



Local Authority Education Statutory Duties



Foreword

This document has been produced to help Redbridge school leaders and others understand the range of responsibilities the Council has under English education law and how these are discharged.

It is intended as a summary only and should not be relied upon as a definitive statement of the legal position. We would welcome any feedback on the document.

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CONTENTS

School place planning duties	3
Education otherwise than at school	5
Welfare/Inclusion	7
Elective Home Education	9
Special Educational Needs and Disability	10
School transport duties	13
Admissions duties	15
Curriculum and assessment	17
Religious Education	19
School Meals	20
School Finance	21
School Governors	23
School sites and buildings	24
Inspection/intervention	25
School Staff	26
The Prevent duty	28
Local Authority Designated Officer (LADO)	29
Academy conversions	30
Early Education and Childcare	31
Participation of young people in Education, Employment or training	37
Miscellaneous	39

School place planning (s13-14 Education Act 1996)

The Council has a duty to promote high standards of education and fair access to education. It also has a general duty to secure sufficient schools in its area, and to consider the need to secure provision for children with SEND. This includes a duty to respond to parents' representations about school provision. These are referred to as the school place planning duties.

The LA has a duty to follow statutory processes when establishing, closing, or making alterations to a maintained school (s6A, 7, 9, 10, 11, 15 and 19 Education and Inspections Act 2006 and school organisation regulations).

The class size duty requires the LA to restrict class sizes for 4-7 year olds to 30 pupils per class (s1 School Standards and Framework Act 1998).

LB Redbridge's Approach

The School Place Planning Team undertakes the place planning function and provides an assessment of need regarding school places and school organisation to ensure that the authority meets its statutory duty in providing sufficient school places. This includes:

- *Production of pupil projection reports to Cabinet and Education Scrutiny Panel detailing global primary and secondary pupil population forecasts.*
- *Making recommendations on the provision of future school places to Cabinet and Department for Education.*
- *Identification of future needs for school places.*
- *Management, validation and development of pupil projections methodology to ensure forecasts achieve a high level of accuracy.*
- *Identification of key trends and data that impact planning of school places e.g. birth rates, admissions data, housing data.*
- *Maintenance of demographic data and systems to enable forecasting of demand for school places.*
- *Monitoring of housing developments that impact demand for school places.*

- *Completion of statutory returns to the Department for Education on school capacities and projected need for school places to attract capital funding for school provision.*
- *Undertake statutory processes, consultations and prepare statutory notices in relation to school organisation matters.*
- *Work across the Council to assess the impact on school places of plans and policies (e.g. Local Plan, LBR housing trajectory) and make recommendations to appropriate stakeholders*
- *Work collaboratively with stakeholders (schools, neighbouring boroughs, DfE) and key education partners (London Councils, GLA) to keep abreast of changes and good practice in school place planning and school organisation matters.*

Education otherwise than at school

The Council as an education authority has a duty to arrange suitable education for each child of compulsory school age in its area who is permanently excluded or who because of illness or other reasons would not receive it unless such arrangements were made.

LAs may establish pupil referral units as schools to discharge the above duty. There is no requirement for LAs to do so and they may discharge their duties through alternative provisions but only a local authority can establish a pupil referral unit (s19 Education Act 1996 and pupil referral units regulations).

Where an LA maintains one or more PRUs at least one schools member on the Schools Forum must be a representative of a PRU (School Forums (England) Regulations 2012).

Regulations require LAs to establish management committees to run PRUs and to delegate budgets and specific powers to the management committees.

Governing Bodies of schools are responsible for arranging suitable full time education from the sixth day of a fixed period exclusion. LAs must ensure that pupils placed in alternative provision for reasons other than exclusion are placed as quickly as possible.

Regulations require there should be clear criteria for referrals and admission of pupils to PRUs or alternative provisions and for the dual registration of pupils where appropriate.

LB Redbridge's Approach

The Behaviour and Inclusion team within Access and Inclusion are responsible for ensuring that pupils, who have been permanently excluded from either Redbridge schools or schools from other local authorities where the pupil resides in Redbridge, are placed in appropriate, alternative educational provision (Education Other than At School - EOTAS) from the sixth day of their permanent exclusion.

While there is no statutory requirement as to when suitable full-time education should begin for pupils placed in alternative provision for reasons other than exclusion, local authorities should ensure that such pupils are placed as quickly as possible. The team supports head teachers, schools, parents and other agencies working with pupils who are at risk of permanent exclusion. They offer guidance and best practice solutions regarding behaviour management, developing efficient

management systems, encouraging good practice through partnership working and reducing the incidences of poor behaviour and exclusions.

The multi-agency Redbridge Inclusion Panel, co-chaired by the head of Behaviour and Inclusion, monitors and oversees the placement, progress and reintegration into mainstream of pupils placed in EOTAS provision including those with health needs.

The Behaviour and Inclusion Home Tuition Service provides education to children and young people of compulsory school age (5 to 16) who are temporarily unable to attend school for health reasons. They also support the council's legal duty to make arrangements to identify, as far as it is possible to do so, regarding children missing education.

