

**FIRST REPORT OF THE EDUCATION SELECT COMMITTEE
2016/17**

THE EDUCATION LANDSCAPE IN BROMLEY

Meeting Date: Wednesday 25 MAY 2016

This page is left intentionally blank

Education Select Committee 2016/17 – First Report - The Future Education Landscape in Bromley

1. Introduction

The Education Select Committee met on May 25th 2016.

Present: Cllr Nicholas Bennett JP (Chairman), Cllr Neil Reddin (Vice Chairman)

Councillors Kathy Bance MBE, Kim Botting, Alan Collins, Judi Ellis, Chris Pearce and Stephen Wells.

Mrs Mary Capon, Mrs Joan McConnell, Mrs Alison Regester, Tajana Reeves, Mrs Myleen Williams.

Four witnesses gave evidence at the hearing::

Cllr Peter Fortune, Portfolio Holder for Education, London Borough of Bromley

Mrs Jane Bailey, Director of Education, London Borough of Bromley

Mrs Sam Parrett OBE, Chief Executive and Principal of Bromley College of Further and Higher Education

Mrs Jo Brinkley, CEO and Executive Head teacher of the Spring Partnership Trust.

Written evidence was provided by Mrs Brinkley. The Director of Education and Mrs Parrett gave PowerPoint presentations and provided written evidence.

The Committee gives its sincere thanks to the witnesses for their evidence.

2. Executive Summary – Recommendations

- 2.1 That the Leader of the Council considers realigning Portfolio Responsibilities to create a Children and Family Portfolio including Youth Offending and Housing.**
- 2.2 That the Council make representations to the Department for Education to strengthen the '*duty to co-operate*' of other parts of the education sector so as to enable the Local Authority fulfil its statutory responsibilities.**
- 2.3 That the Council make representations to the Department for Education that when an authority reaches a position whereby a substantial majority of schools are academies that a 'critical mass' has been reached and that the remaining schools be required to convert.**
- 2.4 That the Portfolio Holder for Education establishes the Government's intentions regarding admission criteria for church schools in order to consider resuming discussions with the Catholic Archdiocese for Southwark with a view to the provision of a secondary school.**
- 2.5 That the Council notes the urgent need to plan and provide for between 30 and 35 additional forms of entry for secondary education by 2021 and recommends that the Development Control Committee, through the Local Plan, ensures that there are sufficient sites to ensure this can be achieved.**
- 2.6 That the Development Control Committee be requested to consider how funding from the Council's Community Infrastructure Levy could be used for education purposes.**
- 2.7 That the Portfolio Holder for Education considers how the role of the Council as a corporate parent might be strengthened so as to improve the education outcomes for Children Looked After.**
- 2.8 That the Education Department considers whether there is scope for co-operation in the field of SEN provision with Bromley College of Further and Higher Education.**
- 2.9 That the Portfolio Holder and the Director of Education prepare a staffing structure for consideration by the Education Select Committee at its September 2016 meeting.**
- 2.10 That the Portfolio Holder report back to the Education Select Committee on which services currently sold by the Education Department would be economically viable and sustainable once the future role and structure of the Department is decided.**
- 2.11 That the Council explores what further co-operation could be undertaken with the Bromley College of Further and Higher Education in helping people into work and acquiring skills for employment.**

2.12 That the Master Plan for Biggin Hill be expedited to enable an Academy for Aeronautical, Engineering and Motor Vehicles to be established at the Airport by Bromley College of Further and Higher Education.

3. Background

3.1 The purpose of the inquiry was to examine what role the Council would have in education once all maintained schools had become academies.

3.2 Bromley is on track to become the first authority in England to have no maintained schools by 2017. The Government's White Paper, "*Educational Excellence Everywhere*" envisages a reduction in the education responsibilities of local authorities.

3.3 Bromley Local Authority has already made the commitment that all of its schools should become academies. It has been working closely with the Department for Education (DfE) and its maintained schools to encourage them to apply for academy status.

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

3.5 The Education Select Committee had before them a report from the Council's Director of Education which highlighted the key priorities and policies of the various teams within the Education Department. This report covered:

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

4. Education White Paper

4.1 The Government published the Education White Paper '*Educational Excellence Everywhere*' in March 2016. The paper reiterated the Government's strategy to develop a school-led educational system with the aim of every school being an academy, working in multi-academy trusts overseen by Regional School Commissioners and the Department for Education. An analysis of the implications for local authorities when the proposals in the White Paper are translated into law is attached at **Appendix 1**.

4.2 The Committee also received a review of statutory duties. This showed 178 current duties of which 66 would cease after the forthcoming Education Act. The Review is attached as **Appendix 2**.

