



# Education Act 1996

## 1996 CHAPTER 56

### PART I **E+W**

#### GENERAL

### CHAPTER III **E+W**

#### [<sup>F1</sup>LOCAL AUTHORITIES]

#### 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. 7(3)** (with Sch. 2 para. 7(4)(5))

#### *The authorities*

### <sup>F2</sup>12 [<sup>F1</sup>Local authorities] and their areas. **E+W**

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#### Textual Amendments

- F2** S. 12 repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 2, **Sch. 3 Pt. 1**

*Status: Point in time view as at 01/04/2012.*

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### *General functions*

## 13 General responsibility for education. E+W

- (1) A <sup>[F3]</sup>local 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, <sup>[F4]</sup>and secondary education]<sup>[F5]</sup>and, in the case of a <sup>[F3]</sup>local authority] in England, 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—
- <sup>[F6]</sup>(a) the <sup>[F7]</sup>Chief Executive of Skills Funding]<sup>F8</sup>...
- [ the National Assembly for Wales under Part 2 of the Learning and Skills Act <sup>F9</sup>(aa) 2000, or]
- (b) the higher education funding councils established under section 62 of the Further and Higher Education Act 1992.]
- <sup>[F10]</sup>(3) The reference in subsection (1) to further education is to further education for persons—
- (none)                   “(a) who are over compulsory school age but under 19, or
- (b) who are aged 19 or over but under 25 and are subject to learning difficulty assessment.”
- (4) For the purposes of this Act a person is subject to learning difficulty assessment if—
- (a) a learning difficulty assessment has been conducted in respect of the person, or
- (b) arrangements for a learning difficulty assessment to be conducted in respect of the person have been made or are required to be made.
- (5) In subsection (4), a “learning difficulty assessment” means an assessment under section 139A or 140 of the Learning and Skills Act 2000 (assessments relating to learning difficulties).
- (6) For the purposes of subsection (1), persons who are subject to a detention order are to be regarded as part of the population of the area in which they are detained (and not any other area.)]

#### Textual Amendments

- F3** 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. 7(2)** (with Sch. 2 para. 7(4)(5))
- F4** 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**
- F5** Words in s. 13(1) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 2 para. 2(2)**; S.I. 2010/303, art. 3, Sch. 2
- F6** 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)
- F7** Words in s. 13(2)(a) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 6 para. 13**; S.I. 2010/303, art. 3, Sch. 2

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- F8** 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)
- F9** 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)
- F10** S. 13(3)-(6) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 2 para. 2(3)**; S.I. 2010/303, art. 3, Sch. 2

**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)

**[F11] 13A Duty to promote high standards and fulfilment of potential E+W**

- (1) A local education authority in England must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
- (a) promoting high standards,
  - (b) ensuring fair access to opportunity for education and training, and
  - (c) promoting the fulfilment of learning potential by every person to whom this subsection applies.
- (2) Subsection (1) applies to the following—
- (a) persons under the age of 20;
  - (b) persons aged 20 or over but under 25 who are subject to learning difficulty assessment.
- (3) A local education authority in Wales must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
- (a) promoting high standards, and
  - (b) promoting the fulfilment of learning potential by every person to whom this subsection applies.
- (4) Subsection (3) applies to persons under the age of 20.
- (5) In this section—
- “education” and “training” have the same meanings as in section 15ZA;
- “relevant education function”, in relation to a local education authority in England, means a function relating to the provision of education for—
- (a) persons of compulsory school age (whether at school or otherwise);
  - (b) persons (whether at school or otherwise) who are over compulsory school age and to whom subsection (1) applies;
  - (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;
- “relevant education function”, in relation to a local education authority in Wales, means a function relating to the provision of education for—
- (a) persons of compulsory school age (whether at school or otherwise);
  - (b) persons (whether at school or otherwise) who are over compulsory school age but under the age of 20;

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- (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;  
“relevant training function” means a function relating to the provision of training.]

#### Textual Amendments

**F11** S. 13A substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 2 para. 3; S.I. 2010/303, art. 3, Sch. 2

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

- (1) A [<sup>F3</sup>local 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.
- [<sup>F12</sup>(3A) A [<sup>F3</sup>local 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 [<sup>F3</sup>local authority] is not by virtue of subsection (1)(a) under any duty in respect of children under [<sup>F13</sup>compulsory school age].
- [<sup>F14</sup>(4A) A [<sup>F3</sup>local 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 [<sup>F3</sup>local 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.]
- <sup>F15</sup>(5) .....

