

Use of Pupil and Establishment Level Data in the Delivery of Statutory Duties

**Data Transfer between
Isle of Wight Council
and Schools/Academies**

Version: 0.1

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1.0 Purpose

- 1.1 This agreement will set out the roles and responsibilities of the Isle of Wight Council (the local authority, hereafter referred to as 'the LA'); schools and Academies within the Isle of Wight; and schools and Academies within Other Local Authorities' (OLAs) boundaries with Isle of Wight Children Looked After and/or Children in Need (hereafter referred to as Partner Organisations), in regards to the sharing of data relating to individual children, parents and/or guardians, staff and others associated with a school/Academy.
- 1.2 The purpose of this agreement is to meet the responsibilities of the partner organisations in relation to the Data Protection Act. The school/Academy acts as a Data Controller for the personal data held in relation to its business, with the LA acting as Data Processor for some of this data. Likewise the LA acts as Data Controller for some data for which schools/Academies then act as Data Processor. This agreement intends to simplify the process of establishing data sharing agreements between the two public bodies.
- 1.3 Another purpose is to enhance the ability of the Partner Organisations to support the learning and welfare of children through the sharing and use of data not otherwise readily available to each organisation. The sharing of pupil level data will enable analysis (e.g. for vulnerable groups of pupils in a geographical area), as well as for the school/Academy to feature alongside other schools/Academies (e.g. in summaries of end of Key Stage assessments).
- 1.4 The agreement also details the support which the LA will provide to the school/Academy for:
 - statutory School Census returns;
 - statutory performance data returns;
 - the support of Finance systems for electronic transfer.
- 1.5 The main benefits of the agreement will be:
 - Meeting the requirements of the Data Protection Act;
 - Reducing the administrative burden on the school/Academy - data will only be input once but used many times for the benefit of children and staff;
 - Providing better targeted services to all children and staff; and
 - Ensuring the safety and wellbeing of individual children and staff.

This agreement takes regard of the following statutory guidance:

- The Data Protection Act (1998)¹;
- Section 10 of the Children's Act (2004)² for agencies covered by the duty to co-operate to improve well-being of children;
- Section 11 of the Children's Act (2004) on the duty to safeguard and promote the welfare of children;
- Section 12 of the Health and Social Care Act (2012);
- Section 2(b) and section 6(c) of the NHS Act (2006);

¹ <http://www.legislation.gov.uk/ukpga/1998/29/contents>

² <http://www.legislation.gov.uk/ukpga/2004/31/contents>

- Working Together to Safeguard Children (2013)³ which sets out how organisations and individuals should work together to safeguard and promote the welfare of children;
- Healthy Child Programme (Department of Health, 2009)⁴;
- This data sharing is conducted under the legal framework contained in the Children Act (1989), the Education Act (1996), the Learning and Skills Act (2000) and current data protection legislation. It also reflects the requirements of the Protocol on Data Sharing and rationalisation in the School Sector (DfES, Feb 2004)⁵; and
- Data Sharing Code of Practice (ICO 2012)⁶.

2.0 Regular Data Transfer via Capita B2B (Base to Base) or Alternative

- 2.1 Capita B2B is the secure transfer of child level data from the school/Academy Information Management System (SIMS) to the LA's Capita ONE central database system. Data is transferred via a secure internet connection. Data transfer from the school/Academy SIMS system is via:
- a weekly scheduled routine for:
 - attendance
 - exclusions
 - basic detail changes (name, NCY etc.)
 - school changes (start and end dates)
- 2.2 For a full list of data items currently shared please see Appendix A.
- 2.3 Information will be used to inform provision of LA Services to individual children to ensure their well-being and safety, as well as supporting the undertaking of the LAs Statutory Duties (see Appendix B for a full list). It will be used to help identify children missing from education and to target intervention and support through monitoring of key indicators such as attendance and exclusions.
- 2.4 Information held in the LA's Capita ONE system may also be shared with other Children's Services partners, such as NHS Trusts, where to do so is in compliance with statutory guidance and legislation regarding the duty to co-operate to improve well-being of children; the Health and Social Care Act (2012) & NHS Act (2006); and the Data Protection Act (1998) especially noting the duties to secure transfer and safe storage.
- 2.5 The school/Academy agrees to:
- Transfer via the LAs approved transfer tool (e.g. B2B) scheduled updates as set out in Appendix A;
 - Work with the LA to resolve any data discrepancies e.g. pupils appearing at multiple schools/Academies; and

³ <http://www.workingtogetheronline.co.uk/index.html>

⁴ http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107566

⁵ [https://www.education.gov.uk/publications/standard/ arc_Governancemanagementandfinance/Page6/DFES-1916-2005](https://www.education.gov.uk/publications/standard/arc_Governancemanagementandfinance/Page6/DFES-1916-2005)

⁶ http://www.ico.gov.uk/-/media/documents/library/Data_Protection/Detailed_specialist_guides/data_sharing_code_of_practice.pdf

- Provide information to and work with the LA in respect of any safeguarding issues or concerns.

