

Appendix C Statutory Duties highlighted from pages 45-68 of Funding Agreement with the Buckinghamshire Learning Trust

Appendix 1 – School Improvement Support of Council’s Statutory Functions

Statutory duties School Improvement take a lead on

 Not Current

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function – What is it intended to achieve?
Department for Education	Education	DFE_194	Apprenticeships, Skills, Children and Learning Act 2009 Schedule 13 inserts section 69A into the Education and Inspections Act 2006, amended by Education Act 2011 section 44.	2009	Powers of the Secretary of State to require a local authority to give a warning notice to a maintained school.	Allows the Secretary of State to intervene in under-performing schools.

Department for Education	Complaints	DFE_106	Education Act 2005 Sections 11B and 11	2005	Power of Chief Inspector to investigate complaints about schools: Duty on local authority , if requested to do so by the Chief Inspector, to (1) provide information relevant to an Ofsted investigation of a parental complaint about a school maintained by the local authority ; (2) make arrangements for meeting for parents to be held (where the school does not have a delegated budget); (3) provide a copy of the Chief Inspector’s report to parents (where the school does not have a delegated budget).	To facilitate the investigation, by Ofsted, of a parental complaint about a maintained school.
---	------------	----------------	---	-------------	--	--

Department for Education	Curriculum	DFE_093	Education Act 2002 Sections 79 (6) and (7).	2002	General duties in respect of the curriculum. .	To have regard to statutory guidance on sex education issued by the Secretary of State when exercising any function that may affect the provision of sex education in maintained schools
Department for Education	Assessment	DFE_071	Assessment and reporting arrangements for Early Year Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783, but also includes non-statutory guidance to local authorities	2004	Key Stage 1: Local authorities must collect teacher assessment information from their maintained schools, quality assure it and submit it to the Department for Education.	Key Stage 1 data is reported to the Department for Education for school performance monitoring purposes. This requirement has been reviewed and confirmed following the commitment in the White Paper ‘The Importance of Teaching’.
Department for Education	Schools	DFE_107	Education Act 2005 Section 15, amended by Education Act 2011 section 40.	2005	If after a section 5 inspection the Chief Inspector considers a school to require special measures or significant improvement, local authorities are required to 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	To ensure local authorities take action when a school goes into an Ofsted category.

					who appoints the foundation governors and the appropriate appointing authority.	
Department for Education	Complaints	DFE_116	Education and Inspections Act 2006 Section 63	2006	If a local authority requires a school eligible for intervention (other than where a warning notice has been given under section 60A) to enter in to 'arrangements' (e.g. collaboration/federation etc), the local authority must consult the Governing Body of the school and, in the case of foundation or voluntary schools, the appropriate diocesan or appointing authority. If the school is eligible for intervention because a warning notice has been given under section 60 of the Act, the power must be exercised within 2 months following the end of the compliance period.	To allow a local authority to require a school eligible for intervention to enter into a contract or arrangements with another school, FE college or named person for the purpose of school improvement.
Department for Education	Curriculum	DFE_075	Education Act 2002 Section 79	2002	Local authorities, governing bodies and head teachers have a duty to exercise their curriculum functions with a view to securing that the curriculum in their school satisfies the requirements of section 78 of the Education Act 2002	Ensures that the curriculum provided by maintained primary and secondary schools is broad based and balanced and that it comprises the National Curriculum and provision for religious education and, for

						pupils in secondary school, sex education.
Department for Education	Teachers and staff	DFE_057	Teaching and Higher Education Act 1998 Section 19. Secondary – The Education (Induction Arrangements for School Teachers) (England) Regulations 2008.	1998	Duty to act as Appropriate Body in statutory induction process for maintained schools and non-maintained special schools, which includes: joint responsibility with the head teacher for the supervision and training of Newly Qualified Teachers (NQTs) during their induction; responsibility for deciding whether or not NQTs have passed induction; where they are the employer, responsibility for terminating the employment of NQTs who have failed their induction; responsibility for granting extensions or reductions to the induction period in certain circumstances; and where they are the employer, responsibility for terminating the employment of NQTs who have failed their induction.	Ensure that all teachers in the maintained sector have demonstrated that they meet the core professional standards for teaching. No qualified teacher can be employed in a maintained school or a non-maintained special school unless that person has satisfactorily completed an induction period in accordance with these regulations, subject to various exceptions.
Department for Education	Assessment	DFE_073	Assessment and reporting arrangements for Early Years Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002	2002	Key Stage 1: Local authorities should ensure schools are aware of the need to store Key Stage 1 task and test materials responsibly.	Ensuring security of assessment documents.

