

<b>15 June 2023</b>		<b>ITEM: 10</b>
<b>Children's Services Overview &amp; Scrutiny Committee</b>		
<b>Statutory Duties Report - Education</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non-key	
<b>Report of:</b> Andrea Winstone, Strategic Lead, School Effectiveness and SEND Malcolm Taylor, Strategic Lead, Specialist Provision & Principal EP Sarah Williams, Strategic Lead, Education Support Services Kate Kozlova-Boran, Strategic Lead, Employability & Skills		
<b>Accountable Assistant Director:</b> Michele Lucas, Assistant Director, Education & Skills		
<b>Accountable Director:</b> Sheila Murphy, Corporate Director, Children Services		
<b>This report is Public</b>		

## **Executive Summary**

This report sets out the statutory duties for Children's Services across Education & Skills. The Education landscape across Thurrock means all schools apart from one voluntary aided school are either stand alone or part of wider Multi Academy Trusts (MAT's) however the statutory duties outlined in this report remain the responsibility of the Council.

- 1. Recommendations:**
  - 1.1 Children's Overview & Scrutiny to gain an in-depth understanding of the Council's Statutory duties across Education and Skills in Children Services.**
  - 1.2 Children's Overview & Scrutiny to review these duties in line with the new operating models developed by Children's Services.**

## **2. Introduction & Background:**

The Director of Children's Services (DCS), the lead member for children's services (LMCS), the leader of the Council and the Chief Executive have key and statutory leadership roles in Children's Services across the council. They must, through working with other local agencies, improve outcomes for children and young people.

The Director of Children's Services and lead member, have statutory responsibilities for delivering effective children's services and providing corporate leadership to champion the needs and improved outcomes for children and young people.

There are approximately 300 statutory duties (appendix 1 & 2) for councils relating to Children's Services that the Council must ensure are complied with. This report explains where the duties lie, and which teams ensure they are carried out for duties pertaining to education & skills

### **3. Early Years**

- 3.1 The Early Years Officers are part of the School Effectiveness Team; They are wholly grant funded through the Dedicated Schools Grant (DSG). This is ring fenced to be used to carry out the statutory duties in relation to quantity and quality of early years provision in the borough. They also ensure that statutory assessments are accurate and reported to the Department for Education in time.
- 3.2 The statutory duties ensure that there is enough good quality Early Years provision for working parents of 3 and 4 years and for the most disadvantaged two-year-olds in the borough. Officers support proposed and new providers to meet the Ofsted requirements for new settings and to ensure they deliver high quality early years education and childcare. Officers also must provide information, advice and training to childcare providers and prospective providers.
- 3.3 We have a duty to ensure that parents and providers are informed about the quality and quantity of early years provision. We do this through the Ask Thurrock – Local Offer and providers list. There is also a duty on the officers to assess the sufficiency of early education and childcare and to make elected members aware of the sufficiency. We do this through the annual Childcare Sufficiency Assessment which is shared with Councilors at Overview and Scrutiny and is published on the Council website.
- 3.4 The Council has a further early years' duty to ensure two-, three- and four-year-old early education and childcare provision in the borough is free to eligible parents and that providers are paid for that provision through the distribution of the Early Years DSG on receipt of headcount information. They also work with early years providers, Children's Centres and Family Hubs to meet the General duty to improve the wellbeing of children under five and reduce inequalities through training staff in family learning, interventions, and early years CPD (Continuing Professional Development). The team also ensure that we meet targets set by the Secretary of State in relation to take up of early years entitlement for 2-, 3- and 4-year olds.

#### **4. School Effectiveness**

- 4.1 The Council has a duty to offer schools training and advice on all aspects of assessment at Key Stage 1 and 2 and ensure we have an electronic system to submit the data to the DfE. We must ensure that all schools are aware of the need to store assessments materials securely and we must check this in 10% of schools each year. There is a duty to visit 10% of schools administering end of key stage 2 assessments during assessment week to ensure compliance with statutory test guidance.
- 4.2 There is also a duty to make provision for moderating teacher assessments in 25% of schools who choose Thurrock LA as their preferred moderation provider. The Council is allowed to charge academies for these functions. This provides an income for the School Effectiveness Team. The duty to promote high standards and the fulfilment of potential is also partly carried out by the School Effectiveness Team in their annual conversations with each school and multi-academy trust in the borough.
- 4.3 Most of the duties relating to school governors do not apply in Thurrock as the large proportion of schools are academies and the only one that is not is a Voluntary Aided School. The school is in the trusteeship of the Trustees of the Anglo-Hibernian Province of the Congregation of La Sainte Union des Sacres Couers.
- 4.4 The duty to appoint a Standing Advisory Council for Religious Education is carried out by the School Effectiveness Team and is funded through the DSG Central Services Block.
- 4.5 The SET also ensures schools employ teachers with QTS and until July 2023 have a duty to support Early Careers Teachers.
- 4.6 The local authority has a duty to investigate complaints and provide information to the Chief Inspector of Ofsted in relation to safeguarding and parental complaints.

