Draft Order laid before Parliament under section 77 of the Deregulation and Contracting Out Act 1994, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

CONTRACTING OUT

Contracting Out (Local Education Authority Functions) (England) Order 2002

Made - - - -	*2002*
Coming into force - -	*1st April 2002*

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament pursuant to section 77(2) of the Deregulation and Contracting Out Act 1994(**1**);

Whereas the Secretary of State has consulted such representatives of local authorities as she considers appropriate in accordance with section 70(3)(a) of that Act;

Now, therefore, the Secretary of State for Education and Skills, in exercise of the powers conferred on her by sections 70(2) and (4) and 77 of that Act, hereby makes the following Order—

Citation, commencement and extent

1.—(1) This Order may be cited as the Contracting Out (Local Education Authority Functions) (England) Order 2002 and shall come into force on 1st April 2002.

(2) This Order applies only in relation to England.

Interpretation

2. In this Order references to functions conferred by or under a section of any Act shall include any functions conferred by or under any order or regulation made under that section.

Contracting out of local education authority functions

3. Any function of a local education authority in England which is conferred by or under any of the provisions described in Schedule 1, 2 or 3 to this Order may be exercised by, or by employees of, such person as may be authorised in that behalf by the local education authority whose function it is.

(**1**) 1994 c. 40.

SCHEDULE 1

Article 3

FUNCTIONS CONFERRED BY OR UNDER THE EDUCATION ACT 1996(c. 56)

(a) section 18 (power to arrange provision of education at non-maintained schools);

(b) section 316 (children with special education needs normally to be educated in mainstream schools);

(c) section 317 (duties of LEA in relation to pupils with special education needs in maintained nursery schools);

(d) section 317A (duty to inform parent where special educational provision made)

(e) section 318 (provision of goods and services in connection with special educational needs);

(f) section 319 (special educational provision otherwise than in schools);

(g) section 320 (provision of education outside England and Wales for certain children with special educational needs);

(h) section 321 (general duty of local education authority to identify and assess special educational needs of children for whom they are responsible);

(i) section 322 (power to request assistance from Health Authority or Local Authority in special educational needs provision)

(j) section 323 and schedule 26 (assessment of educational needs);

(k) section 324 and schedule 27 (statement of special educational needs);

(l) section 325 (local education authority's duty to inform parents of a decision not to statement and their rights to appeal against decision not to statement);

(m) section 326 (appeal against contents of statement)

(n) section 326A (duty to take action where appeal not opposed)

(o) section 328 (reviews of educational needs);

(p) section 329 (assessment of educational needs at request of child's parent);

(q) section 329A (assessment of educational needs at request of responsible body)

(r) section 331 (assessment of educational needs of children under two);

(s) section 332A (duty to provide advice and information to parent of a child with special educational needs and general duty to provide information on those services to all parents)

(t) section 332B (duty to make arrangements to resolve disputes)

(u) section 348 (provision of special education at non-maintained schools);

(v) section 362 (development work and experiments);

(w) section 390 (duty of local education authority to constitute a standing advisory council on religious education);

(x) section 392 (advisory councils: supplementary provisions);

(y) section 406 (prohibition on political indoctrination in maintained schools);

(z) section 407 (duty to secure balanced treatment of political issues);

(aa) section 408 (provision of information);

(bb) section 409 (duty of the local education authority to make arrangements for the consideration and disposal of complaints);

(cc) section 433 (time for admissions of pupils);

(dd) section 435 (withdrawal of pupils from a primary school for secondary education);