



Education and Inspections Act 2006

2006 CHAPTER 40

PART 1

EDUCATION FUNCTIONS OF LOCAL AUTHORITIES

1 Duties in relation to high standards and the fulfilment of potential

For section 13A of EA 1996 substitute—

“13A Duty to promote high standards and the fulfilment of potential

- (1) A local education authority shall ensure that their functions relating to the provision of education to which this section applies are (so far as they are capable of being so exercised) exercised by the authority with a view to—
 - (a) promoting high standards,
 - (b) in the case of a local education authority in England, ensuring fair access to educational opportunity, and
 - (c) promoting the fulfilment by every child concerned of his educational potential.
- (2) This section applies to education for—
 - (a) children of compulsory school age (whether at school or otherwise); and
 - (b) children under or over that age who are registered as pupils at schools maintained by the authority,and in subsection (1) “functions” means functions of whatever nature.
- (3) In this section “child” means a person under the age of 20.”

2 Duties in relation to diversity and choice

In section 14 of EA 1996 (functions of local education authorities in relation to the provision of primary and secondary education) after subsection (3) insert—

- “(3A) A local education authority in England shall exercise their functions under this section with a view to—
- (a) securing diversity in the provision of schools, and
 - (b) increasing opportunities for parental choice.”

3 **Duty to consider parental representations**

After section 14 of EA 1996 insert—

“14A Duty of local education authority to consider parental representations

- (1) Where a local education authority in England receive any representation from a parent of a qualifying child as to the exercise by the authority of their functions under section 14, the authority shall—
 - (a) consider the representation and what action (if any) to take in response to it, and
 - (b) within a reasonable time provide the parent with a statement setting out—
 - (i) any action which the authority propose to take in response to the representation, or
 - (ii) where the authority are of the opinion that no such action is necessary, their reasons for being of that opinion.
- (2) In subsection (1) “qualifying child”, in relation to a local education authority, means any child in the authority’s area who is of or under compulsory school age.
- (3) Subsection (1) does not apply in relation to any representation which—
 - (a) appears to the local education authority to be frivolous or vexatious, or
 - (b) is the same as, or similar to, a representation previously received by the authority from the same person.
- (4) In exercising their functions under this section, a local education authority must have regard to any guidance given from time to time by the Secretary of State.”

4 **Duty to identify children not receiving education**

- (1) In Chapter 2 of Part 6 of EA 1996 (school attendance) before the cross-heading preceding section 437 insert—

“Children not receiving suitable education

436A Duty to make arrangements to identify children not receiving education

- (1) A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—
 - (a) are not registered pupils at a school, and

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- (b) are not receiving suitable education otherwise than at a school.
- (2) In exercising their functions under this section a local education authority must have regard to any guidance given from time to time by the Secretary of State.
- (3) In this Chapter, “suitable education”, in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.”
- (2) In section 437 of EA 1996, in subsection (8) omit the definition of “suitable education”.
- (3) In section 580 of EA 1996 (index) for the entry in the second column which relates to the expression “suitable education (in Chapter 2 of Part 6)” substitute “section 436A(3)”.

5 School improvement partners

- (1) A local education authority in England must appoint, in relation to each maintained school which they maintain, a person (to be known as a school improvement partner) to provide advice to the governing body and head teacher of the school with a view to improving standards at the school.
- (2) A person may not be appointed as, or remain, a school improvement partner unless he is for the time being accredited for the purposes of this section—
 - (a) by the Secretary of State, or
 - (b) by a person authorised by the Secretary of State to accredit persons for those purposes.
- (3) Regulations may prescribe other requirements to be met by local education authorities in connection with the appointment of school improvement partners.
- (4) Regulations may confer functions in relation to school improvement partners on local education authorities or on the governing bodies of maintained schools.
- (5) Regulations may provide that in prescribed circumstances a person employed or engaged by a local education authority before the commencement of this section is to be taken to have been appointed by them as a school improvement partner.
- (6) In this section—
 - “maintain”, in relation to a maintained school, has the same meaning as in SSFA 1998;
 - “maintained school” means—
 - (a) a community, foundation or voluntary school, or
 - (b) a community or foundation special school;
 - “prescribed” means prescribed by regulations;
 - “regulations” means regulations made by the Secretary of State.