Welfare/Inclusion

The local authority has a duty:

- To make arrangements to establish the identities of children residing in the area who are not receiving suitable education (s436A Education Act 1996). LAs should trace those children and ensure that they receive full-time education.
- To begin procedures for issuing a School Attendance Order 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 (s437 Education Act 1996)
- To issue penalty notices to parents who fail to ensure their school-registered child attends school regularly (section 444A, Education Act 1996).
- To consider serving an education supervision order before prosecuting for truancy (s 447 Education Act 1996)
- In relation to pupils excluded from school to receive information from schools and pass it to the Secretary of State and to establish review panels (s51A Education Act 2002)
- To work within the legislative framework of the Children and Young Persons Acts 1933 and 1963 in relation to children in employment and entertainment.
- To develop accessibility strategies to facilitate better access to education for disabled pupils. Schools also have to develop access plans which build upon the local authority access strategy. (s88 Equality Act 2010)

LB Redbridge's Approach

Function for establishing identities of children residing in the area who are not in receipt of suitable education is facilitated by the Children Missing Education (CME) team which sits within EWS. This is done through referrals received from the Admissions Department, MASH, EHE coordinator, members of the public, Health and Housing.

An officer is employed part-time within EWS to follow the procedures necessary under s437 of the Education Act 1996.

Prior to any prosecution under Section 444 (1) or (1A) of the Education Act 1996 consideration is given to whether an application should be made for an Education Supervision Order

A Child Employment and Licensing Officer is employed within the EWS to manage processes regarding children in employment and entertainment.

The Access and Inclusion Service provides support and guidance in relation to accessible provision for children with physical and sensory disabilities. The LA SERC and Physical Disabilities Team undertake assessments and identify and provide specialist equipment for children and young people in settings 0-19.

Elective Home Education

Parents are responsible for making sure that their children of compulsory school age receive a suitable full-time education. This can be by regular attendance at school, at alternative provision, or otherwise (e.g. the parent can choose to educate their child at home). The LA Local Authority has a duty to ensure that every child is suitably educated.

Whilst there is no duty on parents to inform the LA directly that they wish to electively home educate, parents will need to write to schools regarding this decision and schools will need to inform the LA whose duty it is to agree the suitability of the parents arrangements. Where the child is in a special school, the LA consent to home educate must be sought before removing them from the school roll and the duty to review and monitor the EHC plan remains.

LB Redbridge's Approach

To support this duty the local authority holds an Elective Home Education Register and the Elective Home Education advisor, sitting within the Behaviour and Inclusion Team makes contact with those families choosing to home educate. If it appears to the local authority that a child of compulsory school age is not receiving a suitable education then procedures for the child to be returned to full time education either at a school or in alternative provision will be taken.

Special Educational Needs and Disability

The Council has specific duties in relation to provision of education for children and young people with Special Educational Needs and Disability (SEND).

The Children and Families Act (2014) and Special Educational Needs and Disability Code of Practice 0 – 25 years (2015) outlines the statutory responsibilities of Education, Health and Social Care services in supporting children and young people 0 – 25. The Care Act (2014) must have regard to the Children and Families Act (and vice versa) in relation to those young people over 18 and also references statutory duties.

The main duties within the Children and Families Act (2014) include:

- duty to be responsible for all children and young people with SEND in their area.
- a proactive duty to identify all disabled children and young people and those with or those who may have special educational needs. This means that the Council **must** put in place systems for gathering SEND information from educational institutions and other services.
- duty of health bodies to bring to local authority's attention a child under compulsory school age who it is believed to be disabled, has, or probably has, special educational needs.
- duty to keep the education, training and social care provision made for disabled children or young people and those with SEND under review. The council must also consider whether the provision is sufficient to meet children and young people's needs.
- duty to consult children, their parents, and young people about services currently available for those with SEND
- duty for promoting integration of services and joint commissioning arrangements so that the council and partners can plan and jointly commission the education, health and care provision for disabled children or young people and those with SEN.
- duty to publish and maintain a local offer including provision and services for preparing young people for adulthood (PFA) and a duty to publish comments from children, parents, and young people on the local offer
- duty to ensure that a child or young person with an EHC plan is educated in a mainstream setting. The only exceptions to this are if this goes against the wishes of the young person or the child's parent for those who are below 16, or would impact on the efficient education of others ***and that there are no reasonable steps that could be taken to overcome this impact.***

- Along with school governing bodies, colleges, clinical commissioning groups, the council must have regard to the Code of Practice in determining the statutory assessment processes for 0-25 EHC plans
- To make arrangements for an advice and information service and a dispute resolution service for parents of children with SEN
- To arrange for and participate in mediation where required

The authority must produce a written statement of action where required following a local area inspection carried out under s20 of the Children Act 2004.

LB Redbridge's Approach

The Access and Inclusion Service oversees publication of information about SEND provision via Local Offer Website and undertakes consultations with parents and young people on the Local Offer. A SEND Young Peoples forum has been established and Empowering Parents Together is the Council's identified Parent Forum whose members contribute to service developments. They are represented on the SEND Partnership Board which oversees the council's SEND policy and duties. The Access and Inclusion Service also manages the SLA for Redbridge's Information, Advice and Support Service.

