

Current status of local authority powers and duties

which were introduced or
changed as the result of
coronavirus legislation

February 2022



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Introduction

This document details all the powers and duties described in the LG Inform Plus tool which were amended or introduced as the result of Coronavirus legislation – either the Coronavirus Act 2020 or associated regulations.

The document shows the current status of each of the powers and duties They either

- Remain in force
- Have been withdrawn
- Have reverted to the requirements of the primary legislation from which they originated

For those which have been withdrawn or have reverted back to the original legislation the date on which the changes no longer applied is shown and, in most cases, notes explain what changes were in force until the given date.

Remaining in force

Function(s): Administration and Government – Democracy – Democratic services

Postponed elections - London Mayor or assembly and councillor by-elections

The authority must comply with these regulations in relation to any candidates for the postponed election for the Mayor of London and London Assembly due to be held on 7th May 2020 and any postponed by-election to fill a vacancy in the office of councillor for any principal area in England.

Legislation: [Regulation 8 of the Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 22/09/2020

Applies until:

Applies to: All local authorities in England

Postponed elections - parish council by-elections

A local authority must observe the following.

A person (“P”) who became a candidate at a relevant by-election to fill a casual vacancy in the office of parish councillor on or before 6th April 2020 is no longer a candidate, and is treated as not having been a candidate before the coming into force of this regulation.

Nothing in paragraph 1 above affects whether or not P is a candidate at the postponed poll for such an election.

Legislation: [Regulation 9 of the Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 22/09/2020

Applies until:

Applies to: All parish councils in England

Postponed elections - police and crime commissioner elections

A returning officer for a relevant PCC election may recover charges in respect of expenses incurred for or in connection with that election, notwithstanding that the election was not held, if the expenses were necessarily incurred for the efficient and effective conduct of the election.

The amount of any charges recoverable is to be paid by the Minister on an account being submitted to the Minister.

Legislation: [Regulation 10 of the Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 22/09/2020

Applies until:

Applies to: All local authorities in England

Postponed elections - duties of registration officer

Where notice of an election or referendum was required to be published before 6th April 2020 and the poll was not held on the date specified the relevant registration officer must:

- (a) retain the documents forwarded to the officer in accordance with regulation 4(4) for the period of one year, and
- (b) after that period, cause those documents to be destroyed, unless otherwise directed by an order of a county court, a Crown Court or a magistrates' court.

A person must not be allowed to inspect any of the documents in the possession of the relevant registration officer, except in accordance with an order made by a court for the inspection or production of any document for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

Legislation: [Regulation 5 of the Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 22/09/2020

Applies until:

Applies to: All local authorities in England

Postponed elections and referendums - postal ballots

Where a local authority makes arrangements for the election of a councillor for any local government area in England to fill a casual vacancy; or a referendum, the poll for which is conducted in accordance with Schedule 3 or 5 to the 2012 Regulations (neighbourhood planning referendums).

In circumstances where notice of election or (as the case may be) notice of the referendum was required to be published on or before 6th April 2020, and the poll for that election or referendum was not held on the date required to be stated in that notice as a result of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020(1).

A postal ballot paper which was returned by a postal voter has no effect for the purpose of the postponed poll.

Legislation: [Regulation 3 of the Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 22/09/2020

Applies until:

Applies to: All local authorities in England

Postponed elections and referendums - treatment of postal ballot documents

Where notice of an election or referendum was required to be published on or before 6th April 2020 and the poll for that election or referendum was not held on the date required the returning officer must comply with regulations concerning the opening of and disposal of postal ballots.

Legislation: [Regulation 4 of the Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 22/09/2020

Applies until:
Applies to: All local authorities in England

Function(s): Administration and government – Registration

Registration of births - within three months of the date of 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 register to register particulars of a birth in the presence of the informant.

Applies in: England from 09/06/2020
Applies until:
Applies to: All local authorities in England

Function(s): Business and employment – Business rates

Non-domestic rating - rates retention

Local authorities (billing authorities) may deduct amounts as prescribed from the central share payable to the Secretary of State or to county councils, fire and rescue authorities in whose area the billing authority is and, for London authorities, the Greater London Authority as prescribed and as may be directed. Provisions may be made in relation to costs, bad debts, reconciliation and for surplus or deficit calculations and according to prescribed time limits.

Legislation: [Regulation 9 of the Non-Domestic Rating \(Rates Retention\) Regulations 2013/452](#)

Notes: Revised by the Non-Domestic Rating (Transitional Protection Payments and Rates Retention) (Coronavirus) (Amendment) Regulations 2021 to change the way in which payments are calculated and made for years beginning on 1st April 2020 or 1st April 2021.

Enabled by Local Government Finance Act 1988

Applies in: England from 01/03/2013
Applies until:
Applies to: All local authorities in England

Non-domestic rating - transitional protection payments

Where a transitional relief scheme is in place a local authority (billing authority) must, on 31st January in the preceding year, estimate the amount of its deemed and actual ratings income for the relevant year (as prescribed) and notify the Secretary of State of the estimated amounts. On or before 31st July in the year following a relevant year a billing authority must calculate the amount of its deemed and actual ratings income for the relevant year, arrange for the calculations and amounts to be certified and, if necessary, pay a reconciliation payment (calculated as prescribed).

Legislation: [Non-Domestic Rating \(Transitional Protection Payments\) Regulations 2013/106](#)

Notes: Revised by the Non-Domestic Rating (Transitional Protection Payments and Rates Retention) (Coronavirus) (Amendment) Regulations 2021 to substitute 30th November for 31st July where the relevant year began on 1st April 2019 and to substitute 30th September where the relevant year began on 1st April 2020 or 1st April 2021.

Enabled by Local Government Finance Act 1988

Applies in: England from 01/02/2013

Applies until:

Applies to: All local authorities in England

Function(s): Community safety - Emergencies

Health emergency - restrictions on premises

A local authority may give a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, specified premises in the local authority's area.

A direction may be given only for the purposes of closing the premises, restricting entry to the premises, or securing restrictions in relation to the location of persons in the premises.

Conditions which must be complied with when issuing directions are specified in the Regulations.

Legislation: [Regulation 4 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: See also Schedules 1 to 3 of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - giving and publishing directions

Where a local authority gives a direction under regulation 4(1), 5(1) or 6(1) which imposes a prohibition, requirement or restriction on a person specified by name, or revokes such a direction, the direction or notice of revocation must be given in writing to that person, and may be published in such manner as the local authority considers appropriate to bring it to the attention of other persons who may be affected by it.

In any other case, a direction given by a local authority under regulation 4(1), 5(1) or 6(1) or notice of revocation of such a direction must be published on the website of the local authority and may be published in such other manner as the local authority considers appropriate to bring it to the attention of persons who may be affected by the direction or the revocation.

A direction given by a local authority under regulation 4(1), 5(1) or 6(1) must specify the power in these Regulations under which the direction is given.

Legislation: [Regulation 10 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - notification of directions

Where a local authority (the "initiating authority") gives a direction under regulation 4(1), 5(1) or 6(1), or revokes such a direction, the initiating authority must notify:

- (a) any local authority whose area is adjacent to the initiating authority's area,
- (b) where the initiating authority is a London borough council, every other London borough council,
- (c) where the initiating authority is the county council for an area for which there is also a district council, the district council, and
- (d) where the initiating authority's area is adjacent to the area of a council in Scotland constituted under section 2 of the Local Government etc (Scotland) Act 1994 or a county or county borough council in Wales, that council.

Where a local authority is notified under paragraph (1)(a) or (b), the authority must:

- (a) consider, as soon as may be reasonably practicable, whether to exercise its own powers under these Regulations,
- (b) notify the initiating authority of what it has decided to do, and
- (c) if it is a county council for an area for which there is also a district council, notify the district council of the matter notified to it by the initiating authority and of its own decision.

Legislation: [Regulation 11 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - prohibition notices

A local authority designated officer or a constable may take such action as is necessary to enforce a direction under regulation 4(1), 5(1) or 6(1).

A local authority designated officer may give a prohibition notice to a person if the officer reasonably believes that—

- (a) the person is contravening a direction under regulation 4(1) or 5(1), and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to do so.

"Local authority designated officer" means a person designated by a local authority for the purposes of this regulation.

Legislation: [Regulation 11 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - fixed penalty notice for local restrictions

A person authorised by a local authority may issue a fixed penalty notice to anyone that the authorised person reasonably believes has committed an offence under these Regulations, and is aged 18 or over.

A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to an authority specified in the notice.

The authority specified in the notice must be the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed ("the relevant local authority"), or an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation. The amount of the fixed penalty is as specified in Regulations.

Legislation: [Regulation 14 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency -proceedings for an offence

Proceedings for an offence under these Regulations may be brought by a local authority, the Crown Prosecution Service and any person designated by the Secretary of State (but this does not affect any other power to bring proceedings for such an offence).

Legislation: [Regulation 15 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - county directions to district

(1) A county council for an area for which there is also a district council may direct the district council to exercise any of the district council's functions in a specified way.

(2) But a county council may only give a direction under this regulation if it considers that it is necessary and proportionate to do so in order to prevent, protect against, delay or otherwise control the incidence or spread of infection by coronavirus in the district council's area.

(3) A direction under this regulation may be varied or revoked by the county council.

(4) In determining whether to give a direction under this regulation, or to vary or revoke such a direction, a county council must have regard to any advice given to it by

(a) its director of public health or its interim or acting director of public health (as the case may be), or

(b) a registered public health consultant approved for the purposes of this regulation by a person mentioned in sub-paragraph (a).

Legislation: [Regulation 17 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All County and District authorities in England

Health emergency - giving of directions

Where they consider that there is an imminent threat to public health a local authority may give directions on the imposition of prohibitions, requirements or restrictions in relation to:

- the entry into, departure from, or location of persons in, specified premises in the local authority's area
- the holding of an event in its area
- access to a specified public outdoor place in its area, or public outdoor places in its area of a specified description.

Legislation: [Regulation 2 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - notification, review and revocation of directions

Where a local authority has given directions in response to a serious and imminent threat to public health the authority must:

- notify the Secretary of State as soon as reasonably practicable after the direction is given
- at least once every 7 days review whether the threat to public health still exists
- revoke the direction where the conditions under which it was given no longer apply.

Legislation: [Regulation 2 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - duty to comply with Secretary of State

A local authority must give a direction in relation to the imminent threat of a public health emergency where directed to do so by the Secretary of State.

Legislation: [Regulation 3 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - prohibitions, requirements or restrictions on events

A local authority may give a direction imposing prohibitions, requirements or restrictions in relation to the holding of an event in its area.

(2) A direction may be given in relation to a specified event, or events of a specified description.

(3) A direction may only have the effect of imposing prohibitions, requirements or restrictions on:

- the owner or any occupier of premises for an event to which the direction relates,
- the organiser of such an event, and
- any other person involved in holding such an event.

A direction may, among other things, impose requirements about informing persons who may be planning to attend an event of any prohibitions, requirements or restrictions imposed in relation to the holding of it.

Legislation: [Regulation 5 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - directions on prohibitions on public outdoor places

A local authority may give a direction imposing prohibitions, requirements or restrictions in relation to access to a specified public outdoor place in its area, or public outdoor places in its area of a specified description.

Such a direction may in particular prohibit access at specified times.

A direction must:

- specify or describe the public outdoor place or places to which it relates in sufficient detail to enable the boundaries of the place or places to be determined
- state the date and time on which any prohibition, requirement or restriction imposed by the direction comes into effect, and the date and time on which it will end, and
- give details of the right of appeal to a magistrates' court, and the time within which such an appeal may be brought.

Legislation: [Regulation 6 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - restriction of access to a public outdoor place

A local authority which has given a direction under regulation 6(1) must take reasonable steps to prevent or restrict public access to the public outdoor place or places to which the direction relates in accordance with the direction.

Any person, other than a local authority mentioned in paragraph (1), who owns, occupies or is responsible for land in a public outdoor place to which a direction under regulation 6(1) relates must take reasonable steps to prevent or restrict public access to that land in accordance with the direction.

No person may without reasonable excuse enter or remain in a public outdoor place to which a direction under regulation 6(1) relates in contravention of a prohibition, requirement or restriction imposed by the direction.

Legislation: [Regulation 7 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Health emergency - approval of directions in respect of Crown Land

A local authority may not, without the agreement of the appropriate authority, give a direction under regulation 6(1) in relation to a public outdoor place which forms part of Crown land

and includes property to which section 73 of the Public Health (Control of Disease) Act 1984 (Crown property) applies.

Legislation: [Regulation 8 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022.

Applies in: England and Wales from 18/07/2020

Applies until: 24/03/2022

Applies to: All local authorities in England

Function(s): Schools and education - Schools – Curriculum and policy

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 records
- 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 until:

Applies to: All local authorities in England

Schools - moderating KS1 teacher assessments

Local authorities must make provision for moderating teacher assessments at key stage 1 in respect of the schools which they maintain in relation to at least 25% of all relevant schools.

Legislation: [Regulation 6 of the Education \(National Curriculum\) \(Key Stage 1 Assessment Arrangements\) \(England\) Order 2004](#)

Notes: Modified by the Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2021 to remove the requirement to moderate assessments for the 2019-20 and 2020-21 academic years.

See also regulation 6A of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004.

Applies in: England from 20/04/2021

Applies until:

Applies to: All local authorities in England

Schools - monitoring of key stage 2 assessments

In any school year the local authority should visit 10% of the schools for which they are responsible to monitor the assessment arrangements for the national curriculum key stage 2.

Legislation: [Section 6 of the Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) Order 2003](#)

Notes: Amended by the The Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2021 to exclude the academic years 2019-20 and 2020-21 from this requirement.

Applies in: England from 20/04/2021
Applies until:
Applies to: All local authorities in England

Education - pupil registration

The proprietor of every school shall cause to be kept an admission register and except in the case of a school of which all the pupils are boarders, an attendance register.

The contents of the admissions register and the attendance register must be as specified in regulations.

Legislation: [Section 4 of the Education \(Pupil Registration\) \(England\) Regulations 2006](#)

Notes: From 24 August 2020 Coronavirus may be recorded in the attendance register as the reason for the absence of a child from school during the 2020/21 school year where attendance is contrary to any guidance relating to the transmission of Coronavirus.

Applies in: England from 24/08/2020
Applies until:
Applies to: All local authorities in England

Schools - duration of school day and school year

A local authority or the governing body of a school maintained by a local authority must comply with regulations regarding the duration of the school day and school year.

Legislation: [Section 551 of the Education Act 1996](#)

Notes: Amended by the Education (School Day and School Year) (England) (Coronavirus) (Amendment) Regulations 2021 to reduce the number of sessions which need to be held in academic year 2021/22 and changes the regulations determining what counts as a qualifying session in that school year.