6 Functions in respect of youth work, recreation etc

- (1) Before section 508 of EA 1996 (functions of LEA in respect of facilities for recreation and social and physical training), and immediately after the cross-heading which precedes that section, insert—

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“507A LEAs in England: functions in respect of recreational and training facilities for children under 13

- (1) A local education authority in England must secure that the facilities for primary and secondary education provided for their area include adequate facilities for recreation and social and physical training for children who have not attained the age of 13.
- (2) For the purposes of subsection (1) a local education authority may—
 - (a) establish, maintain and manage, or assist the establishment, maintenance and management of—
 - (i) camps, holiday classes, playing fields, play centres, and
 - (ii) other places, including playgrounds, gymnasiums and swimming baths not appropriated to any school or other educational institution,
at which facilities for recreation and social and physical training are available for persons receiving primary or secondary education;
 - (b) organise games, expeditions and other activities for such persons; and
 - (c) defray, or contribute towards, the expenses of such games, expeditions and other activities.
- (3) When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a local education authority must, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

507B LEAs in England: functions in respect of leisure-time activities etc for persons aged 13 to 19 and certain persons aged 20 to 24

- (1) A local education authority in England must, so far as reasonably practicable, secure for qualifying young persons in the authority’s area access to—
 - (a) sufficient educational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities; and
 - (b) sufficient recreational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities.
- (2) “Qualifying young persons”, for the purposes of this section, are—
 - (a) persons who have attained the age of 13 but not the age of 20; and
 - (b) persons who have attained the age of 20 but not the age of 25 and have a learning difficulty (within the meaning of section 13(5)(a) and (6) of the Learning and Skills Act 2000).
- (3) For the purposes of subsection (1)(a)—
 - (a) “sufficient educational leisure-time activities” which are for the improvement of the well-being of qualifying young persons in the authority’s area must include sufficient educational leisure-time activities which are for the improvement of their personal and social development, and

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- (b) “sufficient facilities for such activities” must include sufficient facilities for educational leisure-time activities which are for the improvement of the personal and social development of qualifying young persons in the authority’s area.
- (4) References in the remaining provisions of this section to “positive leisure-time activities” are references to any activities falling within paragraph (a) or (b) of subsection (1).
- (5) For the purposes of subsection (1) a local education authority may—
 - (a) provide facilities for positive leisure-time activities;
 - (b) assist others in the provision of such facilities;
 - (c) make arrangements for facilitating access for qualifying young persons to such facilities;
 - (d) organise positive leisure-time activities;
 - (e) assist others in the organisation of such activities;
 - (f) make arrangements for facilitating access for qualifying young persons to such activities;
 - (g) enter into agreements or make arrangements with any person in connection with anything done or proposed to be done under any of paragraphs (a) to (f);
 - (h) take any other action which the authority think appropriate.
- (6) For the purposes of subsection (5)—
 - (a) the provision mentioned in paragraph (a) may include establishing, maintaining and managing places at which facilities for positive leisure-time activities are provided;
 - (b) the assistance mentioned in paragraphs (b) and (e) may include the provision of financial assistance;
 - (c) the arrangements mentioned in paragraphs (c) and (f) may include the provision of transport, of financial assistance or of information to any person.
- (7) Before taking any action for the purposes of subsection (1) (“the proposed action”), a local education authority must—
 - (a) consider whether it is expedient for the proposed action to be taken by another person, and
 - (b) where the authority consider that it is so expedient, take all reasonable steps to enter into an agreement or make arrangements with such a person for that purpose.
- (8) For the purposes of subsection (7)(a) a local education authority must consult such persons as the authority think appropriate as to whether it is expedient for the proposed action to be taken by another person.
- (9) In exercising their functions under this section a local education authority must—
 - (a) take steps to ascertain the views of qualifying young persons in the authority’s area about—
 - (i) positive leisure-time activities, and facilities for such activities, in the authority’s area;
 - (ii) the need for any additional such activities and facilities; and

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- (iii) access to such activities and facilities; and
 - (b) secure that the views of qualifying young persons in the authority's area are taken into account.
 - (10) A local education authority in England must—
 - (a) publicise information about positive leisure-time activities, and facilities for such activities, in the authority's area, and
 - (b) keep the information publicised under paragraph (a) up to date.
 - (11) A local education authority may charge in respect of anything provided by the authority under this section where the provision is to a qualifying young person (whether or not in the authority's area).
 - (12) In exercising their functions under this section a local education authority must have regard to any guidance given from time to time by the Secretary of State.
 - (13) In this section—
 - “recreation” includes physical training (and “recreational” is to be construed accordingly);
 - “sufficient”, in relation to activities or facilities, means sufficient having regard to quantity;
 - “well-being”, in relation to a person, means his well-being so far as relating to—
 - (a) physical and mental health and emotional well-being;
 - (b) protection from harm and neglect;
 - (c) education, training and recreation;
 - (d) the contribution made by him to society;
 - (e) social and economic well-being.”
- (2) Schedule 1 contains amendments related to the provision made by subsection (1).