The SEN & Disability Team sits within Redbridge Access and Inclusion Service and holds operational responsibility for supporting the EHC plan process 0-25. The team is organised into a pre-16 and post-16 team structure each led by a team leader reporting to the SEN and Disability manager. The Pre and Post 16 Special Educational Needs Teams are responsible for conducting statutory assessments for Children and Young People 0–25 years of age. Such children and young people are brought to the attention of the local authority by schools and nursery settings, Health Visitors, educational psychologists, social care and/or health colleagues, parents and/or the young person themselves. The assessment includes gathering information on a child or young person's special educational needs and identifying suitable educational provision which could inform an Education, Health Care Plan.

The Teams also reviews and monitor existing Education, Health Care Plans to ensure provision remains appropriate and children and young people with special educational needs continue to make progress alongside their peers. In addition to the team leaders, there are Education, Health Care Plan Co-coordinators linked to local maintained and academy schools, EHC Case Officers and SEND Support Officers to support the EHC process. The team has a single SEND Inbox for service users.

The Council's decision-making in relation to the EHC process is supported by SEND Early Years, pre- and post-16 multi-agency EHC panels chaired by associated Access and Inclusion managers. The terms of reference for these panels are published on the local offer as are the banding, funding and arrangement documents. In addition, multi-agency resource panels across children and adult services support integrated resource decision-making and the transition of young

people into adult services. The Post 16 Education, Health and Care (EHC) Panel looks at EHC needs assessments and resourcing for young people 16 – 25 in schools, college provisions, youth custody and for those transferring to adult services (including but not exclusively those young people with disabilities) with EHC Plans.

The SEN & Disability Team has responsibility to ensure the SEND provision in the EHC Plan is made for individual pupils. This is supported by the SEN commissioning manager and LA/CCG joint-commissioner who work within the Access and Inclusion Service and are responsible for SLAs for specialist SEND support services, including therapies, outreach, specialist equipment and independent settings.

The SEND team also provide support to schools, colleges and partners in relation to SENDist tribunal hearings. This support is led by the Tribunal and Conciliation Officer who co-ordinates planning and hearing meetings with associated partners. The Local Authority is responsible for the collation and distribution of all papers for the tribunal and this is supported by the Tribunal Business Support Assistant. In relation to appeals, the council also commissions an independent mediation provider.

The SEND Early Years Advisory Service manages the notifications from health in regard to children who may have SEN and Disability alerting settings, EP services, Pre-school Home Visiting service accordingly. The Head of the EYAS service chairs the SEND EY panel which considers pre-school requests for statutory assessment and manages the inclusion support funding for EY Children with identified SEN.

The Early Years Advisory Service provides statutory advice for EHC assessments in addition to support to settings. The pre-school home-visiting service supports children 0-3 with complex SEND and provides statutory advice and reviews for those 0-3 year olds not in a setting. The Educational Psychology service is a mandatory statutory assessment and advice provider for 0-25 years in addition to acting as an expert witness at tribunals. These three services also sit as part of the Access and Inclusion Service.

School transport

The local authority has a duty:

- 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 (s508B Education Act 1996)
- 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 school travel (s508A Education Act 1996)
- To have regard to any parental choice of school based upon the parent's religion and belief in exercise of travel functions (s509 AD Education Act 1996)
- To consider and 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 (Equality Act 2010)
- To publish annual Post-16 Transport Policy Statement which 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

LB Redbridge's Approach

The SEND Home to School Travel Assistance Team plans and co-ordinates travel assistance for children and young people who meet the published criteria. Travel Assistance can take the form of independent travel training, a personal travel budget or the provision of transport.

The team assesses each application on its own merit, assessing the specific individual needs of the child or young person against the published policy using a decision-matrix.

When making a decision about a child's eligibility to travel assistance we will ask the following questions which are explained more fully in the Policy. 1. Does the child attend their nearest 'Qualifying School'? 2. What is the walking distance from the child's home to school? 3. Does the child have any special educational needs or disabilities, which limit their mobility or ability to use public transport? 4. Are there

other exceptional circumstances relating to the child and family that need to be taken into consideration?

It is therefore important that families provide all the information and evidence requested during the application process. A school age and post-16 policy, decision matrix and parent guide are published on the local offer. The team sits within the Access and Inclusion service.

Admissions

The council has duties in relation to school admissions both as local authority and as the admission authority for all community and voluntary controlled schools.

These duties are:

- To provide advice and assistance to parents when deciding on a school place and allow parents to express a preference (s86(1A) School Standards and Framework Act 1998)
- For each school year, the local authority must publish the prescribed information about the admission arrangements for each of the maintained schools in their area, and if regulations so provide, such maintained schools outside their area (s92 SSFA)
- To publish each year a composite prospectus for all publicly funded schools in the area
- To formulate, publish and adopt a scheme to co-ordinate admission arrangements for all publicly-funded schools in the area, which allows parents to apply to schools in other local authority areas, and to provide information to the Secretary of State on school admissions on the National Offer Days and thereafter
- To make arrangements for parents to appeal against admissions decisions
- To establish and manage a Fair Access protocol for in year admissions
- To annually write to parents of prospective schools in their locality with information about schools with atypical admission ages within the local authority or within reasonable travelling distance.
- To include details of schools with atypical admission ages in the local authority or within reasonable travelling distance in their composite prospectus.
- As an admission authority, the council has to determine each year the admission arrangements for community schools in Redbridge and to handle all applications for these schools, including in-year.
- The Local Authority has the power to direct admission of a child or young person to the named setting on an EHC plan.