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- (6) In exercising their functions under this section, a [F3]local 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

- F3** 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. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))
- F12** 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)
- F13** 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**
- F14** 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
- F15** 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)

#### [F16]14A Duty of [F3]local authority] to consider parental representations **E+W**

- (1) Where a [F3]local 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 [F3]local 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 [F3]local 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 [F3]local authority] must have regard to any guidance given from time to time by the Secretary of State.]

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#### Textual Amendments

- F3** 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. 7(2)** (with Sch. 2 para. 7(4)(5))
- F16** 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)

### <sup>F17</sup>15 **Functions in respect of provision of further education.** **E+W**

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#### Textual Amendments

- F17** 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**

### <sup>F18</sup>15ZADuty in respect of education and training for persons over compulsory school age: England **E+W**

- (1) A [<sup>F3</sup>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 [<sup>F3</sup>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 [<sup>F3</sup>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.
- (4) In performing the duty imposed by subsection (1) a [<sup>F3</sup>local 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 [<sup>F3</sup>local authority] must, in—
- (a) making any determination as to the provision of apprenticeship training that should be secured under subsection (1), or

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- (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
  - (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.

#### Textual Amendments

- F3** 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. 7(2)** (with Sch. 2 para. 7(4)(5))
- F18** Ss. 15ZA, 15ZB inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 41**, 269(4); S.I. 2010/303, art. 3, Sch. 2

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

- C2** S. 15ZA(6)(7) applied (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 83(4)**, 269(4); S.I. 2010/303, art. 3, Sch. 2
- C3** S. 15ZA functions made exercisable concurrently (1.4.2011) by [The Greater Manchester Combined Authority Order 2011 \(S.I. 2011/908\)](#), arts. 1, 10, **Sch. 3 para. 6**

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## 15ZB Co-operation in performance of section 15ZA duty **E+W**

[<sup>F1</sup>Local authorities] in England must co-operate with each other in performing their duties under section 15ZA(1).]

### Textual Amendments

**F18** Ss. 15ZA, 15ZB inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 41, 269(4); S.I. 2010/303, art. 3, Sch. 2

### Modifications etc. (not altering text)

**C4** S. 15ZB functions made exercisable concurrently (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, 10, Sch. 3 para. 6

## [<sup>F19</sup>15ZC Encouragement of education and training for persons over compulsory school age: England **E+W**

- (1) A [<sup>F3</sup>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.]

### Textual Amendments

**F3** 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. 7(2) (with Sch. 2 para. 7(4)(5))

**F19** S. 15ZC inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 42, 269(4); S.I. 2010/303, art. 3, Sch. 2

### Modifications etc. (not altering text)

**C5** S. 15ZC functions made exercisable concurrently (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, 10, Sch. 3 para. 6

## [<sup>F20</sup>15ZD Sections 15ZA to 15ZC: duty to have regard to guidance **E+W**

In performing the duties imposed by sections 15ZA(1), 15ZB and 15ZC(1)(b) (duties in relation to education and training for persons over compulsory school age), a local authority in England must have regard to any guidance issued by the Secretary of State.]



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### Textual Amendments

**F20** S. 15ZD inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 16 para. 11**; S.I. 2012/924, art. 2

### [<sup>F22</sup>15A [<sup>F21</sup>Powers in respect of education and training] for 16 to 18 year olds. **E+W**

- (1) A [<sup>F3</sup>local authority][<sup>F23</sup>in Wales] may secure the provision for their area of full-time [<sup>F24</sup>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.
- [ A [<sup>F3</sup>local authority] in England may secure the provision for their area of full-time or <sup>F25</sup>(1ZA) part-time education suitable to the requirements of persons from other areas who are over compulsory school age but have not attained the age of 19.]
- [ The power under [<sup>F27</sup>subsections (1) and (1ZA)] to secure the provision of education <sup>F26</sup>(1A) 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).]
- (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.]
- [<sup>F28</sup>(3) In exercising their functions under this section in respect of further education a [<sup>F3</sup>local authority] shall in particular have regard to the needs of persons with learning difficulties (within the meaning of [<sup>F29</sup>section 15ZA(6) and (7)]).
- (4) A [<sup>F3</sup>local 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

