

Changes to local authority powers and duties

Special educational needs, planning and road traffic orders resulting from Coronavirus Regulations 2020

Contents

Introduction	4
New duties	4
Function(s): Transport and highways – highways – highway maintenance, Transport and highways – Footpaths, byways and bridleways, Transport and highways – transport schemes	4
Temporary road traffic order for Coronavirus - notice of intent	4
Temporary road traffic order for Coronavirus - notice of order	4
Temporary road traffic order for Coronavirus - notice of order	5
New powers	5
Function(s): Planning and building control – Development control	5
Planning - emergency development	5
Function(s): Planning and building control – Development control	5
Planning - permitted development - use of land for market	5
Revised duties	6
Function(s): Education and learning – Special educational needs	6
Special educational needs or disability - EHC assessment	6
Special educational needs or disability - EHC plan	6
Special educational needs or disability - review of EHC plan	7
Special educational needs or disability - requested re-assessment of EHC plan	7
Special educational needs or disability - discretionary re-assessment of EHC plan	7
Special educational needs or disability - transfer of EHC plan	7
Special educational needs or disability - personal budgets	8
Special educational needs or disability - EHC plan appeals	8
Special educational needs or disability - appeal mediation	8
Special educational needs or disability - EHC plan in relation to higher education	8
Special educational needs or disability - local offer	9
Special educational needs or disability - amendment of EHC plan following review	9
Special educational needs - detained persons - disclosure of EHC plan	9
Special educational needs - detained persons - incomplete assessment	10
Special educational needs - detained persons - transfer of EHC plan	10
Special educational needs - detained persons - mediation	10
Special educational needs - detained persons - steps following mediation	10
Special educational needs - detained persons - compliance with tribunal	11
Special educational needs - detained persons - unopposed appeals	11
Special educational needs - detained persons - determination of need for SEN provision	12
Special educational needs - detained persons - decision on EHC needs assessment	12
Special educational needs - detained persons - decision not to secure EHC plan	13
Special educational needs - detained persons - timescales for EHC plans	13
Function(s): Education and learning – Schools – Curriculum and policy	14
Education - registration of pupils	14
Schools - exclusion from school	14

Schools - review of exclusions	14
Schools - school forums	14
Schools - Head Teacher's annual report	15
Function(s): Planning and building control – Development control	15
Planning - environmental impact assessment	15
Planning - development management procedures	16
Function(s): Planning and building control – Planning services	16
Planning - publicity for applications affecting listed buildings	16
Function(s): Administration and Government - Registration	16
Registration - birth	16

Introduction

This is a guide to the provisions of the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020, Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020, Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 and the School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) Regulations 2020, including amendments, and to new, modified or suspended local government powers and duties applicable to local authorities in England only up to 23rd June 2020. It is a guide and not legal advice and so if you are unsure or have any concerns about the meaning of or applicability of the Act or any of the provisions made under the Act you should seek your own detailed legal advice.

Information in this document can also be downloaded as a [Comma Separated Variables \(CSV\) spreadsheet](#).

New duties

Function(s): Transport and highways – highways – highway maintenance, Transport and highways – Footpaths, byways and bridleways, Transport and highways – transport schemes

Temporary road traffic order for Coronavirus - notice of intent

Where a traffic authority is satisfied that an order should be made for purposes connected to coronavirus the traffic authority must, not less than 7 days before making an order, publish notice of its intention to make the order using such arrangements as the traffic authority considers appropriate for the purpose of informing persons likely to be affected by its provisions.

Legislation: [Traffic Orders Procedure \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020](#)

Notes: This legislation also applies to:

- revocation orders
- orders related to footpaths, bridleways, cycle tracks and byways open to all traffic
- continuation of order by direction of the Secretary of State

Applies in: England from 23/05/2020 until 30/04/2021

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Temporary road traffic order for Coronavirus - notice of order

The traffic authority must, on or before the day on which the order is made, give notice of the order to:

- the chief officer of police of any police area in which any road to which the order relates is situated
- where the traffic authority is not the fire authority for the area in which any road to which the order relates is situated, to the chief officer of the fire authority for that area
- where the order would be likely to have direct effect on traffic, or any class of traffic, on any road for the maintenance of which another traffic authority is responsible, to that other traffic authority
- the concessionaire where the order is likely to have a direct effect on traffic, or any class of traffic, on a road which is subject to a concession or a road in respect of which an assignment has been granted under section 28(1) of the 1991 Act.