LB Redbridge's Approach

These functions are undertaken through the Admissions and Awards Team which:

- *Consults annually on admission arrangements for community schools, coordinated schemes and the Fair Access Protocol, which are considered at Education Scrutiny Panel and are determined by Cabinet.*
- *Receives applications online for all schools for the normal admission rounds and makes all offers of school places on national offer days.*
- *Handles in-year applications for all community schools and coordinates in-year admissions for those own admission authority schools that opt in to coordinated in-year admissions.*
- *Prepares a written case and presents admission appeals for community schools and those academies which have signed a Service Level Agreement for this service.*
- *Provides information for parents on the website, including the composite prospectuses, about how to make their applications and how admission arrangements work.*
- *Emails parents of children in the relevant year groups about atypical admissions to schools within a reasonable travelling distance.*

Admission to specialist provision and mainstream placements for children and young people with EHCPs is managed by the SEN and Disability Team.

Curriculum and assessment

The local authority, and governing bodies have a duty to exercise their functions with a view to securing, and a head teacher has a duty to ensure, that the curriculum provided is:

- broad and balanced
- comprises the National Curriculum, including implementing key stage test arrangements (SATs)
- includes provision for religious education and
- for pupils in secondary school, sex education
- and that they have regard to statutory guidance issued by the Secretary of State (Education Act 2002, s79, 85(9) and 88 1(A))

In relation to key stage 1 assessment, the local authority must:

- make provision for moderating teacher assessments in respect of 25% of relevant schools
- collect teacher assessment information from relevant schools and quality assure it, and submit it to the DfE
- ensure schools have training and advice in all aspects of key stage 1 assessment and electronic systems to submit data

In relation to key stage 2 assessment, local authorities must visit 10% of schools administering tests for monitoring purposes.

Local authorities must monitor at least 10% of relevant schools to ensure Yr 1 phonics screening check is being administered correctly. They must visit at least 10% of relevant schools before, during and after the check and submit information to the DfE. (Key Stage 1 assessment Order and statutory guidance)

LB Redbridge's Approach

The named strategic lead for moderation and the moderation manager submit the LA's annual moderation plans for EYFS, KS 1 and KS 2 to the Standards and

Testing Agency (STA). This details how our arrangements meet statutory duties, in line with STA statutory guidance. The LA maintains records which support the identification of schools for moderation visits and provides a highly effective programme of training for LA moderators. The LA publishes moderation handbooks for each key stage which outline the moderation processes and the appeals process. There are robust data validation processes involving the LA's Research and Data and School Improvement services. Moderation training for teachers in EYFS, KS 1 and KS 2 exceeds statutory requirements and has been identified as a strength of LA provision for school improvement.

The LA provides training for school leaders on access arrangements and administration of the statutory tests and the phonics screening check. The LA makes unannounced monitoring visits to a sample of at least 10% schools and informs STA of any irregularities in the test administration process.

Religious Education

The local authority must establish a body called a standing advisory council on religious education. (s390-391 Education Act 1996).

The local authority must ensure that head teachers comply with their duties to secure due provision of religious education, and that all pupils take part in a daily act of collective worship. (s69-70 School Standards and Framework Act 1998)

LB Redbridge's Approach

The constitution and membership of LB Redbridge SACRE meets statutory requirements. The Head of School Improvement currently represents the LA on the SACRE. The SACRE publishes an annual report on its activities which includes data on the number of determinations considered and any parental complaints received. SACRE supports the LA in reviewing the provision for religious education in schools and the standards achieved by pupils at GCSE.

The LA supports SACRE through the provision of an associate adviser who provides professional advice to the SACRE and to schools and clerking services.

The LA funds and supports the development and publication of an Agreed Syllabus for religious education which is in line with the requirements of the Education Act (1996 Section 375 (3)) and School Standards and Framework Act (1998, Schedule 19, para.5). The current Agreed Syllabus was published in 2015.

School Meals

The authority has a duty to provide school lunches for those eligible for free school meals, and to ensure that the food provide is nutritious.

LB Redbridge's Approach

This duty is delegated to schools, with the Council providing contract management support for schools who have opted-in to the central contract.

School Finance

The local authority has a duty (s45 etc. School Standards and Framework Act 1998, School Finance Regulations 2008 and 2011) to:

- Determine school and PRU budget shares in accordance with the school finance regulations
- Establish a schools' forum for the area
- Maintain a scheme for financing schools
- Provide accounting information to the DfE under the Consistent Financial Reporting Regulations

and to report to the DfE on planned and actual spending (section 251 of the Apprenticeship, Skills, Children and Learning Act 2009)

LB Redbridge's Approach

Schools Budget shares are determined by summation of the Schools Block, High Needs Block and Early Years Block allocations and distributed monthly by the school's team, with guidance on Consistent Financial Reporting (CFR) Regulations. Cabinet annually agrees the planned distribution of the Dedicated Schools Grant.

The Schools Block allocations are calculated by using the DFE Authority Pro-Forma Tool. Local Factors used to allocate to schools are those sanctioned by the DFE and consulted upon using schools forum. Factor Rates are set by the Authority. The amount to be allocated is after Schools Forum agrees a sum set aside for significant 5-16-year-old pupil growth.

The High Needs Block allocations are informed to Schools Forum. The split of place led funding and top-up funding is determined by the LA and agreed with DFE, schools and institutions.

