

163.3. We have included references to the relevant schedules in the 2018 (No. 2) Regulations.

### Statutory and regulatory duties

| Responsibilities held for all schools   | Responsibilities held for maintained schools only   |
|---|---|
| <ul style="list-style-type: none"> <li>• Director of children’s services and personal staff for director (Sch 2, 15a)</li> <li>• Planning for the education service as a whole (Sch 2, 15b)</li> <li>• Revenue budget preparation, preparation of information on income and expenditure relating to education, and external audit relating to education (Sch 2, 22)</li> <li>• Authorisation and monitoring of expenditure not met from schools’ budget shares (Sch 2, 15c)</li> <li>• Formulation and review of local authority schools funding formula (Sch 2, 15d)</li> <li>• Internal audit and other tasks related to the authority’s chief finance officer’s responsibilities under Section 151 of LGA 1972 except duties specifically related to maintained schools (Sch 2, 15e)</li> <li>• Consultation costs relating to non-staffing issues (Sch 2, 19)</li> <li>• Plans involving collaboration with other LA services or public or voluntary bodies (Sch 2, 15f)</li> <li>• Standing Advisory Committees for Religious Education (SACREs) (Sch 2, 17)</li> <li>• Provision of information to or at the request of the Crown other than relating specifically to maintained schools (Sch 2, 21)</li> </ul> | <ul style="list-style-type: none"> <li>• Functions of LA related to best value and provision of advice to governing bodies in procuring goods and services (Sch 2, 57)</li> <li>• Budgeting and accounting functions relating to maintained schools (Sch 2, 74)</li> <li>• Authorisation and monitoring of expenditure in respect of schools which do not have delegated budgets, and related financial administration (Sch 2, 58)</li> <li>• Monitoring of compliance with requirements in relation to the scheme for financing schools and the provision of community facilities by governing bodies (Sch 2, 59)</li> <li>• Internal audit and other tasks related to the authority’s chief finance officer’s responsibilities under Section 151 of LGA 1972 for maintained schools (Sch 2, 60)</li> <li>• Functions made under Section 44 of the 2002 Act (Consistent Financial Reporting) (Sch 2, 61)</li> <li>• Investigations of employees or potential employees, with or without remuneration to work at or for schools under the direct management of the headteacher or governing body (Sch 2, 62)</li> <li>• Functions related to local government pensions and administration of teachers’ pensions in relation to staff working at maintained schools under the</li> </ul> |

| Responsibilities held for all schools | Responsibilities held for maintained schools only  |
|---------------------------------------|--|
|                                       | <p>direct management of the headteacher or governing body (Sch 2, 63)</p> <ul style="list-style-type: none"> <li>• Retrospective membership of pension schemes where it would not be appropriate to expect a school to meet the cost (Sch 2, 76)</li> <li>• HR duties, including: advice to schools on the management of staff, pay alterations, conditions of service and composition or organisation of staff (Sch 2, 64); determination of conditions of service for non-teaching staff (Sch 2, 65); appointment or dismissal of employee functions (Sch 2, 66)</li> <li>• Consultation costs relating to staffing (Sch 2, 67)</li> <li>• Compliance with duties under Health and Safety at Work Act (Sch 2, 68)</li> <li>• Provision of information to or at the request of the Crown relating to schools (Sch 2, 69)</li> <li>• School companies (Sch 2, 70)</li> <li>• Functions under the Equality Act 2010 (Sch 2, 71)</li> <li>• Establish and maintaining computer systems, including data storage (Sch 2, 72)</li> <li>• Appointment of governors and payment of governor expenses (Sch 2, 73)</li> </ul> |

**Table 9a: Central services responsibilities held by local authorities (statutory and regulatory duties)**

## Education welfare

| Responsibilities held for all schools  | Responsibilities held for maintained schools only  |
|--|--|
| <ul style="list-style-type: none"> <li>• Functions in relation to the exclusion of pupils from schools, excluding any provision of education to excluded pupils (Sch 2, 20)</li> <li>• School attendance (Sch 2, 16)</li> <li>• Responsibilities regarding the employment of children (Sch 2, 18)</li> </ul> | <ul style="list-style-type: none"> <li>• Inspection of attendance registers (Sch 2, 79)</li> </ul> |