Applies in: England from 01/06/2021
Applies until:
Applies to: All local authorities in England

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: From 24/08/2020 Coronavirus can be recorded as a reason for the absence of a child from school in circumstances specified in Regulations.

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 2021-22 school year.

Applies in: England from 24/08/2020
Applies until:
Applies to: All local authorities in England

Education establishment and registered childcare providers - complying with temporary continuity direction

A local authority must comply with a temporary continuity direction given by the Secretary of State (England) or by Welsh Ministers (Wales) relating to education, training or childcare and ancillary services of facilities.

Legislation: [Section 38 of the Coronavirus Act 2020](#)

Notes: See also Schedule 17 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020
Applies until:
Applies to: All local authorities in England and Wales

Education establishment and registered childcare providers - issuing of temporary continuity direction

A local authority if and to the extent that powers are delegated to it, by the Secretary of State or by Welsh Ministers, may issue temporary continuity directions relating to education, training or childcare and ancillary services of facilities.

Legislation: [Section 38 of the Coronavirus Act 2020](#)

Notes: See also Schedule 17 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020
Applies until:
Applies to: All local authorities in England and Wales

Education establishment and registered childcare providers - disapplying or modifying enactments

A local authority must comply with Notices given by the Secretary of State (England) or by Welsh Ministers (Wales) disapplying or modifying enactments relating to such facilities. The enactments that can be disapplying or modified are defined by the Schedule 16, but this list is subject to amendment.

Legislation: [Section 38 of the Coronavirus Act 2020](#)

Notes: See also Schedule 17 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020
Applies until:
Applies to: All local authorities in England and Wales

Education establishment and registered childcare providers - publication of temporary continuity direction

Where a local authority has been authorised to issue temporary continuity directions the authority must publish such directions and must give a copy of the directions to the person responsible for the facility to which the direction applies. The published version of the direction should not identify any individual without their permission.

Legislation: [Section 38 of the Coronavirus Act 2020](#)

Notes: See also Schedule 17 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020

Applies until:

Applies to: All local authorities in England and Wales

Education establishments and childcare providers temporary closure - direction

Where a temporary closure has been issued the responsible body of an educational institution to which it applies must take reasonable steps to secure that persons do not, for a specified period, attend premises of the institution.

Legislation: [Section 38 of the Coronavirus Act 2020](#)

Notes: See also Schedule 16 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020

Applies until:

Applies to: All local authorities in England and Wales

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

Planning - spatial development availability of documents

The combined authority must make the spatial development strategy documents available for public inspection.

Legislation: [Combined Authorities \(Spatial Development Strategy\) Regulations 2018](#)

Notes: Development Strategy) (Coronavirus) (Amendment) Regulations 2020 to allow the spatial development strategy documents to be made available for inspection solely on the Combined authority's website.

Applies in: England from 12/08/2020

Applies until:

Applies to: Combined authorities in England

Withdrawn

Function(s): Administration and Government – Internal operation – Corporate management

Local authority meetings - attendance

A local authority may conduct a meeting which is not limited to all attendees being present in the same place but may allow attendance by electronic, digital or virtual means. Attendance is dependent upon conditions specified in Regulations being met.

Legislation: [Regulation 5 of the Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#)

Notes:

Applies in: England and Wales from 01/08/2020

Applied until: 06/05/2021

Applies to: All local authorities in England and Wales

Local authority meetings - notification of meetings

Where a meeting is scheduled the authority may give notice of the date/time and place of the meeting by publishing such information on its website. The place of the meeting may be remote.

Legislation: [Regulation 6 of the Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#)

Notes:

Applies in: England and Wales from 04/04/2020

Applied until: 06/05/2021

Applies to: All local authorities in England and Wales

Local authority meetings - public and press access

A meeting being “open to the public” include access to the meeting through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

Legislation: [Regulation 13 of the Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#)

Notes:

Applies in: England and Wales from 01/04/2020

Applied until: 06/05/2021

Applies to: All local authorities in England and Wales

Local authority meetings - scheduling

In respect of a reference in any enactment to a meeting of a local authority, that authority may, as they may determine—

(a) hold such meetings and at such hour and on such days; and

(b) alter the frequency, move or cancel such meetings, without requirement for further notice.

Where an appointment would otherwise be made or require to be made at an annual meeting of a local authority, such appointment continues until the next annual meeting of the authority or until such time as that authority may determine.

Legislation: [Regulation 4 of the Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#)

Notes:

Applies in: England and Wales from 04/04/2020

Applied until: 06/05/2021

Applies to: All local authorities in England and Wales

Function(s): Administration and Government – Volunteering and voluntary organisations

Volunteering - Emergency Volunteering Certificates

Local authorities in England and Wales may issue Emergency Volunteering Certificates in connection with volunteering in the Health or Social Care Sectors from a specific date for a specific period of between 2 and 4 weeks. The production of a certificate allows a worker to be absent from work for the purposes of emergency volunteering but still entitled to receive the benefits under his or her contract of employment whilst on leave.

Legislation: [Section 8 of the Coronavirus Act 2020](#)

Notes: See also Schedule 7 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020

Applied until: 17/07/2021

Applies to: Local authorities in England and Wales

Function(s): Community safety - Emergencies

Coronavirus regulations, all tiers - fixed penalty notices

An authorised person may issue a fixed penalty notice to any person that the authorised person reasonably believes has committed an offence under these Regulations, and is (in the case of an individual) aged 18 or over.

A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to an authority specified in the notice.

The amount and conditions of issue of any fixed penalty notice are as specified in Regulations.

Legislation: [Regulation 11 of the Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 02/12/2020

Applied until: 02/02/2021
Applies to: All authorities in England

Coronavirus regulations, all tiers - enforcement

A local authority may designate a person to enforce any of the restrictions mentioned in these regulations.

Enforcement may include the issuing of a prohibition notice, directing a gathering to disperse, direct any person in a gathering to return to the place they are living or removing an individual from a gathering.

Legislation: [Regulation 9 of the Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#)

Notes: See also Schedules 1 to 3 of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Applies in: England from 02/12/2020
Applied until: 02/02/2021
Applies to: All authorities in England

Coronavirus regulations, all tiers - fixed penalty notices

The amount and conditions of issue of any fixed penalty notice are as specified in Regulations.

Legislation: [Regulation 11 of the Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#)

Notes: See also Schedules 1 to 3 of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Applies in: England from 02/12/2020
Applied until: 02/02/2021
Applies to: All local authorities in England

Health protection - fixed penalty notice relating to closures and access to public places

A local authority may designate an authorised person to issue fixed penalty notices in relation to an alleged offence arising from a breach the requirements imposed by these regulations or the obstruction of a person carrying out a function under regulations related to premises closures or access to public spaces.

The conditions under which a fixed penalty notice can be issued and the amount of the fixed penalty are as specified in these regulations.

Legislation: [Regulation 9 of the Health Protection \(Coronavirus, Restrictions\) \(England\) \(No.2\) Regulations 2020](#)

Notes:
Applies in: England from 24/09/2020
Applied until: 03/01/2021
Applies to: All local authorities in England

Health protection - enforcement and prohibition notices

A local authority may designate a relevant person to take such action as is necessary to enforce the requirement to close premises and businesses during the emergency.

A relevant person may take such action as is necessary to enforce any requirement imposed by Regulation 4, 4A or 4B.

A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a requirement in Regulation 4, 4A or 4B, and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.

Legislation: [Regulation 7 of the Health Protection \(Coronavirus, Restrictions\) \(England\) \(No.2\) Regulations 2020](#)

Notes:

Applies in: England from 24/09/2020

Applied until: 03/01/2021

Applies to: All local authorities in England

Health protection - temporary restrictions on businesses/services

A local authority where it is responsible for carrying on any of the businesses or facilities referred to in these regulations must carry on that business or to provide that service in accordance with restrictions on:

- Opening hours
- Selling for consumption off premises
- Timing of cinema, theatre or concert hall performances
- Motorway service areas
- Sale of food and alcohol to seated customers only.

Legislation: [Regulation 4A of the Health Protection \(Coronavirus, Restrictions\) \(England\) \(No.2\) Regulations 2020](#)

Notes: See also Regulation 4B and Schedule 3

Applies in: England from 24/09/2020

Applied until: 03/01/2021

Applies to: All local authorities in England

Health protection - enforcement of regulations

A local authority may designate a relevant person to take such action as is necessary to enforce any requirement imposed by regulation 4 or 5 of these Regulations.

Regulation 4 being the requirement to close premises and businesses during the emergency.

Regulation 5 being further restrictions and closures during the emergency period.

A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that:

- (a) the person is contravening a requirement in regulation 4 or 5, and

(b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.

Legislation: [Regulation 8 of the Health Protection \(Coronavirus, Restrictions\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 26/03/2020

Applied until: 25/09/2020

Applies to: All authorities in England

Health protection - fixed penalty notices

A local authority may designate an authorised person to issue fixed penalty notices in relation to an alleged offence arising from a breach the requirements imposed by regulation 4 or 5 of these Regulations.

An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes has committed an offence under Regulation 4 or 5 of these Regulations and is aged 18 or over.

Legislation: [Regulation 10 of the Health Protection \(Coronavirus, Restrictions\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 26/03/2020

Applied until: 25/09/2020

Applies to: All authorities in England

Health protection - fixed penalty notices relating to hospitality settings

A local authority where it is responsible for carrying on a business of a public house, café, restaurant or other relevant business must, during the emergency period, take all reasonable measures to ensure that—

(a) no bookings for a table are accepted for a group of more than six persons unless one of the exemptions in regulation 5 of the Principal Regulations applies;

(b) no persons are admitted to the premises in a group of more than six, unless one of the exemptions in regulation 5 of the Principal Regulations applies;

(c) no person in one qualifying group mingles with any person in another qualifying group where this is not permitted under the Principal Regulations;

(d) an appropriate distance is maintained between tables occupied by different qualifying groups.

Legislation: [Regulation 2 of the Health Protection \(Coronavirus, Restrictions\) \(Obligations of Hospitality Undertakings\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 18/09/2020

Applied until: 16/09/2021

Applies to: All authorities in England

Health protection - food and drink premises

Where a hospitality setting has committed a breach of the requirements of the Regulations an authorised person may issue a fixed penalty notice.

The authority specified in the notice must be either the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed or an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation.

The procedures for issuing a fixed penalty notice and the amount of the penalty should be as described in the Regulations.

Legislation: [Regulation 4 of the Health Protection \(Coronavirus, Restrictions\) \(Obligations of Hospitality Undertakings\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 18/09/2020

Applied until: 16/09/2021

Applies to: All authorities in England

Health protection - enforcement of self-isolation regulations

A person authorised by a local authority may, where the authorised person considers that P is away from the place that they are self-isolating in contravention of regulation 2, the authorised person may direct P to return to the place where they are self-isolating, or remove P to the place that they are self-isolating.

An authorised person may use reasonable force, if necessary, in exercise of the power.

Legislation: [Regulation 10 of the Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 28/09/2020

Applied until: 27/09/2021

Applies to: All authorities in England

Health protection - self-isolation notifications

A local authority may appoint officers to deal with notifications from people who are self-isolating.

Legislation: [Regulation 2 of the Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 28/09/2020

Applied until: 27/09/2021

Applies to: All authorities in England

Health protection - sharing of information

A local authority may share certain information collected under these Regulations in the following circumstances-

An authorised person may disclose relevant information regarding an individual required to self-isolate, to any person (H) for the purposes of carrying out a function under these Regulations, or preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus or coronavirus disease.

Legislation: [Regulation 14 of the Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 28/09/2020

Applied until: 27/09/2021

Applies to: All authorities in England

Health protection - fixed penalty notices regarding self-isolation

A person authorised by a local authority may, issue a fixed penalty notice to anyone that the authorised person reasonably believes has committed an offence under these Regulations.

The conditions for issuing and the amount of a fixed penalty are detailed in Regulations.

Legislation: [Regulation 11 of the Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 28/09/2020

Applied until: 27/09/2021

Applies to: All authorities in England

Health protection - prosecutions regarding self-isolation

A person authorised by a local authority may, issue a fixed penalty notice to anyone that the authorised person reasonably believes has committed an offence under these Regulations.

The conditions for issuing and the amount of a fixed penalty are detailed in Regulations.

Legislation: [Regulation 11 of the Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) Regulations 2020](#)

Notes: See also Regulation 13

Applies in: England from 28/09/2020

Applied until: 27/09/2021

Applies to: All authorities in England

COVID secure business obligations - Coronavirus Immediate Restriction Notice (CIRN)

A Coronavirus Immediate Restriction Notice can be issued by enforcement officers where rapid action is needed to close a premises or restrict an activity to stop the spread of the virus, without first issuing a CIN to stop the spread of the virus. Closure will be for a 48-hour period initially. The local authority will be required to review the notice. A CIRN can be withdrawn or allowed to expire where the premise has taken necessary steps to remedy unsafe practices.

Where necessary, a local authority can decide to issue a CRN at the end of the 48 hours, so that the premises is required to close for a further 7-day period, or where it is assessed that the premises is causing a serious and imminent threat to public health, a direction can be issued under separate regulations.

Legislation: [Regulation 2 of the Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#)

Notes: See also Regulations 4 of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020

Applies in: England from 02/12/2020

Applied until: 01/06/2021

Applies to: All authorities in England

COVID secure business obligations - Coronavirus Improvement Notice (CIN)

A Coronavirus Improvement Notice can be issued by a local authority when a business is failing to fulfil a provision set out in the relevant coronavirus regulations. This will often be the first step for local authority enforcement officers to encourage businesses to remedy unsafe practices. A CIN will be applied for a minimum of 48 hours. Its actual duration will be at the discretion of the local authority enforcement officer.

Legislation: [Regulation 2 of the Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#)

Notes: See also Regulation 3 of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020

Applies in: England from 02/12/2020

Applied until: 01/06/2021

Applies to: All authorities in England

COVID secure business obligations - Coronavirus Restriction Notice (CRN)

A Coronavirus Restriction Notice may be issued by a local authority when there has been a breach of the provisions of the relevant coronavirus regulations, and a premises has failed to comply with the terms of a Coronavirus Improvement Notice, where this non-compliance creates a risk of exposure to coronavirus.

Following the 7-day period of application, a CRN can be withdrawn or allowed to expire where the premise has taken necessary steps to remedy unsafe practices.

Legislation: [Regulation 2 of the Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#)

Notes: See also Regulation 5 of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020

Applies in: England from 02/12/2020

Applied until: 01/06/2021

Applies to: All authorities in England

COVID secure business obligations - fixed penalty notices

A local authority officer designated for the purposes of this regulation may issue a fixed penalty notice to any person that the officer reasonably believes has committed an offence under this Part and is (in the case of an individual) aged 18 or over.

