



Education and Skills Act 2008

2008 CHAPTER 25

PART 2

SUPPORT FOR PARTICIPATION IN EDUCATION OR TRAINING: YOUNG ADULTS WITH LEARNING DIFFICULTIES AND YOUNG PEOPLE IN ENGLAND

Assessments relating to learning difficulties

80 Assessments relating to learning difficulties

Before section 140 of the Learning and Skills Act 2000 (assessments relating to learning difficulties) insert—

“139A Assessments relating to learning difficulties: England

- (1) Subsection (2) applies if a local education authority in England—
 - (a) maintains a statement of special educational needs for a person, and
 - (b) believes that the person will leave school, at the end of his last year of compulsory schooling, to receive post-16 education or training or higher education.
- (2) The authority must arrange for an assessment of the person to be conducted at some time during his last year of compulsory schooling.
- (3) Subsection (4) applies if a local education authority in England—
 - (a) maintains a statement of special educational needs for a person who is over compulsory school age, and
 - (b) believes that the person will leave school, during or at the end of the current school year, to receive post-16 education or training or higher education.
- (4) The authority must arrange for an assessment of the person to be conducted at some time during the current school year.

- (5) A local education authority in England may at any time arrange for an assessment to be conducted of a person—
 - (a) who is within subsection (6), and
 - (b) for whom the authority is responsible.
- (6) A person within this subsection is one who—
 - (a) is in his last year of compulsory schooling, or is over compulsory school age but has not attained the age of 25,
 - (b) appears to the authority to have a learning difficulty within the meaning of section 13, and
 - (c) is receiving, or in the opinion of the authority is likely to receive, post-16 education or training or higher education.
- (7) In exercising its functions under this section an authority must have regard to any guidance issued by the Secretary of State.

139B Assessments under section 139A: interpretation

- (1) This section applies for the purposes of section 139A.
- (2) A statement of special educational needs is a statement maintained under section 324 of the Education Act 1996.
- (3) An assessment of a person is an assessment, resulting in a written report, of—
 - (a) the person’s educational and training needs, and
 - (b) the provision required to meet them.
- (4) A local education authority is responsible for—
 - (a) a person who is receiving education or training in its area;
 - (b) a person who is not receiving education or training, but who is normally resident in its area;
 - (c) a person who is not receiving education or training, and who is not normally resident in its area or that of another authority, but who is otherwise within its area and, in its opinion, likely to receive post-16 education or training or higher education.
- (5) A person’s last year of compulsory schooling is the last school year at his school during the whole or part of which he is of compulsory school age; and in the application of section 139A(6) to a person who is receiving education at an institution other than a school, that institution is to be treated for the purpose of determining his last year of compulsory schooling as though it were a school.
- (6) “Higher education” is education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (7) “Post-16 education or training” means post-16 education or post-16 training within the meaning of Part 1.
- (8) “School year” has the meaning given in section 579(1) of the Education Act 1996.

139C Assessments under section 139A: persons educated at home

- (1) Section 139A applies in relation to a person who is receiving education at home, subject to the following modifications.
- (2) In section 139A(1)(b) and (3)(b), references to a person's leaving school to receive post-16 education or training or higher education are to be construed as references to a person's ceasing to receive education at home in order to receive, otherwise than in a school, post-16 education or training or higher education.
- (3) References to a person's last year of compulsory schooling are to be construed as references to the 12 month period ending when the person ceases to be of compulsory school age.
- (4) References to the current school year are to be construed as references to the period of 12 months beginning on the most recent 1st September."