- F3** 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. 7(2)** (with Sch. 2 para. 7(4)(5))
- F21** Words in s. 15A title substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 4(6)**; S.I. 2010/303, art. 3, Sch. 2
- F22** 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)
- F23** Words in s. 15A(1) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 4(2)**; S.I. 2010/303, art. 3, Sch. 2
- F24** 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**
- F25** S. 15A(1ZA) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 4(3)**; S.I. 2010/303, art. 3, Sch. 2

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- F26** 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**
- F27** Words in s. 15A(1A) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 4(4)**; S.I. 2010/303, art. 3, Sch. 2
- F28** 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**
- F29** Words in s. 15A(3) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 4(5)**; S.I. 2010/303, art. 3, Sch. 2

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

- C6** 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)**
- C7** 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**

**[<sup>F30</sup>15B Functions in respect of education for persons over 19. E+W**

- (1) A [<sup>F3</sup>local 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 [<sup>F3</sup>local authority] shall in particular have regard to the needs of persons with learning difficulties (within the meaning of [<sup>F31</sup>section 15ZA(6) and (7)]).
- (4) A [<sup>F3</sup>local 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**

- F3** 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. 7(2)** (with Sch. 2 para. 7(4)(5))
- F30** 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**
- F31** Words in s. 15B(3) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 5**; S.I. 2010/303, art. 3, Sch. 2

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*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 <sup>[F3]</sup>local 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 <sup>[F3]</sup>local authority] may under subsection (1) establish, maintain and assist schools outside as well as inside their area.
- (3) A <sup>[F3]</sup>local 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.

<sup>[F32]</sup>(3A) A local 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**

- F3** 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. 7(2)** (with Sch. 2 para. 7(4)(5))
- F32** 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 <sup>[F33]</sup>nursery schools] . E+W**

- (1) A <sup>[F3]</sup>local authority] may—
- (a) establish nursery schools;
  - (b) maintain nursery schools established by them or by an authority which was a <sup>[F3]</sup>local authority] within the meaning of any enactment repealed by the <sup>M1</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 <sup>[F3]</sup>local authority]'s power under section 16(1) to establish, maintain and assist schools at which education is provided both for children under <sup>[F34]</sup>compulsory school age] and for older pupils (including schools at which there are nursery classes for children under <sup>[F34]</sup>compulsory school age]).

**Textual Amendments**

- F3** 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. 7(2)** (with Sch. 2 para. 7(4)(5))

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- F33** 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 \(with Sch. 1\)](#)
- F34** 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 [<sup>F3</sup>local authority] may make arrangements for the provision of primary and secondary education for pupils at schools not maintained by them or another [<sup>F3</sup>local authority].

**Textual Amendments**

- F3** 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. 7\(2\)](#) (with [Sch. 2 para. 7\(4\)\(5\)](#))

**[<sup>F35</sup>18A Provision of education for persons subject to youth detention E+W**

- (1) A local authority must secure that—
- (a) enough suitable education is provided to meet the reasonable needs of children subject to youth detention in their area;
  - (b) enough suitable education and training is provided to meet the reasonable needs of persons who are—
    - (i) over compulsory school age but under 19, and
    - (ii) subject to youth detention in their area.
- (2) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons' reasonable needs, a local authority must (in particular) have regard to—
- (a) the persons' ages, abilities and aptitudes;
  - (b) any special educational needs or learning difficulties (within the meaning of section 15ZA(6) and (7)) the persons may have;
  - (c) the desirability of enabling persons to complete programmes of study or training which they have begun;
  - (d) any relevant curriculum and the desirability that education received by persons subject to youth detention should be comparable with education which they could be expected to receive if they were attending a school or institution implementing a relevant curriculum;
  - (e) the desirability of the core entitlement being satisfied in relation to persons over compulsory school age but under 19.
- (3) In subsection (2)(d), “relevant curriculum” means—

