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# Education Act 1996

## 1996 CHAPTER 56

### PART I

#### GENERAL

### CHAPTER III

#### LOCAL EDUCATION AUTHORITIES

##### *The authorities*

## **12 Local education authorities and their areas.**

- (1) The local education authority for a county in England having a county council is the county council.
- (2) The local education authority for a district in England which is not in a county having a county council is the district council.
- (3) The local education authority for a London borough is the borough council.
- (4) The local education authority for the City of London (which for the purposes of this Act shall be treated as including the Inner Temple and the Middle Temple) is the Common Council of the City of London (in their capacity as a local authority).
- (5) As respects Wales—
  - (a) the local education authority for a county is the county council; and
  - (b) the local education authority for a county borough is the county borough council.
- (6) Any reference in this Act to the area of a local education authority shall be construed in accordance with the preceding provisions of this section.

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### General functions

#### 13 General responsibility for education.

- (1) A local education authority shall (so far as their powers enable them to do so) contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education, secondary education and further education are available to meet the needs of the population of their area.
- (2) The duty imposed by subsection (1) does not extend to matters in respect of which any duty is imposed on—
  - (a) the further education funding councils established under section 1 of the <sup>M1</sup>Further and Higher Education Act 1992, or
  - (b) the higher education funding councils established under section 62 of that Act.

#### Marginal Citations

M1 1992 c. 13.

VALID FROM 01/10/1999

#### [<sup>F1</sup>13A Duty to promote high standards in primary and secondary education.

- (1) A local education authority shall ensure that their functions relating to the provision of education to which this section applies are (so far as they are capable of being so exercised) exercised by the authority with a view to promoting high standards.
- (2) This section applies to education for—
  - (a) persons of compulsory school age (whether at school or otherwise); and
  - (b) persons of any age above or below that age who are registered as pupils at schools maintained by the authority;
 and in subsection (1) “functions” means functions of whatever nature.]

#### Textual Amendments

F1 S. 13A inserted (1.10.1998) by 1998 c. 31, s. 5 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt. I.

#### 14 Functions in respect of provision of primary and secondary schools.

- (1) A local education authority shall secure that sufficient schools for providing—
  - (a) primary education, and
  - (b) education that is secondary education by virtue of section 2(2)(a),
 are available for their area.
- (2) The schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

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- (3) In subsection (2) “appropriate education” means education which offers such variety of instruction and training as may be desirable in view of—
- (a) the pupils’ different ages, abilities and aptitudes, and
  - (b) the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.
- (4) A local education authority is not by virtue of subsection (1)(a) under any duty in respect of children under [<sup>F2</sup>compulsory school age].
- <sup>F3</sup>(5) .....
- (6) In exercising their functions under this section, a local education authority shall in particular have regard to—
- (a) the need for securing that primary and secondary education are provided in separate schools;
  - (b) the need for securing that special educational provision is made for pupils who have special educational needs; and
  - (c) the expediency of securing the provision of boarding accommodation (in boarding schools or otherwise) for pupils for whom education as boarders is considered by their parents and the authority to be desirable.
- (7) The duty imposed by subsection (6)(a) does not apply in relation to middle schools or special schools.

#### Textual Amendments

- F2** Words in s. 14(4) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 12**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**
- F3** S. 14(5) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 62, **Sch.31** (with 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

## 15 Functions in respect of provision of further education.

- (1) A local education authority shall secure the provision for their area of adequate facilities for further education.
- (2) The duty imposed by subsection (1) does not apply in relation to—
- (a) education to which section 2(1) of the <sup>M2</sup>Further and Higher Education Act 1992 applies (that is, full-time education suitable to the requirements of persons who are over compulsory school age and under the age of 19); or
  - (b) education to which section 3(1) of that Act applies (that is—
    - (i) part-time education suitable to the requirements of persons of any age over compulsory school age, and
    - (ii) full-time education suitable to the requirements of persons who have attained the age of 19,where the education is provided by means of a course of a description mentioned in Schedule 2 to that Act).
- (3) However, in respect of further education falling within subsection (2)(b), a local education authority may secure the provision for their area of such facilities as appear to them to be appropriate for meeting the needs of the population of their area.

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- (4) A local education authority may secure the provision of further education for persons from other areas.
- (5) In exercising their functions under this section a local education authority shall have regard to—
- (a) any educational facilities provided—
    - (i) by institutions within the higher education sector or the further education sector, and
    - (ii) by other bodies,
 which are provided for, or available for use by persons in, their area, and
  - (b) the requirements of persons over compulsory school age who have learning difficulties.
- (6) Subject to subsection (7), a person has a “learning difficulty” for the purposes of subsection (5) if—
- (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
  - (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided in pursuance of the duty under subsection (1) for persons of his age.
- (7) A person is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.
- (8) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.