No more than one fixed penalty notice may be issued in relation to a failure to comply with a single Coronavirus Improvement Notice, Coronavirus Immediate Restriction Notice or Coronavirus Restriction Notice.

Legislation: [Regulation 8 of the Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#)

Notes: See also schedule 12 of the Coronavirus Act

Applies in: England and Wales 02/12/2020

Applied until: 01/06/2021

Applies to: All local authorities in England

COVID secure business obligations - prosecutions

Where a recipient issued with a Coronavirus Improvement Notice, a Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice fails to comply with such a notice the local authority may bring about proceedings for an offence. Proceedings may not be initiated until the end of a period of 28 days from the day after the notice was issued and may only be initiated where the appropriate fixed penalty has been paid before the end of this period.

Legislation: [Regulation 6 of the Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#)

Notes: See also Regulation 7 of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020

Applies in: England from 02/12/2020

Applied until: 01/06/2021

Applies to: All authorities in England

Function(s): Environmental protection – funerals and cremations

Transportation of dead bodies - directions concerning transportation, storage or disposal of bodies

A designated local authority may give directions requiring a person (not acting as an individual or as part of a public authority) to do anything calculated to facilitate the transportation, storage or disposal of dead bodies or other human remains within or from its area. Directions may include the provision of services or equipment and how the direction should be carried out. The local authority must have regard to certain matters before making that Direction.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also Schedule 28 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020

Applied until: 24/09/2021

Applies to: All local authorities in England and Wales

Transportation of dead bodies - failure to comply

A local authority must comply with a Direction from the Secretary of State (England) or Welsh Ministers (Wales) in relation to a perceived or actual failure to properly comply with its duties under this Schedule or its general duties relating to dead bodies, human remains, cremations or burials.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also Schedule 28 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020

Applied until: 24/09/2021

Applies to: All authorities in England and Wales

Transportation of dead bodies - information request from Welsh Ministers

A local authority must (subject to data protection legislation and the Investigatory Powers Act 2016) comply with a request for information from Welsh Ministers, where that request is in writing and is for the purpose of ascertaining the capacity within its area to deal with the transportation, storage or disposal of dead bodies or other human remains either locally or nationally.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also Schedule 28 of the Coronavirus Act 2020.

Applies in: Wales from 25/03/2020

Applied until: 24/09/2021

Applies to: All authorities in Wales

Transportation of dead bodies - provision of information

A local authority may require a person to give information for the purpose of ascertaining the capacity within its area to deal with the transportation, storage or disposal of dead bodies or other human remains. The request must be made in writing and explain to whom the information is to be provided, how it is provided and by when it is to be provided. This power is subject to restrictions imposed by data protection legislation and by the Investigatory Powers Act 2016.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also Schedule 28 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020

Applied until: 11/12/2021

Applies to: All authorities in England and Wales

Transportation of dead bodies - complying with directions

A local authority must comply with directions from the Secretary of State (England) or Welsh Ministers (Wales) to do things within or outside its area to deal with the transportation, storage or disposal of dead bodies or other human remains.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also Schedule 28 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020

Applied until: 24/09/2021

Applies to: All authorities in England and Wales

Transportation of dead bodies - disclosure of information

A local authority may disclose any information obtained for the purposes of ascertaining the capacity within its area to deal with the transportation, storage or disposal of dead bodies or other human remains only for that purpose or for complying with another legal obligation.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also Schedule 28 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020
Applied until: 24/09/2021
Applies to: All authorities in England and Wales

Transportation of dead bodies - information request from Secretary of State

A local authority must (subject to data protection legislation and the Investigatory Powers Act 2016) comply with a request for information from the Secretary of State, where that request is in writing and is for the purpose of ascertaining the capacity within its area to deal with the transportation, storage or disposal of dead bodies or other human remains either locally or nationally.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also Schedule 28 of the Coronavirus Act 2020.

Applies in: England from 25/03/2020
Applied until: 11/12/2021
Applies to: All authorities in England

Transportation of dead bodies - payment where directions issued

Where a local authority has given directions requiring a person (not acting as an individual or as part of a public authority) to do anything calculated to facilitate the transportation, storage or disposal of dead bodies or other human remains within or from its area it must make payments in accordance with a scheme to be published by the appropriate national authority.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also Schedule 28 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020
Applied until: 24/09/2021
Applies to: All authorities in England and Wales

Transportation of dead bodies - regard to guidance

Where a local authority has been designated by the Secretary of State or Welsh Ministers it must have regard to guidance published by the Secretary of State or Welsh Ministers with regard to the exercise of its functions in relation to the transportation, storage or disposal of dead bodies or other human remains within or from its area.

Legislation: [Section 58 of the Coronavirus Act 2020](#)

Notes: See also Schedule 28 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020
Applied until: 24/09/2021
Applies to: All authorities in England and Wales

Crematoria - temporary restrictions on use

A person who is responsible for a crematorium must ensure that, during the emergency period, the crematorium is closed to members of the public, except for funerals or burials. The above does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.

Legislation: [Regulation 5 of the Health Protection \(Coronavirus, Restrictions\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 26/03/2020

Applied until: 25/09/2020

Applies to: All authorities in England

Function(s): Health and social care – Adult services – Adult social care

Care and support - regard to guidance

The local authority must have regard to guidance issued under Schedule 12 of the Coronavirus Act 2020 and may disregard conflicting older guidance whilst the Schedule is in force.

Legislation: [Section 15 of the Coronavirus Act 2020](#)

Notes: See also Schedule 12 of the Coronavirus Act 2020.

Applies in: England and Wales from 25/03/2020

Applied until: 01/08/2021

Applies to: All authorities in England

Function(s): Health and social care – Community centres and facilities

Community centres - temporary restrictions

A person who is responsible for a community centre must ensure that, during the emergency period, the community centre is closed except where it is used to provide: (a) essential voluntary activities or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency) or for early years childcare provided by a person registered on the Early Years Register under Part 3 of the Childcare Act 2006.

Legislation: [Regulation 5 of the Health Protection \(Coronavirus, Restrictions\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 26/03/2020

Applied until: 25/09/2020

Applies to: All authorities in England

Function(s): Leisure and culture - Libraries

Local authority library services and businesses - temporary suspension

A local authority where it is responsible for carrying on a business, not listed in Part 3 of Schedule 2 of the Regulations, of offering goods for sale or for hire in a shop, or providing library services must, during the emergency period:

- (a) cease to carry on that business or provide that service except by making deliveries or otherwise providing services in response to orders received through a website, or otherwise by on-line communication, by telephone, including orders by text message, or by post
- (b) close any premises which are not required to carry out its business or provide its services as permitted by sub-paragraph (a)
- (c) cease to admit any person to its premises who is not required to carry on its business or provide its service as permitted by sub-paragraph (a).

Legislation: [Regulation 5 of the Health Protection \(Coronavirus, Restrictions\) \(England\) Regulations 2020](#)

Notes:

Applies in: England from 26/03/2020
Applied until: 25/09/2020
Applies to: All local authorities in England

Function(s): Leisure and culture – Leisure activities, Leisure and culture – Sports and sporting venues, Leisure and culture – Museums and galleries, Health and social care – Community centres and facilities, Administration and Government – Commercial activities – Goods and services

Health protection - collection of group contact details

Where a group of individuals enter premises providing services other than for exempt purposes a local authority running services from the premises must either collect information from each individual who has not scanned the QR code or is unable to do so because of health or disability or is under aged 16 or:
a relevant person must request that a single member of the group provides those details in place of any other member of the group doing so. Contact details, the time and place of entry and the number of people in the group must be recorded.

Legislation: [Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes:

Applies in: England from 18/09/2020
Applied until: 23/09/2021
Applies to: All local authorities in England

Health protection - disclosure of contact details records

A local authority must disclose records of contact details collected pursuant to these regulations when required to do so by the Secretary of State.

Legislation: [Regulation 14 of the Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes:

Applies in: England from 18/09/2020
Applied until: 23/09/2021
Applies to: All local authorities in England

Health protection - refusal of entry

Where the local authority (in respect of their property from which the Service is run) becomes aware that either:

- an individual has not provided the details required by these regulations, having been requested to do so in accordance with regulations or
- where it becomes aware that no member of a group has provided the required details, at least one of them having been requested to do so

it must take all reasonable steps to prevent entry by an individual to the relevant premises that they occupy or operate or by every member of a group which seeks to enter those premises.

Legislation: [Regulation 16 of the Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes:

Applies in: England from 18/09/2020

Applied until: 23/09/2021

Applies to: All local authorities in England

Health protection - collection of individual contact details

The local authority has a duty to collect required contact details from anyone entering indoor or outdoor premises run by the authority providing services to customers. Certain types of visit are exempt from the requirement and details do not need to be collected where an individual has scanned the QR code, is unable to do so because of health or disability or is under 16.

Legislation: [Regulation 7 of the Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes:

Applies in: England from 18/09/2020

Applied until: 23/09/2021

Applies to: All local authorities in England

Health protection - fixed penalty notices for contact details offences

An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

The authority in the notice must be—

- (a) the local authority, (or as the case may be, any of the local authorities), in whose area the offence is alleged to have been committed (“the relevant local authority”), or
- (b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).

The content of the fixed penalty notice and the amount of the fixed penalty must be as specified in these Regulations.

Legislation: [Regulation 18 of the Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes:

Applies in: England from 18/09/2020

Applied until: 23/09/2021

Applies to: All local authorities in England

Health protection - provision of QR code for collection of contact details

A local authority running any services included in these regulations from indoor or outdoor premises must display and make available a QR code at relevant premises with a view to enabling an individual to scan the QR code.

Legislation: [Regulation 6 and the Schedule of the Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes:

Applies in: England from 18/09/2020

Applied until: 23/09/2021

Applies to: All local authorities in England

Health protection - retention and destruction of contact details records

A local authority must retain, securely, the details provided to, or recorded by, them in respect of contact details for a period of 21 days beginning with the day on which the details are provided.

The authority must then destroy those details as soon as is reasonably practicable after the expiry of the 21 day period unless there is another basis on which the details may lawfully be retained.

Legislation: [Regulation 12 of the Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes:

Applies in: England from 18/09/2020

Applied until: 23/09/2021

Applies to: All local authorities in England

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

Community Infrastructure Levy - deferral of payments

Where a Community Infrastructure Levy payment is due to be paid by a person with an annual turnover not exceeding £45,000,000 and who is experiencing financial difficulties due to the effects of Coronavirus the authority has a duty to consider a deferral of the payment and may issue a revised demand notice.

Where a deferral request is being considered no surcharge or interest on the payment may be imposed.

Legislation: [The Community Infrastructure Levy \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020](#)

Notes:

Applies in: England and Wales from 22/07/2020

Applied until: 31/07/2021

Applies to: All local authorities in England and Wales

Function(s): Schools and education – Schools – School admissions

School admission appeals - appeals regarding excluded children

Where the governing body of a school receives a written decision to admit to the school a child to whom, at the time when the decision is made section 87(2) of SSFA 1998 applies, any appeal must be made within 21 days from—

- (a) the date of notification of the decision where that date is on or after 24th April 2020; or
- (b) the 24th April 2020 where—
 - (i) the decision was notified before 24th April 2020,
 - (ii) no appeal has been lodged in response to the decision before 24th April 2020, and

(iii) an existing appeal deadline relevant to the decision has not already expired before 24th April 2020.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - decision regarding excluded children

All appeal hearings to which sub-paragraph (1) applies must be held, and appeals determined, as soon as reasonably practicable.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - appeal hearing and decision timing

All appeals which have been lodged, whether in time or not, must be heard and determined by an appeal panel as soon as reasonably practicable.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - conditions for appeal deadline

Where the admissions authority must review the existing deadline for an appeal and, where the conditions in sub-paragraph (3) are satisfied, the authority must set a new deadline for the appeal which must be—

- (a) at least 28 days from the date of the notification of the new deadline, and
- (b) expressed by reference to a fixed date or a number of calendar days.

(3) The conditions are that—

- (a) no appeal has already been lodged in response to the admission decision,
- (b) the existing deadline refers to school days, or the admission authority otherwise considers that the existing deadline is unclear in all the circumstances; and
- (c) the existing deadline has not already expired.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - deadlines for appeal submission

Where the admission authority or local authority sends an admission decision the deadline for an appeal specified in that admission decision must be—

- (a) at least 28 days from the date of the notification of the admission decision, and
- (b) expressed by reference to a fixed date or a number of calendar days.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - decision based on written evidence

(2) Where any of the conditions prescribed with regard to remote appeal hearings are not met, an appeal panel may make their decision on the appeal based on the written information submitted.

(3) Where sub-paragraph (2) applies, the appeal panel must ensure that the parties are able to present fully their case, in order for the panel to make a decision on the appeal which is fair and transparent.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - issue of decision letter

An appeal panel must send decision letters on appeals to the parties within 7 days of the hearing, or finalisation of the determination of the appeal, wherever possible.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - notification of revised deadline

Where a new deadline has been set in accordance with sub-paragraph (2), notification of the new deadline must be sent to the recipient of the original admission decision within 28 days of 24th April 2020 or seven days from the date of an admission decision which does not comply with the requirements of sub-paragraph (1) whichever is later.

(5) The notification of the new deadline must be sent by—

- (a) the admission authority where that admission authority sent the relevant admission decision, or

(b) the local authority where that authority sent the relevant admission decision on behalf of another admission authority.

(6) The requirement in sub-paragraph (5)(b) only applies once the local authority has been informed of the new deadline by the relevant admission authority.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - notification to appellant of appeal

The admission authority must provide appellants with at least 14 days' written notice of an appeal hearing.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - remote appeal hearings

An appeal panel may decide to hold an appeal hearing using remote access provided—

(a) the parties are able to present fully their case;

(b) each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the appeal hearing; and

(c) the panel considers that the appeal is capable of being heard fairly and transparently.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - review of appeal deadline

In respect of an admission decision sent after 28th February 2020 which contains a deadline for an appeal that is not in accordance with the requirements of sub-paragraph (1)(a) or (b), the admission authority must review the existing deadline for the appeal.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - revised deadline for submission of documents

The admission authority may set new or revised reasonable deadlines for—

- (a) an appellant to submit additional evidence;
- (b) the admission authority to submit their evidence; and
- (c) the clerk to send relevant appeal papers to the appeal panel and the parties.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - withdrawal of panel chair due to Coronavirus

Where a member of an appeals panel has to withdraw due to Coronavirus, and the member withdrawing is the panel Chair, the admission authority must appoint (or arrange for the clerk to the appeal panel to appoint) one of the remaining members of the panel as the Chair.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

School admission appeals - withdrawal of panel members due to Coronavirus

Where one or more members of an appeal panel has to withdraw from membership of the panel as a result of a coronavirus exception, the appeal panel may continue to consider and determine the appeal provided there remains a panel of at least two members, regardless of whether those members meet the requirements of paragraph 1(2) of Schedule 1.

