



Education Act 1996

1996 CHAPTER 56

PART I

GENERAL

CHAPTER III

[^{F1}LOCAL AUTHORITIES]

Other arrangements for provision of education

[^{F1}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
 - (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 [^{F2}in England] must (in particular) have regard to—
 - (a) the persons' ages, abilities and aptitudes;
 - (b) [^{F3}in the case of a local authority in England,] any special educational needs [^{F4}... the persons may have;
 - (ba) [^{F6}in the case of a local authority in England,] any learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7)) the persons may have;

Status: Point in time view as at 07/05/2024.

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- (bb) [^{F7}in the case of a local authority in Wales, [^{F8}any learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000)][^{F8}any additional learning needs] 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) [^{F9}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) [^{F10}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).
- [In deciding for the purposes of subsection (1) whether education or training is suitable
- ^{F11}(4A) to meet persons’ reasonable needs, a local authority in Wales must (in particular) have regard to—
- (a) the persons’ ages, abilities and aptitudes;
 - (b) any additional learning needs the persons may have;
 - (c) the desirability of enabling persons to complete programmes of study or training which they have begun;
 - (d) the desirability that education received by young 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 that education received by children subject to youth detention should—
 - (i) enable them to develop in the ways described in the four purposes,
 - (ii) offer them appropriate progression,
 - (iii) be broad and balanced, so far as is appropriate for them, and
 - (iv) provide teaching and learning that encompasses the areas of learning and experience (including the mandatory elements within those areas) and develops the cross-curricular skills.
- (4B) In subsection (4A)(d), “relevant curriculum”, in relation to a local authority in Wales, means any local curriculum formed by the authority for their area under section 33A of the Learning and Skills Act 2000 (formation of local curricula for students aged 16 to 18).

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- (4C) In subsection (4A)(e), expressions that are defined in, or are given a meaning by, the Curriculum and Assessment (Wales) Act 2021 have the same meaning as in that Act.]
- (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

- F1** 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
- F2** Words in s. 18A(2) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 2(2)(a)(i)**
- F3** Words in s. 18A(2)(b) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 4(6)(a)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F4** 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)
- F5** 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)
- F6** Words in s. 18A(2)(ba) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 2(2)(a)(ii)**

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- F7** S. 18A(2)(bb) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(2)(a)(iii)**
- F8** Words in s. 18A(2)(bb) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(6)(b)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F9** Words in s. 18A(3)(a) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(2)(b)(i)**
- F10** S. 18A(3)(b) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(2)(b)(ii)**
- F11** S. 18A(4A)-(4C) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(2)(c)**

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**
- C6** S. 18A(1)(b) functions made exercisable concurrently (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), art. 1(2), **Sch. 3 para. 3**
- C7** S. 18A(1)(b) functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), 25(1), Sch. 5 paras. 1, 3
- C8** S. 18A(1)(b) functions made exercisable (3.3.2017) by The Cambridgeshire and Peterborough Combined Authority Order 2017 (S.I. 2017/251), arts. 1(2)(b), **10(b)**
- C9** S. 18A(1)(b) functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **18** (with art. 28)
- C10** S. 18A(1)(b): functions made exercisable concurrently (7.5.2024) by The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 (S.I. 2024/402), arts. 1(3), **33** (with art. 9)

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