4.3 The White Paper indicates that, in future, local authorities will focus on three key areas:

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

4.4 In answer to questions from the Select Committee, the Director of Education reported that although the number of statutory duties of the Local Authority would reduce, the Local Authority would retain responsibility for safeguarding amongst other things. In relation to this duty all schools would continue to have a duty to co-operate with the Local Authority. The Children's Safeguarding Board would retain its responsibilities and the Local Authority would be looking at how the system could be strengthened. Recently a Primary Head teacher and a Secondary Head teacher had joined the Board and it was considered that this would help to develop and enhance relationships moving into the future.

4.5 The Committee considered the reduction in statutory duties and the end of operational control of schools. It was noted that in many authorities' children and family services were part of the same department and political responsibility because of the common and intertwined issues. In addition most housing provision centred round support for families and young people leaving care. It was further noted that, in Bromley, Care Services accounted for the majority of the budget and that a realignment of responsibilities would not only provide a better 'natural fit' but a more balanced portfolio in terms of duties and financial oversight.

RECOMMENDATION 1

That the Leader of the Council considers realigning Portfolio Responsibilities to create a Children and Family Portfolio including Youth Offending and Housing.

5. Strategic Partners

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

5.1 Schools and the Further Education College:

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

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

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

5.3 Parents and Communities

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

5.4 Other Partners

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

6. Academies and school performance

6.1 In terms of developing close co-operation with both academies and the Regional Schools Commissioner, the Director of Education emphasised the importance of working in partnership and developing robust relationships in order to share information. To this end, good communication will be key. In response to the Chairman, who asked what powers a local authority would have if a partner failed to co-operate with the authority in its statutory duties, the Director explained that it was not anticipated that the resolution of any issues that may arise would be driven through statute.

6.2 The Council's role in overseeing the performance of all schools and academies will continue to be valued by partners. An important addition to the team will be a dedicated data analyst who can monitor the performance of academies as well as, temporarily, any remaining maintained schools. Where an academy is seen not to be

performing to expectations we will continue to provide challenge and work with DfE colleagues to broker solutions.

RECOMMENDATION 2

That the Council make representations to the Department for Education to strengthen the ‘duty to co-operate’ of other parts of the education sector so as to enable the Local Authority fulfil its statutory responsibilities.

6.3 The Portfolio Holder emphasised that this was very much an evolving process and that as a leader in the field of academy conversions the London Borough of Bromley would need to be pro-active in feeding back to the Department for Education any policy issues as they arise. The Chairman commented that although the Government had backed away from compulsory academisation of all schools by 2021 in many authorities a ‘tipping point’ would be reached whereby it was uneconomic and unsustainable to provide services to a small number of maintained schools left with an authority. The Portfolio Holder agreed that a ‘critical mass’ would be reached.

RECOMMENDATION 3

That the Council make representations to the Department for Education that when an authority reaches a position whereby a substantial majority of schools are academies that a ‘critical mass’ has been reached and that the remaining schools be required to convert.

6.4 Mrs Parrett confirmed that if the Bromley Futures Academy was successful in navigating the Free School application process it would provide places for 50 pupils and would open in 2018.

6.4 The Committee noted that the Bromley Beacon Academy was expected to take girls with social, emotional, and mental health needs. Mrs Parrett confirmed that these pupils were currently schooled within the pupil referral unit system and would transfer out of their existing provision.

7. Provision of Catholic Secondary School

7.1 In response from a question from the Catholic Church representative on the Select Committee highlighting that Bromley was the only London Borough without a Catholic Secondary School, the Director of Education recognised the desire of the Catholic Community to have a Catholic Secondary School in the Borough. Any new school would now have to be approved through the new Free School process as it was no longer in the gift of the Local Authority. The Chairman noted that it has been indicated that the Government may change the current restriction on the number of pupils which the Church could require to be practising adherents. This could mean that the Catholic Bishops may review their position on new schools. It was noted that in the successful appeal against planning permission for new homes at the former All Saints School site a commitment was made by the Archdiocese that the proceeds of the sale of the land would be used for Bromley pupils.

RECOMMENDATION 4

That the Portfolio Holder for Education establishes the Government's intentions regarding admission criteria for church schools in order to consider resuming discussions with the Catholic Archdiocese for Southwark with a view to the provision of a secondary school.

8. Sufficiently of School Places

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

8.2 In relation to ensuring that there was planning for a sufficient number of school places, the Director of Education reported that Officers were working closely with the Education Funding Agency (EFA). The Education White Paper had made it clear that if Local Authorities failed to establish enough school places the Government would intervene however no information had been provided concerning what form any intervention would take.

