currently on 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
Department for Education	Estates	DFE_060	Care Standards Act 2000. Secondary - Includes regulations governing children's homes and secure units (e.g. Children's Homes Regulations 2001).	2000	Places duty of care on local authorities to ensure standards in children's homes are maintained to a specified level. The Care Standards Act 2000 does not place a duty on local authorities- Section 62 Children Act 1989 place a duty on LAs to satisfy themselves that voluntary organisations who provide accommodation are safeguarding and promoting the welfare of the children. Section 64 Children Act 1989 makes a similar provision for private children's homes. The Care Standards Act 2000 provides for the inspection of children's homes by Ofsted, and provides the power for Regulations governing the conduct of children's homes (such as the Children's Homes Regulations 2001).	Ensuring decent standards in children's homes.
Department for Education	Special Education Needs	DFE_061	The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (SI 2001/2218).	2001	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.
Department for Education	Children in Care	DFE_062	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.	1989	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.

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Children in Care	DFE_063	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.	1989	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.
Department for Education	Children in Care	DFE_064	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.	1989	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.
Department for Education	Special Education Needs	DFE_065	The Education (Special Educational Needs) (City Colleges) (England) Regulations 2002 (SI 2002/2071).	2002	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.
Department for Education	School Governors	DFE_066	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	2002	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.	
Department for Education	Education	DFE_067	Education Act 2002 section 20 . Secondary - School Governance (Constitution) (England) Regulations 2007. School Governance (Federations) England Regulations 2007, School Governance (Constitution) (England) Regulations 2012	2002	To make the Instrument of Government for all maintained schools and federations of maintained schools	Provides a framework for decision making and accountability.
Department for Education	School Governors	DFE_068	Section 22 of the Education Act 2002.	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.
Department for Education	School Governors	DFE_069	Education Act 2002 section 34. Secondary - School Governance (New Schools) (England) Regulations 2007.	2002	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
Department for Education	Assessment	DFE_070	The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (article 6) (made under section 87 of the Education Act 2002).	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'
Department for Education	Assessment	DFE_071	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	2004	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'.
Department for Education	Assessment	DFE_072	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	2002	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.
Department for Education	Assessment	DFE_073	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	2002	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.
Department for Education	Assessment	DFE_074	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).	2003	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. This requirement has been confirmed following the external review of KS2 testing and accountability
Department for Education	Curriculum	DFE_075	Education Act 2002 Section 79	2002	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
Department for Education	Curriculum	DFE_076	Education Act 2002 Section 85(9)	2002	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.

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Curriculum	DFE_077	Education Act 2002 Section 85A(5), amended by Education Act 2011 section 31	2002	The local authority, governing body or head teacher shall have regard to any guidance relating 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.
Department for Education	Curriculum	DFE_078	Education Act 2002 Section 88 (1A)	2002	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'
Department for Education	Education	DFE_080	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.	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.
Department for Education	Schools	DFE_081	Education Act 2002 Section 32	2002	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.
Department for Education	Financial Reporting	DFE_082	Education Act 2002 Section 44 enables 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 Report (England) Regulations 2012 -	2003	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.
Department for Education	Teachers' Pay	DFE_083	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).	2002	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.
Department for Education	Teachers and staff	DFE_084	Education Act 2002 Sections 21, 131 and 210 . Secondary - The Education (School Teacher Performance Management) (England) Regulations 2012	2002	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
Department for Education	Adoption	DFE_085	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)	2002	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.
Department for Education	Adoption	DFE_086	Adoption and Children Act 2002 Section 3, 4(5). Secondary - The Adoption Support Services Regulations (SI 2005/691) set out which types of support services must be extended to which categories of persons.	2002	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.
Department for Education	Adoption	DFE_087	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)	2002	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).