Legislation: [Section 11 of the School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England from 24/04/2020

Applied until: 31/01/2021

Applies to: All local authorities in England

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

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: [The 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

Applied until: 30/04/2021

Applies to: All local authorities in England

Temporary road traffic order for Coronavirus - publication 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.

Where the traffic authority considers that it is not reasonably practicable to comply with these requirements for reasons connected to the effects of coronavirus, including restrictions on movement, the traffic authority must publish a notice of the making of the order using such alternative arrangements as the traffic authority considers appropriate for the purpose of informing persons likely to be affected by its provisions.

Legislation: [The 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

Applied until: 30/04/2021

Applies to: All local authorities in England

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:

(a) the chief officer of police of any police area in which any road to which the order relates is situated

(b) 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

(c) 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

(d) 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: [The 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

Applied until: 30/04/2021

Applies to: All local authorities in England

Reverting to original legislation

Function(s): Administration and government – Democracy – Democratic service, Administration and government – Policy and performance

Local government re-organisation - Plans, reviews, schemes etc.

Each preparing council which is a county council and each shadow council shall prepare for the whole of its area, and if required by the enactment concerned publish plans, reviews, schemes, statements and strategies as detailed in Regulations.

Legislation: [Local government re-organisation - Plans, reviews, schemes etc.](#)

Notes: Amended by the Local Government (Structural Changes) (Coronavirus) (Amendment) Regulations 2020 to allow required plans, reviews, schemes, statements and strategies to be prepared no later than 36 months from the date of re-organisation for single tier councils which have reorganisation dates in 2019, 2020 or 2021. Amendment expired on 30/09/2021.

Applies in: England from 28/11/2008

Applies until:

Applies to: All local authorities in England

Function(s): Administration and government – Internal operation – Corporate management

Children's services inspections - written statement

A local authority in England which has received a copy of a report under section 137 of the Act must, within 70 working days of receiving that report or as soon as is reasonably practicable, publish a written statement of action which they propose to take in the light of the report (a "written statement") by:

- (a) sending a copy of the written statement to the Chief Inspector and the Secretary of State
- (b) sending a copy of the written statement to the persons or bodies to whom a copy of the report of the inspection was sent by virtue of regulation 2(a)
- (c) making a copy of the written statement available for inspection free of charge at the offices of the authority
- (d) supplying a copy of the written statement to a member of the public on demand on payment of a reasonable fee.

Legislation: [Regulation 3 of The Education and Inspections Act 2006 \(Inspection of Local Authorities\) Regulations 2007](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the 70 day deadline for the written statement expired on 25/09/2020.

Applies in: England from 01/04/2007

Applies until:

Applies to: All local authorities in England

Function(s): Administration and government – Internal operation – Human resources

Schools - teacher induction (England)

The head teacher of an institution in which a person is serving an induction period and the local authority (as the “appropriate body”) are responsible for that person's supervision and training during that induction period. Where a person serving an induction period is employed in two or more institutions simultaneously, the head teachers of those institutions must agree which of them, and which appropriate body, is to be responsible for that person's supervision and training. On completion of an induction, the head teacher or principal of the institution where induction is completed must make a recommendation to the appropriate body as to whether standards have been met.

Legislation: [Education \(Induction Arrangements for School Teachers\) \(England\) Regulations 2012/1115](#)

Notes: Amendment by the Education (Induction Arrangements for School Teachers) (England) (Coronavirus) (Amendment) Regulations 2020 to state that the induction period does not need to be extended where the person serving the induction period is absent from work on more than 30 days for a reason relating to the incidence or transmission of coronavirus expired on 31/08/2021.

Applies in: England from 01/09/2012
Applies until:
Applies to: All local authorities in England

Function(s): Health and social care - Adult services – Adult social care

Community care - assessment and provision

A local authority must, in the manner prescribed, carry out an assessment of needs, provide information and where necessary make provision for community care services.

Legislation: [Section 9 of the Care Act 2014](#)

Notes: Changed temporarily from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020. Amendment expired on 16/07/2021.

Applies in: England from 01/04/2013
Applies until:
Applies to: All local authorities in England

Community care - needs assessment

A local authority must carry out the determination of a patients need for community care services in certain circumstance.

Legislation: [Section 9 of the Care Act 2014](#)

Notes: This has been temporarily changed from a duty to a power (LAs need to comply suspended) by Section 15 of the Coronavirus Act 2020. Amendment expired on 16/07/2021.

Applies in: England from 01/10/2003
Applies until:
Applies to: All local authorities in England

Social care - adults moving between authorities

Local authorities must co-operate, in accordance with section 37, where they receive notification that someone to whom sections 18 or 19 apply intends moving between local authority areas.

Legislation: [Sections 37 and 38 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - assessment of financial resources

A local authority where it has made a determination under section 13(1) thinks that, if it were to meet an adult's needs for care and support, it would charge the adult under section 14(1) for meeting at least some of the needs, it must assess—

(a) the level of the adult's financial resources, and

(b) the amount (if any) which the adult would be likely to be able to pay towards the cost of meeting the needs for care and support.

Legislation: [Section 17 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - assessment of financial resources

A local authority where it has made a determination under section 13(1) thinks that, if it were to meet an adult's needs for care and support, it would charge the adult under section 14(1) for meeting at least some of the needs, it must assess—

(a) the level of the adult's financial resources, and

(b) the amount (if any) which the adult would be likely to be able to pay towards the cost of meeting the needs for care and support.

Legislation: [Section 17 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - assistance to carers

A local authority must provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers will—

- (a) contribute towards preventing or delaying the development by adults in its area of needs for care and support;
- (b) contribute towards preventing or delaying the development by carers in its area of needs for support;
- (c) reduce the needs for care and support of adults in its area;
- (d) reduce the needs for support of carers in its area.

(2) In performing that duty, a local authority must have regard to—

- (a) the importance of identifying services, facilities and resources already available in the authority's area and the extent to which the authority could involve or make use of them in performing that duty;
- (b) the importance of identifying adults in the authority's area with needs for care and support which are not being met (by the authority or otherwise);
- (c) the importance of identifying carers in the authority's area with needs for support which are not being met (by the authority or otherwise).

The local authority must also have regard to regulations when carrying out this duty.

Legislation: [Section 2 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/10/2014

Applies until:

Applies to: All local authorities in England

Social care - care support plan

Where a local authority is required to meet needs under sections or 20(1) or decides to do so under sections 19(1) and (2) or 20(6), it must—

- (a) prepare a care and support plan or a support plan for the adult concerned (in accordance with sections 25 and 26 in so far as in force),
- (b) tell the adult which (if any) of the needs that it is going to meet may be met by direct payments, and
- (c) help the adult with deciding how to have the needs met.

Where a local authority has carried out a needs or carer's assessment but is not required to meet needs and does not decide to do so it must give the adult concerned—

- (a) its written reasons for not meeting the needs, and
- (b) (unless it has already done so) advice and information about—
 - (i) what can be done to meet or reduce the needs;
 - (ii) what can be done to prevent or delay the development by the adult concerned of needs for care and support or of needs for support in the future.

Legislation: [Sections 24 to 26 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 04/01/2015

Applies until:

Applies to: All local authorities in England

Social care - care support plan required review

A local authority must keep under review generally care and support plans, and support plans, that it has prepared and on a reasonable request by or on behalf of the adult to whom a care and support plan relates or the carer to whom a support plan relates, review the plan and otherwise comply with section 27.

Legislation: [Section 27 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - carer support assessment when child becomes 18

Where it appears to a local authority that a carer of a child is likely to have needs for support after the child becomes 18, the authority must, if it is satisfied that it would be of significant benefit to the carer to do so, assess—

- (a) whether the carer has needs for support and, if so, what those needs are, and
- (b) whether the carer is likely to have needs for support after the child becomes 18 and, if so, what those needs are likely to be.

An assessment is referred to in this Part as a child's carer's assessment.

Legislation: [Sections 60, 61 and 65 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - carer's assessment

A local authority must where it appears that a carer may have needs for support (whether currently or in the future), the authority must assess—

- (a) whether the carer does have needs for support (or is likely to do so in the future), and
- (b) if the carer does, what those needs are (or are likely to be in the future).

The duty to carry out a carer's assessment applies regardless of the authority's view of—

- (a) the level of the carer's needs for support, or
- (b) the level of the carer's financial resources or of those of the adult needing care.

A carer's assessment must include an assessment of—

- (a) whether the carer is able, and is likely to continue to be able, to provide care for the adult needing care,
- (b) whether the carer is willing, and is likely to continue to be willing, to do so,
- (c) the impact of the carer's needs for support
- (d) the outcomes that the carer wishes to achieve in day-to-day life, and
- (e) whether, and if so to what extent, the provision of support could contribute to the achievement of those outcomes

The assessment must also comply with the requirements of Section 10.

Legislation: [Section 10 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - compulsory needs assessment

A local authority must where a needs assessment is refused by an adult carry out that assessment in any event where

if—

- (a) the adult lacks capacity to refuse the assessment and the authority is satisfied that carrying out the assessment would be in the adult's best interests, or
- (b) the adult is experiencing, or is at risk of, abuse or neglect.

Legislation: [Section 11 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - discharge from hospital

A local authority to which an assessment notice (under Section 79/Schedule 3 of the Care Act) is given must accept that notice and undertake the duties in relation to the patient notwithstanding that it may dispute that patient's ordinary residence. A local authority which has wrongly been given an assessment notice may claim reimbursement for any delayed discharge payment it has paid in that case from the local authority in whose area the patient is later agreed or determined to be ordinarily resident.

Legislation: [Care and Support \(Discharge of Hospital Patients\) Regulations 2014/2823](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - eligibility criteria

A local authority must where it is satisfied on the basis of a needs or carer's assessment that an adult has needs for care and support or that a carer has needs for support, determine whether any of the needs meet the eligibility criteria (see subsection (7)).

Having made a determination, the local authority must give the adult concerned a written record of the determination and the reasons for it.

Where at least some of an adult's needs for care and support meet the eligibility criteria, the local authority must—

- (a) consider what could be done to meet those needs that do,
- (b) ascertain whether the adult wants to have those needs met by the local authority in accordance with this Part, and
- (c) establish whether the adult is ordinarily resident in the local authority's area.

Where at least some of a carer's needs for support meet the eligibility criteria, the local authority must—

- (a) consider what could be done to meet those needs that do, and
- (b) establish whether the adult needing care is ordinarily resident in the local authority's area.

Where none of the needs of the adult concerned meet the eligibility criteria, the local authority must give him or her written advice and information about—

- (a) what can be done to meet or reduce the needs;
- (b) what can be done to prevent or delay the development of needs for care and support, or the development of needs for support, in the future.

Legislation: [Section 13 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - eligibility criteria (England)

Local authorities must have regard to the prescribed eligibility criteria for adults who need care and support, and for carers who need support.

Legislation: [Care and Support \(Eligibility Criteria\) Regulations 2015/313](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - eligibility criteria (Wales)

Local authorities must apply prescribed tests (in relation to adults, to children and to carers) to determine whether or not an individual with needs identified in an assessment under section 19, 21 or 24 of the Social Services and Well-being (Wales) Act 2014 is entitled to have those needs met by a local authority.

Legislation: [Care and Support \(Eligibility\) \(Wales\) Regulations 2015/1578](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: Wales from 06/04/2016

Applies until:

Applies to: All local authorities in Wales

Social care - home help facilities

A local authority must make provision adequate for its area to provide home help facilities for households with certain characteristics.

Legislation: [Section 35 of the Social Services and Well-being Act \(Wales\) 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: Wales from 01/03/2007

Applies until:

Applies to: All local authorities in Wales

Social care - needs assessment on reaching 18

Where it appears to a local authority that a child is likely to have needs for care and support after becoming 18, the authority must, if it is satisfied that it would be of significant benefit to the child to do so and if the consent condition is met, assess—

- (a) whether the child has needs for care and support and, if so, what those needs are, and
- (b) whether the child is likely to have needs for care and support after becoming 18 and, if so, what those needs are likely to be.

This assessment is referred to as a child's needs assessment.

Legislation: [Sections 58 and 59 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - support on discharge from hospital

A local authority must comply with the provisions in Schedule 3 with regard to the discharge of hospital patients likely to need care and support.

Legislation: [Section 74 and Schedule 3 of the Care Act 2014](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Social care - transition from child to adult support

A local authority must take certain steps in relation to existing care arrangements for the child where an assessment is taking place under the Care Act 2014.

Legislation: [Sections 17ZH and 17ZL of the Children Act 1989](#)

Notes: The change from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020 expired on 16/07/2021.

Applies in: England from 01/04/2015
Applies until:
Applies to: All local authorities in England

Function(s): Health and social care – Children and families – Children and young people social care, Health and social care – Children and families – Fostering and adoption, Health and social care – Children and families – Looked after children, Health and social care – Children and families – Youth offending

Children Act 1989 Representations - recommendations

After the review panel meeting the panel shall decide on their recommendations and compile a written report which must set out a brief summary of the representations and the panel's recommendations for the resolution of the issues raised in the representations.

Within 5 working days of the meeting or as soon as is reasonably practicable the panel must send its report to the local authority, the complainant and, where one has been appointed, his advocate, the independent person appointed and any other person whom the panel consider has sufficient interest in the case to warrant their receiving such a notice.

Within 15 working days of receiving the panel's recommendations or as soon as is reasonably practicable, the local authority must, together with the independent person appointed under regulation 17(2), consider the recommendations and determine how the authority will respond to them and what they propose to do in the light of them, and must send to the complainant its response and proposals, along with information about making a complaint to a Local Commissioner.

Legislation: [Regulation 20 of the Children Act 1989 Representations Procedure \(England\) Regulations 2006](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to allow some flexibility in the time permitted for issuing the report on the review panel and for the local authority to consider the recommendations expired on 30/09/2021.

Applies in: England from 01/09/2006
Applies until:
Applies to: All local authorities in England

Children Act 1989 Representations - review panel

Where the local authority have received a request in accordance with regulation 18 they must appoint a panel to consider the representations.

The panel shall consist of three independent persons, one of whom will chair the panel.

(3) The independent person appointed in accordance with regulation 17(2) may not be a member of the panel.

