



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 1

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

### CHAPTER 2

#### LOCAL EDUCATION AUTHORITIES AND EDUCATIONAL INSTITUTIONS ETC

#### *Information*

VALID FROM 26/05/2015

#### **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],

*Status: Point in time view as at 12/01/2010. This version of this provision is not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Education and Skills Act 2008, Section 13. (See end of Document for details)*

it must as soon as reasonably practicable give notice to the service provider for the other [F1local authority] of the circumstances notified to it under subsection (1).

(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))

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**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\(1\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Education and Skills Act 2008, Section 13.