

Explanatory Memorandum to the Draft Local Education Authorities and Children's Services Authorities (Integration of Functions) (Wales) Order 2010

This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Local Education Authorities and Children's Services Authorities (Integration of Functions) (Wales) Order 2010.

Leighton Andrews
Minister for Children, Schools and Lifelong Learning
[DATE]

1. Description

The **Local Education Authorities And Children's Services Authorities (Integration Of Functions) (Wales) Order 2010** forms part of a suite of similar secondary legislation to be made by the Welsh Ministers and the Secretary of State that will repeal all references to “local education authority” and “children’s services authority” in primary and secondary legislation and replace them with the term “local authority”.

2. Matters of Special Interest to the Constitutional Affairs Legislation Committee

This draft Order raises no issues of special interest.

3. Legislative Background

Section 162 of the Education and Inspections Act 2006 came into force on 8 January 2007. It provides that the Secretary of State and the Welsh Ministers may by Order repeal references in primary and secondary legislation to the terms “local education authority” and “children’s services authority” and replace those terms with references to “local authority”. Section 162 was amended by the Learner Travel (Wales) Measure 2008, the Education (Wales) Measure 2009 and the Children and Families (Wales) Measure 2010 so that the Welsh Ministers’ power to amend references to “local education authority” and “children’s services authority” applies also to Measures of the National Assembly for Wales.

The power in section 162 is now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

This Statutory Instrument follows the affirmative resolution procedure. If this draft Order is approved a further Order, making similar changes to regulations and orders that apply only in relation to Wales will be made, but that Order will be subject to the negative resolution procedure. Similar orders amending Acts of Parliament that apply to England and Wales and subordinate legislation that applies to England and Wales will also be made by the Secretary of State at the same time.

4. Purpose and intended effect of the legislation

The Assembly Government looks to local authorities in Wales to take the lead in Children and Young People’s Partnerships and to develop the Children and Young People’s Plans that aim to drive forward partnership working and shared strategic planning, and provide effective integrated services for all children and young people. To reflect this emphasis on better integration, it is now common practice and policy to use the term “local authority” rather than “local education

authority" or "children's services authority". The purpose of the legislation is to create greater clarity and reduce the scope for confusion by bringing the terminology used in legislation into line with current policy and practice. The draft Order does not in itself change the meaning of legislation.

The draft Order is technical in nature and merely changes the terms used for "local education authority" and "children's services authority" in National Assembly for Wales Measures. The Measures it amends are the Learner Travel (Wales) Measure 2008, the Learning and Skills (Wales) Measure 2009, the Healthy Eating in Schools (Wales) Measure 2009, the Education (Wales) Measure 2009 and the Children and Families (Wales) Measure 2010.

There will be no impact on business, charities or voluntary bodies. The change does not affect them beyond the need to update their stationery and documentation, which can be done as part of their normal routine. 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 to avoid confusion. Its main interest will be to legal teams working within local authorities.

5. Consultation

The Welsh Local Government Association (WLGA) was consulted in August 2009 and gave a positive response in November 2009. Briefing explaining the background and effect of the change is planned to be published once implementation is agreed.

6. Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared. The proposed changes aim to give greater clarity by bringing terminology used in legislation into line with current policy and practice. The WLGA is content with the change and raised no issues of concern. There are no major policy implications and the impact on businesses, charities and the voluntary sector is minimal.