Legislation: [Traffic Orders Procedure \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020](#)

Notes: This legislation also applies to:

- revocation orders
- orders related to footpaths, bridleways, cycle tracks and byways open to all traffic
- continuation of order by direction of the Secretary of State

Applies in: England from 23/05/2020 until 30/04/2021

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Temporary road traffic order for Coronavirus - notice of order

Within 14 days after making the order the traffic authority must publish a notice of the making of the order in one or more newspapers, whether in print or online, circulating in the area in which any road to which the order relates is situated.

Legislation: [Traffic Orders Procedure \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020](#)

Notes: This legislation also applies to:

- revocation orders
- orders related to footpaths, bridleways, cycle tracks and byways open to all traffic
- continuation of order by direction of the Secretary of State

Applies in: England from 23/05/2020 until 30/04/2021

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

New powers

Function(s): Planning and building control – Development control

Planning - emergency development

A local authority or a local health service body is permitted to develop on land owned, leased, occupied or maintained by it for the purposes of preventing an emergency, reducing, controlling or mitigating the effects of an emergency or taking other action in connection with an emergency.

Legislation: [Schedule 2 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)

Notes: Amended by the Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020

to:

- specify what constitutes permitted emergency development
- specify what is not permitted as emergency development
- detail any conditions which are associated with any emergency development
- define what constitutes an emergency in relation to the regulations

Applies in: England

Applies to: District council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Function(s): Planning and building control – Development control

Planning - permitted development - use of land for market

The use of any land for the purposes of holding a market by or on behalf of a local authority and the provision on the land of any moveable structure for the permitted use at any time during the period when these regulations apply.

Such development is not permitted if the land is, or is within, a site of special scientific interest.

Legislation: [Schedule 2 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)

Notes:

Applies in: England from 25/06/2020 to 23/03/2021

Applies to: District council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Revised duties

Function(s): Education and learning – Special educational needs

Special educational needs or disability - EHC assessment

A local authority must make an EHC (Education, Health and Care) assessment for a qualifying child or young person. The authority must take into account the views of that child, young person or parent and must notify the child, young person and parents of the outcome with reasons.

Legislation: [Section 36 of the Children and Families Act 2014](#)

Notes: In accordance with the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 the local authority need not comply with the six week time limit for notification if it is impractical to do so because of a reason relating to the incidence or transmission of coronavirus. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - EHC plan

Where, in the light of an EHC needs assessment, it is necessary for special educational provision to be made for a child or young person in accordance with an EHC plan the local authority must secure that an EHC plan is prepared for the child or young person, and once an EHC plan has been prepared, it must maintain the plan.

A local authority must send the finalised EHC plan to:

- the child's parent or to the young person
- the governing body, proprietor or principal of any school, other institution or provider of relevant early years education named in the EHC plan
- to the responsible commissioning body,

as soon as practicable, and in any event within 20 weeks of the local authority receiving a request for an EHC needs assessment or of the local authority becoming responsible for the child.

Legislation: [Section 37 of the Children and Families Act 2014](#)

Notes: The local authority need not comply with the time limit of 20 weeks for issuing of the finalised plan where it is not possible to do so for reasons relating to the incidence or transmission of coronavirus. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - review of EHC plan

A local authority must review an EHC plan that it maintains in the period of 12 months starting with the date on which the plan was first made, and in each subsequent period of 12 months starting with the date on which the plan was last reviewed under this section and must consult as required.

