

Status: Point in time view as at 01/04/2016.

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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^{F3}... the persons may have;
 - [in the case of a local authority in England, any learning difficulties or
 - ^{F4}(ba) disabilities (within the meaning of section 15ZA(6) and (7)) the persons may have;
 - (bb) in the case of a local authority in Wales, any learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000) 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;

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- (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

- 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](#)
- F3** Words in s. 18A(2)(b) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 8\(a\)](#); [S.I. 2014/889, art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F4** S. 18A(2)(ba)(bb) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 8\(b\)](#); [S.I. 2014/889, art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))

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](#)
- C2** S. 18A(1)(b) functions made exercisable concurrently (1.4.2014) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 \(S.I. 2014/863\), art. 1, Sch. 2 para. 4](#)
- C3** S. 18A(1)(b) functions made exercisable concurrently (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 \(S.I. 2014/865\), art. 1, Sch. 2 para. 3](#) (with art. 8(4))
- C4** S. 18A(1)(b) functions made exercisable concurrently (15.4.2014) by [The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 \(S.I. 2014/1012\), arts. 1, 12\(1\), Sch. 2 para. 3](#)
- C5** S. 18A(1)(b) functions made exercisable concurrently (1.4.2016) by [The Tees Valley Combined Authority Order 2016 \(S.I. 2016/449\), arts. 1\(a\), 7, Sch. 2 para. 3](#)

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

- (1) Each ^[F1]local authority] shall make arrangements for the provision of suitable ^{F5} . . . 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.

^[F6](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 ^[F1]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”.

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[^{F7}(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 [^{F1}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 [^{F1}local authority] may secure the provision of boarding accommodation at any pupil referral unit.

[^{F8}[^{F9}(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) [^{F10}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 [^{F11}the regulations] .]

(4) A [^{F1}local authority] may make arrangements for the provision of suitable ^{F5} . . . 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.

[^{F12}(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a [^{F1}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.

[^{F13}(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.

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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))
- F5** 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**
- F6** 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
- F7** 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
- F8** 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
- F9** 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)
- F10** 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
- F11** 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
- F12** S. 19(4A) inserted (1.9.1998) by 1997 c. 44, **s. 47(4)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F13** 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)

- C6** S. 19 excluded (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 36(5)(c)(10)**, 162 (with s. 159)
- C7** S. 19(3A) modified (18.5.2012) by [The Wiltshire Council \(Arrangements for the Provision of Suitable Education\) Order 2012 \(S.I. 2012/1107\)](#), arts. 1(2)(a), **6(2)** (with art. 5)

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