2.6 The LA agrees to:

- Make the data available to Children's Services professionals via the Capita ONE system to reduce the need for multiple and frequent data requests made to the school/Academy directly;
- Notify the school/Academy if they become aware of any inaccuracies or possible discrepancies in the data they receive to ensure that data held by both parties is accurate and up to date; and
- Provide advice and guidance to support the data transfer process.

3.0 Pupil Registration Forms – changes to pupil details

- 3.1 The pupil registration form should be completed on a weekly basis by all schools and should be uploaded into the Pupil Registration Folder for your school on the School Data Exchange site, or securely emailed to school.admissions@iow.gov.uk. Currently the form collects information on leavers/starters and change of address. We are working hard with our software company to make this part of the electronic feed.

4.0 School/Academy Pupil and Workforce Census and Local Data Collections

- 4.1 The School Census is a statutory return completed by all state funded schools/Academies within England. The School Census collects information about individual pupils and information about the schools themselves, such as their educational provision. Data is collected on a termly basis. Data items vary according to each Census but all Census returns include child and staff level personal data.
- 4.2 Academies are responsible for the completion, approval and submission of their Census returns to the DfE. Currently academies agree to provide a copy of their electronic data file to the LA for each census at the time of submission to the DfE, this will include any subsequent resubmissions of data or changes to data agreed directly with the DfE and will be very useful to the LA.
- 4.3 LA Maintained schools are legally required to provide their census returns to the LA for approval, through uploading to COLLECT.
- 4.4 The LA will use school/Academy summative data in the production of regular statistical information about all schools/Academies within the Isle of Wight, which are of mutual benefit.
- 4.5 Other data items that are required to support either the LA or the school/Academy (e.g. provision of Admissions data) in fulfilling statutory functions.
- 4.6 As part of this reciprocal arrangement, the LA agrees to:

- Provide advice and guidance to the school/Academy in the preparation of data for each School Census return.

5.0 Attainment Data Collections

- 5.1 The school/Academy is required to submit attainment data to the DfE for particular Key Stages as set out in the Assessment and Reporting Arrangements. The LA uses attainment data to target the provision of services and for supporting improvements in schools/Academies and other providers.
- 5.2 The school/Academy agrees to:
- Transfer data to the LA in line with submission deadlines as communicated by the LA for the various Key Stage assessments in electronic format;
 - Provide individual performance data (not already covered by other data collections) for vulnerable groups of pupils to the LA to fulfil statutory obligations for these pupils; and
 - Provide other assessments (not already covered by the other data collections) to facilitate analysis requested of the LA by school/Academy or other agency.
- 5.3 The LA agrees to support the transfer process by giving the school/Academy advice on the collection, recording and submission of the data required by the DfE.

6.0 Island Futures Careers and Employability Service

- 6.1 For pupils of 11 years and over, the school/Academy has a legal duty to pass certain information to Isle of Wight Council, including name and address of the pupil and parent. Other information that the local authority needs in order to support the young person to participate in education or training and to track their progress, may include young people's contact details (phone, email address) etc.
- 6.2 The information is made available to Island Futures who deliver a high-quality, well-established and successful careers education, information, advice and guidance service to schools and colleges, and has proven expertise and experience of working with schools, colleges, young people, and local and national employers. The information is also made available to the Children's Services Department's Data and Information Team (DaIT) for the completion of statutory returns to the DfE.
- 6.3 The school/Academy will not pass on any additional information they have if parents (or children themselves if aged 16 or over) have notified the school/Academy that they do not wish any additional information outside the core statutory requirement (Name, Address and Date of Birth) to be shared.

7.0 Finance Information

- 7.1 There are elements of personal data associated with finance such as funding for a school/Academy taking excluded pupils.
- 7.2 In every case where personal data is involved, the communication of the data will be through secure methods (e.g.B2B, S2S, data exchange (currently SharePoint), winzip and encrypt).
- 7.3 The school/Academy will ensure that all data sent is stored in a secure area and in accordance with the Data Protection Act (1998) especially those relating to the necessary retention periods.

8.0 Privacy Notices

- 8.1 The Data Protection Act (1998) requires the school/Academy to notify data subjects of which organisations their personal data may be shared with through the use of an appropriate Privacy Notice. There are a range of templates available on the DfE website for schools/Academies to use should they choose or adapt to meet their own needs. These templates can be found at <https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notices>
- 8.2 The personal and sensitive data will only be processed if a condition from Schedule 2 and a condition from Schedule 3 of the Data Protection Act (1998) are met. The LA and DfE will use the data to provide and plan services for children and schools/Academies, as appropriate. Data will only be used in the best interests of the individual.