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Adoption	DFE_088	Adoption and Children Act 2002 Section 56. Secondary (see the Disclosure of Adoption Information (Post-Commencement Adoptions) Regs 2005 (SI 2005/888).	2002	Keeping prescribed information in relation to an adopted person .	This applies to all adoption agencies, including local authorities.
Department for Education	Adoption	DFE_089	Adoption and Children Act 2002 section 56. Secondary (see the Disclosure of Adoption Information (Post-Commencement Adoptions) Regs 2005 (SI 2005/888).	2002	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.
Department for Education	Adoption	DFE_090	Adoption and Children Act 2002 Section3(2). Secondary - The Adoption Support Services Regs 2005 (SI2005/691).	2002	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.
Department for Education	Adoption	DFE_091	Adoption and Children Act 2002 Act Sections 83 Secondary - Adoptions with a Foreign Element Regulations 2005 ('FERs'): Non-Hague Convention (s.83) cases	2002	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.
Department for Education	Safeguarding Children	DFE_092	Education Act 2002 (introduced 1 June 2004) Section 175	2002	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)
Department for Education	Curriculum	DFE_093	Education Act 2002 Sections 79 (6) and (7).	2002	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
Department for Education	Teachers and staff	DFE_094	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	2003	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 that they must have.	Relates to local authorities in their capacity as employers of teachers in maintained schools.
Department for Education	Teachers and staff	DFE_095	The Education (Health Standards) (England) Regulations 2003	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.
Department for Education	Teachers and staff	DFE_096	The Education (Specified Work and Registration) (England) Regulations 2012 and Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012	2003	-Requires school teachers to be qualified	Relates to local authorities in their capacity of employers of teachers in maintained schools
Department for Education	Inspection	DFE_097	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.128 and 141 Education & Inspections Act 2006	2004	(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 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
Department for Education	Children and Young People	DFE_098	Children Act 2004 Section 11 .	2004	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.
Department for Education	Safeguarding Children	DFE_099	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.	2004	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.

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Children and Young People	DFE_100	Children Act 2004 Section 18	2004	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
Department for Education	Children and Young People	DFE_101	Children Act 2004 Section 19	2004	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
Department for Education	Children and Young People	DFE_102	Children Act 2004 Section 10 (1)	2004	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
Department for Education	Children and Young People	DFE_103	Children Act 2004 Section 10(3)	2004	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.
Department for Education	Children and Young People	DFE_104	Children Act 2004 Section 12A as amended by the Apprenticeship, Skills, Children and Learning Act 2009	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.
Department for Education	Complaints	DFE_106	Education Act 2005 Sections 11B and 11A	2005	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.
Department for Education	Schools	DFE_107	Education Act 2005 Section 15, amended by Education Act 2011 section 40.	2005	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.
Department for Education	Adoption	DFE_108	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	2002	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.
Department for Education	Adoption	DFE_109	The Adoption Support Services Regs (SI 2005/691) set out which types of support services must be extended to which categories of persons.	2005	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.
Department for Education	Adoption	DFE_110	Adoption and Children Act 2002 Section 84. Secondary Adoptions with a Foreign Element Regulations 2005.	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.
Department for Education	Adoption	DFE_111	Private Fostering Regulations 2005	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 childrer
Department for Education	Establishment of New Schools	DFE_112	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.	2006	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.

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Closure of Schools	DFE_113	Education and Inspections Act 2006 Section 15 . Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007. (applies to Local authorities)	2006	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
Department for Education	Alterations of Existing Schools	DFE_114	Education and Inspections Act 2006 Section 19 . Secondary legislation - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.	2006	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.
Department for Education	Complaints	DFE_115	Education and Inspections Act 2006 Section 60	2006	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.
Department for Education	Complaints	DFE_116	Education and Inspections Act 2006 Section 63	2006	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.
Department for Education	Intervention	DFE_117	Education and Inspections Act 2006 Section 64	2006	Power of LA to appoint additional governors if the school is 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 complied 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.
Department for Education	Intervention	DFE_118	Education and Inspections Act 2006 Section 65	2006	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.
Department for Education	Intervention	DFE_119	Education and Inspections Act 2006 Section 66	2006	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.
Department for Education	Estates	DFE_120	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	2006	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.
Department for Education	Safeguarding Children	DFE_121	Safeguarding Vulnerable Groups Act 2006	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, s 115(1), (2), Sch 9, Pt 6, paras 43, 50, Sch 10, Pt 5.; 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