**Table 9b: Central services responsibilities held by local authorities (education welfare)**

## Asset management

| Responsibilities held for all schools  | Responsibilities held for maintained schools only  |
|--|--|
| <ul style="list-style-type: none"> <li>• Management of the LA's capital programme including preparation and review of an asset management plan, and negotiation and management of private finance transactions (Sch 2, 14a)</li> <li>• General landlord duties for all buildings owned by the local authority, including those leased to academies (Sch 2, 14b)</li> </ul> | <ul style="list-style-type: none"> <li>• General landlord duties for all maintained schools (Sch 2, 77a &amp; b (section 542(2)) Education Act 1996; School Premises Regulations 2012) to ensure that school buildings have:             <ul style="list-style-type: none"> <li>• appropriate facilities for pupils and staff (including medical and accommodation)</li> <li>• the ability to sustain appropriate loads</li> <li>• reasonable weather resistance</li> <li>• safe escape routes</li> <li>• appropriate acoustic levels</li> <li>• lighting, heating and ventilation which meets the required standards</li> <li>• adequate water supplies and drainage</li> <li>• playing fields of the appropriate standards</li> </ul> </li> <li>• General health and safety duty as an employer for employees and</li> </ul> |

| Responsibilities held for all schools | Responsibilities held for maintained schools only   |
|---------------------------------------|---|
|                                       | <p>others who may be affected (Health and Safety at Work etc. Act 1974)</p> <ul style="list-style-type: none"> <li>• Management of the risk from asbestos in community school buildings (Control of Asbestos Regulations 2012)</li> </ul> |

Table 9c: Central services responsibilities held by local authorities (asset management)

### Central support services

| Responsibilities held for all schools                            | Responsibilities held for maintained schools only  |
|--|--|
| <ul style="list-style-type: none"> <li>• No functions</li> </ul> | <ul style="list-style-type: none"> <li>• Clothing grants (Sch 2, 53)</li> <li>• Provision of tuition in music, or on other music-related activities (Sch 2, 54)</li> <li>• Visual, creative and performing arts (Sch 2, 55)</li> <li>• Outdoor education centres (but not centres mainly for the provision of organised games, swimming or athletics) (Sch 2, 56)</li> </ul> |

Table 9d: Central services responsibilities held by local authorities (central support services)

### Premature retirement and redundancy

| Responsibilities held for all schools                            | Responsibilities held for maintained schools only  |
|--|--|
| <ul style="list-style-type: none"> <li>• No functions</li> </ul> | <ul style="list-style-type: none"> <li>• Dismissal or premature retirement when costs cannot be charged to maintained schools (Sch 2, 78)</li> </ul> |

Table 9e: Central services responsibilities held by local authorities (premature retirement and redundancy)

## Monitoring national curriculum assessment

| Responsibilities held for all schools                          | Responsibilities held for maintained schools only   |
|--|---|
| <ul style="list-style-type: none"> <li>No functions</li> </ul> | <ul style="list-style-type: none"> <li>Monitoring of National Curriculum assessments (Sch 2, 75)</li> </ul> |

Table 9f: Central services responsibilities held by local authorities (monitoring national curriculum assessment)

## Therapies

| Responsibilities held for all schools                          | Responsibilities held for maintained schools only  |
|--|--|
| <ul style="list-style-type: none"> <li>No functions</li> </ul> | <ul style="list-style-type: none"> <li>This is now covered in the high needs section of the regulations and does not require schools forum approval</li> </ul> |

Table 9g: Central services responsibilities held by local authorities (therapies)

## Other ongoing duties

| Responsibilities held for all schools  | Responsibilities held for maintained schools only              |
|--|--|
| <ul style="list-style-type: none"> <li>Licences negotiated centrally by the Secretary of State for all publicly funded schools (Sch 2, 8); this does not require schools forum approval</li> <li>Admissions (Sch 2, 9)</li> <li>Places in independent schools for non-SEN pupils (Sch 2, 10)</li> <li>Remission of boarding fees at maintained schools and academies (Sch 2, 11)</li> <li>Servicing of schools forums (Sch 2, 12)</li> <li>Back-pay for equal pay claims (Sch 2, 13)</li> <li>Writing to parents of year 9 pupils about schools with an atypical age of admission, such as UTCs and</li> </ul> | <ul style="list-style-type: none"> <li>No functions</li> </ul> |

| <b>Responsibilities held for all schools</b>                                      | <b>Responsibilities held for maintained schools only</b> |
|---|--|
| studio schools, within a reasonable travelling distance <sup>10</sup> (Sch 2, 23) |  |

**Table 9h: Central services responsibilities held by local authorities (other ongoing duties)**

### Historic commitments

| <b>Responsibilities held for all schools</b>  | <b>Responsibilities held for maintained schools only</b>         |
|---|--|
| <ul style="list-style-type: none"> <li>• Capital expenditure funded from revenue (Sch 2, 1)</li> <li>• Prudential borrowing costs (Sch 2, 2(a))</li> <li>• Termination of employment costs (Sch 2, 2(b))</li> <li>• Contribution to combined budgets (Sch 2, 2(c))</li> </ul> | <ul style="list-style-type: none"> <li>• No functions</li> </ul> |

**Table 9i: Central services responsibilities held by local authorities (historic commitments)**

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<sup>10</sup>Funding for this duty was previously delivered to local authorities via a s.31 grant. Additional funding was added to the CSSB baseline for this from 2018 to 2019.