#### **5. School Attendance and Support Team (SAST)**

- 5.1 The duty of the local authority to consider license applications for children to take part in performance or take part in paid sports or paid modelling work is carried out by the SAST Pupil Tracking Officer.
- 5.2 The SAST carries out the duties regarding school attendance, poor attendance fixed penalty notices, school attendance orders and Elective Home Education. The DfE has plans to increase the duties of the council in relation to school attendance being everyone's responsibility. SAST Officers must hold school attendance advice meetings with each school every term to assess their school attendance policies and procedures.

## **6. Thurrock Virtual School**

- 6.1 The Virtual School promotes the achievement of children looked after by the local authority. This is a statutory role. The duties of the Virtual School Headteacher (VSH) have recently been extended to include promoting the educational outcomes of children who have a social worker (Children in Need, Children on a Child Protection Plan). These duties are currently funded through an annual grant to the Virtual school from DfE.
- 6.2 In 2017 The role of the VSH was extended to previously looked-after children, including those in special guardianship arrangements, those who have been adopted or those who have previously been in state care outside of England.

## **7. Access & Inclusion**

- 7.1 The Council has a duty to provide full-time education from the sixth day of exclusion for permanently excluded children as well as to make provision of suitable education at school or otherwise for reasons of illness. The Access & Inclusion Officer ensures fair access to school places for children at risk of permanent exclusion via managed moves as well as ensuring children who have been permanently excluded have access to alternative provision. They also make arrangements for children eligible for medical tuition.
- 7.2 The council must provide support to schools and parents regarding school's exclusions and appeals panels.

## **8. Educational Psychology Service**

- 8.1 Thurrock Educational Psychology Service works with children and young people (0-25) across a wide range of settings using a person-centered approach. The Service fulfils the statutory role to provide advice and information to local authorities (LAs) for children and young people with special educational needs and/or disability (SEND), and who are undergoing a statutory needs assessment (Reg 6 (1) (d) SEND Regulations 2014). The service works to ensure partnership with parents and carers at all stages of our work in line with our professional codes of conduct and ethics and also in line with the ethos of the SEN Code of Practice (DfE & DoH, 2014). All of our educational psychologists (EPs) are registered with the Health and Care Professions Council (HCPC) and our work is underpinned by their standards of conduct, performance and ethics. EPs hold qualifications that give them eligibility for chartered status with the British Psychological Society (BPS).
- 8.2 The Educational Psychology Service provides psychological input into a range of activities including; safeguarding responsibilities covered by The Children's Act 1989/2004, Education Act 2002; SEND responsibilities, Education Act 1996, Children and Families Act 2014; equality and accessibility issues Equality Act 2010; participation in training and employment for post 16 with

SEND, Education and Skills Act 2008; involvement in Emergency Planning and responding to Critical/Emergency Incidents, Civil Contingencies Act 2004.

## **9. Special Educational Needs/Disabilities**

- 9.1 The Council and partners have a duty to identify and assess the needs of children and young people ages 0-25 who may have special educational needs and/or disabilities (SEND). It must jointly commission provision to meet needs and secure and review Education, Health and Care Plans for children assessed as having SEND.
- 9.2 The Council must ensure assessments and provision are informed by Educational Psychologists and other relevant professionals in health and social care.
- 9.3 The council must make sure that parents are informed about personal budgets and provide a personal budget for services not already commissioned by the local authority mentioned in a child or young person's EHCP (Education Health and Care Plan).
- 9.4 There is a duty to ensure accessibility for disabled pupils – we commission AccessAble to survey schools and other amenities in Thurrock and to report on accessibility issues as well as to inform users through their website of accessible amenities within the borough.
- 9.5 There is also a duty for local authorities to publish a ['local offer'](#) of services available for children and young people with SEND. The duty on local authorities to include children, young people and parents in reviewing and developing provision for those with SEN/D is undertaken across the statutory and post 16 services.
- 9.6 The Council and its partners in Health must comply with the 2014 Children and Families ACT SEND Code of Practice. It must ensure that it cooperates with Joint Area SEND Ofsted CQC Inspections and well as Inspections of Local Authority Children's Services (ILACS).
- 9.7 The Council commissions [PATT SENDIAS](#) to deliver its duty to provide independent advice and support services to children with SEND and their families. The Council also commissions Global Mediation as its statutory mediation service.
- 9.8 The Statutory Performance and Tribunals Officer ensures we meet our statutory obligations around mediation and First Tier Tribunals.

## **10. Home to School Transport – Children's**

- 10.1 There is a requirement to make suitable home to school travel arrangements for eligible children, including those with SEND, of compulsory school age (5-

16) to facilitate attendance at a relevant educational establishment. This should be provided free of charge.

