



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

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 local education 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 local education authority,

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

Status: This is the original version (as it was originally enacted).

- (3) Subsection (4) applies where, in exercise of its functions under section 68(3)(b), a local education 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 local education authority, the provider gives notice to the service provider for the other local education 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 in receipt of funding from the Learning and Skills Council for England;
- “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 local education 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 local education 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 local education authority in whose area the institution is situated.