			and article 9 of SI 2004/2783, but also includes non-statutory guidance.			
Department for Education	Assessment	DFE_070	The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (article 6) (made under section 87 of the Education Act 2002).	2002	Key Stage 1: Local authorities must make provision for moderating teacher assessments in respect of the schools which they maintain in relation to at least 25% of all relevant schools.	Requirement for local authorities to moderate assessment in at least 25% of schools to ensure consistency of standards. This requirement has been reviewed and confirmed following the commitment in the White Paper 'The Importance of Teaching'.
Department for Education	Assessment	DFE_074	The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (article 6) (made under section 87 of the Education Act 2002 and article 11 of the Order).	2003	Key Stage 2: Local authorities must visit 10% of schools administering National Curriculum Tests (NCTs) for monitoring purposes.	Requirement for local authorities to visit 10% of schools during test week to ensure they are being administered correctly. This requirement has been confirmed following the external review of KS2 testing and accountability.

Department for Education	Curriculum	DFE_078	Education Act 2002 Section 88 (1A)	2002	The local authority and governing body of each school is required to exercise their functions with a view to ensuring, and the head teacher must ensure, that the National Curriculum for England and the assessment arrangements specified in the National Curriculum are implemented.	Requirement for local authorities to ensure head teachers fulfil their statutory duty in implementing and administering Key Stage assessment arrangements. Basic feature first laid out in the Education Reform Act 1988 to deliver the national curriculum. Part 6 of the Education Act 2002, as amended, provides for the current curriculum requirements in maintained schools. This requirement has been reviewed and confirmed following the external review of KS2 testing and accountability and the commitment in the White Paper 'The Importance of Teaching'.
Department for Education	Education	DFE_024	Education Act 1996 Section 409 & Part 10, Chapter 2 of the Apprenticeships, Skills, Children & Learning Act (ASCL) 2009, amended by Education Act 2011 section 45.	2009	Complaints about the curriculum in maintained schools.	S409 requires local authorities to consider complaints about the curriculum, religious education and collective worship referred to them after the complaint has been considered by school governing bodies. This duty was removed in some areas following the partial

						<p>commencement of the complaints provisions in ASCLA 2009. This duty is therefore currently in force in all local authorities except the 14 areas where the Local Government Ombudsman (LGO) complaints service operates. In those areas such complaints can currently be considered by the LGO. The duty on the remaining English local authorities to investigate complaints will be removed when Section 45 of the Education Act 2011, which restricts Section 409 of the EA96 to Wales, is commenced. This is expected to happen in August 2012.</p>
Department for Education	Assessment	DFE_072	<p>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</p>	2002	<p>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.</p>	<p>Ensuring schools are equipped to undertake Key Stage 1 teacher assessment and capture / submit results.</p>

			2004/2783, but also includes non-statutory guidance.			
Department for Education	Curriculum	DFE_200	The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 article 6A, inserted by the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 2011 (made under section 87 of the Education Act 2002).	2011	Key Stage 1: Local authorities must exercise their functions to monitor at least 10% of relevant schools to ensure the Year 1 phonics screening check is being administered correctly.	Requirement for local authorities to ensure head teachers fulfil their statutory duty in implementing and administering the Year 1 phonics screening check, which is being rolled out nationally from summer 2012.
Department for Education	Curriculum	DFE_201	Assessment and reporting arrangements for Year 1 phonics screening check – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI	2011	Key Stage 1: Local authorities must visit at least 10% of relevant schools before, during and / or after the phonics screening check, and submit information / data to the Department.	Requirement for local authorities to monitor the phonics screening check in at least 10% of schools to ensure it is being administered correctly (from summer 2012).

			2004/2783 as amended by article 7 of SI 2011/3057, but also includes non-statutory guidance to local authorities			
Department for Education	Education	DFE_067	Education Act 2002 section 20. Secondary – School Governance (Constitution) (England) Regulations 2007. School Governance (Federations) England Regulations 2007	2002	To make the Instrument of Government for all maintained schools and federations of maintained schools	Provides a framework for decision making and accountability.
Department for Education	Special Education Needs	DFE_142	The Education School Information (England) Regulations 2008 Regulation 8 of SI 2008/3093.	2008	Local authority to publish other information for parents	Places a duty on local authorities to publish miscellaneous information annually (including the making of educational grants, Special Educational Needs provision, school transport strategies, school uniform policies etc). The amendments to these regulations (SI 2010/1006), which came into force on 1 September 2010, do not amend this duty.