9.0 Appropriate Security Measures

- 9.1 Both parties agree to comply with the Data Protection Act (1998) regarding security and to ensure that adequate security arrangements are in place, in order to protect the integrity and confidentiality of the information held.
- 9.2 Both parties agree not to transfer personal information by unsecured email, only to use secure electronic mechanisms such as B2B, S2S secure transfer website or other approved and agreed secure methods (See 6.2 for examples).

10.0 General Data Protection Responsibilities

- 10.1 This agreement must be ratified and signed by the school/Academy and the LA.
- 10.2 It is the responsibility of both parties to this agreement to ensure that they have notified the Information Commissioner's Office (ICO) that they are properly registered to share information, in accordance with this protocol, as required under the Data Protection Act (1998).

- 10.3 Both parties agree to keep the information in line with their respected data retention policies.

11.0 Designated Officers

- 11.1 Each Party will confirm which individuals (“designated officers”) are authorised contacts and ensure that any change is notified promptly to enable records to be kept up to date.
- 11.2 Each Party will ensure that all of its designated officers are fully conversant with the provisions of this protocol and Data Protection principles.
- 11.3 The information held will be reviewed with other Partners by arrangement each year.

12.0 Data Security Breaches and Reporting Procedures

- 12.1 Under the terms of the Data Protection Act (1998) each school/Academy is a Data Controller in its own right – just as the Isle of Wight Council is also a separate Data Controller. This means that each individual body is responsible for:
- Registering, on an annual basis, with the ICO (www.ico.gov.uk) that it processes personal data; and
 - Reporting all serious data security breaches to the ICO.
- 12.2 In the case of schools/Academies, the priority for the reporting of security breaches will be the Governors and the Head, as they are responsible for the data protection at the school/Academy.

It is helpful to inform the Isle of Wight Councils Corporate Information Unit (ciu@iow.gov.uk) to any breaches as they may be able to offer advice or warn other schools/Academies if the breach could affect them e.g. SPAM, Phishing, software virus, spree of thefts etc.

- 12.3 The ICO regards serious data security breaches as:
- Exposure to identity theft through the release of non-public identifiers e.g. passport number; and
 - Information about the private aspects of a person’s life becoming known to others e.g. financial / domestic circumstances.
- 12.4 The ICO will also consider the sensitivity of the data and number of individuals affected.
- 12.5 Data security breaches may include the loss of, or unauthorised access to, unencrypted laptops; memory sticks; mobile devices; DVDs; paper files; or other documents.
- 12.6 In the event of a data loss each Data Controller must:
- Inform the other concerned party (parties) of the loss; and

- Undertake the necessary action/investigation in line with their respective Data Breach Policy, which may also include the necessity to alert the ICO to the breach.

Appendix A – Data Items

List of Data Items transferred from the school/Academy to the LA (as of January 2017)

Weekly Scheduled Routine – school/Academy to LA

- UPN
- ULN
- Surname
- Forename
- DOB
- Gender
- Former UPN
- Preferred Surname
- Preferred Forename
- Middle Names
- NC Year Actual
- Enrolment Status
- In Care Indicator
- Care Authority
- Establishment Number
- Attendance Start Date
- Attendance Codes (this is the attendance mark string)
- Start Date
- Leaving Date
- Leaving Reason
- SAON
- PAON
- Street
- Locality
- Town
- Post Town
- Postcode
- Address Line 1
- Address Line 2
- Address Line 3
- Address Line 4
- Address Line 5
- Ethnicity
- FSM Start Date
- FSM End Date
- School Name
- Exclusions Category
- Exclusion Reason
- Exclusion Start Date
- Exclusion Number of Sessions
- Sessions Possible

Future Development

- Sessions Authorised
- Sessions Attendance Reasons
- Sessions Unauthorised
- Absence Sessions
- Attendance Start Date
- Attendance Codes
- Service Child
- Funded Hours
- Hours at Setting
- Learner Support Code
- Adopted from Care
- SEN Provision
- SEN Type Rank
- SEN Type
- Member of SEN Unit
- Member of Resourced Provision
- Mode of Travel

Appendix B – Data Collections and Statutory Duties Lists

Lists of Statutory Collections (as of January 2017), other Collections Contributing to Statutory Duties and LA Statutory Duties.