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Teachers and staff	DFE_122	Education and Inspections Act 2006 Sections 60A and 69B.	2006	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.
Department for Education	Early Years	DFE_123	Childcare Act 2006 Section 1	2006	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.
Department for Education	Early Years	DFE_124	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.	2006	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.
Department for Education	Early Years	DFE_125	Childcare Act 2006 Section 3	2006	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.
Department for Education	Early Years	DFE_126	Childcare Act 2006 Section 4	2006	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 Primary Care Trust (PCT) National Health Service Commissioning Board and Jobcentre Plus to achieve their early years outcome duty.
Department for Education	Early Years	DFE_127	Childcare Act 2006 Section 99 . Secondary - The Childcare (Provision of Information About Young Children) Regulations 2009 (SI 2009 / 1554).	2006	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 information to parents and families in their areas about provision.
Department for Education	Information	DFE_128	Childcare Act 2006 Section 12. Secondary: The Childcare Act 2006 (Provision of Information to Parents (England) Regulations 2007 (SI 2007 No 349).	2006	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.
Department for Education	Children's Centres	DFE_129	Childcare Act 2006 Section 5A	2006	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
Department for Education	Children's Centres	DFE_130	Childcare Act 2006 Section 5C	2006	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
Department for Education	Children's Centres	DFE_131	Childcare Act 2006 Section 5D	2006	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
Department for Education	Children's Centres	DFE_132	Childcare Act 2006 Section 5E(2)	2006	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.

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Children's Centres	DFE_133	Childcare Act 2006 Section 98C(3)	2006	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
Department for Education	Childcare	DFE_134	Childcare Act 2006 Section 6	2006	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.
Department for Education	Childcare	DFE_135	Childcare Act 2006 Section 7, as amended by Education Act 2011 Section 1	2006	Duty to secure prescribed early years provision free of charge	To ensure that all children under school age, as described in regulations or in guidance from the Secretary of State, can access free nursery education.
Department for Education	Childcare	DFE_136	Childcare Act 2006 Section 11	2006	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)
Department for Education	Childcare	DFE_137	Childcare Act 2006 Section 13	2006	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.
Department for Education	Early Years	DFE_138	The Early Years Foundation Stage (Learning and Development Requirements) Order 2007	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
Department for Education	School Admissions	DFE_139	The Information as to Provision of Education (England) Regulations 2008	2008	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.)
Department for Education	Teachers and staff	DFE_140	The Education (Induction Arrangements for School Teachers) (England) Regulations 2012	2008	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.
Department for Education	Schools	DFE_141	The School Information (England) Regulations 2008 SI 2008/3093 Regulation 5.	2008	Local authority to publish a 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.
Department for Education	Special Education Needs	DFE_142	The School Information (England) Regulations 2008 Regulation 8	2008	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
Department for Education	Young People	DFE_143	Education and Skills Act 2008 Section 68.	2008	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 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.
Department for Education	Young People	DFE_144	Education and Skills Act 2008 section 10	2008	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.

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Budget	DFE_145	Apprenticeships Skills Children and Learning Act 2009 Sections 251 and 252 .	2009	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.
Department for Education	Teachers and staff	DFE_146	The School Staffing (England) Regulations 2009	2009	The appointment, management and dismissal of staff.	Outlines the duties of the local authority (and governing body) in relation to the appointment, management and dismissal of staff.
Department for Education	Teachers and staff	DFE_147	School Staffing (England) Regulations 2009	2009	Require schools in England to keep a register or single central record of the recruitment and vetting checks carried out on staff.	
Department for Education	Safeguarding Children	DFE_148	The Local Safeguarding Children Boards (Amendment) Regulations 2010 - SI 2010/622 (under Children Act 2004)	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
Department for Education	Over compulsory school age	DFE_149	Apprenticeships, Skills, Children and Learning Act 2009 section 41 inserts sections 15ZA and 15ZB into the Education Act (1996)	2009	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)
Department for Education	Over compulsory school age	DFE_150	Apprenticeships, Skills, Children and Learning Act 2009 section 42 inserts section 15ZC into Education Act (1996)	2009	Encouragement of education and training for persons over compulsory school age.	To ensure local authorities encourage participation in education and training.
Department for Education	Education	DFE_151	Apprenticeships, Skills, Children and Learning Act 2009 section 44 inserts section 51A into Further and Higher Education Act 1992	2009	Duty to provide for named individuals	Local authorities, if necessary, can require a provider to make provision for a named individual
Department for Education	Education	DFE_152	Apprenticeships, Skills, Children and Learning Act 2009 section 45, as amended by Education Act 2011 section 30, inserts section 17A - 17D in the Education Act 1996.	2009	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.
Department for Education	Special Education Needs	DFE_153	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 46 inserts section 514A - in the Education Act (1996)	2009	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
Department for Education	Over compulsory school age	DFE_154	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 47 inserts section 560A into the Education Act (1996)	2009	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)
Department for Education	Education of Young Offenders	DFE_155	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 sections 48-52 insert various clauses into the Education Act (1996). Amended by Education Act 2011 section 30	2009	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
Department for Education	Education	DFE_156	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 sections 56-57	2009	Complaints about transport arrangements etc for persons of sixth form age in England and LA in England must make provision of transport etc for adult learners	
	Education		Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 58		Power of LA to arrange provision of education at non-maintained schools	
Department for Education	Teachers' Pensions	DFE_157	Teachers' Pensions Regulations 2010	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.
Department for Education	Education	DFE_158	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.	2010	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.