The Early Years Block is allocated by hourly rates which are consulted upon with all providers. The Early Years single formula only allows 5% of the overall hourly rate to be retained for central functions in line with regulations.

The LA retains funding for admissions, schools forum administration, general duties for all schools, licensing and historical commitments. All are agreed line by line by schools forum.

Schools Forum is an established body comprising mainly of Head-teachers and Governors in a proportionate number to number of pupils in each sector. In addition it has representatives for Early Years, Special Schools and PRUs. There is also non-schools representation from Trade Unions, Local Diocese and Post 16 institutions, but these have limited voting rights. Schools Forum meets at least once termly with an agreed work programme.

Schools are required to close their books at 31 March annually. They are required to provide their closing position using CFR coding structure, which are mirrored in the Authority's books. CFR returns are uploaded by the Schools Team to the DFE.

The LA has an agreed Scheme of Financing in line with statutory guidance issued by the DFE. It is regularly reviewed by Schools Forum, which agrees any changes.

School Governors

The local authority has a duty to:

- Appoint parent governor representatives to local authority committees dealing with education (s499 Education Act 1996)
- Nominate local authority governors onto maintained school governing bodies and produce instruments of government for maintained school governing bodies (The School Governance (Constitution) (England) Regulations 2012)
- Provide training and information for school governors (s22 Education Act 2002)
- Provide training and information for school governors (s22 Education Act 2002)
- Set up temporary governing bodies for new maintained schools (s34 Education Act)

LB Redbridge's Approach

The operational manager of Governor Support leads the arrangements for recruiting and nominating LA governors to its maintained schools. The governor support service facilitates the appointment of parent governor representatives onto London Borough of Redbridge committees.

The annual training programme provided by the Governor Support Service covers all the key areas identified by the DfE as being crucial for effective school governance.

The Governor Support Service provides telephone and email advice to school governors and clerks circulates information on key national and local updates. Information and guidance can also be accessed online via the Redbridge Council website.

The LA advises and supports new maintained schools in establishing the structures for a governing body and in addition, advises existing schools on reviewing governing body structures and co-ordinates the production of Instruments of Government.

School sites and buildings

The local authority has a duty to:

- Ensure that school buildings meet minimum standards (s542 Education Act 1996 and The School Premises (England) Regulations 2012)
- Maintain school premises (s22 School Standards and Framework Act 1998)
- Comply with legislation governing disposal of land at school sites (S77 School Standards and Framework Act 1998 and s13 and schedule 1 Academies Act 2010)
- Transfer land when a school changes category or grant a long lease when a school becomes an Academy (Education and Inspections Act 2006 and Academies Act 2010)

LB Redbridge's Approach

Duties to meet minimum standards and maintain school premises are delegated to governing bodies. The Council helps schools to meet those duties by providing the School Maintenance and Development Service (SMaDS) and arranging specialist contracts with external providers which schools can access.

The Estates team within Regeneration, Property and Planning manage all disposals of land at school sites and work with the Council's Legal team to effect land transfers resulting from schools converting to academy status.

Inspection/intervention

The local authority has a duty to:

- Provide information, distribute report and to produce and distribute a post- inspection action plan for Joint Area Reviews and OFSTED inspections
- Produce an action plan if a school goes into special measures following an OFSTED inspection
- Comply with statutory requirements if the authority decides to use its powers to intervene (s64-66 of the Education and Inspections Act 2006)
- To comply with a direction of the Secretary of state to give a school a warning notice (s60A and 69B of the Education & Inspections Act 2006)

LB Redbridge's Approach

The School Improvement Strategy 2015 outlines the role of the local authority in intervening in a school causing concern and its further powers to issue a warning notice, under part 4 of the 2006 Education Act, when standards are unacceptably low and/or there has been a serious breakdown in the way the school is managed or governed and/or the safety of pupils or staff is threatened.

The support and challenge for schools evaluated as category 3 and 4 will be coordinated, monitored and evaluated through the establishment of the school review group.

School inspection judgements are reported annually to the Education Scrutiny Panel and monthly in leaders' briefings.

School Staff

The Local Authority is the employer of all staff in community, voluntary-controlled and special schools. In foundation, voluntary-aided and foundation special schools, the Governing body is the Employer.

Under the school staffing regulations, the Governing body and Head Teacher in all schools are responsible for the management of staff. The following duties are therefore largely delegated to schools, although the Local Authority will have a supervisory or residual role, particularly where they are the Employer.

The Local Authority has:

- Duties in relation to teachers pay (s122 Education Act 2002 and School Teachers Pay and Conditions Document)
- A duty to check that teachers have Qualified Teacher Status
- A duty to ensure that staff have the necessary health and physical capacity (Education Health Standards Regulations 2003)
- Duties in relation to the appointment, management and dismissal of staff (School Staffing Regulations)
- The power to act as the Appropriate Body in the statutory NQT induction process for schools (s135A, 135B & 141C (1) (b) Education Act 2002 and associated Education (Induction Arrangements for School Teachers) (England) regulations 2012. By exercising its power to act as Appropriate Body the Council takes on the statutory duties set out in the regulations.