Legislation: [Section 44 of the Children and Families Act 2014](#)

Notes: It is not necessary for a local authority to review an EHC plan if it is impractical to do so because of a reason relating to the incidence or transmission of coronavirus. Where this applies, a local authority must instead conduct such reviews as soon as reasonably practicable. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - requested re-assessment of EHC plan

A local authority must secure a re-assessment of the educational, health care and social care needs of a child or young person for whom it maintains an EHC plan if a request is made to it by the child's parent or the young person, or the governing body, proprietor or principal of the school, post-16 institution or other institution which the child or young person attends.

Legislation: [Section 44 of the Children and Families Act 2014](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to relax the time limits for notification to permit the action to be taken as soon as reasonably practicable. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - discretionary re-assessment of EHC plan

A local authority may re-assess the educational, health care and social care needs of a child or young person for whom it maintains an EHC plan at any time and must consult as required.

Legislation: [Section 44 of the Children and Families Act 2014](#)

Notes: The authority need not comply with time limits for required notifications and issuing of copies of the revised plan if it is impractical to do so because of a reason relating to the incidence or transmission of coronavirus. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - transfer of EHC plan

A local authority must comply with Regulations regarding the transfer of an EHC plan.

Legislation: [Section 47 of the Children and Families Act 2014](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to relax the 15 day time limits for actions to permit the action to be taken as soon as reasonably practicable. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - personal budgets

A local authority that maintains an EHC plan, or is securing the preparation of an EHC plan, for a child or young person must prepare a personal budget for him or her if asked to do so by the child's parent or the young person.

Legislation: [Section 49 of the Children and Families Act 2014](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 such that where the coronavirus exception applies, the requirement for the local authority to review the making and use of direct payments within the first three months of them being made is to be read instead as a requirement for such action to be taken as soon as reasonably practicable. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - EHC plan appeals

A local authority must comply with the appeals process regarding EHC plans.

Legislation: [Section 51 of the Children and Families Act 2014](#)

Notes: Where the appeals process requires action to be taken within specified time limits the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 amends the time limits to be as soon as is reasonably practicable. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - appeal mediation

A local authority must inform the parent or young person of the right to mediation and participate in the same and notify other relevant bodies where appropriate.

Legislation: [Section 52 of the Children and Families Act 2014](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to relax time limits on actions related to appeal mediation to require the actions to be taken as soon as is reasonably practicable. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - EHC plan in relation to higher education

When a young person is intending to undertake a course of higher education, the local authority must disclose a copy of that young person's EHC plan to:

- any person in connection with the young person's application for a disabled student's allowance in accordance with chapter 3 of part 5 of the Education (Student Support) Regulations 2011(1)
- the principal (or equivalent position) of the institution at which it has been confirmed that the young person has a place to undertake a course of higher education,

within 15 working days of being asked to do so by the young person.

Legislation: [Regulation 47 of the Special Educational Needs and Disability Regulations 2014](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to change the 15 day time limit to be as soon as is reasonably practicable. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - local offer

A local authority is responsible for providing children and young people with special educational needs or disabilities and their families information about what support services the local authority think will be available in their local area (known as the 'local offer') and for making sure the local offer is available for everyone to see. The authority must consult with all parties specified in these Regulations when compiling the local offer and must involve children, their parents and young people in preparation and review of local offer.

The authority must seek comments on the local offer from children and young people with special educational needs or a disability, and the parents of children with special educational needs or a disability must publish comments and the authority's response (in a form that does not enable any individual to be identified) together with the local offer on its website at least annually.

Legislation: [Regulation 53 to 56 of the Special Educational Needs and Disability Regulations 2014](#)

Notes: Time limits for publication are amended to be as soon as is reasonably practicable by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs or disability - amendment of EHC plan following review

Where a review of an EHC plan has been carried out the authority must act in accordance with regulations and within specified time scales when considering amending an EHC plan or when deciding not to amend an EHC plan.

Legislation: [Regulation 22 of the Special Educational Needs and Disability Regulations 2014](#)

Notes: The local authority need not comply with the time limit referred to if it is impractical to do so because of a reason relating to the incidence or transmission of coronavirus. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - disclosure of EHC plan

When an authority becomes responsible for keeping an EHC plan for a detained person it must send a copy of the plan to designated persons within 5 days. The EHC Plan must not be disclosed without the permission of the detained person except where specified by this legislation.

