



Education and Skills Act 2008

2008 CHAPTER 25

PART 1

DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

CHAPTER 2

[^{F1}LOCAL AUTHORITIES] AND EDUCATIONAL INSTITUTIONS ETC

Information

13 Notification of non-compliance with duty imposed by section 2

(1) Where—

- (a) arrangements have been made for a person to whom this Part applies to participate in education or training provided by an educational institution in England,
- (b) the person is not participating in that education or training at a time when the arrangements call for the person to be so participating, and
- (c) the responsible person has reasonable cause to believe that in consequence of that failure to participate the person is failing to fulfil the duty imposed by section 2,

the responsible person must give notice to the appropriate service provider of those circumstances.

(2) Where a [^{F1}local authority]—

- (a) itself provides services in exercise of its functions under section 68(1), and
- (b) receives a notice under subsection (1) relating to a person to whom this Part applies who belongs to the area of another [^{F1}local authority],

it must as soon as reasonably practicable give notice to the service provider for the other [^{F1}local authority] of the circumstances notified to it under subsection (1).

Changes to legislation: *Education and Skills Act 2008, Section 13 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) Subsection (4) applies where, in exercise of its functions under section 68(3)(b), a [F1local authority] makes arrangements with another person (“ the provider ”) for the provision of services.
- (4) The arrangements must secure that, as soon as reasonably practicable after receiving a notice under subsection (1) relating to a person to whom this Part applies who belongs to the area of another [F1local authority], the provider gives notice to the service provider for the other [F1local authority] of the circumstances notified to the provider under subsection (1).
- (5) In this section—
- “ educational institution ” means—
- (a) a community, foundation or voluntary school,
 - (b) a community or foundation special school,
 - (c) a city technology college, a city college for the technology of the arts or an Academy,
 - (d) a pupil referral unit,
 - (e) an institution within the further education sector, or
 - (f) an institution [F2(other than one within any of paragraphs (a) to (e)) in receipt of funding from a local authority [F3or the Secretary of State]];
- “ responsible person ” means—
- (a) in relation to a school within paragraph (a) or (b) of the definition of “ educational institution ”, the governing body;
 - (b) in relation to an institution within paragraph (c) or (f) of that definition, the proprietor;
 - (c) in relation to a pupil referral unit, the [F1local authority] by which it is maintained;
 - (d) in relation to an institution within the further education sector, the governing body within the meaning given by section 90 of the Further and Higher Education Act 1992 (c. 13);
- “ service provider ”, in relation to a [F1local authority], means—
- (a) where the authority itself provides services in exercise of its functions under subsection (1) of section 68, the authority;
 - (b) where, in exercise of its functions under subsection (3)(b) of that section, the authority makes arrangements for the provision of services, the person providing those services;
- “ the appropriate service provider ”, in relation to an educational institution, means the service provider of the [F1local authority] in whose area the institution is situated.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 15(2)**
- F2** Words in s. 13(5) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 76** (with art. 2(3))
- F3** Words in s. 13(5) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 61**

Changes to legislation: Education and Skills Act 2008, Section 13 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

II S. 13 in force at 28.6.2013 by [S.I. 2013/1204](#), [art. 2\(1\)](#)

Changes to legislation:

Education and Skills Act 2008, Section 13 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

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

- s. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)