Statutory Collections

- School Pupil Census
- School Workforce Census
- School Capacity Collection
- EYFS Collection
- Key Stage 1 Teacher Assessments
- Year 1 & 2 Phonics
- Key Stage 2 Test Results

Collections Contributing to Delivery of LA Statutory Duties

- Children Looked After Termly Teacher Assessments
- Children Looked After Key Stage 4 Results (Pupil Level)
- Children Looked After Attendance
- Children Looked After Funding Feedback Collection
- Turbulence Return
- Weekly Attendance Data
- P-Levels Collection
- Key Stage 4 Headline Results (Establishment Level)
- Key Stage 5 Headline Results (Establishment Level)
- Mode of Travel
- Young Carers
- Travellers Data Set
- Exclusions Data Set
- Music Pupils Data Set
- Key Stage 3 Teacher Assessments
- Teacher Strike Action

LA Statutory Duties (as at April 2013)

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|--------------------------|---------------------------|-------------------|---|------|--|--|
| Department for Education | Children and Young People | DFE_002 | Children Act 1989 as amended by section 52 of the Children Act 2004 Section 22(3)a. Secondary - Section 22(3)a of the Children Act 1989 placed a duty on local authorities to safeguard and promote the welfare of a child looked after by them. Section 52 of the Children Act 2004 amended that to include a particular duty on local authorities to promote their educational achievement. | 2004 | Promoting the educational achievement of looked after children. | Addressing the significant degree of educational underachievement of looked after children compared to all children. |
| Department for Education | Children and Young People | DFE_005 | Children Act 1989 Section 17(1) | 1989 | Family law private and public: Imposes a general duty on local authorities to safeguard and promote the welfare of children in need in their area and so far as is consistent with that duty to promote the upbringing of children by their families by providing a range and level of services appropriate to those children's needs. | Imposes a general duty to safeguard and promote the welfare of children 'in need'. Children who are defined as in need under the Children Act 1989 are those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health and development, or their health and development will be significantly impaired without the provision of services. |
| Department for Education | Children and Young People | DFE_008 | Children Act 1989 Section 47 | 1989 | Local authority's duty to investigate: the local authority is required to make enquiries when it is suspected that a child may be suffering harm and to decide whether they should take action to safeguard or promote the child's welfare. | To ensure local authorities make enquiries when there are suspicions that a child is being harmed to decide whether they should take any action to safeguard or promote the welfare of a child - and to act on the conclusions of those enquiries. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|--------------------------|-----------|------------------------|---|------|--|---|
| Department for Education | Education | DFE_018 | Education Act (EA) 1996 Section 13A. -Section 13A was inserted by Section 1 of Education and Inspections Act (EIA) 2006 – duty to promote high standards and the fulfilment of potential. – Amended by Para 3, Schedule 2 of Apprenticeship, Skills, Children and Learning Act (ASCL) 2009. | 2009 | No formal title and in practice is linked to Section 13 (general responsibility for education) and 14 (securing sufficient schools) duties. | For local authorities to be responsible for securing that sufficient education is available to meet the needs of the population in their area. |
| Department for Education | Education | DFE_019 | Education Act (EA) 1996 Section 14 . General duty on local authorities to secure sufficient schools in their area. Section 14 (3A) added by Section 2 of Education and Inspections Act (EIA) 2006 – to secure diversity of provision of schools and increasing opportunities for parental choice. Secondary legislation - The Information as to Provision of Education (England) Regulations 2008 | 2006 | Referred to as place planning duty but is in fact general duty to secure sufficient schools in their area. Local authorities to secure sufficient primary and secondary schools. To complete the annual Surplus Places Survey (renamed for 2010 as the School Capacity Collection). This data has been gathered in some form since 1994. | For local authorities to be responsible for securing sufficient primary and secondary schools in their area. The survey provides the Department for Education and Partnership for Schools with data on the number of surplus school places, and the areas of projected shortfall, across England, and the actions local authorities are taking to address this. |
| Department for Education | Education | DFE_026 (plus DFE_028) | Education Act 1996 Section 19 (3A) and (3B). Secondary: Education (Provision of Full-Time Education for Excluded Pupils) England Regs 2007(SI 2007/1870) Education Act 1996 Sections 3A and 19 and schedule 1, amended by section 3 of the Children Schools and Families Act 2010. Secondary - Enactment regulations apply other areas of education law to Pupil Referral Unit (PRU). | 1996 | Statutory duty for the local authority to provide full time education from the sixth day of exclusion for permanently excluded pupils and for pupils who are excluded from a pupil referral unit for a fixed period of more than 5 days. To make arrangements for the provision of suitable education at school or otherwise for each child of compulsory school age who, for reasons of illness, exclusion or otherwise, would not receive it | This ensures that children, who cannot (for whatever reason) be in mainstream education, continue to receive full-time education unless it is not in the child's best interests. These measures were introduced to make exclusions a more effective sanction and to reduce the disruption to a child's education caused by exclusion. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|---------------------------------|-----------|-------------------|--|-------------|--|--|
| | | | | | unless such arrangements were made. Local authorities may establish pupil referral units to discharge their duty but do not have a duty to do so. | |