8.3 The Portfolio Holder stressed that choice of school place and need for school places were two very different entities and in order to give parents any choice the Local Authority would need to deliver extra school places. This was a function of the planning system and something that would need to be resolved during the coming year.

8.4 The Committee noted that the provision of sufficient schools places was a monumental problem for Bromley as a local authority. It was clear that between 30 and 35 FE would be required by 2023 and it took time to build a school. If action was not taken soon there would be a serious problem as the Local Authority would be unable to fulfil its statutory duties and could be facing Government intervention.

RECOMMENDATION 5

That the Council notes the urgent need to plan and provide for between 30 and 35 additional forms of entry for secondary education by 2021 and recommends that the Development Control Committee, through the Local Plan, ensures that there are sufficient sites to ensure this can be achieved.

9. Community Infrastructure Levy (CIL)

9.1 The Council is undertaking viability work into the potential for a Bromley CIL. The Council will consider the findings and, assuming the decision is to progress a local CIL, the Council will consult on a Preliminary Draft Charging Schedule (PDCS). This will show the proposed CIL charges on different types of development, supported by an Infrastructure Delivery Plan identifying the infrastructure required to support the

delivery of the Local Plan to 2031. The range of infrastructure to be funded from the CIL will also be identified, and will be published later as its draft Regulation 123 list of infrastructure on which CIL can be legitimately spent. The Council will have to decide if education is included on this list.

9.2 In terms of decisions surrounding whether the needs of schools could be partially met through funding from the CIL in the way in which Section 106 monies have previously been earmarked, the Portfolio Holder confirmed that no decisions had been reached however, the Education Department was making representations along the lines that the money should be available for this purpose.

RECOMMENDATION 6

That the Development Control Committee be requested to consider how funding from the Council's Community Infrastructure Levy could be used for education purposes.

10. Special Educational Needs and Disability (SEND)

10.1 The Special Educational Needs Service continues to deliver the reforms set out in the Children and Families Act 2014. Following on from Bromley Pathfinder work a four year transition plan is in place to transfer Statements of Special Educational Needs into Education Health and Care Plans. A range of activities have ensured that SEND processes are statutory compliant and the Bromley Local Offer has been published. This provides information on universal, targeted and specialist activities available for young people with SEN/D and their parents.

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

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

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

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

Other positive outcomes identified through the pilot inspection include:

- ✓ Reduced tribunal appeals due to robust mediation by SEN staff;
- ✓ Bromley as part of a10 borough consortium, reviewing quality and costs of independent provisions and working towards joint commissioning;

- ✓ Effective implementation of non- statutory support for SEN via Pupil Resource Agreements

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

10.7 Priority work streams for the future include:

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

Future provision requirements:

- Reducing out of borough provision;
- Re-shaping specialist provision to meet projected future demands;
- Revisiting the model for sensory provision which continues to be directly line managed by the Local Authority.

10.8 At the meeting, the Director for Education highlighted that Bromley was a Pathfinder Local Authority in this area. As a result of this status a great deal of work has already taken place with parents being fully involved. There now has to be an emphasis that Education, Care and Health Plans were for those with complex needs who fell within the criteria that the title suggested and this would require a shift in culture. There was a strong SENCO Forum within the Borough and this was very helpful in enabling learning and the sharing of policy and strategy. The priority for the Local Authority has to be early intervention, working with SENCOs to ensure that they are able to identify young people that require additional help and support.

10.9 The Director of Education reported that within the Borough there are approximately 8,000 children with an identified need and of these approximately 1,600 had a statement or health plan. There are 48 children in specialist out-of-borough provision. There is a clear focus on keeping as many as possible in borough and this would require ensuring that there was a fit-for-purpose offer for some of the more complex young people residing within the Borough.

10.10 In relation to SEN Transport, the Director of Education reported that Officers were continually looking at ways to manage the SEN Transport budget efficiently. The Portfolio Holder highlighted the importance of ensuring that as many children with EHC plans/statements are educated within the Borough, thus keeping children near their homes and transport costs at a minimum.

10.11 The Director of Education confirmed that the Education White Paper sought to strengthen the roles of Corporate Parents and the Virtual Head teacher in order to drive improvements in the educational achievement of children in care.

RECOMMENDATION 7

That the Portfolio Holder for Education considers how the role of the Council as a corporate parent might be strengthened so as to improve the education outcomes for Children Looked After.

10.12 The Committee noted that Bromley College provided some excellent provision for SEN students and queried whether this could be expanded in co-operation with the Council in view of the Council's duties in this area. In response, Mrs Parrett confirmed that there are priority places for Bromley children however, as the reputation of the College grew this was becoming increasingly difficult. However. With the proposed merger of both Greenwich College and Bexley College with Bromley College new opportunities may arise.