Department for Education	Special Education Needs	DFE_059	Learning and Skills Act 2000 Section 139A (as amended by Education and Skills Act 2008, Section 80)	2008	Expands and transfers to the local authorities the duty currently on the Secretary of State to arrange for assessments of a person's educational and training needs in certain circumstances, and his power to arrange such assessments. The duty on local authorities is to arrange for an assessment of a person in respect of whom it maintains a statement of Special Educational Needs – who is either in his or her last year of compulsory schooling or is over compulsory school age but still at school – at some time during the person's last year of schooling.	To ensure young people with a learning difficulty or disability are able to secure appropriate learning provision in the Further Education Sector
Department for Education	Special Education Needs	DFE_034	Education Act 1996 Part IV, Chapter 1 (sections 312-332B) and Schedules 26 and 27. Secondary – The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 2001/3455).	1996	Children with Special Educational Needs	Identifying and assessing Special Educational Needs, making and reviewing Special Educational Needs statements and a transition plan from age 14. Keeping arrangements for Special Educational Needs provision under review. Making arrangements for an advice and information service and a dispute resolution service for parents of children with Special Educational Needs. More recent legislation has made minor amendments to the Education Act 1996.

						(Subject to proposals in the SEN Green Paper.)
Department for Education	Special Education Needs	DFE_199	Education Act 2011 section 75 inserts sections 532A, 532B and 532C into Education Act 1996	2011	Allows local authorities to make direct payments for services for children with special educational needs, and allows the Secretary of State to set up pilots for such direct payments.	Enables direct payments for services for special educational needs.
Department for Education	Special Education Needs	DFE_061	The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (SI 2001/2218).	2001	Publication of information about Special Educational Needs (SEN).	Publishing information on the local authority's Special Educational Needs policies and the arrangements and activities in carrying them out.

Appendix 2 – Governor Services Support of Council’s Statutory Functions

Key Statutory duties Governor Services take a lead on Contribute Towards Undertaken by Legal and Democratic Services

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function – What is it intended to achieve?
Department for Education	School Governors	DfE_068	Section 22 of the Education Act 2002	2002	To provide training and information for school governors	To provide information they consider appropriate and training they consider necessary free of charge for governors of maintained schools to enable governors to effectively to discharge their duties
Department for Education	School Governors	DfE_066	Section 19 of the Education Act 2002, amended by the Education Act 2011, sections 38 and 39. Secondary: School Governance (Constitution) (England) Regulations 2007 and 2012.	2002	To appoint local authority governors to all maintained school governing bodies.	Provides for one local authority governor to be appointed for each maintained school now that the Education Act 2011 amendments are in force.

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function – What is it intended to achieve?
Department for Education	School Governors	DfE_069	Section 34 of the Education Act 2002, Secondary: School Governance (New Schools) (England) Regulations 2007.	2002	To set up temporary governing bodies for new maintained schools.	Plays an important role in setting up the new school, especially recruiting the new head teacher.
Department for Education	Education	DFE_067	Education Act 2002 section 20. Secondary – School Governance (Constitution) (England) Regulations 2007. School Governance (Federations) England Regulations 2007	2002	To make the Instrument of Government for all maintained schools and federations of maintained schools	Provides a framework for decision making and accountability.
Department for Education	Schools	DFE_107	Section 15, Education Act 2005, amended by Section 40 of the Education Act 2011.	2005	If after a section 5 inspection the Chief Inspector considers a school to require special measures or significant improvement, local authorities are required to 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 a local authority takes action when a school goes into an Ofsted category.

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function – What is it intended to achieve?
Department for Education	School Governors	DfE_023	Section 499 of the Education Act 1996. Secondary: Parent Governor Representatives (England) Regulations 2001.	1996	To appoint parent governor representatives to local authority committees dealing with education.	Enables local authorities to include parents on their committees dealing with education – usually overview and scrutiny committees.

