

*These notes refer to the Education Act 2002 (c.32)
which received Royal Assent on 24 July 2002*

EDUCATION ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 11 – Miscellaneous and General

General duties of LEAs and governing bodies

Sections 175 and 176

Section 175: Duties of LEAs and governing bodies in relation to the welfare of children

332. This section imposes a duty on LEAs, the governing bodies of maintained schools, and the governing bodies of FE institutions to make arrangements in regard to the welfare of children. LEAs must make arrangements to ensure that their functions in the capacity of an LEA are exercised with a view to safeguarding and promoting the welfare of children (i.e. persons under 18 years of age). Similarly governing bodies must make arrangements to ensure that their functions relating to the conduct of the school, or institution, are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school, or who are receiving education or training at the institution. All the bodies concerned must have regard to any guidance issued by the Secretary of State, in regard to England, or the NAW, in regard to Wales, in deciding what arrangements they must make to comply with their duty.

Section 176: Consultation with pupils

333. This section is designed to encourage greater participation by children and young people in decision-making within schools. It places a duty on LEAs and the governing bodies of maintained schools, in the exercise of their functions, to have regard to any guidance (in England from the Secretary of State, in Wales from the NAW) about consultation with pupils in taking decisions affecting them. Any guidance issued must provide for pupils' views to be considered in the light of their age and understanding.