



# Education Act 2002

## 2002 CHAPTER 32

### PART 11

#### MISCELLANEOUS AND GENERAL

##### *General duties of LEAs and governing bodies*

#### **175 Duties of LEAs and governing bodies in relation to welfare of children**

- (1) A local education authority shall make arrangements for ensuring that the functions conferred on them in their capacity as a local education authority 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.
- (4) An authority or body mentioned in any of subsections (1) to (3) 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.

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*Status: This is the original version (as it was originally enacted).*

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## **176 Consultation with pupils**

(1) It shall be the duty—

- (a) of a local education authority, in the exercise of any of their schools functions, and
- (b) of the governing body of a maintained school, in the exercise of any function relating to the conduct of the school,

to have regard to any guidance given from time to time by the Secretary of State (in relation to England) or the National Assembly for Wales (in relation to Wales) about consultation with pupils in connection with the taking of decisions affecting them.

(2) Any guidance under this section must provide for a pupil's views to be considered in the light of his age and understanding.

(3) In this section—

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

“pupil” does not include a child who is being provided with nursery education (whether at a school or elsewhere);

“schools functions”, in relation to a local education authority, means functions relating to—

- (a) maintained schools,
- (b) pupil referral units, or
- (c) the provision of education for children of compulsory school age otherwise than at school.