



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 1

#### DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

### CHAPTER 2

#### [<sup>F1</sup>LOCAL AUTHORITIES] AND EDUCATIONAL INSTITUTIONS ETC

#### *Information*

### 13 Notification of non-compliance with duty imposed by section 2

(1) Where—

- (a) arrangements have been made for a person to whom this Part applies to participate in education or training provided by an educational institution in England,
- (b) the person is not participating in that education or training at a time when the arrangements call for the person to be so participating, and
- (c) the responsible person has reasonable cause to believe that in consequence of that failure to participate the person is failing to fulfil the duty imposed by section 2,

the responsible person must give notice to the appropriate service provider of those circumstances.

(2) Where a [<sup>F1</sup>local authority]—

- (a) itself provides services in exercise of its functions under section 68(1), and
- (b) receives a notice under subsection (1) relating to a person to whom this Part applies who belongs to the area of another [<sup>F1</sup>local authority],

it must as soon as reasonably practicable give notice to the service provider for the other [<sup>F1</sup>local authority] of the circumstances notified to it under subsection (1).

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- (3) Subsection (4) applies where, in exercise of its functions under section 68(3)(b), a [F1local authority] makes arrangements with another person (“ the provider ”) for the provision of services.
- (4) The arrangements must secure that, as soon as reasonably practicable after receiving a notice under subsection (1) relating to a person to whom this Part applies who belongs to the area of another [F1local authority], the provider gives notice to the service provider for the other [F1local authority] of the circumstances notified to the provider under subsection (1).
- (5) In this section—
- “ educational institution ” means—
- (a) a community, foundation or voluntary school,
  - (b) a community or foundation special school,
  - (c) a city technology college, a city college for the technology of the arts or an Academy,
  - (d) a pupil referral unit,
  - (e) an institution within the further education sector, or
  - (f) an institution [F2(other than one within any of paragraphs (a) to (e)) in receipt of funding from a local authority [F3or the Secretary of State]];
- “ responsible person ” means—
- (a) in relation to a school within paragraph (a) or (b) of the definition of “ educational institution ”, the governing body;
  - (b) in relation to an institution within paragraph (c) or (f) of that definition, the proprietor;
  - (c) in relation to a pupil referral unit, the [F1local authority] by which it is maintained;
  - (d) in relation to an institution within the further education sector, the governing body within the meaning given by section 90 of the Further and Higher Education Act 1992 (c. 13);
- “ service provider ”, in relation to a [F1local authority], means—
- (a) where the authority itself provides services in exercise of its functions under subsection (1) of section 68, the authority;
  - (b) where, in exercise of its functions under subsection (3)(b) of that section, the authority makes arrangements for the provision of services, the person providing those services;
- “ the appropriate service provider ”, in relation to an educational institution, means the service provider of the [F1local authority] in whose area the institution is situated.

#### 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. 15(2)**
- F2** Words in s. 13(5) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 76** (with art. 2(3))
- F3** Words in s. 13(5) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 61**

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#### Commencement Information

**I1** S. 13 in force at 28.6.2013 by [S.I. 2013/1204](#), [art. 2\(l\)](#)

### 14 Educational institutions: duty to provide information

- (1) Relevant information about a pupil or student—
  - (a) who is attending an educational institution in England, and
  - (b) to whom this Part applies,must, on request by a [<sup>F1</sup>local authority] in England, be provided by the responsible person to the authority.
- (2) A [<sup>F1</sup>local authority] may request information under subsection (1) only for the purpose of enabling or assisting it to exercise its functions under this Part.
- (3) For the purpose of subsection (1), “relevant information” means—
  - (a) the name, address and date of birth of the pupil or student;
  - (b) the name and address of a parent of the pupil or student;
  - (c) information in the institution's possession about the pupil or student.
- (4) Information within subsection (3)(c) must not be provided under subsection (1) if—
  - (a) the pupil or student concerned, in the case of a pupil or student who has attained the age of 16, or
  - (b) a parent of the pupil or student concerned, in the case of a pupil or student who has not attained the age of 16,has instructed the responsible person not to provide information of that kind under this section.
- (5) In this section, “educational institution” and “responsible person” have the same meanings as in section 13.

#### Commencement Information

**I2** S. 14 in force at 28.6.2013 by [S.I. 2013/1204](#), [art. 2\(m\)](#)

PROSPECTIVE

### <sup>F4</sup> 15 Supply of social security information

#### Textual Amendments

**F4** S. 15 repealed (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. 254(2), 269(4), [Sch. 16 Pt. 10](#); [S.I. 2009/3317](#), art. 2, Sch.