#### Marginal Citations

M2 1992 c. 13.

#### [<sup>F4</sup>15A Functions in respect of full-time education for 16 to 18 year olds.

- (1) A local education authority may secure the provision for their area of full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19, including provision for persons from other areas.
- (2) Subsections (6) and (7) of section 14 shall apply in relation to functions under this section as they apply in relation to functions under that section.]

#### Textual Amendments

F4 S. 15A inserted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para.63 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

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VALID FROM 28/07/2000

**[<sup>F5</sup>15B Functions in respect of education for persons over 19.**

- (1) A local education authority may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas.
- (2) The power under subsection (1) to secure the provision of education includes power to secure the provision—
  - (a) of training, including vocational, social, physical and recreational training, and
  - (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).
- (3) In exercising their functions under this section a local education authority shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).
- (4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.
- (5) This section does not apply to higher education.]

**Textual Amendments**

- F5** S. 15B inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 55** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

*Establishment etc. of schools*

**16 Power to establish, maintain and assist primary and secondary schools.**

- (1) For the purpose of fulfilling their functions under this Act, a local education authority may—
  - (a) establish primary schools and secondary schools;
  - (b) maintain primary and secondary schools, whether established by them or not; and
  - (c) assist any primary or secondary school which is not maintained by them.
- (2) A local education authority may under subsection (1) establish, maintain and assist schools outside as well as inside their area.
- (3) A local education authority may not under subsection (1) establish a school to provide—
  - (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or

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- (b) full-time education suitable to the requirements of persons who have attained the age of 19.

## 17 Powers in respect of nursery education.

- (1) A local education authority may—
- (a) establish nursery schools;
  - (b) maintain nursery schools established by them or by an authority which was a local education authority within the meaning of any enactment repealed by the <sup>M3</sup>Education Act 1944 or an earlier Act; and
  - (c) assist any nursery school not so established.
- (2) Section 14(4) does not affect a local education authority’s power under section 16(1) to establish, maintain and assist schools at which education is provided both for children under [<sup>F6</sup>compulsory school age] and for older pupils (including schools at which there are nursery classes for children under [<sup>F6</sup>compulsory school age]).

### Textual Amendments

**F6** Words in s. 17(2) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para.13**; S.I. 1998/386, art. 2, **Sch. 1 Pt.III**

### Marginal Citations

**M3** 1944 c. 31.

### *Other arrangements for provision of education*

## 18 Power to arrange provision of education at non-maintained schools.

A local education authority may make arrangements for the provision of primary and secondary education for pupils at schools not maintained by them or another local education authority.

## 19 Exceptional provision of education in pupil referral units or elsewhere.

- (1) Each local education authority shall make arrangements for the provision of suitable <sup>F7</sup>. . . 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 unless such arrangements are made for them.
- (2) Any school established (whether before or after the commencement of this Act) and maintained by a local education authority which—
- (a) is specially organised to provide education for such children, and
  - (b) is not a county school or a special school,
- shall be known as a “pupil referral unit”.
- (3) A local education authority may secure the provision of boarding accommodation at any pupil referral unit.
- (4) A local education authority may make arrangements for the provision of suitable <sup>F7</sup>. . . education otherwise than at school for those young persons who, by reason of illness,

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exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

[<sup>F8</sup>(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a local education authority shall have regard to any guidance given from time to time by the Secretary of State.]

(5) Any child for whom education is provided otherwise than at school in pursuance of this section, and any young person for whom full-time education is so provided in pursuance of this section, shall be treated for the purposes of this Act as a pupil.

(6) In this section “suitable education”, in relation to a child or young person, means efficient education suitable to his age, ability and aptitude and to any special educational needs he may have.

(7) Schedule 1 has effect in relation to pupil referral units.

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**Textual Amendments**

**F7** Words in s. 19(1) and (4) repealed (1.9.1998) by 1997 c. 44, ss. 47(2)(3), 57(4), **Sch.8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**

**F8** S. 19(4A) inserted (1.9.1998) by 1997 c. 44, s. 47(4); S.I. 1998/386, art. 2, **Sch. 1 Pt.IV**

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**Modifications etc. (not altering text)**

**C1** S. 19 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 36(5)(c)(10), 162 (with s. 159)

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