The panel shall meet within 30 working days of the local authority receiving a request in accordance with regulation 18, or as soon as is reasonably practicable.

Legislation: [Regulation 19 of the Children Act 1989 Representations Procedure \(England\) Regulations 2006](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to add flexibility to the timing of the panel meeting expired on 30/09/2021.

Applies in: England from 01/09/2006
Applies until:
Applies to: All local authorities in England

Function(s): Health and social care – Children and families – Early years and childcare

Childcare - free of charge early years provision

A local authority must secure early year provision in its area free of charge and in accordance with the regulations and must have regard to the guidance from the Secretary of State in so doing.

Legislation: [Section 7 of the Childcare Act 2006](#)

Notes: Amendment which says that where a temporary closure direction has been issued under section 37 of the Coronavirus Act 2020 a local authority will not be in breach of its duty under section 7 of the Childcare Act 2006 expired on 09/12/2021.

Applies in: England from 01/09/2012
Applies until:
Applies to: All local authorities in England

Early years - learning and development requirements

Early years providers must have regard to the relevant provisions of the "Statutory Framework for the Early Years Foundation Stage" published by the Secretary of State in securing that the early years provision they provide meets the learning and development requirements.

Legislation: [Early Years Foundation Stage \(Learning and Development Requirements\) Order 2007](#)

Notes: Amended by the Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) (No. 2) Regulations 2020 to allow the learning and development requirements to be treated as discharged if the provider uses its reasonable endeavours to discharge those requirements and it has not been reasonably practicable for a provider to comply as a result of restrictions or requirements imposed by regulations relating to Coronavirus. Amendment expired on 31/08/2021.

Applies in: England from 01/09/2008
Applies until:
Applies to: All local authorities in England

Early years - welfare requirements

A local authority must comply with obligatory requirements in relation to welfare in securing early years provision.

Legislation: [Early Years Foundation Stage \(Welfare Requirements\) Regulations 2012](#)

Notes: Modified by the Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) (No. 2) Regulations 2020 to amend welfare requirements where it is not reasonably practicable for a provider to comply as a result of restrictions or requirements related to Coronavirus. Amendment expired on 31/08/2021.

Applies in: England from 01/09/2012
Applies until:
Applies to: All local authorities in England

Education - nursery education

A local authority must secure provision for nursery education in accordance with regulations and guidance.

Legislation: [Section 118 of the School Standards and Framework Act 1998](#)

Notes: Where a temporary closure direction has been issued under section 37 of the Coronavirus Act 2020 a local authority will not be in breach of its duty under section 118 of the School Standards and Framework Act 1998. Amendment expired on 09/12/2021.

Applies in: England and Wales from 05/05/2010
Applies until:
Applies to: All local authorities in England and Wales

Function(s): Health and social care – Children and families – Fostering and adoption

Adoption - adoption agency decision and notification

The adoption agency must make a decision and following the decision must proceed to notify the prospective adopter of the decision as specified in Regulations. Where the adoption agency considers that the prospective adopter is not suitable to adopt a child they must advise the reasons and proceed as specified in Regulations.

Legislation: [Regulation 30B of the Adoption Agencies regulations 2005](#)

Notes: The amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax requirements and time limits regarding the prospective adoption agency decisions and notifications expired on 30/09/2021.

Applies in: England from 01/07/2013
Applies until:
Applies to: All local authorities in England

Adoption - adoption agency decision on placement

The adoption agency must take into account any recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption with the particular prospective adopter. The agency must comply with regulations regarding written notification of the decision, explaining the decision to the child and the child's case record.

Legislation: [Regulation 33 of the Adoption Agencies regulations 2005](#)

Notes: The amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to change the first paragraph from 'The adoption agency must take into account the recommendation of the adoption panel' expired on 30/09/2021.

Applies in: England from 30/12/2005
Applies until:
Applies to: All local authorities in England

Adoption - child's permanence report

When acting as an adoption agency the authority must prepare a written report ("the child's permanence report") which shall include information as specified in regulations.

The adoption agency must send the child's permanence report, the child's health report and any other report referred to in regulation 15 and the information relating to the health of each of the child's natural parents to the adoption panel.

The adoption agency must obtain, so far as is reasonably practicable, any other relevant information which may be requested by the adoption panel and send that information to the panel.

Legislation: [Regulation 17 of the Adoption Agencies regulations 2005](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 as follows:

In a case not falling within paragraph (2), the adoption agency must decide whether to—
(a) require the case to be referred to an adoption panel, or
(b) proceed to make a decision under regulation 19 without such a referral

Where the case is to be referred to the adoption panel the adoption agency must send the information and reports referred to in paragraph (2D) to the adoption panel expired on 30/09/2021.

Applies in: England from 30/12/2005
Applies until:
Applies to: All local authorities in England

Adoption - decision on placing for adoption

The adoption agency must:

- In any case referred to the panel under regulation 17(2C) take into account the recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption.
- Take into account the information and reports referred to in regulation 17(2D), and any other relevant information, in coming to a decision about whether the child ought to be placed for adoption.

No member of the adoption panel [or person on the central list] shall take part in any decision made by the adoption agency.

Legislation: [Regulation 19 of the Adoption Agencies regulations 2005](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 from 'Any case falling within regulation 17(2C)' expired on 30/09/2021.

Applies in: England from 30/12/2005
Applies until:
Applies to: All local authorities in England

Adoption - duties of adoption agency in section 83 case

Where the adoption agency decides in a section 83 case to approve a prospective adopter as suitable to adopt a child, the agency must send the Secretary of State all information and documents as specified in these regulations.

Legislation: [Regulation 30E of the Adoption Agencies regulations 2005](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to insert 'where applicable' in front of requirements 30E(b) and (C) expired on 30/09/2021.

Applies in: England from 01/07/2013

Applies until:

Applies to: All local authorities in England

Adoption - other pre-assessment information

The adoption agency must:

(a) obtain the information about the prospective adopter which is specified in Part 1 of Schedule 4

(b) obtain a written report from a registered medical practitioner about the health of the prospective adopter following a full examination which must include the matters specified in Part 2 of Schedule 4 unless the agency has received advice from its medical adviser that such an examination and report is unnecessary

(c) obtain a written report of each of the interviews with the persons nominated by the prospective adopter to provide personal references for the prospective adopter

(d) where the adoption agency considers it necessary, obtain a personal reference from the prospective adopter's former spouse, civil partner or partner

(e) where it is not the local authority in whose area the prospective adopter has their home ascertain whether the local authority in whose area the prospective adopter has their home have any information about the prospective adopter which may be relevant to an assessment of the prospective adopter's suitability to adopt and if so obtain from that authority a written report setting out that information.

Legislation: [Regulation 26 of the Adoption Agencies regulations 2005](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to allow a decision to be made even if information requested has not yet been obtained expired on 30/09/2021.

Applies in: England from 30/12/2005

Applies until:

Applies to: All local authorities in England

Adoption - pre-assessment decision

The adoption agency must, taking into account the information obtained under regulations 25 and 26, decide whether—

(a) the prospective adopter may be suitable to adopt a child; or

(b) that the prospective adopter is not suitable to adopt a child.

(2) Subject to paragraph (3), the agency must make its decision under paragraph (1) within a period of two months from the date on which the adoption agency notified the prospective adopter that they had decided to proceed with the pre-assessment process in accordance with regulation 21.

Legislation: [Regulation 27 of the Adoption Agencies regulations 2005](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to allow a decision to be made where information required under regulations 25 and 26 has yet to be received and allows a relaxation of the time period for making a decision where the specified two months is not reasonably practicable expired on 30/09/2021.

Applies in: England from 30/12/2005
Applies until:
Applies to: All local authorities in England

Adoption - proposed placement

Where the local authority is acting as an adoption agency and is considering placing a child for adoption with a particular prospective adopter the authority should comply with regulations regarding:

- notification to, meeting with, ascertaining the views of and providing a counselling service and any further information to the prospective adopter
- carry out an assessment of need of the child and the adoptive family
- consider arrangements for contact with any person
- provide a written adoption placement report
- decide whether or not the decision is to be referred to an adoption panel or to make a decision under regulation 33 and must notify the proposed adopter whether the proposed placement is to be referred to the adoption panel.

Legislation: [Regulation 31 of the Adoption Agencies regulations 2005](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax requirements and timescales relating to decision making expired on 30/09/2021.

Applies in: England from 30/12/2005
Applies until:
Applies to: All local authorities in England

Adoption - prospective adopter's assessment

Regulations 28 to 30G apply where the prospective adopter notifies the adoption agency that they wish to continue with the assessment process following notification that they may be suitable to adopt under regulation 27(4).

Legislation: [Regulation 28 of the Adoption Agencies regulations 2005](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the six month time limit for the prospective adopter to respond expired on 30/09/2021.

Applies in: England from 30/12/2005
Applies until:
Applies to: All local authorities in England

Adoption - prospective adopter's assessment

Regulations 28 to 30G apply where the prospective adopter notifies the adoption agency that they wish to continue with the assessment process following notification that they may be suitable to adopt under regulation 27(4).

Legislation: [Regulation 28 of the Adoption Agencies regulations 2005](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the six month time limit for the prospective adopter to respond expired on 30/09/2021.

Applies in: England from 30/12/2005

Applies until:

Applies to: All local authorities in England

Adoption - prospective adopter's case record

(1) The adoption agency must set up a case record in respect of the prospective adopter (“the prospective adopter’s case record”) and place on that case record—

- (a) the prospective adopter stage one plan;
- (b) the information and reports obtained by the agency by virtue of this Part;
- (c) the prospective adopter assessment plan;
- (d) the prospective adopter’s report and the prospective adopter’s observations on that report;
- (e) Where applicable the written record of the proceedings of the adoption panel under regulation 30A (and where applicable regulation 30B(8)), its recommendation, the reasons for the recommendation and any advice given by the panel to the agency;
- (f) the record of the agency’s decision under regulation 30B(1), (6) or as the case may be (9);
- (g) where the prospective adopter applied to the Secretary of State for a review by an independent review panel the recommendation of that review panel;
- (h) where applicable, the prospective adopter’s review report and the prospective adopter’s observations on that report;
- (i) the prospective adopter matching plan; and
- (j) any other documents or information obtained by the agency which it considers should be included in that case record.

Legislation: [Regulation 23 of the Adoption Agencies regulations 2005](#)

Notes: Amendments by the The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to insert the words 'Where applicable' at the beginning of 23e expired on 30/09/2021.

Applies in: England from 30/12/2005

Applies until:

Applies to: All local authorities in England

Adoption - prospective adopter’s report

The adoption agency must obtain the information about the prospective adopter which is specified in Part 3 of Schedule 4 of the Regulations and must prepare a written report (“the prospective adopter’s report”) which contains information about the prospective adopter as specified in Regulations.

Once prepared the adoption agency must deal with the report as specified in Regulations.

Legislation: [Regulation 30 of the Adoption Agencies regulations 2005](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to add 'where applicable' in front of paragraph 5a - notify the prospective adopter that the prospective adopter’s application is to be referred to the adoption panel; and also in paragraph (6) after “agency must” insert “decide whether or not to refer the case to an

adoption panel or proceed to make a decision under regulation 30B without such a referral and, if the case is being referred to an adoption panel, the adoption agency must send” expired on 30/09/2021.

Applies in: England from 30/12/2005

Applies until:

Applies to: All local authorities in England

Adoption - review and termination of approval

The adoption agency must review the approval of each prospective adopter in accordance with this regulation.

Legislation: [Regulation 30D of the Adoption Agencies regulations 2005](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to add 'where applicable' in front of paragraph 5a - notify the prospective adopter that the prospective adopter's application is to be referred to the adoption panel; and also in paragraph (6) after “agency must” insert “decide whether or not to refer the case to an adoption panel or proceed to make a decision under regulation 30B without such a referral and, if the case is being referred to an adoption panel, the adoption agency must send” expired on 30/09/2021.

Applies in: England from 01/07/2013

Applies until:

Applies to: All local authorities in England

Adoption - reviews

Where the local authority is acting as an adoption agency it must comply with regulations regarding the carrying out of a review of both cases where a child authorised to be placed for adoption but not for the time being placed or a child who has been placed for adoption and the timing of such reviews.

Legislation: [Regulation 36 of the Adoption Agencies regulations 2005](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the requirement to carry out a review except where a review is necessary to safeguard and promote the welfare of the child expired on 30/09/2021.

Applies in: England from 30/12/2005

Applies until:

Applies to: All local authorities in England

Adoption agencies - constitution of adoption panels

Where a local authority is an Adoption Agency, it may constitute one or more adoption panels, as necessary, to perform the functions of an adoption panel under these Regulations and must appoint the panel members from the persons in the central list including—

(a) a person to chair the panel, being an independent person, who has the skills and experience necessary for chairing an adoption panel, and

(b) one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant (“the vice chairs”).

The adoption agency must ensure that individual members have between them the experience and expertise necessary to effectively discharge the functions of the panel..

Legislation: [Regulation 4 of the Adoption Agencies regulations 2005](#)

Notes: As the result of the The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 the requirement to constitute an adoption panel has been changed from a duty to a power and the words 'an adoption panel has sufficient members, and' are omitted from mandated requirements. These amendments expired on 25/09/2020.

Applies in: England from 30/12/2005
Applies until:
Applies to: All local authorities in England

Adoption agencies - number of attendees for conducting business

Where a local authority is an Adoption Agency, it must, with regard to meetings of adoption panels ensure no business is conducted by an adoption panel unless at least the following meet as the panel —

- (a) either the person appointed to chair the panel or one of the vice chairs,
- (b) one person falling within regulation 3(1)(a),
- (c) one other independent person

An adoption panel must also make a written record of its proceedings, its recommendations and the reasons for its recommendations..

Legislation: [Regulation 6 of the Adoption Agencies regulations 2005](#)

Notes: Requirement (c) changed from three, or in the case of an adoption panel established under regulation 4(3) four, other members and where the chair is not present and the vice chair is not an independent person, at least one other panel member must be an independent person by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020. Expired on 30/09/2021.

Applies in: England from 30/12/2005
Applies until:
Applies to: All local authorities in England

Fostering - appointment of fostering agency manager

The registered provider must appoint an individual to manage the fostering agency.

Where the registered provider is an organisation, it must not appoint the person who is the responsible individual as the manager, Where the registered provider is a partnership, it must not appoint any of the partners as the manager.

The registered provider must notify the Chief Inspector as soon as is reasonably practicable of the name of any person appointed in accordance with this regulation, and the date on which the appointment is to take effect.

Legislation: [Regulation 6 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to change the requirement to notify the Chief Inspector without delay expired on 25/09/2020.