| Department for Education | Education | DFE_027 | -Secondary - The School Finance (England) Regulations 2012 | 1998 | Determination of schools' budget shares in the case of excluded pupils and determination of the amount to be paid by one local authority to another when a pupil permanently excluded from a school maintained by one local authority is, in the same financial year, admitted by a school maintained by another authority. Redetermination of a school's budget share where a permanently excluded pupil is subsequently reinstated in a maintained school. | This is intended to ensure that funding follows the pupil in the case of an exclusion - it is transferred to the admitting school or the local authority's central schools budget (if the pupil is not admitted within a set timescale to another school) to ensure that there is at least some funding available to contribute to the costs incurred by the new provider. The Regulations also deal with excluded pupils who are subsequently educated in another local authority. This is intended to ensure that where an excluded pupil is reinstated in the school from where they had been permanently excluded, an appropriate level of funding is reallocated to the school. |
| Department for Education | Education | DFE_031 | Education Act 1996 Section 436A. | 1996 | Duty on all local authorities to make arrangements to enable them to establish (so far as it is possible to do) the identities of children residing in their area who are not receiving suitable education by attendance at school or otherwise | The identification of children missing education. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|--------------------------|-------------------------|-------------------|---|------|--|---|
| Department for Education | Education | DFE_032 | Education Act 1996 Section 437. | 1996 | If it appears to the local authority that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, they must begin procedures for issuing a School Attendance Order. | Ensure that all children get a suitable education |
| 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_035 | Education Act 1996 Section 14. | 1996 | Functions in respect of provision in primary and secondary schools. | In carrying out their duty to provide sufficient schools for the area local authorities must have particular regard for the need to secure Special Educational Needs provision for pupils with Special Educational Needs. (Subject to proposals in the SEN Green Paper) |
| Department for Education | School Meals | DFE_036 | Education Act 1996 Section 512(3) as amended by Education Act 2002. | 2002 | To provide school lunches (upon request) to those eligible for free lunches and to those pupils for whom it would not be unreasonable to provide lunches. | Ensures that local authorities where the school meal budget has not been delegated to schools, supply school lunches where appropriate. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|--------------------------|------------------|-------------------|--|------|---|--|
| Department for Education | School Transport | DFE_037 | Education Act 1996 Section 508B. Inserted by section 77 of the Education and Inspections Act 2006. | 2006 | Requirement for the Local Authority to make provision for suitable home to school travel arrangements for eligible children of compulsory school age (5-16) to facilitate attendance at a relevant educational establishment. Travel arrangements are provided free of charge. | Re-affirms eligibility criteria and extends eligibility to free home to school transport for low income families (see below). Schedule 35B sets out the meaning. |
| Department for Education | School Transport | DFE_038 | Education Act 1996 Section 508A. Secondary - Statutory Instrument 2008 No 3093 The School Information (England) Regulations 2008. | 1996 | Duty on Local Authorities to Promote Sustainable Modes of Travel to assess general school travel needs. The Local Authority must publish each academic year a document containing their strategy to promote the use of sustainable modes of travel to meet the school travel needs of their area and must also publish a summary. | The promotion of sustainable modes of travel (walking, cycling, bus use etc.) that may improve the wellbeing of those who use them and the environment. This is closely linked with local transport planning work required by the Department of Transport. |
| Department for Education | School Transport | DFE_042 | Education Act 1996 Section 509AA. Amended with additional criteria for local authority post 16 transport policy statements in Education & Skills Act 2002, Education and Inspections Act 2006, Education and Skills Act 2008 and Apprenticeships, Skills, Children and Learning Act 2009 | 1996 | Duty on local authorities to publish annual Post 16 Transport Policy Statement. Statement must set out the arrangements for the provision of transport, and for financial assistance towards transports costs, it considers necessary to facilitate attendance of students of 6th form age. | Secures access to learning for young people post 16 - transport having been identified as a significant barrier to young people in accessing post 16 learning and training - and ensures transparency regarding local arrangements and complaints processes for these learners |
| Department for Education | Class sizes | DFE_045 | School Standards and Framework Act 1998 Sections 1 and 138(7). Secondary legislation - Infant Class Size Regulations 2012 | 1998 | Duty placed upon local authorities and other relevant bodies to restrict class sizes for pupils aged 4-7 to thirty pupils per class. | Limit Infant classes to 30 + permitted exceptions and data (via annual schools census) on compliance. New exceptions permitted by the 2012 regulations are children of service |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|---------------------------------|-------------------------|-------------------|---|-------------|---|--|
| | | | | | | personnel and children of multiple births (including twins). |