RECOMMENDATION 8

That the Education Department considers whether there is scope for co-operation in the field of SEN provision with Bromley College of Further and Higher Education.

11. Education Department Staffing and Structure

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

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

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

RECOMMENDATION 9

That the Portfolio Holder and the Director of Education prepare a staffing structure for consideration by the Education Select Committee at its September 2016 meeting.

12. Term time Holidays

12.1 In relation to attendance, the Director of Education reported that the recent High Court judgement in the Isle of White case regarding term time holidays had not yet had any impact on requests for such holidays in Bromley's maintained schools. The Portfolio Holder stressed that the view of the Local Authority was that the best place for children was in school.

13. Sold Services

13.1 In relation to sold services to schools, the Director of Education highlighted that the Local Authority sold very few services to schools. There is a small free school meals checking service, elements of the education welfare service is traded and data packs are sold to a number of schools.

13.2 Mrs Brinkley explained that the Local Authority had a wealth of experience developed over many years. This experience could reveal a number of opportunities for sold services to schools as it is clear that, as a result of the academisation agenda, there are now a number of emerging business leaders in schools who could benefit from this expertise with schools not wanting to lose the expertise of local authorities which has been developed over a long period.

RECOMMENDATION 10

That the Portfolio Holder report back to the Education Select Committee on which services currently sold by the Education Department would be economically viable and sustainable once the future role and structure of the Department is decided.

14. Providing Skills for the Future

14.1 Mrs Parrett provided a comprehensive written report on the range of services which the newly enlarged Bromley College of Further and Higher Education would provide as one of the constituent parts of the proposed new South East London Group of Colleges which would shortly include Greenwich Community College and Bexley College of FE.

14.2 The College is providing the following to students under the age of 19

- ✓ Substantial vocational FE provision for 16-19 year old learners up to Level 3;
- ✓ A new Career College for Hospitality, Food and Enterprise based at the Orpington Campus – one of only three in England;
- ✓ The 'Nido Volans Centre' for students with complex learning disabilities;
- ✓ Apprenticeship provision through a South London Apprenticeship Company;
- ✓ Through the sponsored Bromley Educational Trust (BET) a Multi Academy Trust provision at Midfield Campus (Primary) and Hayes

- Campus (Secondary) of the former LA services for pupils at risk of being or who have been permanently excluded;
- ✓ Also under the BET is the Bromley Beacon Academy, a special secondary school for 40 boys. This would be expanded in September 2016 to include provision for Key Stage 5 for boys and Key Stage 2-5 for girls;
 - ✓ Plans are in place for an 11-18 Technical Academy/UTC in Health and Wellbeing Sciences at Westmoreland Road.

14.3 For older students Higher Education courses are offered in partnership with Canterbury Christ Church College.

14.4 In response to questions from the Committee, Mrs Parrett reported that labour market information was used to identify the potential skills that employers would require in the future and thus determine the College's curriculum. Bromley College was continually reviewing its ability to deliver the necessary skills for the evolving labour market. In this respect the College's offer was very much market led.

Provision was constantly being reviewed and developed to match the market for jobs and the future requirements of employers.

14.5 The Committee was informed that 4,000 students attending the College are adults over 25, and are therefore likely to be individuals who are 'up-skilling' or retraining.

14.6 Mrs Parrett explained to the Committee that over the next three years there would be 300,000 new jobs in the construction industry. As a result of this there was a need to ensure that skills were readily available locally and that potential workers had a good understanding of emerging technologies in the industry with these types of skills being provided by the pan-London Construction Career College.

RECOMMENDATION 11

That the Council explores what further co-operation could be undertaken with the Bromley College of Further and Higher Education in helping people into work and acquiring skills for employment.

14.7 In relation to the proposed Academy at Biggin Hill for Aeronautical, Engineering and Motor Vehicles, Mrs Parrett explained that the Local Authority was now master planning the area. One residual problem was whether the land would be transferred and at what price however, the College was receiving excellent support from the Local Authority. One area of uncertainty was whether the financial commitment that had been made by the Greater London Authority would remain with the change of London Mayor.

RECOMMENDATION 12

That the Master Plan for Biggin Hill be expedited to enable an Academy for Aeronautical, Engineering and Motor Vehicles to be established at the Airport by Bromley College of Further and Higher Education.

This page is left intentionally blank

White Paper: Educational Excellence Everywhere (March 2016)

Implications for Bromley

The White Paper states:

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

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

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

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

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

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

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

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

This page is left intentionally blank

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

Review of Statutory Duties

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

This page is left intentionally blank