Appendix 3 – Early Years Support of Council’s Statutory Functions

Key
 Statutory duties Early Years take a lead on
 Contribute Towards
 Not Current

Department	Theme	Unique ref Number	Legislation	Year	Title of duty	Function – What is it intended to achieve?
Department for Education	Early Years	DFE_123	Childcare Act 2006 Section 1	2006	General duty to improve the well-being of children under five and reduce inequalities.	Places a duty on local authorities to improve the outcomes of all children under 5 and close the gaps between groups with the poorest outcomes and the rest by ensuring early years’ services are accessible to all families.
Department for Education	Early Years	DFE_124	Childcare Act 2006 Section 1(3) and (4). Secondary – local authority Targets (Well-Being of Young Children) Regulations 2007 (SI 2007 / 1415).	2006	Local authorities are required to act in manner best calculated to meet targets set for them by the Secretary of State. NOT CURRENT	Section 1 gives powers to Secretary of State to set targets in relation to the local authority early years outcome duties and underpinning regulations set out the process to be followed. i.e. local authority targets set must relate to the Early Years Foundation Stage Profile. Local authorities are under a duty to act in response to targets set for them by the Secretary of State in relation to Early Years outcomes, but the Secretary of State no longer sets any such targets so this duty has no practical effect.

Department for Education	Information	DFE_128	Childcare Act 2006 Section 12. Secondary – SI 2007 No 3490: Children and Young Persons, England – The Childcare Act 2006 (Provision of Information to Parents (England) Regulations 2007.	2006	Duty to provide information, advice and assistance	The duty is intended to ensure that local authorities establish and maintain a service providing information, advice and assistance for parents and prospective parents with information on the provision of childcare and on other services or facilities, or publications that may benefit them or children or young people. They should also provide particular help to parents from groups likely to find it more difficult to access suitable childcare, e.g. parents of disabled children.
Department for Education	Childcare	DFE_137	Childcare Act 2006 Section 13	2006	Duty to provide information, advice and training to childcare providers, and prospective providers.	To ensure that local authorities give local childcare providers and would-be providers in their area the necessary support to help deliver sustainable affordable and high quality childcare that meets the needs of the community.
Department for Education	Early Years	DFE_138	The Early Years Foundation Stage (Learning and Development Requirements) Order 2007	2007	Early Years Foundation Stage: Places a duty on local authorities to make provision to ensure that early years foundation profile assessments made by providers in their areas are accurate and consistent, and have regard to any guidance given by the Department for Education.	Enables local authorities to ensure schools and early years providers fulfil their statutory duty in implementing and administering early years' foundation stage assessment arrangements. The duty is intended to support the accuracy and consistency of early years' foundation stage profile data

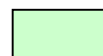
						reported to parents and practitioners and by the Department for Education at national and local authority levels.
Department for Education	Special Education Needs	DFE_142	The Education School Information (England) Regulations 2008 Regulation 8 of SI 2008/3093.	2008	Local authority to publish other information for parents	Places a duty on local authorities to publish miscellaneous information annually (including the making of educational grants, Special Educational Needs provision, school transport strategies, school uniform policies etc). The amendments to these regulations (SI 2010/1006), which came into force on 1 September 2010, do not amend this duty.
Department for Education	Special Education Needs	DFE_034	Education Act 1996 Part IV, Chapter 1 (sections 312-332B) and Schedules 26 and 27. Secondary – The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 2001/3455).	1996	Children with Special Educational Needs	Identifying and assessing Special Educational Needs, making and reviewing Special Educational Needs statements and a transition plan from age 14. Keeping arrangements for Special Educational Needs provision under review. Making arrangements for an advice and information service and a dispute resolution service for parents of children with Special Educational Needs. More recent legislation has made minor

						amendments to the Education Act 1996. (Subject to proposals in the SEN Green Paper.)
--	--	--	--	--	--	--

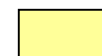
Appendix 4 – Specialist Teaching & Cognition and Learning Service – Support of Council’s Statutory Functions



Statutory duties Specialist Teaching & Cognition & Learning Team take a lead on



Contribute Towards



<p>Department for Education</p>	<p>Young People</p>	<p>DFE_143</p>	<p>Education and Skills Act 2008 Section 68.</p>	<p>2008</p>	<p>To make available to young people and relevant young adults such services as they consider appropriate to encourage, enable or assist them to engage and remain in education or training. The services are currently known as Connexions services. Local authorities can fulfil the duty to make services available either by providing them itself or by making arrangements with others which could include other local authorities.</p>	<p>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.</p>
<p>Department for Education</p>	<p>Children and Young People</p>	<p>DFE_102</p>	<p>Children Act 2004 Section 10 (1)</p>	<p>2004</p>	<p>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</p>	<p>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</p>