| Department for Education | School Budget | DFE_055 | School Standards and Framework Act 1998 Sections 45, 45A, 45AA, 46, 47, 47ZA, 47A and 48 and Schedule 14, as amended by Education Act 2011 sections 46 and 50.-Secondary - School Finance (England) Regulations 2011, School Finance (England) Regulations 2012 | 1998 | Local authorities must determine their school and pupil referral unit budgets and budget shares in accordance with the school finance regulations. They must establish a schools forum for their area in accordance with the schools forums regulations and maintain a scheme for financing their maintained schools in accordance with the school finance regulations. | The scheme includes provisions for approval of deficits, management of delegated budgets and banking arrangements. The finance regulations set out the services for which funding can be retained centrally within the schools budget, the factors which are allowed in a local funding formula, the arrangements for protection of school budgets through the Minimum Funding Guarantee and the matters which must be dealt with in schemes for financing schools. The Secretary of State may issue directed revisions to local authority schemes, including directions to remove particular provisions in schemes. |
| 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 | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|--------------------------|-------------------------|-------------------|--|------|---|--|
| Department for Education | Special Education Needs | DFE_065 | The Education (Special Educational Needs) (City Colleges) (England) Regulations 2002 (SI 2002/2071). | 2002 | SEN payments to Academies in relation to pupils with statements. Duty is to review the payment arrangements in the event that any such arrangements are made | Sets out arrangements whereby local authorities may make payments to an approved Academy in respect of a child for whom a statement is made. Local authorities are required to review the payment arrangements, in consultation with governing bodies. |
| 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 | 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 | Education | DFE_080 | Education Act 2002 section 51A, inserted by Education Act 2011 section 4. Secondary - The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (No. 3178). The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002. | 2002 | Prescribes the duties of the local authority with regard to an exclusion from a school and appeals against exclusions. Duties include: receiving information from schools on exclusions (permanent and fixed term); passing this information to the Secretary of State for Education when prescribed; and establishing review panels. | Provides a framework for exclusion to control how pupils are removed from school and provides independent scrutiny. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|--------------------------|-----------------------|-------------------|---|------|---|--|
| Department for Education | Financial Reporting | DFE_082 | Education Act 2002 Section 44 enables the Secretary of State to make regulations to: require maintained schools to supply accounting information to the LA which maintains them; and to require Local authorities to provide accounting information provided by the schools to the Secretary of State. Secondary - The Consistent Financial Report (England) Regulations 2012 - | 2003 | -The local authority must provide the Secretary of State with any financial statement provided to them in accordance with regulation 3 by the third Friday in the July following the financial year in respect of which the statement is made. | The CFR Regulations require schools to report on their income and expenditure to a common framework. All publicly funded schools need to keep accounts for reasons of public accountability, and this happened before CFR. The standardisation through CFR means that schools are able to benchmark their spend against others which helps them become more efficient. Increasing the detail in CFR improves benchmarking. CFR data is used to feed into outturn returns under section 251 of the Apprenticeships, Skills, Children and Learning Act 2009: previously local authorities had to fill in details of school expenditure separately. In the interests of transparency, all of this data is published by DfE. |
| Department for Education | Safeguarding Children | DFE_092 | Education Act 2002 (introduced 1 June 2004) Section 175 | 2002 | Duty on local authorities in relation to their education functions to ensure that these functions are exercised with a view to safeguarding and promoting the welfare of children. The authority must have regard to guidance given by the Secretary of State (in England)/ Welsh Ministers (in Wales). | Aims to ensure that safeguarding is integral to all that local authorities do in carrying out their education functions. Applies to: Local authorities in their education functions (and also to governing bodies of maintained schools, governing bodies of Further Education institutions; independent schools). |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|--------------------------|---------------------------|-------------------|---|------|--|---|
| Department for Education | Inspection | DFE_097 | Local Authority accountability: (1) s20 Children Act 2004 and The Children Act 2004 (Joint Area Reviews) Regulations 2005 (2) s137 Education & Inspections Act 2006 and The Education & Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007(3) s.128 and 141 Education & Inspections Act 2006 | 2004 | (1) Joint Area Reviews: regulations require the local authority to distribute the report and produce and distribute a post inspection action plan (2) Reports of inspections under section 136: requires the LA to distribute the report and produce and distribute a post inspection action plan as specified in regulations. (3) Power to require information etc.: requires the local authority to provide the Chief Inspector with any information or document she requires in relation to local authority performance of its functions or in connection with her own functions. | Inspection of local authority children's services - (1&2) There is no current programme of full joint area reviews, however, the legislation is used for the programme of 3 inspections of safeguarding and looked after children. There is no current programme of s136 inspections of local authorities, but the legislation could be used for ad hoc inspections. Where an inspection takes place under either provision, the duties on the local authority ensure that: relevant bodies / persons are aware of the outcome of the inspection; the local authority responds to the report; and relevant bodies / persons are made aware of that response. (3) Facilitates the process of inspection and assessment of a local authority. |
| Department for Education | Children and Young People | DFE_098 | Children Act 2004 Section 11. | 2004 | Duty to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children; and applies where services provided through a third party. | The aim is to ensure that safeguarding is integral to all that local authorities do. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