Legislation: [Regulation 17 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to change the 5 day time limit for supplying copies of the EHC plan to be as soon as is reasonably practicable. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - incomplete assessment

Where an EHC plan for a person leaving detention or as a consequence of a detention order was started but is not completed the authority must ensure:

- any EHC plan is finalised within 20 weeks
- any decision not to secure an EHC plan is finalised within 16 weeks
- a decision whether or not to secure an EHC needs assessment is made within 6 weeks

Legislation: [Regulation 15 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: Time limits for actions are amended to be as soon as is reasonably practicable by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020.

This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - transfer of EHC plan

Where a detained person with an EHC plan is to be released the EHC plan must be disclosed to relevant parties within 5 days of the date of release. Where the new authority receives a request to carry out an EHC assessment or to review the plan from the commissioning authority it must comply with the request.

Legislation: [Regulation 16 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to relax the 5 day time limit to be as soon as is reasonably practicable. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - mediation

Where the appropriate person has informed the mediation adviser that he or she wishes to pursue mediation, the home authority must arrange for mediation between it and the appropriate person, within 30 days from the date on which the mediation adviser was informed by the appropriate person that he or she wishes to pursue mediation.

Legislation: [Regulation 21 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to change the 30 day time limit to be 'as soon as is reasonably practicable'. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - steps following mediation

Where mediation has resulted in an agreement such agreement must be documented in writing. Where the issues are such that there is a right of appeal the authority must comply with time limits. Where the issues do not allow the right of appeal the authority must take action within 2 weeks of the mediation agreement.

Legislation: [Regulation 27 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to allow the authority to take action as soon as is

reasonably practicable rather than within 2 weeks. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - compliance with tribunal

Where a First-tier tribunal makes an order requiring an authority to take action the authority must:

- If the order requires a home authority to make a detained person's EHC needs assessment, the home authority within 2 weeks of the order being made must notify the appropriate person that it must make the assessment.
- Following the needs assessment send the results to designated persons within the proscribed timescales
- Reconsider where the order directs it to do so within the proscribed timescales
- If the order requires the home authority to amend the name of the school or other institution or the type of school or other institution specified in the EHC plan, the home authority must issue the amended EHC plan within 2 weeks of the order being made

Legislation: [Regulation 29 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to relax the time limits on actions to be 'as soon as is reasonably practicable'. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - unopposed appeals

Where the detained person has appealed to the First-tier Tribunal and the home authority notifies the First-tier Tribunal that it does not oppose the appeal before it submits a response the home authority must:

- within 2 weeks of the date it notified the First-tier Tribunal under paragraph (1), notify the appropriate person that it must make a detained person's EHC needs assessment.
- inform relevant parties of its decision regarding the need for an EHC plan within specified time limits (subject to exceptions described in regulations)
- issue draft and final EHC plans to relevant persons within the time limits specified (unless exceptional circumstances defined in regulations apply)
- issue the amended EHC plan within 2 weeks of the date it notified the First-tier Tribunal

Legislation: [Regulation 30 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to relax the time limits on actions to be 'as soon as is reasonably practicable'. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - determination of need for SEN provision

Where a home authority determines that it is not necessary for special educational provision to be made for the detained person in accordance with an EHC plan on release from detention it must:

- Notify the appropriate person and the person in charge of the relevant youth accommodation where the detained person is detained, as soon as practicable, but in any event within 6 weeks of either receiving a request to secure a detained person's EHC needs assessment or the date on which the detained person has been brought or comes to the attention of the authority.
- Where the home authority is considering securing a detained person's EHC needs assessment it must also notify relevant parties as identified in this regulation.

Legislation: [Regulation 4 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: The local authority need not comply with the 6 week time limit referred to if it is impractical to do so because of a reason relating to the incidence or transmission of coronavirus. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - decision on EHC needs assessment

The home authority must notify the appropriate person and the person in charge of the relevant youth accommodation where the detained person is detained of its decision whether or not it is necessary to secure a detained person's EHC needs assessment as soon as practicable and in any event within 6 weeks of either receiving a request to secure a detained person's EHC needs assessment or the date on which the detained person has been brought or comes to the attention of the authority.