					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	strategic planning to front line multi agency team work
Department for Education	Special Education Needs	DFE_142	The Education School Information (England) Regulations 2008 Regulation 8 of SI 2008/3093.	2008	Local authority to publish other information for parents	Places a duty on local authorities to publish miscellaneous information annually (including the making of educational grants, Special Educational Needs provision, school transport strategies, school uniform policies etc). The amendments to these regulations (SI 2010/1006), which came into force on 1 September 2010, do not amend this duty.
Department for Education	Young People	DFE_144	Education and Skills Act (2008) chapter 2 section 10	2008	Required to promote the effective participation in education or training of the young people in their area to 18 (or 25 for those with learning difficulties or disabilities). The duty is already enacted but	Key driver behind Raising the Participation Age.

					comes into force in June 2013.	
Department for Education	Special Education Needs	DFE_059	Learning and Skills Act 2000 Section 139A (as amended by Education and Skills Act 2008, Section 80)	2008	Expands and transfers to the local authorities the duty currently on the Secretary of State to arrange for assessments of a person's educational and training needs in certain circumstances, and his power to arrange such assessments. The duty on local authorities is to arrange for an assessment of a person in respect of whom it maintains a statement of Special Educational Needs – who is either in his or her last year of compulsory schooling or is over compulsory school age but still at school – at some time during the person's last year of schooling.	To ensure young people with a learning difficulty or disability are able to secure appropriate learning provision in the Further Education Sector

Department for Education	Special Education Needs	DFE_034	Education Act 1996 Part IV, Chapter 1 (sections 312-332B) and Schedules 26 and 27. Secondary – The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 2001/3455).	1996	Children with Special Educational Needs	Identifying and assessing Special Educational Needs, making and reviewing Special Educational Needs statements and a transition plan from age 14. Keeping arrangements for Special Educational Needs provision under review. Making arrangements for an advice and information service and a dispute resolution service for parents of children with Special Educational Needs. More recent legislation has made minor amendments to the Education Act 1996. (Subject to proposals in the SEN Green Paper.)
Department for Education	Special Education Needs	DFE_199	Education Act 2011 section 75 inserts sections 532A, 532B and 532C into Education Act 1996	2011	Allows local authorities to make direct payments for services for children with special educational needs, and allows the Secretary of State to set up pilots for such direct payments.	Enables direct payments for services for special educational needs.
Department for Education	Special Education Needs	DFE_061	The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001	2001	Publication of information about Special Educational Needs (SEN).	Publishing information on the local authority's Special Educational Needs policies and the arrangements and activities in carrying them out.

			(SI 2001/2218).			
Department for Education	School Admissions	DFE_047	School Standards and Framework Act 1998 Section 86(1A) as amended by section 42 of the Education and Inspections Act 2006.	1998	To provide advice and assistance to parents when deciding on a school place and allow parents to express a preference.	Support parents when deciding on a school place and allow them to express a preference for a school.
Department for Education	Education	DFE_158	Equality Act 2010 Section 88 and Schedule 10. This came into force on 1 October, replicating duties under the Disability Discrimination Act 1995. The Disability Discrimination (Prescribed Times and Periods for Accessibility Strategies and Plans for Schools).	2010	Accessibility for Disabled Pupils	To develop accessibility strategies to facilitate better access to education for disabled pupils. Under this same legislation schools also have to develop access plans which build upon the local authority access strategy.

Appendix 5 – Early Years – Workforce Development Team Support of Council’s Statutory Functions

Key Statutory duties EY Workforce Development take a lead on Contribute Towards Not Current

Department for Education	Information	DFE_128	Childcare Act 2006 Section 12. Secondary – SI 2007 No 3490: Children and Young Persons, England – The Childcare Act 2006 (Provision of Information to Parents (England) Regulations 2007.	2006	Duty to provide information, advice and assistance	The duty is intended to ensure that local authorities establish and maintain a service providing information, advice and assistance for parents and prospective parents with information on the provision of childcare and on other services or facilities, or publications that may benefit them or children or young people. They should also provide particular help to parents from groups likely to find it more difficult to access suitable childcare, e.g. parents of disabled children.
Department for Education	Childcare	DFE_137	Childcare Act 2006 Section 13	2006	Duty to provide information, advice and training to childcare providers, and prospective providers.	To ensure that local authorities give local childcare providers and would-be providers in their area the necessary support to help deliver sustainable affordable and high quality childcare that meets the needs of the community.
Department for Education	Early Years	DFE_123	Childcare Act 2006 Section 1	2006	General duty to improve the well-being of children under five and reduce inequalities.	Places a duty on local authorities to improve the outcomes of all children under 5 and close the gaps between groups with the poorest outcomes and the rest by ensuring early years’ services are accessible to all families.