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| Department for Education | Children and Young People | DFE_102 | Children Act 2004 Section 10 (1) | 2004 | Duty to co-operate' – to make arrangements to promote co-operation between the local authority; each of the authority's relevant partners, and such other persons or bodies the authority consider appropriate to improve outcomes for children. Those outcomes are defined as the five Every Child Matters outcomes: be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being | To promote and encourage better co-operation and partnership working among the various agencies which provide or commission services for children (and families) at every organisational level from strategic planning to front line multi agency team work |
| 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_127 | Childcare Act 2006 Section 99. Secondary - The Childcare (Provision of Information About Young Children) Regulations 2009 (SI 2009 / 1554). | 2006 | Annual collection of Early Years Foundation Stage Profile data. Gives power to local authorities to collect information about individual children receiving early year's provision, but also places a duty on local authorities to supply that information to the Secretary of State if requested. | This duty underpins various information collections and enables the Secretary of State to obtain information collected by local authorities from childcare providers to help compile Early Years Foundation Stage Profile data and the Early Years Census returns. Local authorities need a range of information to exercise their roles and responsibilities effectively. They are required to provide information to parents and families in their areas about provision. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
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| 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 year's foundation stage assessment arrangements. The duty is intended to support the accuracy and consistency of early year's foundation stage profile data reported to parents and practitioners, and by the Department for Education at national and local authority levels. |
| Department for Education | School Admissions | DFE_139 | The Information as to Provision of Education (England) Regulations 2008 | 2008 | Information to be provided by authorities to the Secretary of State | Local authorities must provide the Secretary of State with a report on secondary school admissions on 1st March (or in any year which 1st March is not a working day, on the next working day.) |
| Department for Education | Teachers and staff | DFE_140 | The Education (Induction Arrangements for School Teachers) (England) Regulations 2012 | 2008 | Sets out the regulations relating to the need for registered teachers to complete formal induction periods and for schools not to employ a person as a teacher unless they have satisfactorily completed their induction period. This relates to local authorities in their capacity as employers of teachers in maintained schools. | It is intended to ensure that all teachers in the maintained sector have demonstrated that they meet the core professional standards for teaching. No qualified teacher can be employed in a maintained school or a non-maintained special school unless that person has satisfactorily completed an induction period in accordance with these regulations, subject to various exceptions. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
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| Department for Education | Young People | DFE_143 | Education and Skills Act 2008 Section 68. | 2008 | 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 known as Connexions services (now Island Futures). 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. | 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/Island Futures' 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. |
| Department for Education | Young People | DFE_144 | Education and Skills Act 2008 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 comes into force in June 2013. | Key driver behind Raising the Participation Age. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
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| Department for Education | Budget | DFE_145 | Apprenticeships Skills Children and Learning Act 2009 Sections 251 and 252. | 2009 | Local authorities must provide information about their planned and actual expenditure (annual budget and outturn statements) on their education functions and their children's social services functions, in accordance with directions given by the Secretary of State. | The statements are an important means of informing schools, school forums, the public and Parliament about the funding plans and spend of local authorities in respect of their schools and their children's services. The statements provide a consistent format across the country so that meaningful comparisons can be made between authorities about the overall education and children's services budgets. This data collection is the main source of financial information the Government draws upon to evaluate the effectiveness of its funding mechanisms. In addition, those data allow schools, school forums and the Department for Education to challenge allocations that do not allow for high quality education and children's services at the front line, and for local authorities to compare their spending patterns with those of other local authorities in order to follow good practice. |
| Department for Education | Over compulsory school age | DFE_149 | Apprenticeships, Skills, Children and Learning Act 2009 section 41 inserts sections 15ZA and 15ZB into the Education Act (1996) | 2009 | Duty in respect of education and training for persons over compulsory school age. | That local authorities act as the strategic commissioner of provision for young people aged 16-19 (and those aged up to 25 who are subject to a learning difficulty assessment). |
| Department for Education | Over compulsory school age | DFE_150 | Apprenticeships, Skills, Children and Learning Act 2009 section 42 inserts section 15ZC into Education Act (1996) | 2009 | Encouragement of education and training for persons over compulsory school age. | To ensure local authorities encourage participation in education and training. |