- 10.2 The Council has a duty to make transport arrangements for all children who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe. They also must make transport arrangements for children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability (SEND).
- 10.3 The council has a statutory duty to prepare and publish by 31<sup>st</sup> May an annual transport policy statement that specifies the arrangements for the provision of travel assistance. The duty on the council to provide free travel assistance applies to young people of sixth form age and young people with an EHCP (Education, Health and Care) plan up to age 25 where they are continuing a course started before their 19th birthday.
- 10.4 Section 508A of the Act places a general duty on councils to promote the use of sustainable travel and transport. The duty applies to children and young people of compulsory school age who travel to receive education or training in a local authority's area. The duty relates to journeys to and from institutions where education or training is delivered.

## **11. School Admissions**

- 11.1 The Admissions Team ensures that statutory duty on councils and other relevant bodies to restrict class sizes to 30 pupils per class in reception and key stage 1. They also comply with legislation in relation to the School Admissions Code 2021 ensuring that parents can apply for school places of their choice, school places are offered in a timely manner and that there are enough school places for every child that needs one.
- 11.2 Councils are responsible for coordinating all school admissions in their areas during the normal rounds at the start of primary and secondary school. This means that parents apply through the council on a common application form and have three to six choices typically, including for schools that are their 'own admission authorities'.
- 11.3 Thurrock Council has a statutory responsibility to provide a school place for every child of school age who lives in Thurrock. Pupil Place Planning is a complex and difficult to predict as we have many factors contributing to the outcome. The Education Support Services make sure there are enough school places available in the borough. They use birth data, pupil yield from housing developments school admissions information to make pupil forecasts and align pupil places with demand. Where more capacity is needed, it is provided by either adding places to existing schools or opening new schools. More information is published in our pupil place plan, which is reviewed each year. We also publish schools' admissions arrangements in line with the statutory duties.

11.4 There is also duty on local councils to refer objections to the school's adjudicator if they suspect a school's admissions arrangements are unlawful.

## **12. Schools' Forum**

12.1 The Council must establish a Schools' Forum in accordance with the schools' forum regulations. This is facilitated by this team and attended by senior officers of the council.

## **13. Post 16 Service:**

13.1 Duties on councils relating to participation:

Local councils have broad duties to encourage, enable and assist young people to participate in education or training. Specifically, these are:

- To secure sufficient suitable education and training provision for all young people in their area. To fulfil this, local authorities need to have a strategic overview of the provision available in their area and to identify and resolve gaps in provision under the Education Act 1996.
- 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 ESA20082.
- Tracking young people's participation is a key element of these duties. Local authorities are required to collect information about young people so that those who are not participating, or are NEET, can be identified and given support to re-engage. Robust tracking also provides the local authority with information that will help to ensure that suitable education and training provision is available and that resources can be targeted effectively. Additionally, it enables LAs to put in place robust support for those young people who are not engaging in a timely manner.

## **14. Implications**

### **14.1 Financial**

Implications verified by: **David May**  
**Strategic Lead Finance**

The Education and Skills and Home to Schools Transport budget, applicable to the information in this report, provided by Thurrock Council for 2023/24 is shown in the table below.

<b>Education and Skills</b>	<b>Budget 2023/24</b>
School Effectiveness	£189,091
School Attendance and Support Team	£41,585
Thurrock Virtual School	£165,993
Education Psychology	£556,416
Special Educational Needs	£948,075
Home to School Transport	£4,544,582
<b>Total</b>	<b>£6,445,742</b>

These budgets are supported by contributions from the Dedicated Schools Grant and other external income.

## 14.2 Legal

Implications verified by: **Nicola Monerville**  
**Principal Safeguarding solicitor, Children, Adults and Education – LBB**

This report provides a summary of the Local Authorities Statutory Duties around Education & Skills. The report recommends that the Children's Overview & Scrutiny Committee:

- 1.1 gain an in-depth understanding of the Council's Statutory duties across Education and Skills in Children Services.
- 1.2 review these duties in line with the new operating models developed by Children's Services.

The Committee is not required to make any decisions about which legal comments are needed. There are, therefore, no further legal comments.

## 14.3 Diversity

Implications verified by: **Rebecca Lee**  
**Team Manager - Community Development and Equalities**  
**Adults, Housing and Health Directorate**

Supporting our children and young people across the Local Authority is a key strategic priority. The statutory duties outlined in this report ensure that our early years, school aged and post 16 students have strong educational pathways. We have developed a range of new operating models ensuring that we remain focused on supporting our vulnerable children and young people and fulfil relevant legislative requirements including those related to the Equality Act 2010 and Public Sector Equality Duty. Our post 16 offer looks at



the opportunities Thurrock has and how we can ensure young people have the right skills set to take advantage of the opportunities going forward.

- 15. Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

- 16. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

- 17. Appendices to the report**

1 Excel Spreadsheet Statutory Duties



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2 Brief overview Statutory Duties



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