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- (a) in relation to a local authority in England, the National Curriculum for England established under section 87 of the Education Act 2002 as subsisting for the time being;
  - (b) in relation to a local authority in Wales—
    - (i) the National Curriculum for Wales established under section 108 of that Act as subsisting for the time being, or
    - (ii) any local curriculum formed by the authority under section 116A of the Education Act 2002 (formation of local curricula for pupils in Key Stage 4) or for their area under section 33A of the Learning and Skills Act 2000 (formation of local curricula for students aged 16 to 18).
- (4) Section 17C (the core entitlement) applies for the purposes of subsection (2)(e).
- (5) Any arrangements made by a local authority under subsection (1) for the provision by another person (the “learning provider”) of education or training must require the learning provider, in making any determination as to the education or training to be provided for a particular person (“P”), to have regard to any information within subsection (6).
- (6) The information within this subsection is—
- (a) information provided under section 562F by a local authority as to the level of P's literacy and numeracy skills;
  - (b) any other information provided under section 562F by P's home authority (within the meaning of Chapter 5A of Part 10) for the purpose of assisting a determination such as is mentioned in subsection (5).
- (7) In performing the duty imposed by subsection (1), a local authority must have regard to any guidance issued—
- (a) in the case of a local authority in England, by the Secretary of State;
  - (b) in the case of a local authority in Wales, by the Welsh Ministers.
- (8) For the purposes of subsection (1), a person is subject to youth detention in the area of a local authority if—
- (a) subject to a detention order, and
  - (b) detained in relevant youth accommodation in the area of the authority.]

#### Textual Amendments

**F35** S. 18A inserted (1.9.2010 for E. for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 48, 269(3)(4)** (as amended (15.1.2012) by 2011 c. 21, s. 30(7)); [S.I. 2010/303](#), art. 6, Sch. 5

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

**C8** S. 18A(1)(b) functions made exercisable concurrently (1.4.2011) by [The Greater Manchester Combined Authority Order 2011 \(S.I. 2011/908\)](#), arts. 1, 10, **Sch. 3 para. 6**

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

- (1) Each [<sup>F3</sup>local authority] shall make arrangements for the provision of suitable <sup>F36</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.

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- [<sup>F37</sup>(1A) In relation to England, subsection (1) does not apply in the case of a child—
- (a) who will cease to be of compulsory school age within the next six weeks, and
  - (b) does not have any relevant examinations to complete.

In paragraph (b) “relevant examinations” means any public examinations or other assessments for which the child has been entered.]

- (2) Any school established (whether before or after the commencement of this Act) and maintained by a [<sup>F3</sup>local 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”.

[<sup>F38</sup>(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 [<sup>F3</sup>local 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 [<sup>F3</sup>local authority] may secure the provision of boarding accommodation at any pupil referral unit.

- [<sup>F39</sup>[<sup>F40</sup>(3A) In relation to England, the education to be provided for a child in pursuance of arrangements made by a local authority under subsection (1) shall be—
- (a) full-time education, or
  - (b) in the case of a child within subsection (3AA), education on such part-time basis as the authority consider to be in the child's best interests.

(3AA) A child is within this subsection if the local authority consider that, for reasons which relate to the physical or mental health of the child, it would not be in the child's best interests for full-time education to be provided for the child.]

- (3B) [<sup>F41</sup>Regulations may provide that the education to be provided for a child in pursuance of arrangements made by a local authority in England under subsection (1)] must be provided from a day that, in relation to the pupil concerned, is determined in accordance with [<sup>F42</sup>the regulations] .]
- (4) A [<sup>F3</sup>local authority] may make arrangements for the provision of suitable <sup>F36</sup> . . . 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.

[<sup>F43</sup>(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a [<sup>F3</sup>local 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.

[<sup>F44</sup>(6) In this section—  
 “relevant school” means—

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- (a) a maintained school,
- (b) an Academy,
- (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

- F3** 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. 7(2)** (with Sch. 2 para. 7(4)(5))
- F36** 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**
- F37** S. 19(1A) inserted (1.9.2011) by [Children, Schools and Families Act 2010 \(c. 26\)](#), **ss. 3(2)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2
- F38** 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
- F39** S. 19(3A)(3AA) substituted for s. 19(3A) (1.9.2011) by [Children, Schools and Families Act 2010 \(c. 26\)](#), **ss. 3(3)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2
- F40** 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)
- F41** Words in s. 19(3B) substituted (1.9.2011) by [Children, Schools and Families Act 2010 \(c. 26\)](#), **ss. 3(4)(a)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2
- F42** Words in s. 19(3B) substituted (1.9.2011) by [Children, Schools and Families Act 2010 \(c. 26\)](#), **ss. 3(4)(b)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2
- F43** S. 19(4A) inserted (1.9.1998) by 1997 c. 44, **s. 47(4)**; S.I. 1998/386, art. 2, **Sch. 1 Pt.IV**
- F44** 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)

- C9** 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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