The Local Authority retains the following duties in relation to staff:

- To establish a performance management policy (s21 Education Act 2002)
- Duties as employer for pension purposes of all teachers in maintained schools relating to service and contribution remittance (Teachers' Pension Regulations 2010)

The recruitment and management of staff in a pupil referral unit sits with the management committee. However, as with community schools the LA will remain the employer and retains specific duties in relation staff employed in PRUs (School Staffing (England) Regulations 2009) The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007

LB Redbridge's Approach

By working in partnership on workforce issues, we can fulfil our commitment to giving Redbridge children the best possible chances in life.

Our approach is to delegate the large majority of the statutory duties to schools and offer support in the delivery of these duties through traded services offered by our Teacher Recruitment & Retention Service (Appropriate Body for NQT induction) and Human Resources team.

There are also areas where support is provided for all schools outside of a traded arrangement. These include:

- Provision of Safer Employment policies and updates on statutory requirements*
- Access to named Employment Relations Advisors (ERAs)*
- Providing and reviewing HR policies, procedures and template letters*
- Providing initial telephone advice and guidance on ER issues*
- Supporting Employer and Trade Union consultation arrangements*
- Undertaking straightforward job matching, job evaluations and advising on the associated processes. If protracted, or where further advice is sought, buy back will apply.*
- Administration of the Local Government Pensions Scheme (LGPS)*
- Teachers' Pension Scheme deductions through payroll*

The Prevent duty

This duty arises from the Counter Terrorism and Security Act 2015 and relates to a range of organisations including schools and LAs. Schools must have due regard to the need to prevent people being drawn into terrorism.

Local authorities must work with local partners to protect the public, prevent crime and promote strong integrated communities. Some local authorities do this through Community Safety Partnerships.

LB Redbridge's Approach

The Redbridge Prevent Team is located within Community Safety & Protection, part of the Civic Pride directorate. Prevent safeguarding referrals are dealt with through a multi-agency Channel Panel, chaired by the Head of Community Safety & Protection, where bespoke specialist support and care plans are devised for those vulnerable to being drawn into terrorism.

Additional support provided by the Prevent team includes:

- The provision of advice regarding any Prevent related safeguarding concern.*
- The provision of training (e.g. WRAP), briefings and support for lesson planning and delivery in relation to radicalisation and extremism by the Prevent Education Officer.*
- The provision of information regarding the local threat from terrorism. This will inform school risk assessments.*
- The provision of advice regarding external speakers.*
- Access to Home Office funded projects and workshops (e.g. London Tigers, Young Leaders Programme etc.).*

Local Authority Designated Officer (LADO)

The LADO has responsibility under Working Together to Safeguard Children 2013 to manage allegations against individuals who work with children.

LB Redbridge's Approach

The LADO is based in the Safeguarding and Quality Assurance Team and they manage Child Protection allegations made against professionals working with children. When the LADO is unavailable the role is covered by Independent Reviewing Officers and Child Protections Case Conference Chairs.

The LADO should be contacted if a professional or volunteer working with children is alleged to have:

- Behaved in a way that has harmed a child, or may have harmed a child;*
- Possibly committed a criminal offence against or related to a child;*
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.*

The LADO should be informed of any allegations within 24 hours and they will then respond to the concerns within a further 24 hours. Once an allegation has been made the LADO will liaise with the relevant agencies involved including the employer, social services, and police to ensure that an investigation is completed into the allegation. The LADO will also provide advice and support to employers regarding the investigation process.

Section 7 of the London Child Protection Procedures outlines how investigations are to be managed by the LADO and the other relevant agencies. Upon the completion of the investigation the LADO, in consultation with the other professionals involved, will make a decision on the outcome of the investigation either; substantiated, unsubstantiated, false, or malicious.

Academy conversions

The local authority has a duty, where the Secretary of State has made an academy order, to arrange to transfer the land and buildings to the academy trust on a 125-year lease and assist with the preparation of the lease and Commercial Transfer Agreement (CTA) within reasonable timescales.

LB Redbridge's Approach

The local authority will grant to the academy trust (AT) (details of which will have been given to the local authority in the academy order) a lease of the school site for a term of 125 years. The form of lease is to be based on one of a number of forms of model lease produced by the Department for Education (DfE).

The local authority will also enter into a commercial transfer agreement (CTA) which will transfer to the AT assets, including other property, used by the school. It will also deal with the transfer of school staff from the local authority to the AT.

Ordinarily a GB will decide if a school wishes to become an academy school.

Following its decision to do so the DfE will appoint a project lead to work with the GB and the local authority to achieve this. It will be for the GB/AT and its separately appointed solicitors to carry out the various pre-conversion tasks including consultations, setting up financial management and self-governance arrangements (including establishing roles, developing controls and handling money), company registration, DBS checks and the entering into of the lease, CTA and funding agreement with the DfE.

