



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 2

[^{F1}LOCAL AUTHORITY] FUNCTIONS

Education and training for persons over compulsory school age

41 Education and training for persons over compulsory school age: general duty

Before section 15A of the Education Act 1996 (c. 56) insert—

“15ZA Duty in respect of education and training for persons over compulsory school age: England

- (1) A [^{F1}local authority] in England must secure that enough suitable education and training is provided to meet the reasonable needs of—
 - (a) persons in their area who are over compulsory school age but under 19, and
 - (b) persons in their area who are aged 19 or over but under 25 and are subject to learning difficulty assessment.
- (2) A [^{F1}local authority] may comply with subsection (1) by securing the provision of education or training outside as well as within their area.
- (3) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons' reasonable needs, a [^{F1}local authority] must (in particular) have regard to—
 - (a) the persons' ages, abilities and aptitudes;
 - (b) any learning difficulties the persons may have;
 - (c) the quality of the education or training;
 - (d) the locations and times at which the education or training is provided.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Education and training for persons over compulsory school age is up to date with all changes known to be in force on or before 22 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

- (4) In performing the duty imposed by subsection (1) a [F1local authority] must—
- (a) act with a view to encouraging diversity in the education and training available to persons;
 - (b) act with a view to increasing opportunities for persons to exercise choice;
 - (c) act with a view to enabling persons to whom Part 1 of the Education and Skills Act 2008 applies to fulfil the duty imposed by section 2 of that Act;
 - (d) take account of education and training whose provision the authority think might reasonably be secured by other persons.
- (5) A [F1local authority] must, in—
- (a) making any determination as to the provision of apprenticeship training that should be secured under subsection (1), or
 - (b) securing the provision of any apprenticeship training under that subsection,
- co-operate with the Chief Executive of Skills Funding.
- (6) For the purposes of this section a person has a learning difficulty if—
- (a) the person has a significantly greater difficulty in learning than the majority of persons of the same age, or
 - (b) the person has a disability which either prevents or hinders the person from making use of facilities of a kind generally provided by institutions providing education or training for persons who are over compulsory school age.
- (7) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.
- (8) In this section—
- “apprenticeship training” means training provided in connection with—
- (a) an apprenticeship agreement (within the meaning given in section 32 of the Apprenticeships, Skills, Children and Learning Act 2009),
 - (b) any other contract of employment, or
 - (c) any other kind of working in relation to which alternative English completion conditions apply under section 1(5) of that Act (meaning of “completing an English apprenticeship”);
- “education” includes full-time and part-time education;
- “training” includes—
- (a) full-time and part-time training;
 - (b) vocational, social, physical and recreational training;
 - (c) apprenticeship training.
- (9) The references in subsection (1) to—
- (a) persons in a local authority's area who are over compulsory school age but under 19, and

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- (b) persons in a local authority's area who are aged 19 or over but under 25 and are subject to learning difficulty assessment, do not include persons who are subject to a detention order.

15ZB Co-operation in performance of section 15ZA duty

[^{F2}Local authorities] in England must co-operate with each other in performing their duties under section 15ZA(1).”

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. 16(2)**
- F2** 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. 16(3)**

Commencement Information

- I1** S. 41 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

42 Encouragement of education and training for persons over compulsory school age

After section 15ZB of the Education Act 1996 (c. 56) (inserted by section 41) insert—

“15ZC Encouragement of education and training for persons over compulsory school age: England

- (1) A [^{F1}local authority] in England must—
- (a) encourage participation in education and training by persons in their area who are within section 15ZA(1)(a) or (b);
 - (b) encourage employers to participate in the provision of education and training for such persons.
- (2) For the purposes of subsection (1)(b), participating in the provision of training includes participating by entering into—
- (a) an apprenticeship agreement (within the meaning given in section 32 of the Apprenticeships, Skills, Children and Learning Act 2009), or
 - (b) any other contract of employment in connection with which training is provided.
- (3) In this section “education” and “training” have the same meanings as in section 15ZA.”

Commencement Information

- I2** S. 42 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Education and training for persons over compulsory school age is up to date with all changes known to be in force on or before 22 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

43 [F1Local authority] directions: children over compulsory school age

(1) Chapter 1 of Part 3 of the School Standards and Framework Act 1998 (c. 31) is amended as follows.

(2) In section 84(6) (admissions code: interpretation) for the definition of “child” substitute—

““child” includes a person who has not attained the age of 19, except in sections 96 and 97 in so far as those sections apply in relation to Wales;”.

(3) After section 96(3) (direction to admit child to specified school) insert—

“(3A) A direction under this section to admit a child shall not specify a school which has in place admission arrangements that make provision for selection by ability falling within section 99(2)(c) unless the child satisfies the selection criteria.”

Commencement Information

I3 S. 43 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

44 Power to require provision of education by further education institution

(1) Before section 52 of the Further and Higher Education Act 1992 (c. 13) insert—

“51A Duty to provide for named individuals: England

(1) This section applies to an institution in England within the further education sector which provides education suitable to the requirements of persons over compulsory school age but under the age of 19.

(2) A [F1local authority] may by notice given to the governing body of such an institution—

- (a) require them to provide specified individuals with such education falling within subsection (1) as is appropriate to the individuals' abilities and aptitudes;
- (b) withdraw such a requirement.

(3) A [F1local authority] may specify an individual in a notice under subsection (2) only if the individual—

- (a) is in the authority's area, and
- (b) is over compulsory school age but under the age of 19.

(4) Before giving a notice under subsection (2) imposing a requirement on a governing body, a [F1local authority] must consult—

- (a) the governing body, and
- (b) such other persons as the authority think appropriate.

(5) The governing body of an institution within subsection (1) must secure compliance with a requirement that has been imposed under subsection (2) and has not been withdrawn.

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(6) In deciding whether to require a particular institution to provide education to a particular individual under subsection (2) a [^{F1}local authority] in England must have regard to any guidance given from time to time by the Secretary of State.”

(2) In section 52 of that Act—

- (a) in subsection (1) after “institution” insert “ in Wales ”;
- (b) in the title, at the end insert “ : Wales ”.

Commencement Information

I4 S. 44 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Education and training for persons over compulsory school age is up to date with all changes known to be in force on or before 22 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.

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6