

**EXPLANATORY MEMORANDUM TO**  
**THE LOCAL EDUCATION AUTHORITIES AND CHILDREN'S SERVICES**  
**AUTHORITIES (INTEGRATION OF FUNCTIONS) (LOCAL AND SUBORDINATE**  
**LEGISLATION) ORDER 2010**

**2010 No. 1172**

1. This explanatory memorandum has been prepared by Department for Children Schools and Families and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 This order removes the terms 'local education authority' and 'children's services authority' from local and subordinate legislation and replaces them with the single term 'local authority'. It follows on from the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158) ("the primary legislation order") which was subject to Affirmative Resolution. The Explanatory Memorandum to the draft of that order is attached.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 This is a further use first use of section 162 of the Education and Inspections Act 2006. The purpose is the same as for the primary legislation order (see paragraph 4 of the Explanatory Memorandum for that order)
5. **Territorial Extent and Application**
  - 5.1 This instrument generally applies to England and Wales.
  - 5.2 As far as the application to Wales is concerned Schedule 2 which contains amendments to education legislation applies to England only. However Schedule 3, which contains amendments to non-education legislation includes amendments to any non-education subordinate legislation which applies in relation to England and Wales. Consequently, as required by section 162 of the Education and Inspections Act 2006, the order will be made with the consent of the Welsh Assembly Government. The Welsh Assembly Government is making a similar order to amend subordinate legislation applying in Wales which is not covered by this order. In addition the order makes one amendment to Scottish regulations.
6. **European Convention on Human Rights**
  - 6.1 The Parliamentary Under Secretary of State, Department of Children, Schools and Families has made the following statement regarding Human Rights:

In my view the provisions of the draft Local Education Authorities and Children's Services authorities (Integration of Functions) Order 2009 are compatible with the Convention rights

## **7. Policy background**

- *What is being done and why*

7.1 The objective is the same as for the primary legislation order; see paragraph 7 of the Explanatory Memorandum for the primary legislation order.

- *Consolidation*

7.2 None is proposed.

## **8. Consultation outcome**

8.1 The Local Government Association has been consulted on the amendments to local legislation (article 2 of, and Schedule 1 to, the Order) and did not raise any points. They were also consulted about amendments to secondary legislation at that time, and indicated they were content for the Department to make the necessary amendments, and that they supported the principle behind these orders.

## **9. Guidance**

9.1 As in the case of the primary legislation order, the changes made by this order are technical and as there is no substantive change to the legislation beyond terminology the publicity will be low key and aimed primarily at local authorities through the regular departmental channels of communication. Its main interest will be to legal teams working within the local authority.

## **10. Impact**

10.1 As in the case of the primary legislation order there will be no impact on business, charities or voluntary bodies. The changes made by this order do not affect them beyond the need to update their stationery and documentation etc, which could be left as part of an ongoing routine process they would do anyway.

10.2 The impact on the public sector is minimal. The change will not affect how the sector does its business, but should be beneficial in helping avoid confusion.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 As in the case of the primary legislation order the intended outcome is to remove a potential cause of confusion and unnecessary complication. This can be expected to facilitate more efficient and effective communications between local authorities and their partners but does not lend itself to robust quantitative monitoring. The situation will be kept under review through ongoing dialogue with the LGA and further action will be taken if needed.

## **13. Contact**

Sandra Cullen at the Department for Children, Schools and Families Tel: 020 7340 7386 or email: [sandra.cullen@dcsh.gov.uk](mailto:sandra.cullen@dcsh.gov.uk) can answer any queries regarding the instrument.