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Fostering - approval of foster parents

A fostering service provider must not approve a person who has been approved as a foster parent by another fostering service provider where that approval has not been terminated.

A fostering service provider must not approve X as a foster parent unless they have completed their assessment of X's suitability, and the fostering panel, where the case has been referred to the fostering panel, has considered the application.

A fostering service provider must, in deciding whether to approve X as a foster parent and as to the terms of any approval, take into account the recommendation of, where the case was referred to the fostering panel, the fostering panel.

If a fostering service provider decide to approve X as a foster parent they must give X notice in writing specifying any terms on which the approval is given, and enter into a written agreement with X covering the matters specified in Schedule 5 (the "foster care agreement").

If a fostering service provider consider that X is not suitable to be a foster parent they must, subject to paragraph (7) give X written notice that they propose not to approve X as suitable to be a foster parent (a "qualifying determination"), together with their reasons and, where the case has been referred to the fostering panel, a copy of the fostering panel's recommendation, and advise X that, within 28 days of the date of the qualifying determination, X may—

- (i) submit any written representations that X wishes to make to the fostering service provider, or
- (ii) apply to the Secretary of State for a review by an independent review panel of the qualifying determination.

If within the period referred to above the fostering provider receive any written representations, they may refer the case to the fostering panel for further consideration and, where a case is referred, the fostering service provider must make their decision taking into account any further recommendation made by the fostering panel.

If, within the period referred to above, X applies to the Secretary of State for a review by an independent review panel of the qualifying determination, the fostering service provider must make their decision taking into account any recommendation of the fostering panel and the recommendation of the independent review panel.

Legislation: [Regulation 27 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to add the words 'where the case was referred to the fostering panel' in front of references to the fostering panel decision expired on 25/09/2020.

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Fostering - assessment of prospective foster parent

Where a person (“X”) applies to become a foster parent and the fostering service provider decide to assess X’s suitability to become a foster parent, any such assessment must be carried out in accordance with this regulation.

Legislation: [Regulation 26 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to:

- Change the requirement to notify the prospective foster parent that they are not considered suitable to be 'as soon as is reasonably practicable' rather than within 10 days
- Allow the fostering service provider to decide whether to refer the case to a fostering panel or to make a decision without a referral
- make a decision without obtaining all the information required
- change the requirement to send the report and any other information to the fostering panel to 'as soon as is reasonably practicable' rather than within 10 days expired on 31/03/2021.

Applies in: England from 01/04/2011

Applies until:

Applies to: All local authorities in England

Fostering - care records relating to foster parents and others

A fostering service provider must maintain a case record for each foster parent approved by them which must include copies of the documents specified below and the information specified in this Regulation.

The documents referred to are:

- (a) the report prepared under regulation 26(3)(b) and any other reports submitted to the fostering panel, if any,
- (b) any recommendations made by the fostering panel,
- (c) the notice of approval given under regulation 27(5)(a),
- (d) the foster care agreement,
- (e) any report of a review of approval prepared under regulation 28(4), and
- (f) any notice given under regulation 28(12).

Legislation: [Regulation 30 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to add 'if any' after the reference to the fostering panel expired on 25/09/2020.

Applies in: England from 01/04/2011

Applies until:

Applies to: All local authorities in England

Fostering - constitution and membership of fostering panel

The fostering service provider must maintain a list of persons who are considered by them to be suitable to be members of a fostering panel (“the central list”), including one or more social workers who have at least three years’ relevant post-qualifying experience.

Where the fostering service provider are of the opinion that a person included in the central list is unsuitable or unable to remain on the list, the fostering service provider may remove that person’s name from the list by giving them one month’s notice in writing.

Subject to paragraph (5) of these Regulations, the fostering service provider must constitute one or more fostering panels, as necessary, to perform the functions of a fostering panel under these Regulations, and, where a panel is constituted, the fostering service provider must appoint panel members including:

- (i) a person to chair the panel who, in the case of any appointment made after 1st October 2011, must be independent of the fostering service provider, and
- (ii) one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant (“the vice chairs”) from the persons on the central list.

The fostering service provider must ensure that the individual members have between them the experience and expertise necessary, to effectively discharge the functions of the panel.

Legislation: [Regulation 23 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to change the requirement to constitute a panel from a duty to a power and to remove the requirement to ensure number on the panel expired on 25/09/2020.

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Fostering - events and notifications

The notifications as detailed in Schedule 7 must be submitted to one or more of the:

- Chief inspector
- Responsible authority
- Secretary of State
- Area authority
- Police
- Primary Care Trust

as detailed in the table in Schedule 7.

Legislation: [Schedule 7 of the Fostering Services \(England\) Regulations 2011](#)

Notes: The table in Schedule 7 is amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to omit the requirement to submit to the chief inspector details of an outbreak at the home of a foster parent of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified. The amendment expired on 25/09/2020.

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Fostering - functions of fostering panel

(1) The functions of the fostering panel in respect of cases referred to it by the fostering service provider are:

- (a) to consider each application for approval and to recommend whether or not a person is suitable to be a foster parent,
- (b) where it recommends approval of an application, to recommend any terms on which the approval is to be given,
- (c) to recommend whether or not a person remains suitable to be a foster parent, and whether or not the terms of their approval (if any) remain appropriate—
 - (i) on the first review carried out in accordance with regulation 28(2), and

(ii) on the occasion of any other review, if requested to do so by the fostering service provider in accordance with regulation 28(5), and
(d) to consider any case referred to it under regulation 27(9) or 28(10).

(2) In considering what recommendation to make under paragraph (1), the fostering panel:
(a) must consider and take into account all of the information passed to it in accordance with regulation 26, 27 or 28 (as the case may be),
(b) may request the fostering service provider to obtain any other relevant information or to provide such other assistance as the fostering panel considers necessary, and
(c) may obtain such legal advice or medical advice as it considers necessary.

(3) The fostering service provider must obtain such information as the fostering panel considers necessary and send that information to the panel, and provide such other assistance as the fostering panel may request, so far as is reasonably practicable.

(4) The fostering panel may also:

(a) advise, where appropriate, on the procedures under which reviews in accordance with regulation 28 are carried out by the fostering service provider, and periodically monitor their effectiveness,
(b) oversee the conduct of assessments carried out by the fostering service provider, and
(c) give advice, and make recommendations, on such other matters or cases as the fostering service provider may refer to it.

(5) In this regulation “recommend” means recommend to the fostering service provider..

Legislation: [Regulation 25 of the Fostering Services \(England\) Regulations 2011](#)

Notes: The table in Schedule 7 is amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to omit the requirement to submit to the chief inspector details of an outbreak at the home of a foster parent of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified. The amendment expired on 25/09/2020.

Applies in: England from 01/04/2011

Applies until:

Applies to: All local authorities in England

Fostering - information about foster parent and prospective family

The following information is required as to prospective foster parent (“X”) and other members of their household and family:

PART 1

1. Full name, address and date of birth.
2. Details of health
3. Particulars of any other adult members of the household.
4. Particulars of the children in the family, whether or not members of the household, and any other children in the household.
5. Particulars of their accommodation.
6. The outcome of any request or application made by them or any other member of their household to foster or adopt children, or for registration as an early years provider or later years provider under Part 3 of the Childcare Act 2006(1), including particulars of any previous approval or refusal of approval relating to them or to any other member of the household.
7. If X has, in the preceding twelve months, been a foster parent approved by another fostering service provider, the name and address of that fostering service provider.
8. Names and addresses of two persons who will provide personal references for X.

9. In relation to X and any other member of X's household who is aged 18 or over, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act).

10. Details of current, and any previous, marriage, civil partnership or similar relationship.

PART 2

11. Details of personality.

12. Religious persuasion, and capacity to care for a child from any particular religious persuasion.

13. Racial origin, cultural and linguistic background and capacity to care for a child from any particular racial origin or cultural or linguistic background.

14. Past and present employment or occupation, standard of living, leisure activities and interests.

15. Previous experience (if any) of caring for their own and other children.

16. Skills, competence and potential relevant to their capacity to care effectively for a child placed with them.

Legislation: [Schedule 3 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the requirement for a medical report in item 2 expired on 25/09/2020.

Applies in: England from 01/04/2011

Applies until:

Applies to: All local authorities in England

Fostering - meetings of fostering panel

No business may be conducted by a fostering panel unless at least the following meet as the panel:

(i) either the person appointed to chair the panel or one of the vice chairs,

(ii) one member who is a social worker who has at least three years' relevant post-qualifying experience, and

(iii) three, or in the case of a fostering panel established under regulation 23(5) four, other members

(2) A fostering panel must make a written record of its proceedings and the reasons for its recommendations.

Legislation: [Regulation 24 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the requirement for one other independent person expired on 25/09/2020.

Applies in: England from 01/04/2011

Applies until:

Applies to: All local authorities in England

Fostering - notification of offences

Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, that person must as soon as is reasonably practicable give notice in writing to the Chief Inspector of the date and place of the conviction, the offence of which they were convicted, and the penalty imposed on them in respect of the offence.

Legislation: [Regulation 9 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the time allowed for notification expired on 25/09/2020.

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Fostering - reviews and terminations of approval

The fostering service provider must review the approval of each foster parent in accordance with this regulation.

A review must, where reasonably practicable, take place not more than a year after approval, and thereafter whenever the fostering service provider consider it necessary.

Legislation: [Regulation 28 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to add the words 'where reasonably practicable' expired on 25/09/2020.

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Fostering - service manager

Each local authority must appoint one of its officers to manage the local authority fostering service, and must notify the Chief Inspector as soon as is reasonably practicable of the name of the person appointed, and the date on which the appointment is to take effect.

The local authority must notify the Chief Inspector as soon as is reasonably practicable if the person appointed ceases to manage the local authority fostering service.

Legislation: [Regulation 10 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the time allowed for notifications expired on 25/09/2020.

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Fostering - short breaks

In the circumstances set out below, these Regulations apply in relation to a child with the modifications set out in these Regulations.

The circumstances are that the child:

- (a) is not in the care of a local authority, and
- (b) is placed in a series of short-term placements with the same foster parent ("short breaks"), where—
 - (i) no single placement is intended to last for more than 17 days,
 - (ii) at the end of each such placement the child returns to the care of the child's parent or a person who is not his parent but who has parental responsibility for the child,
 - (iii) the short breaks do not exceed 75 days in total in any period of 12 months.

Legislation: [Regulation 42 of the Fostering Services \(England\) Regulations 2011](#)

Notes: This regulation was omitted by Adoption and Children (Coronavirus) (Amendment) Regulations 2020. The regulation was reinstated from 25/09/2020.

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Fostering - statement of purpose and children's guide

The fostering service provider must:

- (a) keep under review and, where appropriate, revise the statement of purpose and children's guide,
- (b) notify the Chief Inspector of any such revision as soon as is reasonably practicable, and
- (c) if the children's guide is revised, supply a copy to each foster parent approved by the fostering service provider, and to each child placed by them (subject to the child's age and understanding).

Legislation: [Regulation 4 of the Fostering Services \(England\) Regulations 2011](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the requirement for the notification to the Chief Inspector to be within 28 days expired on 25/09/2020.

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Private fostering - actions on notification of proposal to foster

Where a local authority have received notification of a proposal to foster a child privately they must arrange for an officer of the authority within seven working days or as soon as is reasonably practicable, to visit the proposed foster home, proposed foster carer and family, the child and every parent or person with parental responsibility for the child.

Having completed the visits the officer should prepare a written report to the authority.

Legislation: [Regulation 4 of the Children \(Private Arrangements for Fostering\) Regulations 2005](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the seven day time limit for the visits expired on 30/09/2021.

Applies in: England from 01/07/2005
Applies until:
Applies to: All local authorities in England

Private fostering - actions on notification of child privately fostered

Where a local authority have received a notification about a child being fostered privately they must arrange for an officer of the authority within seven working days or as soon as is reasonably practicable visit the premises where the child is being cared for, visit and speak to the private foster carer and family, visit and speak to the child and ensure that all matters relating to the welfare of the child have been considered.

Having made the visits, the officer should make a written report to the authority.

Legislation: [Regulation 7 of the Children \(Private Arrangements for Fostering\) Regulations 2005](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the requirement for visits to be made within seven days expired on 30/09/2021.

Applies in: England from 01/07/2005

Applies until:

Applies to: All local authorities in England

Private fostering - subsequent visits to children

Each local authority must arrange for an officer of the authority to visit every child who is being fostered privately in their area:

(a) in the first year of the private fostering arrangement, where reasonably practicable, at intervals of not more than six weeks

(b) in any second or subsequent year, where reasonably practicable, at intervals of not more than 12 weeks.

The authority must also arrange for every child who is fostered privately in their area to be visited by an officer when reasonably requested to do so by the child, the private foster carer, a parent of the child or any other person with parental responsibility for the child.

Visits and matters considered during visits must be in accordance with regulations and the officer should make a written report of the visit.

Legislation: [Regulation 8 of the Children \(Private Arrangements for Fostering\) Regulations 2005](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the time limit for making visits where not practicable expired on 30/09/2021.

Applies in: England from 01/07/2005

Applies until:

Applies to: All local authorities in England

Function(s): Health and social care – Children and families – Looked after children

Care placement - assessment of needs

The responsible authority must complete the assessment of C's needs in accordance with paragraph 19B(4) of Schedule 2 to the 1989 Act not more than three months after the date on which C reaches the age of 16 or becomes an eligible child after that age.

In carrying out their assessment of C's likely needs when C ceases to be looked after, the responsible authority must take account of the following considerations:

(a) C's state of health (including physical, emotional and mental health) and development,

(b) C's continuing need for education, training or employment,

(c) the support that will be available to C from C's parents

(d) C's actual and anticipated financial resources and capacity to manage personal finances independently,

(e) the extent to which C possesses the practical and other skills necessary for independent living,

(f) C's need for continuing care, support and accommodation,

(g)the wishes and feelings of C, any parent of C's and any person who is not C's parent but who has parental responsibility for C, the appropriate person,
(h)the views of any person or educational institution that provides C with education or training and, if C has a statement of special educational needs, the local authority who maintain the statement (if different)(1), the IRO, any person providing health (whether physical, emotional or mental health) or dental care or treatment to C, the personal adviser appointed for C, and any other person whose views the responsible authority, or C, consider may be relevant.

Legislation: [Regulation 42 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove reference to 'other connected persons' in (c) expired on 25/09/2020

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Care placement - assessment of needs

The responsible authority must complete the assessment of C's needs in accordance with paragraph 19B(4) of Schedule 2 to the 1989 Act not more than three months after the date on which C reaches the age of 16 or becomes an eligible child after that age.