Early Education and Childcare

The local authority has a duty to (s6, 7, 9 Childcare Act 2006):

- Secure sufficient childcare places, so far as is reasonably practicable, for working parents or parents who are studying or training for employment, for children aged 0-14 (or up to 18 for disabled children)
- Take into account what is 'reasonably practicable' when assessing what Sufficient childcare means in their area and:
 - the state of the local childcare market, including the demand for specific types of providers in a particular locality and the amount and type of supply that currently exists
 - the state of the labour market
 - the quality and capacity of childcare providers and childminders registered with a childminder agency, including their funding, staff, premises, experience and expertise
 - encourage schools in their area to offer out-of-hours childcare from 8.00am and 6.00pm
 - encourage existing providers to expand their provision and new providers to enter the local childcare market
- To report annually to elected council members on how they are meeting their duty to secure sufficient childcare, and make this report available and accessible to parents

LB Redbridge's Approach

This work sits within the Families Information Direct team and is supported in the following ways:

- *Quality and Sufficiency Officer that compiles annual report and monitors progress on actions throughout the year. This includes the survey of early years and childcare provision*
- *Funding and Independent Advice Lead that ensures that any future government campaigns are considered and planned for in the report (i.e. expansion to 30 hours)*
- *Family Information Officers on FiND helpline that provide information on where parents are having difficulty in sourcing childcare*

- *Childcare Liaison Officer who in addition to auditing early education take up, offers setting up and business support to new and existing settings to advise them of the current sufficiency*
- *The Children Sufficiency Assessment reports are made available online at <http://find.redbridge.gov.uk>.*

Education of Looked after Children

Local authorities have a duty under the Children Act 1989 to safeguard and promote the welfare of a child looked after by them. This includes a particular duty to promote the child's educational achievement, wherever they live or are educated. The authority must therefore give particular attention to the educational implications of any decision about the welfare of those children.

This duty also applies to 'eligible' children. It also applies to those who have been placed for adoption until the court makes the adoption order giving parental responsibility to the adoptive parents. Under the 'Children and Social Work Act (2017) there are additional duties to children adopted from care, for which statutory guidance is pending.

Local authorities are required to appoint at least one person for the purpose of discharging the local authority's duty to promote the educational achievement of its looked after children, wherever they live or are educated. That person (the Virtual School Head) must be an officer employed by the authority or another local authority in England.

Social workers, VSHs and IROs, school admission officers and special educational needs departments should work together to ensure that - except in an emergency - appropriate education provision for a child is arranged at the same time as a care placement.

All looked after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. The broad areas of information that must be covered in the PEP are specified in Schedule 1 (paragraph 2) of the Care Planning, Placement and Case Review (England) Regulations 2010 as amended. The PEP must now include the contact details of the VSH for the authority that looks after the child.

LB Redbridge's Approach

The Virtual School promotes the education of Looked After Children via:

- *Termly network meetings for Designated Teachers*
- *The provision of information, advice, training and consultancy for schools, social workers and foster carers*
- *Regular monitoring of attendance, progress, attainment and behavior, leading to the provision of targeted support via the HLTA team, which takes a variety of forms dependent on need*
- *The provision of an extra-curricular programme*

- *The allocation and monitoring the impact of the Pupil Premium Plus Grant*
- *The organisation, administration and quality assurance of Personal Education Plans*

Statutory Data Collections

The Council has specific duties in relation to the collection and submission of education data:

School Census (Termly) - The submission of the school census returns, including a set of named pupil records, is a statutory requirement on schools under Section 537A of the Education Act 1996. The local authority is responsible for assisting local authority maintained schools to submit their data by the deadline and that the data is free of errors (excluding errors accepted by the DfE).

School Workforce Census – The submission of the school workforce census return is a statutory requirement on schools and local authorities by virtue of regulations made under sections 113 and 114 of the Education Act 2005. The local authority is responsible for coordinating the census returns from maintained schools.

Early Years Census - The individual level data collection from PVI settings is a statutory requirement on providers and local authorities through regulations under Section 99 of the Childcare Act 2006 and The Education (Provision of Information About Young Children) (England) Regulations 2009. The local authority is responsible for the collection and submission of data from all providers of free early education in the private, voluntary and independent (PVI) sectors. Schools with on-site early years free provision make their return via EITHER the school census OR the early years census, as appropriate for the individual children attending being funded.

Alternative Provision Census – The local authority is responsible for the collection and submission of records relating to pupils attending a school not maintained by a local authority for whom the authority is paying full tuition fees, or educated otherwise than in schools and pupil referral units, under arrangements made (and funded) by the authority. This is a statutory requirement under the Education (Information about Children in Alternative Provision) (England) Regulations 2007.

Early Years Foundation Stage Profile Assessments - Early years providers must report EYFS Profile results to local authorities under the Childcare (Provision of Information about Young Children (England) Regulations 2009. The local authority is responsible for the collection and submission of this data to the DfE.

Key Stage 1 (KS1) – Phonics Checks – The local authority must complete this statutory data collection for all maintained schools, academies, free schools and

special schools. Schools must report their pupils' check scores to the local authority by the deadline set by the local authority.

Key Stage 1 Assessments – The local authority must submit KS1 assessments for all state-funded schools, including academies and free schools. Maintained schools and academies must report end of KS1 TA data to their LA by the DfE deadline.

Key Stage 2 (KS2) Assessments – The local authority is only required to submit KS2 teacher assessments for schools that have arranged with the LA to submit on their behalf.

SEN2 survey

The information collected via the annual SEN2 survey by the DfE provides the major source of data collected on children and young people with statutory Education, Health and Care plans (EHC plans). It reports on the statutory process, timescales and procedures at Local Authority level.