The home authority must also notify the persons who were notified in accordance with regulation 4(2) of its decision.

When notifying the appropriate person of its decision that it is not necessary to secure a detained person's EHC needs assessment, it must also notify them of:

- their right to appeal that decision,
- the time limits for doing so,
- the information concerning mediation,
- the availability of information and advice in connection with a detained person's EHC needs assessment

Legislation: [Regulation 5 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: The conditions under which the time limits for notification (as detailed in regulations) are amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to include a reason relating to the incidence or transmission of Coronavirus. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - decision not to secure EHC plan

Where, following a detained person's EHC needs assessment, a home authority decides that it is not necessary for special educational provision to be made for the detained person in accordance with an EHC plan, the appropriate person must be notified as soon as practicable, and in any event within 16 weeks of the home authority receiving a request for a detained person's EHC needs assessment, or the date on which the detained person has been brought or comes to the attention of the authority.

The home authority must also notify persons specified in Regulations.

When notifying the appropriate person, the home authority must also notify them of:

- their right to appeal that decision
- the time limits for doing so
- the information concerning mediation, set out in regulation 18
- the availability of information and advice relating to the special educational needs of children and young people.

Legislation: [Regulation 10 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: Conditions under which the authority do not need to adhere to the specified timescales are amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to include a reason relating to the incidence or transmission of coronavirus. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Special educational needs - detained persons - timescales for EHC plans

When a home authority sends a draft plan to the appropriate person it must give them at least 15 days, beginning with the day on which the draft plan was served, in which to:

- make representations about the content of the draft plan, and to request that a particular school or other institution be named in the plan, and
- require the home authority to arrange a meeting between them and an officer of the home authority at which the draft plan can be discussed, and

advise them where they can find information about the schools and colleges that are available for the detained person to attend on release from detention.

The final plan must be sent to persons specified in Regulations as soon as practicable, and in any event within 20 weeks of the home authority receiving a request for an EHC needs assessment, or on the date which the detained person has been brought or comes to the attention of the authority.

Legislation: [Regulation 13 of the Special Educational Needs and Disability \(Detained Persons\) Regulations 2015](#)

Notes: Conditions under which the authority do not need to adhere to the specified timescales are amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to include a reason relating to the incidence or transmission of coronavirus. This change applies from 01/05/2020 until 25/09/2020

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Function(s): Education and learning – Schools – Curriculum and policy

Education - registration of pupils

A governing body of a school maintained by a local authority must keep a school register in accordance with regulations.

Legislation: [Section 434 of the Education Act 1996](#)

Notes: Any obligation to record particulars in accordance with regulation 6 of the Education (Pupil Registration) (England) Regulations 2006 (contents of attendance register) does not apply from 1st June 2020 until the end of the 2019-20 school year.

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Schools - exclusion from school

A head teacher must inform the parent of the excluded pupil or the pupil (if over 18), the governing body of the details of an exclusion and the LA if the exclusion is permanent, if the exclusion will result in the pupil missing a public examination or a National Curriculum test, or if the exclusion takes the total exclusions for that pupil to more than 5 school days in any term.

The Governing Body, or the Management Committee of a Pupil Referral Unit, must consider reinstatement in prescribed circumstances. An LA must make arrangements for a review by a review panel of decisions not to reinstate a pupil permanently excluded, if the relevant person applies for a review. Regard must be had to guidance given by the Secretary of State.

Legislation: [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)

Notes: Amended by the School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) Regulations 2020 to allow meetings to consider certain school exclusions to be carried out by remote access in certain circumstances.

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Schools - review of exclusions

The authority must comply with regulations concerning the constitution of review panels and the procedure of reviews regarding exclusions from school.

Legislation: [Schedule 1 of the School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)

Notes: Amended by the School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) Regulations 2020 to change the time limit for an application for a review from 15 days to 25 days or such later date as is reasonably necessary for a reason related to the incidence and transmission of coronavirus and to allow the review meeting to be held using remote access (as long as conditions are met).