In carrying out their assessment of C's likely needs when C ceases to be looked after, the responsible authority must take account of the following considerations:

- (a)C's state of health (including physical, emotional and mental health) and development,
- (b)C's continuing need for education, training or employment,
- (c)the support that will be available to C from C's parents
- (d)C's actual and anticipated financial resources and capacity to manage personal finances independently,
- (e)the extent to which C possesses the practical and other skills necessary for independent living,
- (f)C's need for continuing care, support and accommodation,
- (g)the wishes and feelings of C, any parent of C's and any person who is not C's parent but who has parental responsibility for C, the appropriate person,
- (h)the views of any person or educational institution that provides C with education or training and, if C has a statement of special educational needs, the local authority who maintain the statement (if different)(1), the IRO, any person providing health (whether physical, emotional or mental health) or dental care or treatment to C, the personal adviser appointed for C, and any other person whose views the responsible authority, or C, consider may be relevant.

Legislation: [Regulation 42 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove reference to 'other connected persons' in (c) expired on 25/09/2020

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Care placement - children on remand

Where C is a looked after child only by reason of being remanded to local authority accommodation—

- (a) in regulation 4(2), the care plan must be prepared as soon as is reasonably practicable from C being so remanded, and
- (b) regulation 5(a) does not apply.

Legislation: [Regulation 47C of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the five working day time limit. expired on 25/09/2020

Applies in: England from 19/04/2013

Applies until:

Applies to: All local authorities in England

Care placement - conditions to be complied with

This regulation applies where the responsible authority propose to place C with F in a long term foster placement.

- (2) The responsible authority may only place C with F if—
- (b) the requirements of regulation 9(1)(b)(i) have been complied with,
- (c) the placement will safeguard and promote C's welfare,
- (d) the IRO has been consulted,
- (e) C's relatives have been consulted, where appropriate, and
- (f) F intends to act as C's foster parent until C ceases to be looked after.

Legislation: [Regulation 22 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the requirement for the responsible authority to have prepared a placement plan (condition a) expired on 25/09/2020

Applies in: England from 01/04/2011

Applies until:

Applies to: All local authorities in England

Care placement - decision to place a child

The decision to place C with P must not be put into effect until it has been approved by a nominated officer.

Before approving a decision the nominated officer must be satisfied that:

- (a) the requirements of regulation 9(1)(b)(i) have been complied with,
- (b) the requirements of regulation 17 have been complied with,
- (c) the placement will safeguard and promote C's welfare, and
- (d) the IRO has been consulted.

Legislation: [Regulation 18 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the requirement to complete a placement plan before making the decision expired on 25/09/2020

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Care placement - emergency placement

Where it is necessary to place C in an emergency, the responsible authority may place C with any local authority foster parent who has been approved in accordance with the 2002 Regulations, even if the terms of that approval are not consistent with the placement, provided that the placement is for no longer than twenty-four weeks.

When the period of twenty-four weeks referred to in paragraph (1) expires, the responsible authority must terminate the placement unless the terms of that person's approval have been amended to be consistent with the placement.

Legislation: [Regulation 23 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to change the time period from six working days expired on 25/09/2020

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Care placement - expiry of temporary approval

Subject to paragraph (4), the responsible authority may extend the temporary approval of a person if

(a) it is likely to expire before the full assessment process is completed, or
(b) the person, having undergone the full assessment process, is not approved and seeks a review of the decision in accordance with Regulations made under paragraph 12F(1)(b) of Schedule 2 to the 1989 Act (1).

(2) In a case falling within paragraph (1)(a), the responsible authority may extend the temporary approval once for a further period of up to eight weeks.

(3) In a case falling within paragraph (1)(b), the responsible authority may extend the temporary approval until the outcome of the review is known.

(4) Before deciding whether to extend the temporary approval in the circumstances set out in paragraph (1), the responsible authority must first:

(a) consider whether placement with the person is still the most appropriate placement available,
(b) seek the views of the fostering panel established by the fostering service provider in accordance with the 2002 Regulations, and
(c) inform the IRO.

(5) A decision to extend temporary approval must be approved by a nominated officer.

(6) If the period of temporary approval and of any extension to that period expires and the person has not been approved as a local authority foster parent in accordance with the 2002

Regulations, the responsible authority must terminate the placement after first making other arrangements for C's accommodation.

Legislation: [Regulation 25 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the word 'connected' in each place it occurs expired on 25/09/2020

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Care placement - frequency of visits

As part of their arrangements for supervising C's welfare, the responsible authority must ensure that their representative ("R") visits C in accordance with this regulation, wherever C is living.

Any visit required by this regulation may be conducted by telephone, video-link or other electronic means.

Where R is unable to visit C within the timescales set out in this regulation the responsible authority must ensure that R visits C as soon as is reasonably practicable thereafter.

Legislation: [Regulation 28 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to allow visits to be by electronic means and to relax the timescales expired on 30/09/2021

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Care placement - matters considered when assessing suitability of potential carer

Where the nominated officer considers it to be necessary and consistent with C's welfare, the responsible authority may place C with P before their assessment under regulation 17 ("the assessment") is completed provided that they:

- (a) arrange for P to be interviewed in order to obtain as much of the information specified in Schedule 3 about P and the other persons living in P's household who are aged 18 and over as can be readily ascertained at that interview,
- (b) ensure that the assessment and the review of C's case are completed in accordance with regulation 17 as soon as is reasonably practicable after C being placed with P, and
- (c) ensure that a decision in accordance with regulation 18 is made and approved within ten working days after the assessment is completed, and if the decision is to confirm the placement, review the placement plan and, if appropriate amend it, and if the decision is not to confirm the placement, terminate the placement.

Legislation: [Regulation 19 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the requirement for the assessment and review to be completed within ten working days expired on 25/09/2020

Applies in: England from 01/04/2011

Applies until:

Applies to: All local authorities in England

Care placement - placement before assessment complete

Matters to be taken into account when assessing the suitability of a connected person to care for C:

(1) In respect of the connected person:

- (a) the nature and quality of any existing relationship with C,
- (b) their capacity to care for children and in particular in relation to C to—
 - (i) provide for C's physical needs and appropriate medical and dental care,
 - (ii) protect C adequately from harm or danger including from any person who presents a risk of harm to C,
 - (iii) ensure that the accommodation and home environment is suitable with regard to the age and developmental stage of C,
 - (iv) promote C's learning and development, and
 - (v) provide a stable family environment which will promote secure attachments for C, including promoting positive contact with P and other connected persons, unless to do this is not consistent with the duty to safeguard and promote C's welfare,
- (c) their state of health including their physical, emotional and mental health and medical history including any current or past issues of domestic violence, substance misuse or mental health problems,
- (d) their family relationships and the composition of their household, including particulars of—
 - (i) the identity of all other members of the household, including their age and the nature of their relationship with the person and with each other, including any sexual relationship,
 - (ii) any relationship with any person who is a parent of C,
 - (iii) any relationship between C and other members of the household
 - (iv) other adults not being members of the household who are likely to have regular contact with C, and
 - (v) any current or previous domestic violence between members of the household, including the person,
- (e) their family history, including—
 - (i) particulars of their childhood and upbringing including the strengths and difficulties of their parents or other persons who cared for them,
 - (ii) their relationships with their parents and siblings, and their relationships with each other,
 - (iii) their educational achievement and any specific learning difficulty or disability,
 - (iv) a chronology of significant life events, and
 - (v) particulars of relatives and any relationships with C and the person,
- (f) particulars of any criminal offences of which they have been convicted or in respect of which they have been cautioned,
- (g) their past and present employment and other sources of income, and
- (h) the nature of the neighbourhood in which their home is situated and resources available in the community to support C and the person.

Legislation: [Schedule 4 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove references to a connected person expired on 25/09/2020

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Care placement - placement decision

Subject to paragraphs (3) and (4), a decision to place C outside the area of the responsible authority (including a placement outside England) must not be put into effect until it has been approved by a nominated officer.

The nominated officer must be satisfied that all conditions have been met.

Paragraphs (1) and (2) above do not apply to a decision to place C outside the area of the responsible authority with

(a) F who is a person with whom a placement is made under regulation 24, or

(b) F who is approved as a local authority foster parent by the responsible authority.

Legislation: [Regulation 11 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the reference to a connected person expired on 25/09/2020

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Care placement - placement following consideration

1) This regulation applies where the responsible authority decides to place C in accordance with section 22C of the 1989 Act with a local authority foster parent who is also an approved prospective adopter following consideration in accordance with section 22C(9B)(c) of the 1989 Act.

(3) Before making a placement under paragraph (1), the nominated officer must—

(a) be satisfied that the placement is the most appropriate placement available for C and will safeguard and promote C's welfare;

(b) be satisfied that the requirements of regulation 9(1)(b) have been complied with; and

(c) if their whereabouts are known to the responsible authority, notify the parent or guardian of C of the proposed placement.”.

Legislation: [Regulation 22A of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the requirement for the placement not to happen until approved by a nominated officer and the preparation of a care plan expired on 25/09/2020

Applies in: England from 25/07/2014
Applies until:
Applies to: All local authorities in England

Care placement - placement plan

Subject to paragraphs (2) and (4), before making arrangements in accordance with section 22C for C's placement, the responsible authority must:

- (a) prepare a plan for the placement ("the placement plan") which sets out how the placement will contribute to meeting C's needs, and includes all the matters specified in Schedule 2 as are applicable, having regard to the type of the placement, and
- (b) ensure that C's wishes and feelings have been ascertained and given due consideration, and the IRO has been informed.

If it is not reasonably practicable to prepare the placement plan before making the placement, the placement plan must be prepared as soon as is reasonably practicable after the start of the placement.

Legislation: [Regulation 9 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the five working day time limit for preparation of the placement plan expired on 25/09/2020

Applies in: England from 01/04/2011

Applies until:

Applies to: All local authorities in England

Care placement - preparation and content of the care plan

The care plan must include a record of the following information—

- (a) the long term plan for C's upbringing ("the plan for permanence"),
- (b) the arrangements made by the responsible authority to meet C's needs in relation to—
 - (i) health, including the information set out in paragraph 1 of Schedule 1 ("the health plan"),
 - (ii) education and training, including, so far as reasonably practicable, the information set out in paragraph 2 of Schedule 1 ("the personal education plan"),
 - (iii) emotional and behavioural development,
 - (iv) identity, with particular regard to C's religious persuasion, racial origin and cultural and linguistic background,
 - (v) family and social relationships and in particular the information set out in paragraph 3 of Schedule 1,
 - (vi) social presentation, and
 - (vii) self-care skills,
- (c) except in a case where C is in the care of the responsible authority but is not provided with accommodation by them by any of the means specified in section 22C, the placement plan once prepared,
- (d) the name of the IRO, and
- (e) details of the wishes and feelings of the persons listed in section 22(4)(1) about the arrangements referred to in sub-paragraph (b) and the placement plan, once this has been prepared, that have been ascertained and considered in accordance with section 22(4) and (5) and the wishes and feelings of those persons in relation to any change, or proposed change, to the care plan.

Legislation: [Regulation 5 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to allow for the placement plan to be completed at a later date expired on 25/09/2020

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Care placement - temporary approval

Where the responsible authority is satisfied that the most appropriate placement for C is with a person who has not yet been approved as a local authority foster parent they may approve that person as a local authority foster parent for a temporary period not exceeding 24 weeks ("temporary approval") provided that they first comply with the requirements of paragraph (2) below.

(2) Before making a placement under paragraph (1), the responsible authority must:

- (a) assess the suitability of the person to care for C, including the suitability of the proposed accommodation, and all other persons aged 18 and over who are members of the household in which it is proposed that C will live, taking into account all the matters set out in Schedule 4,
- (b) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote C's welfare and meet C's needs set out in the care plan, and
- (c) make immediate arrangements for the suitability of the person to be a local authority foster parent to be assessed in accordance with the 2002 Regulations ("the full assessment process") before the temporary approval expires.

Legislation: [Regulation 24 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to replace the wording of the first paragraph, to omit the word 'connected' in each place it occurs and to omit paragraph 3 expired on 25/09/2020

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Care placement - timing of reviews

The responsible authority must first review C's case within 20 working days of the date on which C becomes looked after.

The second review must be carried out not more than three months after the first, and subsequent reviews must be carried out where reasonably practicable thereafter.

Legislation: [Regulation 33 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the requirement for six monthly reviews expired on 25/09/2020

Applies in: England from 01/04/2011
Applies until:
Applies to: All local authorities in England

Children's homes - compliance with standards

A local authority in respect of a qualifying children's home, must comply with the following standards:

- Quality standards for children's homes
- Engaging with the wider system to ensure children's needs are met
- The quality and purpose of care standard
- The children's views, wishes and feelings standard
- The education standard
- The enjoyment and achievement standard
- The health and well-being standard
- The positive relationships standard
- The protection of children standard
- The leadership and management standard
- The care planning standard

and must have regard to the statements of standards published under section 23 of the Care Standards Act 2000.

Legislation: [Regulations 4 to 15 of the Children's Homes \(England\) Regulations 2015](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 as follows:

- Regulation 6 relating to the quality and purpose of care standard is amended to insert the words 'as far as is reasonably practicable' into 6(3)(c)
- Regulation 8 relating to the education standard is amended to insert the words 'use reasonable endeavours to' into 8(2)

expired on 25/09/2020.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Children's homes - contact with other persons

The registered person must ensure that suitable facilities are provided within the children's home for any child accommodated there to meet privately at any reasonable time with the child's parents, friends, relatives or any of the following persons—

- (a) a solicitor or other adviser or advocate acting for the child;
- (b) an officer of the Children and Family Court Advisory and Support Service appointed for the child;
- (c) a social worker assigned to the child;
- (d) a person authorised by HMCI;
- (e) a person authorised by the local authority in whose area the home is located;
- (f) an independent visitor for looked after children
- (g) a person authorised by the Secretary of State to conduct an inspection in relation to the home and the children there;
- (h) a person appointed under the Children Act 1989 Representations Procedure (England) Regulations 2006;
- (i) an independent person visiting the home under regulation 44.

The registered person must keep a record of any meeting carried out.

Legislation: [Regulation 22 of the Children's Homes \(England\) Regulations 2015](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) (No 2) Regulations 2020 to allow meetings to take place by telephone, video-link or other electronic means where a face to face meeting taking place:

(a) would be contrary to any guidance relating to the incidence or transmission of coronavirus published by Public Health England or the Secretary of State for Health and Social Care, or.