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Child Poverty	DFE_159	Child Poverty Act 2010	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.
Department for Education	Religious Education	DFE_160	Education Act 1996 Section 390	1996	A 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.
Department for Education	Looked after Children	DFE_161	Children Act 1989 Section 22 including 22(3)(a) and 22(3A) as amended by Section 52 of the Children Act 2004.	1989	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.
Department for Education	Looked after Children	DFE_162	Children Act 1989 section 23	1989	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.
Department for Education	Looked after Children	DFE_163	Children Act 1989 Schedule 2 paragraph 15.	1989	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
Department for Education	Looked after Children	DFE_164	Children Act 1989 Schedule 2, paragraph 19.	1989	Making arrangements for a looked after child to live outside England and Wales.	Restrictions on the making of such arrangements.
Department for Education	Looked after Children	DFE_165	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	1989	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
Department for Education	Looked after Children	DFE_166	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)	1989	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.
Department for Education	Looked after Children	DFE_167	Section 23ZB inserted by the Children and Young People's Act (this replaces Schedule 2, paragraph 17)	2011	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.
Department for Education	Care leavers	DFE_168	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.	1989	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.

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Care leavers	DFE_169	Children Act 1989 sections 23C and 24B	1989	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.
Department for Education	Care leavers	DFE_170	Children Act 1989 Section 24C	1989	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.
Department for Education	Care leavers	DFE_171	Children Act 1989 Part 3 and Parts 4 and 5 under section 24D of the Children Act 1989	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	
Department for Education	Care leavers	DFE_172	Children Act 1989 Section 26A Secondary - Advocacy Services and Representations Procedure (Children) Amendment Regulations 2004.	1989	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.
Department for Education	Adoption	DFE_173	Adoption and Children Act 2002 Section 2(8).	2002	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.
Department for Education	Safeguarding Children	DFE_174	Children Act 1989 section 22	1989	Places a duty on the local authority to apply for a placement order in certain circumstances.	
Department for Education	Adoption	DFE_175	Children Act 1989 sections 30-35	1989	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
Department for Education	Adoption	DFE_176	Adoption and Children Act 2002 Section 58, 60.	2002	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
Department for Education	Adoption	DFE_177	Adoption and Children Act 2002 Sections 4(1). Secondary - The Adoption Support Services Regulations (SI 2005/691) - set out procedure for assessment	2002	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.
Department for Education	Adoption	DFE_178	Hague Convention cases The relevant Regulations are the Adoptions with a Foreign Element Regulations 2005, as amended by the Adoptions with a Foreign Element (Amendment) Regulations 2009.		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.
Department for Education	Adoption	DFE_179	Adoption and Children Act 2002 Sections 42, 43, 44 .	2002	Making an assessment/investigation in relation to applications for adoption orders. The LA must make an assessment on receipt of a notice of intention to adopt, and the requirement for the LA to be given sufficient opportunity to see the child etc is a condition for making an adoption order.	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.
Department for Education	Safeguarding Children	DFE_180	Children Act 1989 Section 20.	1989	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.
Department for Education	Safeguarding Children	DFE_181	Children Act 1989 Section 21	1989	Accommodation for children in police protection or detention or on remand (Local authority duty to provide	
Department for Education	Safeguarding Children	DFE_182	Children Act section 25. Secondary - Children (Secure Accommodation) Regulations 1991 (SI 1991/1505) and Children (Secure Accommodation) (No. 2) Regulations (SI 1991/2034).	1989	Allows a local authority to make an application to the Court to seek a secure accommodation order.	

