



# Education Act 2002

## 2002 CHAPTER 32

### PART 11

#### MISCELLANEOUS AND GENERAL

#### *General duties of <sup>F1</sup>local authorities] and governing bodies*

#### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(3\)](#)

#### 175 Duties <sup>F2</sup>... in relation to welfare of children

- (1) A [<sup>F3</sup>local authority] shall make arrangements for ensuring that [<sup>F4</sup>their education functions] are exercised with a view to safeguarding and promoting the welfare of children.
  - (2) The governing body of a maintained school shall make arrangements for ensuring that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school.
  - (3) The governing body of an institution within the further education sector shall make arrangements for ensuring that their functions relating to the conduct of the institution are exercised with a view to safeguarding and promoting the welfare of children receiving education or training at the institution.
- [<sup>F5</sup>(3A) The proprietor of a 16 to 19 Academy must make arrangements to ensure that the proprietor's functions relating to the conduct of the Academy are exercised with a view to safeguarding and promoting the welfare of children receiving education or training at the Academy.
- (3B) The Secretary of State may not—

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*Changes to legislation: Education Act 2002, Cross Heading: General duties of local authorities and governing bodies is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) enter into an agreement with the proprietor of an institution in England for the provision of further education, unless the agreement requires the proprietor to comply with the safeguarding duties, or
- (b) give financial assistance under section 14 to the proprietor of an institution in England for the provision of further education unless the assistance is given on terms requiring the proprietor to comply with the safeguarding duties,

but this subsection does not restrict the Secretary of State's powers to enter into an agreement with, or give financial assistance to, an institution to which subsection (3) or (3A) applies.

(3C) “The safeguarding duties” are—

- (a) a duty to make arrangements to ensure that the proprietor's functions relating to the conduct of the institution are exercised with a view to safeguarding and promoting the welfare of children receiving education or training at the institution, and
- (b) a duty to have regard to any guidance given from time to time by the Secretary of State in considering what arrangements are required.]

(4) [<sup>F6</sup>A person] mentioned in any of subsections (1) to [<sup>F7</sup>(3A)] shall, in considering what arrangements are required to be made by them under that subsection, have regard to any guidance given from time to time (in relation to England) by the Secretary of State or (in relation to Wales) by the National Assembly for Wales.

(5) In this section—

“child” means a person under the age of eighteen;

“governing body”, in relation to an institution within the further education sector, has the meaning given by section 90 of the Further and Higher Education Act 1992 (c. 13);

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school.

[<sup>F8</sup>“proprietor”, in relation to an institution that is not a school, means the person or body of persons responsible for the management of the institution.]

#### Textual Amendments

- F2** Words in s. 175 heading omitted (29.6.2021) by virtue of [Education and Training \(Welfare of Children\) Act 2021 \(c. 16\)](#), **ss. 1(6)**, 3(2)
- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F4** Words in s. 175(1) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(11)**
- F5** S. 175(3A)-(3C) inserted (29.6.2021) by [Education and Training \(Welfare of Children\) Act 2021 \(c. 16\)](#), **ss. 1(3)**, 3(2)
- F6** Words in s. 175(4) substituted (29.6.2021) by [Education and Training \(Welfare of Children\) Act 2021 \(c. 16\)](#), **ss. 1(4)(a)**, 3(2)
- F7** Word in s. 175(4) substituted (29.6.2021) by [Education and Training \(Welfare of Children\) Act 2021 \(c. 16\)](#), **ss. 1(4)(b)**, 3(2)
- F8** Words in s. 175(5) inserted (29.6.2021) by [Education and Training \(Welfare of Children\) Act 2021 \(c. 16\)](#), **ss. 1(5)**, 3(2)

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**Modifications etc. (not altering text)**

- C1** S. 175(2)(4) applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 19A (as inserted (1.4.2013) by [The Pupil Referral Units \(Miscellaneous Amendments\) \(No.2\) \(England\) Regulations 2012](#) (S.I. 2012/3158), regs. 1, [3\(3\)](#))

**Commencement Information**

- I1** S. 175 in force at 1.6.2004 except in relation to W. by [S.I. 2004/1318](#), [art. 2](#)  
**I2** S. 175 in force at 1.9.2006 for W. by [S.I. 2006/172](#), [art. 5](#)

**<sup>F9</sup>176 Consultation with pupils**

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**Textual Amendments**

- F9** S. 176 repealed (1.4.2011) by [Children and Families \(Wales\) Measure 2010](#) (nawm 1), ss. 12(3), 75(3), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Sch. 2](#), [Sch. 3](#))

**Commencement Information**

- I3** S. 176 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)  
**I4** S. 176 in force at 1.9.2004 for W. by [S.I. 2004/1728](#), [art. 5](#), [Sch. Pt. 2](#)

**Changes to legislation:**

Education Act 2002, Cross Heading: General duties of local authorities and governing bodies is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)