



Education Act 1996

1996 CHAPTER 56

PART I **E+W**

GENERAL

CHAPTER III **E+W**

LOCAL EDUCATION AUTHORITIES

The authorities

12 **Local education authorities and their areas.** **E+W**

- (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.

Status: Point in time view as at 12/01/2010.

Changes to legislation: Education Act 1996, Chapter III is up to date with all changes known to be in force on or before 24 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)

General functions

13 General responsibility for education. E+W

- (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, [^{F1}and secondary 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—
- [^{F2}(a) the Learning and Skills Council for England ^{F3}...
 - [the National Assembly for Wales under Part 2 of the Learning and Skills Act ^{F4}(aa) 2000, or]
 - (b) the higher education funding councils established under section 62 of the Further and Higher Education Act 1992.]

Textual Amendments

- F1** Words in s. 13(1) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 52(2)** (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**
- F2** S. 13(2)(a)(b) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 52(3)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3)
- F3** Words in s. 13(2)(a) omitted (1.4.2006) by virtue of The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 32(a)** (with art. 7)
- F4** S. 13(2)(aa) inserted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 32(b)** (with art. 7)

Modifications etc. (not altering text)

- C1** S. 13 modified (prosp.) by **Nationality, Immigration and Asylum Act 2002 (c. 41)**, {ss. 36(1)(10), 162 (with s. 159)}

[^{F5}[^{F6}13]Duty to promote high standards and the fulfilment of potential E+W

- (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—
- (a) promoting high standards,
 - (b) in the case of a local education authority in England, ensuring fair access to educational opportunity, and
 - (c) promoting the fulfilment by every child concerned of his educational potential.
- (2) This section applies to education for—
- (a) children of compulsory school age (whether at school or otherwise); and
 - (b) children under or over that age who are registered as pupils at schools maintained by the authority,
- and in subsection (1) “functions” means functions of whatever nature.

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(3) In this section “child” means a person under the age of 20.]]

Textual Amendments

- F5** 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. 1.
- F6** S. 13A substituted (25.5.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), ss. 1, 188(3); S.I. 2007/935, art. 6(a); S.I. 2008/1429, art. 3(1), Sch. Pt. 1

14 Functions in respect of provision of primary and secondary schools. **E+W**

(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.

(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.

[^{F7}(3A) A local education authority in England shall exercise their functions under this section with a view to—

- (a) securing diversity in the provision of schools, and
(b) increasing opportunities for parental choice.]

(4) A local education authority is not by virtue of subsection (1)(a) under any duty in respect of children under [^{F8}compulsory school age].

[^{F9}(4A) A local education authority for an area in Wales may secure that regional schools for providing—

- (a) primary education, and
(b) education that is secondary education by virtue of section 2(2)(a),
are available for Wales or any part of Wales that includes the area of the authority.

(4B) For this purpose a “regional school”, in relation to a local education authority, is a school maintained by that authority which provides education to meet both—

- (a) the needs of pupils with particular special educational needs in their area, and
(b) the needs of such pupils in the rest, or any other part, of Wales,
whether or not the institution also provides education suitable to the requirements of other pupils.]

^{F10}(5)

(6) In exercising their functions under this section, a local education authority shall in particular have regard to—

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- (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

- F7** S. 14(3A) inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 2**, 188(3); S.I. 2007/935, art. 7(a)
- F8** 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**
- F9** S. 14(4A)(4B) inserted (19.12.2002) by [Education Act 2002 \(c. 32\)](#), **ss. 194(1)**, 216(3) (with **ss. 210(8)**, 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F10** 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)

[^{F11}14A Duty of local education authority to consider parental representations E+W

- (1) Where a local education authority in England receive any representation from a parent of a qualifying child as to the exercise by the authority of their functions under section 14, the authority shall—
- (a) consider the representation and what action (if any) to take in response to it, and
 - (b) within a reasonable time provide the parent with a statement setting out—
 - (i) any action which the authority propose to take in response to the representation, or
 - (ii) where the authority are of the opinion that no such action is necessary, their reasons for being of that opinion.
- (2) In subsection (1) “qualifying child”, in relation to a local education authority, means any child in the authority's area who is of or under compulsory school age.
- (3) Subsection (1) does not apply in relation to any representation which—
- (a) appears to the local education authority to be frivolous or vexatious, or
 - (b) is the same as, or similar to, a representation previously received by the authority from the same person.
- (4) In exercising their functions under this section, a local education authority must have regard to any guidance given from time to time by the Secretary of State.]