(b) is not reasonably practicable for a reason relating to the incidence or transmission of coronavirus
expired on 31/03/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Children's homes - regard to statements of standards

A local authority in respect of a qualifying children's home, must comply with the following matters which relate to standards for a children's home:

- Statement of purpose
- Placement plan for looked after child
- Placement plan for a child who is not looked after
- Behaviour management and discipline
- Restraint and deprivation of liberty
- Privacy and access
- Contact and access to communications
- Medicines
- Monitoring and surveillance
- Fire precautions.

Legislation: [Regulations 16 to 25 of the Children's Homes \(England\) Regulations 2015](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 as follows:

In Regulation 22 relating to contact and access to communications the words "or where this is not possible to speak privately over the telephone, a video-link or other electronic communication method" are inserted into 22(1) expired on 25/09/2020.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Children's homes - visits and reports

The registered person must use reasonable endeavours to ensure that an independent person visits the children's home at least once each month.

Legislation: [Regulation 44 of the Children's Homes \(England\) Regulations 2015](#)

Notes: Amendment by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the requirement for the visit to be mandatory once a month expired on 25/09/2020.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Function(s): Health and social care – Children and families – Support for children and young people

Care placement - application of regulations with modifications for short breaks

In certain circumstances these regulations apply with modifications.

The circumstances are that:

- (a) C is not in the care of the responsible authority,
- (b) the responsible authority have arranged to place C in a series of short-term placements with the same person or in the same accommodation (“short breaks”), and
- (c) the arrangement is such that—

- (i) at the end of each placement, C returns to the care of C's parent or a person who is not C's parent but who has parental responsibility for C, and
- (ii) the short breaks do not exceed 75 days in total in any period of 12 months.

The modifications are that:

- (a) regulations 5 and 9 do not apply, but instead the care plan must set out the arrangements made to meet C's needs with particular regard to—
 - (i) C's health and emotional and behavioural development, in particular in relation to any disability C may have,
 - (ii) promoting contact between C and C's parents and any other person who is not C's parent but who has parental responsibility for C, during any period when C is placed,
 - (iii) C's leisure interests, and
 - (iv) promoting C's educational achievement, and must include the name and address of C's registered medical practitioner, and the information set out in paragraph 3 of Schedule 2, where appropriate,
- (b) regulations 7, 13 and 49(2)(b) do not apply,
- (c) regulation 28(2) does not apply, but instead the responsible authority must ensure that R visits C at regular intervals during any short break to be agreed with the IRO and C's parents (or any person who is not C's parent but has parental responsibility for C),
- (d) regulation 33 does not apply, but instead the responsible authority must first review C's case as soon as is reasonably practicable from the start of the first placement, and subsequent reviews must be carried out at regular intervals during any short break,
- (e) any visit required by this regulation may be conducted by telephone, video-link or other electronic means.

Legislation: [Regulation 40 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: The amendments by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to:

- remove the requirement for a placement to not exceed 17 days
 - to remove the requirement for visits to be when C is placed and the frequency of visits
 - to remove the time limits on reviews
 - to allow visits to be conducted by telephone, video-link or other electronic means
- expired on 31/03/2021

Applies in: England from 01/04/2011

Applies until:

Applies to: All local authorities in England

Disabled persons - transition for children to adult care and support

A local authority must carry out a needs assessment under the care act for children reaching the age of 18 to whom this act applies and for whom they are responsible under the this Act.

Legislation: [Section 2A of the Chronically Sick and Disabled Persons Act 1970](#)

Notes: Changed from a duty to a power by temporary suspension of LAs need to comply in accordance with Section 15 of the Coronavirus Act 2020. Change expired on 16/07/2021.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Function(s): Health and social care – Children and families – Special educational needs

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: Amendments 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' expired on 25/09/2020

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

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.

- (3) When notifying the appropriate person the home authority must also notify them of:
- (a) their right to appeal that decision,
 - (b) the time limits for doing so,

- (c) the information concerning mediation, set out in regulation 18, and
- (d) 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. The amendment expired on 25/09/2020.

Applies in: England from 01/04/2015
Applies until:
Applies to: All local authorities in England

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.

- (3) 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:
- (a) their right to appeal that decision,
 - (b) the time limits for doing so,
 - (c) the information concerning mediation,
 - (d) 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 amendment expired on 25/09/2020.

Applies in: England from 01/04/2015
Applies until:
Applies to: All local authorities in England

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 time limit referred to in paragraph (1) if it is impractical to do so because of a reason relating to the incidence or transmission of coronavirus. This amendment expired on 25/09/2020.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

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

Notes: Amendments 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 expired on 25/09/2020.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

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:

- (a) any EHC plan is finalised within 20 weeks;
- (b) any decision not to secure an EHC plan is finalised within 16 weeks;
- (c) 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. These amendments expired on 25/09/2020.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

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: Amendments 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' expired on 25/09/2020.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

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: Amendments 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 expired on 25/09/2020.

Applies in: England from 01/04/2015

Applies until:

Applies to: All local authorities in England

Special educational needs - detained persons - timescales for EHC plans

When a home authority sends a draft plan to the appropriate person it must:

- (a) give them at least 15 days, beginning with the day on which the draft plan was served, in which to—
 - (i) 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
 - (ii) 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
- (b) 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: Reasons for which the authority need not comply with the timescales stated have been 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 amendment expired on 25/09/2020.

Applies in: England from 01/04/2015
Applies until:
Applies to: All local authorities in England

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: Amendment 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 expired on 25/09/2020.

Applies in: England from 01/04/2015
Applies until:
Applies to: All local authorities in England

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: Amendment 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' expired on 25/09/2020.

Applies in: England from 01/04/2015
Applies until:
Applies to: All local authorities in England

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: Amendment to say that 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 expired on 25/09/2020.

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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: [Sections 52 -56 of the Children and Families Act 2014](#)

Notes: Amendment 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 expired on 25/09/2020.

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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: Amendment by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to say 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. Expired on 25/09/2020.

Applies in: England from 14/04/2014
Applies until:
Applies to: All local authorities in England

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: Amendment by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to say the local authority need not comply with the time limit of 6 weeks for notification if it is impractical to do so because of a reason relating to the incidence or transmission of coronavirus. Amendment expired on 25/09/2020.

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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—

- (a) the local authority must secure that an EHC plan is prepared for the child or young person, and
- (b) once an EHC plan has been prepared, it must maintain the plan.

A local authority must send the finalised EHC plan to—

- (a) the child's parent or to the young person;
- (b) the governing body, proprietor or principal of any school, other institution or provider of relevant early years education named in the EHC plan; and
- (c) 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 in accordance with section 36(1) of the Act, or of the local authority becoming responsible for the child in accordance with section 24 of the Act.

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

Notes: Amendment by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to say the local authority need not comply with the time limit of 20 weeks for issuing of the finalised plan of a reason where it is not possible to do so for reasons relating to the incidence or transmission of coronavirus. Amendment expired on 25/09/2020.

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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. Amendment expired on 25/09/2020.

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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: Amendment 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 expired on 25/09/2020.

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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 were amended to be as soon as is reasonably practicable by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020. The amendment expired on 25/09/2020.

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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: Amendment by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to relax time limits where there is a Coronavirus exception as follows:

(1) 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 in regulation 11(2)(a) (monitoring and review of direct payments) is to be read instead as a requirement for such action to be taken as soon as reasonably practicable.

(2) The coronavirus exception applies where it is not reasonably practicable for the local authority to meet the requirement specified in regulation 11(2)(a) for a reason relating to the incidence or transmission of coronavirus expired on 25/09/2020.

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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—

- (a) the child's parent or the young person, or
 - (b) the governing body, proprietor or principal of the school, post-16 institution or other institution which the child or young person attends.
- and must consult as required.

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

Notes: Amendment 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 expired on 25/09/2020.

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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: Amended by the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020 to say 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. The amendment expired on 25/09/2020..

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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: Amendment 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 expired on 25/09/2020.

Applies in: England from 01/04/2014
Applies until:
Applies to: All local authorities in England

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

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 2015/595](#)

Notes: Amendment 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.

Amendment expired on 31/12/2020..

Applies in: England from 15/04/2015
Applies until:
Applies to: All local authorities in England

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: Under The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020:

- Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 concerning the procedure where an environmental statement is submitted to a local planning authority is amended to insert (after paragraph 6) paragraph 7
- Regulation 20 concerning publicity where an environmental statement is submitted after the planning application is amended to insert (after paragraph 10) paragraphs 11 to 17
- Regulation 23A which allows exceptions to requirement to ensure availability of copies of environmental statements is inserted

- Regulation 25, relating to further information and evidence respecting environmental statements is amended to insert (after paragraph 11) paragraphs 12 to 22. Amendments expired on 31/12/2020.

Applies in: England from 16/05/2017
 Applies until:
 Applies to: All local authorities in England

Planning - publication for development of nationally significant infrastructure

Where a developer has made an application for a development of nationally significant infrastructure publicity for the proposed application, notice of the accepted application (where this applies) and publicising of the acceptance notice must all be done in accordance with regulations.

Legislation: [Infrastructure Planning \(Applications: Prescribed Forms and Procedure\) Regulations 2009](#)

Notes: Modified by the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 to allow publicising and notification to be done on a website for the period from 22nd July 2020 until 31st December 2020.

Applies in: England from 01/10/2009
 Applies until:
 Applies to: All local authorities in England

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

Planning - availability of local documents

Where a planning authority is required to make documents available for inspection they must do so by either making the documents available at the offices of the local planning authority or placing the documents on the local planning authority web site for the period of time specified in regulations.

Legislation: [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

Notes: Requirement to make documents available other than on the local planning authority web site suspended by the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020. Where the period for which the documents are to be made available goes beyond 31st December 2020 documents and copies must also be made available in accordance with Sections 35 and 36 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Amendment expired on 31/12/2020.

Applies in: England from 06/04/2012
 Applies until:
 Applies to: All local authorities in England

Planning - London spatial development availability of documents

The Mayor of London must make copies of the London Spatial Development Strategy available for public inspection.

Legislation: [Town and Country \(London Spatial Development Strategy\) Regulations 2000](#)

Notes: Amendment by the Town and Country Planning (Spatial Development Strategy) (Coronavirus) (Amendment) Regulations 2020 to allow the spatial development strategy

documents to be made available for inspection solely on the Greater London Authority's website expired on 31/12/2020.

Applies in: England from 03/07/2000

Applies until:

Applies to: All local authorities in England

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: Amendment 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. Amendment expired on 31/12/2020

Applies in: England from 06/04/2004

Applies until:

Applies to: All local authorities in England

Function(s): Schools and education – Educational support – Alternative education provision

Education - children not receiving education at a school

A local authority must make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education.

Legislation: [Section 19 of the Education Act 1996](#)

Notes: Where a school is closed in accordance with a temporary closure direction under section 37 of the Coronavirus Act 2020, section 19(1) of the Education Act 1996 does not apply to the child to the extent that the directed closure is responsible for the child not receiving education. Amendment withdrawn on 09/12/2021.

Applies in: England and Wales from 01/09/2011

Applies until:

Applies to: All local authorities in England and Wales

Function(s): Schools and education – Educational support – Health and welfare at school

Education - school attendance orders

A local authority must issue and serve a school attendance order in certain circumstances in accordance with the prescribed procedure including amendments to SEN statements where necessary.

Legislation: [Section 437 of the Education Act 1996](#)

Notes: Where a school is closed in accordance with a temporary closure direction, section 437 to 443 of the Education Act 1996, do not apply to the extent absence from school is attributable to the direction. Amendment expired on 09/12/2021.

Applies in: England from 05/05/2010

Applies until:

Applies to: All local authorities in England

Education - revocation of school attendance orders

A local authority must revoke a school attendance order at the request of the parent in certain circumstances.

Legislation: [Section 442 of the Education Act 1996](#)

Notes: Where a school is closed in accordance with a temporary closure direction, section 437 to 443 of the Education Act 1996, do not apply to the extent absence from school is attributable to the direction. Amendment expired on 09/12/2021.

Applies in: England from 05/05/2010

Applies until:

Applies to: All local authorities in England

Education - failure to comply with school attendance order

A local authority may issue proceedings for breach of a school attendance order.

Legislation: [Section 443 of the Education Act 1996](#)

Notes: Where a school is closed in accordance with a temporary closure direction, section 437 to 443 of the Education Act 1996, do not apply to to the extent absence from school is attributable to the direction. Amendment expired on 09/12/2021.

Applies in: England and Wales from 05/05/2010

Applies until:

Applies to: All local authorities in England and Wales

Education - failure to secure regular attendance at school

A local authority may issue proceedings for failing to secure regular attendance at school.

Legislation: [Section 444 of the Education Act 1996](#)

Notes: Under Section 37 of the Coronavirus Act 2020 any absence attributable to a temporary closure direction is not to be taken into consideration for the offence under section 444 of the Education Act 1996. Amendment expired on 09/12/2021.

Applies in: England and Wales from 01/04/2012

Applies until:

Applies to: All local authorities in England and Wales

Function(s): Schools and education – Schools – Curriculum and policy

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 2012/1033](#)

Notes: Amendment 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.

Further amended by the School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) (No. 2) Regulations 2020 to extend the time limit for a review meeting for a relevant exclusion occurring on or after 25th September 2020 to be extended by such period as is reasonably necessary where it has not been practicable to do so by remote access where this is for a reason related to the incidence and transmission of coronavirus. Amendments expired on 25/03/2021

Applies in: England from 01/09/2012
Applies until:
Applies to: All local authorities in England

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: Amendment 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) expired on 25/09/2020

Applies in: England from 01/09/2012
Applies until:
Applies to: All local authorities in England

Schools - school forums

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

The authority must consult their schools 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 schools forum out of the schools budget and the reasonable expenses of its members.

Legislation: [Schools Forums \(England\) Regulations 2012/2261](#)

Notes: Amendment 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 expired on 31/03/2021

Applies in: England from 01/10/2012

Applies until:

Applies to: All local authorities in England

Function(s): Schools and education – Schools – School admissions

Schools - admissions appeals

A local authority must constitute an appeal panel as prescribed for appeals brought under the School Standards and Framework Act 1998.

Legislation: [School Admissions \(Appeals Arrangements\) \(England\) Regulations 2012/9](#)

Notes: Details of appeal and decision arrangements have been modified in England by the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020. Amendments expired on 30/09/2021

Applies in: England from 01/02/2012

Applies until:

Applies to: All local authorities in England

Education - admissions appeal arrangements

A local authority shall make arrangements for admissions appeals in accordance with any relevant provisions of the appeals code.

Legislation: [Section 94 of the School Standards and Framework Act 1998](#)

Notes: Regulations and details of arrangements have been revised in England as a result of the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020. Amendments expired on 30/09/2021.

Applies in: England and Wales from 30/04/2012

Applies until:

Applies to: All local authorities in England and Wales