

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

*Leighton Andrews*

**Minister for Children, Schools and Lifelong Learning**

**31 March 2010**

## **1. Description**

The **Local Education Authorities And Children's Services Authorities (Integration Of Functions) (Subordinate Legislation) (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 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".

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 negative resolution procedure. A further Order which is subject to the affirmative resolution procedure, making similar changes to Measures of the National Assembly for Wales is proposed to come into force at the same time, subject to approval by resolution of the Assembly. 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 Order does not in itself change the meaning of legislation.

The Order is technical in nature and merely changes the terms used for “local education authority” and “children’s services authority” in regulations and orders that apply in relation to Wales.

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. Briefing explaining the background and effect of the change is planned to be published once implementation is agreed.

## **5. Consultation**

The Welsh Local Government Association (WLGA) was consulted in August 2009 and gave a positive response in November 2009.

## **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.