Applies in: England

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Schools - school forums

Every local authority must ensure that the schools forum in their area is constituted as prescribed, including the election of school's members, the election or selection of Academies members and the appointment of non-school members.

The authority must consult their school forum before entering into certain types of contract and annually in relation to a range of financial issues and the governing bodies of schools maintained by them to be informed of any such consultation.

The local authority must pay the expenses of their school forums out of the schools budget and the reasonable expenses of its members.

Legislation: [Schools Forums \(England\) Regulations 2012](#)

Notes: Amended by the Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020 to allow meeting access to be by 'remote means' which means access to a meeting to enable persons to attend or participate simultaneously by electronic means, including (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming.

Applies in: England from 18/06/2020 until 31/03/2021

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Schools - Head Teacher's annual report

Prior to the end of the summer term of every school year, the head teacher shall prepare a head teacher's report in respect of every registered pupil at the school.

The annual report written by the Head teacher for every pupil must include information as specified in Schedule 1 of these Regulations.

Legislation: [Regulation 6 of the Education \(Pupil Registration\) \(England\) Regulations 2005](#)

Notes: Amended by the Education (Pupil Information) (England) (Coronavirus) (Amendment) Regulations 2020 to exclude the academic year 2019/20 from:

- the attendance record
- results of any NC tests taken during that year
- key stages reporting
- comparative information (2018/19 should be used instead)

Applies in: England from 01/06/2020

Applies to: County council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Function(s): Planning and building control – Development control

Planning - environmental impact assessment

A planning authority shall not grant planning permission or subsequent consent unless they have first taken the environmental information into consideration and they shall state in their decision that they have done so. A LA must follow specified procedures concerning screening opinions, applications, environmental statements, notifications, unauthorised development and other miscellaneous developments.

Legislation: [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)

Notes: Amended by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 such that for the purpose of this regulation references (however expressed) to serving, submitting, sending or forwarding the environmental statement, or any other documents required under this regulation, includes serving, submitting, sending or forwarding that statement by electronic means and an address includes an email address.

Applies in: England from 14/05/2020 until 31/12/2020

Applies to: District council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Planning - development management procedures

Local authorities (planning authorities) are required to follow procedures connected with planning applications, consultations in relation to planning applications, the determination of planning applications, appeals, local development orders, certificates of lawful use or development and the maintenance of registers of planning applications and related matters.

Legislation: [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

Notes: Amended by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 to:

- allow publicity for planning applications to be made available online where it is not reasonably practicable to comply with designated methods of publicity due to Coronavirus.
- change the 14-day requirement for representations to 21 days
- allow the register of applications to be maintained electronically and published on a website

Applies in: England from 14/05/2020 until 31/12/2020

Applies to: District council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Function(s): Planning and building control – Planning services

Planning - publicity for applications affecting listed buildings

A local authority must comply with regulations regarding publicity for applications for planning permissions which may affect listed buildings.

Legislation: [Section 67 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)

Notes: Amended by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 to discharge the local authority of the obligation to publish the notices in a local newspaper or display a notice where it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

In such circumstances the authority must take reasonable steps to inform any persons who are likely to have an interest in the application and make copies of the application available for viewing which may be on a website.

Applies in: England from 14/05/2020 until 31/12/2020

Applies to: District council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London

Function(s): Administration and Government - Registration

Registration - birth

Where the relevant registrar receives from any qualified informant before the expiration of three months from the date of the birth of a child information of the particulars required by Regulation 7(1) he shall forthwith register the birth and the particulars, if not previously registered, in the presence of the informant.

Legislation: [Regulation 9 of the Registration of Births and Deaths Regulations 1987](#)

Notes: Amended by the Registration of Births and Deaths (Coronavirus) (Amendment) Regulations 2020 to remove of the requirement for the registrar to register particulars of a birth in the presence of the informant.

Applies in: England

Applies to: District council, London borough, Metropolitan council, Unitary authority and the Common Council of the City of London