Textual Amendments

- F11** S. 14A inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 3**, 188(3); S.I. 2007/935, art. 7(a)

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^{F12}15 Functions in respect of provision of further education. E+W

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Textual Amendments

F12 S. 15 repealed (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 153, 154, Sch. 9 para. 53, **Sch. 11** (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**

^{F13}15A Functions in respect of full-time education for 16 to 18 year olds. E+W

(1) A local education authority may secure the provision for their area of full-time [^{F14}or part-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.

[The power under subsection (1) to secure the provision of education includes power ^{F15}(1A) 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).]

(2) Subsections (6) and (7) of section 14 shall apply in relation to functions under this section [in respect of secondary education] as they apply in relation to functions under that section.]

[^{F16}(3) In exercising their functions under this section in respect of further education 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.]

Textual Amendments

F13 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)

F14 Words in s. 15A(1) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(2)** (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**

F15 S. 15A(1A) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(3)** (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**

F16 S. 15A(3)(4) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(5)** (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**

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Modifications etc. (not altering text)

- C2** S. 15A restricted (1.4.2001 (W.) and 1.8.2002 (E.)) by 2000 c. 21, s. 110(4) (with s. 150); S.I. 2001/1274, art. 2(1), Sch. Pt. I; S.I. 2002/279, art. 2(3)(b)
- C3** Words in s. 15A(2) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), Sch. 9 para. 54(4) (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

[^{F17}15B Functions in respect of education for persons over 19. E+W

- (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

- F17** 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. E+W

- (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.

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

[^{F18}(3A) A local education authority in England may not under subsection (1) establish a school which is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age but under 19.]

Textual Amendments

F18 S. 16(3A) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. [126\(1\)](#), [269\(4\)](#); S.I. 2009/3317, art. 2, Sch.

17 Powers in respect of [^{F19}nursery schools] . **E+W**

- (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 ^{M1}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 [^{F20}compulsory school age] and for older pupils (including schools at which there are nursery classes for children under [^{F20}compulsory school age]).

Textual Amendments

F19 Words in s. 17 heading substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), [Sch. 2 para. 20](#); S.I. 2008/2261, art. 2 (with Sch. 1)

F20 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

M1 [1944 c. 31](#).

Other arrangements for provision of education

18 Power to arrange provision of education at non-maintained schools. **E+W**

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.

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19 Exceptional provision of education in pupil referral units or elsewhere. E+W

- (1) Each local education authority shall make arrangements for the provision of suitable ^{F21} . . . 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”.
- [^{F22}(2A) Subsection (2) does not apply in relation to schools in England.
- (2B) Any school established in England (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 community or foundation school, a community or foundation special school, or a maintained nursery 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.
- [^{F23}(3A) In relation to England, the duty imposed by subsection (1) includes, except in prescribed cases, a duty to make arrangements for the provision of suitable full-time education at school or otherwise than at school for—
- (a) children of compulsory school age who have been permanently excluded on disciplinary grounds from relevant schools or pupil referral units, and have not subsequently been admitted to schools other than pupil referral units, and
 - (b) children of compulsory school age who are excluded for a fixed period on disciplinary grounds from any pupil referral unit maintained by the authority.
- (3B) The education referred to in subsection (3A) must be provided from a day that, in relation to the pupil concerned, is determined in accordance with regulations.]
- (4) A local education authority may make arrangements for the provision of suitable ^{F21} . . . education otherwise than at school for those young persons 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.
- [^{F24}(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.
- [^{F25}(6) In this section—
- “relevant school” means—
 - (a) a maintained school,
 - (b) an Academy,

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- (c) a city technology college, or
- (d) a city college for the technology of the arts;

“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 (and “suitable full-time education” is to be read accordingly).]

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

Textual Amendments

- F21** 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**
- F22** S. 19(2A)(2B) inserted (2.7.2007) by The Education Act 1996 (Amendment of Section 19) (England) Regulations 2007 (S.I. 2007/1507), regs. 1, **2**
- F23** S. 19(3A)(3B) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 101(2)**, 188(3); S.I. 2007/1801, art. 4(g)
- F24** S. 19(4A) inserted (1.9.1998) by 1997 c. 44, s. 47(4); S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F25** S. 19(6) substituted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 101(3)**, 188(3); S.I. 2007/1801, art. 4(g)

Modifications etc. (not altering text)

- C4** S. 19 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36(5)(c)(10)**, 162 (with s. 159)

Status:

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Changes to legislation:

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