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## 16 Supply of information by public bodies

(1) Any of the persons or bodies mentioned in subsection (2) may supply information about a person to a <sup>F1</sup>local authority] in England for the purpose of enabling or assisting the authority to exercise its functions under this Part.

(2) Those persons and bodies are—

- (a) a local authority,
- <sup>F5</sup>(aa) a non-metropolitan district council for an area for which there is a county council,
- <sup>F6</sup>(b) .....
- <sup>F7</sup>(c) .....
- <sup>F8</sup>(d) .....
- <sup>F9</sup>(da) an integrated care board,
- (e) a chief officer of police,
- (f) a provider of probation services,
- (g) a local probation board, and
- (h) a youth offending team.

(3) In this section—

“ local probation board ” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);

“ youth offending team ” means a team established under section 39 of the Crime and Disorder Act 1998 (c. 37).

### Textual Amendments

- F5** S. 16(2)(aa) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 15(3)**
- F6** S. 16(2)(b) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b)(b), Sch. 1 para. 77, **2 Pt. 1** (with art. 2(3))
- F7** S. 16(2)(c) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 169(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** S. 16(2)(d) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 169(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** S. 16(2)(da) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 158**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

### Commencement Information

- I3** S. 16 in force at 28.6.2013 by S.I. 2013/1204, **art. 2(n)**

## 17 Sharing and use of information held for purposes of support services or functions under this Part

(1) Any persons within subsection (2) may <sup>F10</sup>—

- (a) provide relevant information to each other;
- (b) make arrangements for the holding by either of them of information provided, or which could be provided, under paragraph (a).]

(2) Those persons are—

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- (a) a [F1local authority] in England, and
- (b) a service provider of that authority.
- (3) Information provided under subsection (1) may only be used by the person to whom it is provided for a purpose which is a relevant purpose in relation to that person.
- (4) A [F1local authority] in England may use relevant information held by it for any relevant purpose.
- (5) A [F1local authority] in England may provide relevant information to any other such authority for a purpose which is a relevant purpose in relation to that other authority.
- (6) A service provider of a [F1local authority] in England may provide relevant information to any other service provider of that or any other such authority for a purpose which is a relevant purpose in relation to that other service provider.
- (7) In this section—
- “ relevant information ”, in relation to a person providing or holding information, means information which—
- (a) is held by the person for a relevant purpose, and
- (b) is about a young person or a relevant young adult in England;
- [F11but does not include information provided under section 72 of the Welfare Reform and Pensions Act 1999;]
- relevant purpose—
- (a) in relation to a [F1local authority], means the purpose of, or a purpose connected with, the exercise of any function of the authority—
- (i) under this Part, or
- (ii) under or by virtue of sections 68 to 78;
- (b) in relation to a service provider of a [F1local authority] (other than the authority in question), means the purpose of providing services of the kind mentioned in section 68(1);
- “ service provider ”, in relation to a [F1local authority] in England, means—
- (a) where the authority itself provides services in exercise of its functions under subsection (1) of section 68, the authority;
- (b) where, in exercise of its functions under subsection (3)(b) of that section, the authority makes arrangements for the provision of services, the person providing those services.
- (8) In subsection (7)—
- (a) “ young person ” means a person who has attained the age of 13 but not the age of 20, and
- (b) “ relevant young adult ” means a person who—
- (i) has attained the age of 20 but not the age of 25, and
- (ii) has [F12special educational needs];
- F13 .....
- [F14(9) Nothing in this section authorises the disclosure of any information in contravention of any provision of, or made under, this or any other Act (whenever passed or made) which prevents disclosure of the information.]

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### Textual Amendments

- F10** Words in s. 17(1) substituted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 254\(4\)](#), 269(4); S.I. 2009/3317, art. 2, Sch.
- F11** Words in s. 17(7) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 254\(5\)](#), 269(4); S.I. 2009/3317, art. 2, Sch.
- F12** Words in s. 17(8)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 84\(a\)](#); S.I. 2014/889, art. 7(a)
- F13** Words in s. 17(8)(b) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 84\(b\)](#); S.I. 2014/889, art. 7(a)
- F14** S. 17(9) added (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 254\(6\)](#), 269(4); S.I. 2009/3317, art. 2, Sch.

### Commencement Information

- I4** S. 17 in force at 28.6.2013 by [S.I. 2013/1204](#), [art. 2\(o\)](#)

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