



Education Act 1996

1996 CHAPTER 56

PART I

GENERAL

CHAPTER III

[^{F1}LOCAL AUTHORITIES]

Other arrangements for provision of education

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

A [^{F1}local authority] may make arrangements for the provision of primary and secondary education for pupils at schools not maintained by them or another [^{F1}local authority].

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

[^{F2}18A Provision of education for persons subject to youth detention

- (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

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- (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—
- (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

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(b) detained in relevant youth accommodation in the area of the authority.]

Textual Amendments

F2 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)

C1 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.

(1) Each local education authority shall make arrangements for the provision of suitable ^{F3} . . . 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”.

[^{F4}(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.

[^{F5}(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 ^{F3} . . . 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.

[^{F6}(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.

[^{F7}(6) In this section—

“relevant school” means—

- (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 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**
- F4** 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
- F5** 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)
- F6** S. 19(4A) inserted (1.9.1998) by 1997 c. 44, s. 47(4); S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F7** 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)

- C2** 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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