| Department for Education | Education | DFE_151 | Apprenticeships, Skills, Children and Learning Act 2009 section 44 | 2009 | Duty to provide for named individuals | Local authorities, if necessary, can require a provider to make provision for a named individual |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
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| | | | inserts section 51A into Further and Higher Education Act 1992 | | | |
| Department for Education | Education | DFE_152 | Apprenticeships, Skills, Children and Learning Act 2009 section 45, as amended by Education Act 2011 section 30, inserts section 17A - 17D in the Education Act 1996. | 2009 | Duties in relation to the core entitlement | Defines the core entitlement and the local authority's role in securing this. The core entitlement comes into force from the academic year 2013-14. |
| Department for Education | Special Education Needs | DFE_153 | Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 46 inserts section 514A - in the Education Act (1996) | 2009 | Provision of boarding accommodation for persons subject to learning difficulty assessment | Local authorities have a power to secure boarding accommodation for young people aged over 16 but under 5 who are subject to a learning difficulty assessment |
| | Education | | Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 58 | | Power of LA to arrange provision of education at non maintained schools | |
| 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) Regulations 2005. | 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. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|--------------------------|---------------|-------------------|--|------|---|---|
| Department for Education | Child Poverty | DFE_159 | Child Poverty Act 2010 | 2010 | Duties of local authorities and other bodies in England: requires local cooperation arrangements to be made to reduce and mitigate the effects of child poverty in local areas; and the arrangements to include arrangements to prepare and publish local child poverty needs assessments, and to prepare joint child poverty strategies for local areas. | Tackling child poverty requires action at national and local levels, and the Child Poverty Act therefore compels both tiers of government to act (the Act requires the Government to publish a UK child poverty strategy). Part 2 of the Child Poverty Act aims to ensure that all local authorities take steps to enable more effective cooperation at local level, grounded in strong knowledge and understanding of child poverty in local areas and leading to clear strategies and plans through which cooperation and partnership working can have a demonstrable impact on child poverty in local areas. |
| Department for Education | Care leavers | DFE_168 | Children Act 1989 Sections 23A to 24B Secondary - Children (Leaving Care) (England) Regulations 2001 which are to be replaced from 1 April 2011 with new Care Leavers (England) Regulations 2010. | 1989 | Care Leavers - Supporting 'relevant children' and 'former relevant children' (care leavers). A relevant child is defined as a child who is aged 16 or 17, who is no longer looked after, and who was, before last ceasing to be looked after, an "eligible child". A former relevant child is defined as (i) a person who was a relevant child (and would be one if he was still under 18) or (ii) a person who was an eligible child when, at the age of 18, he ceased to be looked after | To support good quality professional practice and ensure that local authorities provide care leavers with the necessary support to achieve positive outcomes in adulthood – e.g. stable accommodation, financial assistance and an up to date pathway plan. These duties continue until the former relevant child reaches 21 and in some cases beyond that age. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|--------------------------|--------------------|-------------------|--|------|---|--|
| Department for Education | Care leavers | DFE_169 | Children Act 1989 sections 23C and 24B | 1989 | Duties on Local authorities in relation to former relevant children: to keep in touch; to continue with the pathway plan and the personal adviser; to give financial assistance related to the child living near the place where he is or will be employed, so far as his welfare requires it; and to give financial assistance to the extent his welfare and his educational or training needs require. These duties continue until the former relevant child reaches the age of 21, except in the case of a former relevant child whose pathway plan sets out a programme of education or training which extends beyond his 21st birthday in which case the duties to continue with related financial assistance, the pathway plan, and the personal adviser continue for as long as he pursues that programme. | To provide on-going support and guidance to 18 year old care leavers particularly with regard to their education. |
| Department for Education | Teachers and staff | DFE_192 | Education Act 2005 Section 94, as amended by Education Act 2011 section 15 | 2011 | Duty to provide the Secretary of State with any information necessary for school workforce training. | Reflects the Secretary of State taking over the role of the Training and Development Agency for Schools. From 1 April 2012, the duty to provide this information to the TDA is replaced by the duty to provide it to the Secretary of State. |

| Department | Theme | Unique ref Number | Legislation | Year | Title of duty | Function - What is it intended to achieve? |
|--------------------------|--------------|-------------------|--|------|---|---|
| Department for Education | Young People | DFE_193 | Education Act 1997 section 42A, inserted by Education Act 2011 section 29 | 2011 | Duty to provide independent careers guidance to all pupils in Pupil Referral Units from the ages of 14 to 16. This guidance must be impartial, and include information on all training options available both at ages 16 and 18, including apprenticeships. | Specifies local authorities' duties to provide careers guidance for pupils in Pupil Referral Units. For schools, this duty rests on the governing body. Statutory guidance underpinning this will be published shortly. |
| 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 2004/2783 as amended by article 7 of SI 2011/3057, but also includes non-statutory guidance to local authorities | 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). |

