Draft Order laid before Parliament under section 182(3)(b) of the Education and Inspections Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

EDUCATION, ENGLAND AND WALES

The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010

Made - - - - 2010

Coming into force in accordance with article 1

The Secretary of State for Children, Schools and Families makes this order in exercise of the powers conferred by sections 162 and 181(2) of the Education and Inspections Act 2006(**1**).

In accordance with 162(4) of that Act(**2**) this Order is made with the consent of the Welsh Ministers.

A draft of this Order has been laid before Parliament in accordance with section 182(3)(b) of that Act and approved by a resolution of each House of Parliament.

Citation and Commencement

1. This Order may be cited as the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 and comes into force on the thirty-fifth day after the day on which it is made.

Repeal of section 12 of the Education Act 1996

2. Section 12 of EA 1996(**3**) (local education authorities and their areas) is repealed.

Definitions for the purposes of the Education Act 1996

3.—(1) Section 579 of EA 1996 (interpretation) is amended in accordance with paragraphs (2) and (3).

(2) In subsection (1)—

(a) at the appropriate place insert—

""education functions" means the functions specified in Schedule 36A;";

(**1**) 2006 c.40.
(**2**) As read with paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32).
(**3**) 1996 c. 56.

(b) for the definition of "local authority" substitute—

""local authority" means—

(a) a local authority in England;

(b) a local authority in Wales;

"local authority in England" means—

(a) a county council in England;

(b) a metropolitan district council;

(c) a non-metropolitan district council for an area for which there is no county council;

(d) a London borough council; and

(e) the Common Council of the City of London (in their capacity as a local authority);

"local authority in Wales" means—

(a) a county council in Wales; and

(b) a county borough council;".

(3) After subsection (4) insert the following—

"(4A) For the purposes of this Act the area of the Common Council of the City of London shall be treated as including the Inner Temple and the Middle Temple."

(4) After Schedule 36 to EA 1996 insert the Schedule set out in Schedule 1 to this Order.

Amendment of section 65 of the Children Act 2004

4.—(1) Section 65(1) of the Children Act 2004(**4**) is amended as follows.

(2) Omit the definitions of "children's services authority in England" and "children's services authority in Wales".

(3) At the appropriate place insert—

""local authority" means—

(a) a local authority in England;

(b) a local authority in Wales;

"local authority in England" means—

(a) a county council in England;

(b) a metropolitan district council;

(c) a non-metropolitan district council for an area for which there is no county council;

(d) a London Borough council;

(e) the Common Council of the City of London (in their capacity as a local authority);

(f) the Council of the Isles of Scilly;

"local authority in Wales" means—

(a) a county council in Wales;

(b) a county borough council;".

(**4**) 2004 c.31.

Consequential and connected amendments, repeals and transitional provisions

5.—(1) Schedule 2 (which contains consequential and connected amendments) has effect.

(2) The enactments specified in the first column of Schedule 3 are repealed to the extent specified in the second column.

(3) Schedule 4 (which contains transitional provisions) has effect.

Minister of State
Date Department for Children, Schools and Families

SCHEDULE 1

Article 3

Education functions–Schedule to be inserted in Education Act 1996 as Schedule 36A

1. Functions conferred on a local authority under the Education Acts (as defined in section 578).

2. Functions conferred on a local authority under the enactments specified in the first column of the table below (being the functions which are described in general terms in the second column of that table).

Table

Enactment	*Nature of functions*
Children and Young Persons Act 1933 (c. 12) Section 18	Making of byelaws relating to the employment of children.
Superannuation Act 1972 (c. 11) Section 9(5A)(**5**)	Payment of injury benefit to or in respect of teachers.
Employment and Training Act 1973 (c. 50) Sections 10 and 10A(**6**) Section 12	Powers and duties relating to careers services Duty to provide information to the Secretary of State.
Sex Discrimination Act 1975 (c. 65) Section 25	General duty to secure that facilities for education are provided without sex discrimination.
Public Passenger Vehicles Act 1981 (c. 14) Section 46	Power to use a school bus to carry fare-paying passengers.
Representation of the People Act 1983(c.2) Paragraph 2 of Schedule 5	Duty to prepare and revise lists of rooms in school premises which candidates may use.
Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33) Section 5(1) to (4), (6) and (8)	Duty to require the appropriate officer to give an opinion as to whether a child with a statement is disabled.
Children Act 1989 (c. 41) Section 36 and Part 3 of Schedule 3 (except paragraph 19(2))	Education supervision orders.
Disability Discrimination Act 1995 (c.50) Sections 28C, 28G and 28T as modified by Schedule 4C(**7**).	Duty to secure that disabled pupils are not placed at a substantial disadvantage. Duty to prepare an accessibility strategy.

(**5**) Section 9(5A) was inserted by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) section 11.
(**6**) Section 10A was inserted by Trade Union Reform and Employment Rights Act 1993 (c.19) section 46.
(**7**) Schedule 4C was substituted by S.I. 2006/1721.

Enactment	*Nature of functions*
Section 28D(**8**)	Duty (as responsible body) to prepare an accessibility plan.
Section 28E	Duty to provide advice and information about disability discrimination in schools (in Wales).
Section 28IC(**9**)	Duty to make arrangements in relation to the resolution of disputes (in Wales).
Section 28ID	Duty relating to the provision of independent advocacy services .
Section 28IE	Duty to assist Welsh Ministers in planning the local curriculum.
Learning and Skills Act 2000(c. 21)	Duty relating to delivery of local curriculum and joint working (in Wales).
Section 33J(**10**)	Duty to have regard to guidance and comply with directions relating to section 33K.
Section 33K	Duty (of local authority in Wales) to provide information to Chief Inspector.
Section 33L	Duties relating to preparation of an action plan following an area inspection in Wales.
Section 83	Duties as an "authorised body" relating to qualifications.
Section 84	Support services for 11 to 25 years olds: Wales.
Sections 96, 101 and 102	Duty to arrange assessments relating to learning difficulties.
Sections 123 to 125 and 128	Duty to send copy of a statement of special educational needs to the Welsh Ministers if requested.
Section 139A(**11**)	Duty to implement approved proposals relating to sixth forms.
Section 140(5)	Duty to include certain persons on overview and scrutiny committee if it relates to education functions.
Schedules 7 and 7A(**12**)	
Local Government Act 2000(c. 22)	
Paragraphs 7, 8 and 9 of Schedule 1	

(**8**) Sections 28D and 28E were inserted by sections 14 and 15 respectively of the Special Educational Needs and Disability Act 2001 (c.10).
(**9**) Sections 28IC, 28ID and 28IE are inserted by sections 11, 12 and 13 of the Education (Wales) Measure 2009 (nawm 5)
(**10**) Sections 33J, 33K and 33L are inserted by sections 31,32 and 33 of the Learning and Skills (Wales) Measure 2009 (nawm 1).
(**11**) Section 139A was inserted by section 80 of the Education and Skills Act 2008 (c.25).
(**12**) Schedule 7A was inserted by Schedule 9 to the Education Act 2002 (c.32) and is amended by paragraph 53 of Schedule 6 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) to apply in relation to Wales only.