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Safeguarding Children	DFE_183	Children Act 1989 sections 44, 44A, 44B and 45	1989	Allows the Court to make emergency protection orders on the application of a local authority (or other authorised body)	
Department for Education	Looked after Children	DFE_184	Children Act 1989 Sections 62, 64.	1989	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
Department for Education	Looked after Children	DFE_185	Children Act 1989 Section 22G	1989	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
Department for Education	Looked after Children	DFE_186	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	1989	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.
Department for Education	Looked after Children	DFE_187	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).	1989	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.
Department for Education	Care leavers	DFE_188	Children Act 1989 section 23CA	1989	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	
Department for Education	Safeguarding Children	DFE_189	Children Act 1989 Section 14A(8) subsection(9) Secondary - Special Guardianship Regulations 2005 (SI 2005/1109).	1989	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
Department for Education	Special Guardianship	DFE_190	Children Act 1989 Section 14F. Secondary - The Special Guardianship Regulations 2005.	1989	Making arrangements for provision of special guardian support services (including financial support). This includes carrying out an assessment where specified parties request this, preparing a support plan and keeping it under review.	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
Department for Education	Sixth Form College	DFE_191	Further and Higher Education Act 1992 section 33E, amended by the Apprenticeships, Skills, Children and Learning Act 2009 Schedule 8.	2009	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.
Department for Education	Teachers and staff	DFE_192	Education Act 2005 Section 94, as amended by Education Act 2011 section 15	2011	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
Department for Education	Young People	DFE_193	Education Act 1997 section 42A, inserted by Education Act 2011 section 29	2011	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.
Department for Education	Education	DFE_194	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	2009	Powers of the 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.
Department for Education	Education	DFE_195	Academies Act 2010 section 6, amended by Education Act 2011 section 58	2010	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).
Department for Education	Education	DFE_196	Academies Act 2010 section 7, amended by Education Act 2011 section 57	2010	Requires local authorities to pay the proprietor of an academy any surplus in a school's budget when it converts	This provision is expected to come into force in September 2012.
Department for Education	Education	DFE_197	Academies Act 2010 section 8 and schedule, amended by Education Act 2011 sections 59 and 63 and schedule 14.	2010	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	

Review of Statutory Duties

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function - What is it intended to achieve?
Department for Education	Education	DFE_198	Education Act 2011 section 61 inserts section 10A into Academies Act 2010.	2011	Requires local authorities to <u>consider</u> whether to pay the cost of boarding and lodging at an academy for pupils if they believe that boarding is the only way to meet their educational needs <u>or</u> if a boarding pupils' parents fall into financial hardship, to pay that part of the boarding fee which is necessary to enable the pupils to continue as a boarder. This duty only applies to pupils already on roll of a boarding school and who would normally reside in the local authority's area. It mirrors the duty local authorities have in respect of pupils at maintained schools (s 458 Education Act 1996)	Enables pupils at boarding academies to have the same rights to be considered for fee remission as they would if they were in a maintained boarding school.
Department for Education	Special Education Needs	DFE_199	Education Act 2011 section 75 inserts sections 532A, 532B and 532C into Education Act 1996	2011	Allows local authorities to make direct payments for services for children with special educational needs, and allows the Secretary of State to set up pilots for such direct payments.	Enables direct payments for services for special educational needs
Department for Education	Curriculum	DFE_200	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).	2011	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.
Department for Education	Curriculum	DFE_201	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 SI 2004/2783 as amended by article 7 of SI 2011/3057, but also includes non-statutory guidance to local authorities	2011	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) .