LB Redbridge's Approach

The Research and Data Team are responsible for these statutory education returns:

For the School Census, School Workforce Census and assessment collections, the Research and Data team runs a termly Admin Forum where all schools are invited. These forums explain any changes to the statutory returns and provide general guidance to schools on their responsibilities for these returns (except the AP and EY Census). Academies are supported through the school census returns where the School Census Checking Service has been purchased.

Data submissions are monitored and schools are provided email and telephone support where the local authority is responsible for the submission. The Research and Data team run a variety of checks on the submitted data to increase accuracy prior to final submission.

For the Early Years Census, the Research and Data team work closely with the Early Years team to request head count data from providers on a termly basis. This data is then used to populate the EY Census template to avoid duplication. The data is then checked against the School Census returns to avoid duplications across returns. Schools and Settings are contacted if any errors or queries are discovered and the returns submitted to the DfE once all issues have been resolved.

The SEN2 survey is managed within the Access & Inclusion service.

Participation of young people in Education, Employment or training (sections 18 and 68(4) of the Education and Skills Act 2008 (ESA 2008))

The Council has a duty:

- to secure sufficient suitable education and training provision for all young people in their area who are over compulsory school age but under 19 or aged 19 to 25 and for whom an Education, Health and Care (EHC) plan is maintained.
- To to make available to all young people aged 13-19 and to those between 20 and 25 with special educational needs and disabilities (SEND), support that will encourage, enable or assist them to participate in education or training under Section 68 of ESA 2008.

LB Redbridge's Approach

- *Redbridge has a team of Connexions team of qualified IAG workers (Careers) who caseload all 16-18 NEET young people and work with them to get back into Education, Employment and training.*
- *The Connexions team works with NEET young people with SEND up to the age of 25*
- *The Connexions team have links with all local schools to help identify and target young people who are most at risk of becoming NEET post 16 this includes young people with EHC plans.*

Statutory guidance states that tracking young people's participation is a key element of these duties and this tracking function is undertaken by an external organisation on behalf of the borough, processing information from schools and education establishments to report on young people's progression on education, employment and training.

Miscellaneous

The Education Acts also impose some more specific duties to:

- Determine the dates of school holidays (s32 Education Act 2002)
- Provide independent careers advice for pupils aged 14-16 in pupil referral units (s29 Education Act 2011)
- Secure access to positive activities, to ensure young people have access to sufficient educational leisure-time activities which are for the improvement of their well-being and personal and social development (s507B Education Act 1996).

LB Redbridge's Approach

School holiday dates

The governor support service prepares draft term dates in consultation with neighbouring Local Authorities. A draft proposal is circulated to all Headteachers and also as a Forward Plan decision for comment. The final confirmed dates are circulated to schools and published on the Redbridge Council website.

Independent careers advice

This responsibility is discharged by PRU management committees.

Positive activities

There is a wide range of positive activities available to young people through the authority's Youth Service direct delivery and the voluntary and community provisions. Information on the range of positive activities are published on Redbridge i.

Contact list

Statutory Duty	Contact Person	Telephone	Email
School place planning duties	Sue Garner	02087083282	Sue.Garner@redbridge.gov.uk
Education otherwise than at school	Liz Hunt	02087083976	Liz.Hunt@redbridge.gov.uk
Welfare/ Inclusion	Sue Bendon Liz Hunt (Accessibility)	02087086013 02087083976	Sue.Bendon@redbridge.gov.uk Liz.Hunt@redbridge.gov.uk
Special Educational Needs	Liz Hunt	02087083976	Liz.Hunt@redbridge.gov.uk
School transport duties	Liz Hunt	02087083976	Liz.Hunt@redbridge.gov.uk
Admissions duties	Sue Garner	02087083282	Sue.Garner@redbridge.gov.uk
Curriculum and assessment	Rachel Bowerman	02087083962	Rachel.Bowerman@redbridge.gov.uk
Religious Education	Rachel Bowerman	02087083962	Rachel.Bowerman@redbridge.gov.uk
School Finance	Rav Nijjar	02087083923	Rav.Nijjar@redbridge.gov.uk
School Governors	Neetha Atukorale	02087083279	Neetha.Atukorale@redbridge.gov.uk
School sites and buildings	Diane Martin	02087083880	Diane.Martin@redbridge.gov.uk
Inspection/ intervention	Rachel Bowerman	02087083962	Rachel.Bowerman@redbridge.gov.uk
School Staff	Clare Mehlman	02087083770	Clare.Mehlman@redbridge.gov.uk

Statutory Duty	Contact Person	Telephone	Email
Prevent duty	Neil Lemon	02087085971	Neil.Lemon@redbridge.gov.uk
Local Authority Designated Officer (LADO)	Helen Curtis	02087085350	Helen.Curtis@redbridge.gov.uk
Academy Conversions	Jonathan McAllen	02087082217	Jonathan.McAllen@redbridge.gov.uk
Early Education and Childcare	Dianne Borien	02087083232	Dianne.Borien@redbridge.gov.uk
Participation of young people in EET	Fiona Barrett	02087082581	Fiona.Barrett@redbridge.gov.uk
School holiday dates	Neetha Atukorale	02087083279	Neetha.Atukorale@redbridge.gov.uk
Independent careers advice	Chris Ma	02087083110	Chris.Ma@redbridge.gov.uk
Positive activities for young people	Chris Ma	02087083110	Chris.Ma@redbridge.gov.uk