

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Lea Functions

Education and training for persons over compulsory school age

Section 41: Education and training for persons over compulsory school age: general duty

98. This section inserts sections 15ZA and 15ZB into the Education Act 1996. These new sections set out the new core responsibilities being transferred to local education authorities from the Learning and Skills Council in respect of the provision of education and training for young people.
99. Section 15ZA requires local education authorities to secure enough suitable, full- and part-time, education and training opportunities to meet the reasonable needs of the following people in their area:
- young people who are over compulsory school age but under 19; and
 - learners aged 19 or over, but under 25, who have (or should have had) a learning difficulty assessment under section 139A or 140 of the Learning and Skills Act 2000,
- but the duty does not extend to persons subject to a detention order (defined in section 562(1A) inserted by section 49).
100. Responsibility for all other learners aged 19 or over will fall to the Chief Executive of Skills Funding as covered in Part 4 of the Act.
101. Local education authorities will have powers to secure this provision either within or outside their areas to enable them to secure the most appropriate provision for young people and reflect the normal means by which learners travel to their places of learning (“travel-to-learn patterns”). In securing education and training opportunities, local education authorities must take account of people’s ages, abilities and aptitudes; any learning difficulties they may have; the quality of education or training; and the locations and times at which those opportunities are provided. In performing these functions, local education authorities must also act with a view to encouraging diversity (in both type of provider and provision) and increasing opportunities for young people to exercise choice; and support those learners who are subject to the duty to participate in education or training until they reach the age of 18 (once that duty comes into force).
102. *Subsection (5)* requires a local education authority to co-operate with the Chief Executive of Skills Funding in determining and securing the provision of apprenticeship training under subsection (1).

These notes refer to the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) which received Royal Assent on 12 November 2009

103. Local education authorities will also have powers to fund provision for the duration of the course being undertaken by a young person, even if that course continues after they have reached the age of 19 (or 25 in the case of a learner with a learning difficulty assessment).
104. *Subsection (8)* provides definitions for education and training. “Learning difficulty assessment” is defined in section 13 of the Education Act 1996 (as amended by Schedule 2 to the Act).
105. Local education authorities will meet this duty by commissioning provision which meets the requirements set out in section 15ZA. Commissioning is a cycle of activity that ensures that the courses learners want to take — “learner demand” — is understood and the right provider is funded or contracted with to meet that demand. The Government envisages that local education authorities will work together in sub-regional groupings to plan and agree how to commission provision across an area. These groupings will reflect travel-to-learn patterns of young people. Local education authorities will develop commissioning plans (working with other local education authorities and regional partners such as the Government Offices and Regional Development Agencies) which will be signed off by the YPLA (see Part 3 of this Act) who will ensure that all local education authority plans are coherent with the plans of other local education authorities and are in budget. The YPLA will then ensure provision is funded in accordance with the planned provision.
106. Section 15ZB requires local education authorities to co-operate with each other in the exercise of their new duties under section 15ZA(1). The Government intends that this duty will support sub-regional working and reflect the need of local education authorities to work with each other in securing education and training opportunities across an area. This duty will require co-operation by a local education authority with only those other local education authorities which may provide education or training for young people in the authority’s area. In the vast majority of cases, the Government expects that this duty to co-operate will be fulfilled through sub-regional working (as described above), but it also caters for those instances where learners may need to travel to a local education authority outside the sub-regional grouping to receive their education or training.

Section 42: Encouragement of education and training for persons over compulsory school age

107. This section inserts section 15ZC into the Education Act 1996. The new section requires local education authorities to encourage young people for whom they are responsible to participate in education and training. This will enable local education authorities to encourage full participation in education and training before the provision in section 10 of the Education and Skills Act 2008 (to promote fulfilment of the provisions to raise the participation age) comes into force in 2013. Section 15ZC also requires local education authorities to encourage employers to participate in the provision and delivery of post-16 education and training as they will have a particular role in relation to the provision of diplomas and apprenticeships.

Section 43: LEA directions: children over compulsory school age

108. This section amends the definition of a “child” in section 84 of the School Standards and Framework Act 1998 so that it includes children over compulsory school age but under 19 for the purposes of sections 96 and 97 in England. This enables a local education authority in England to use its powers under section 96 and 97 of the 1998 Act to direct a maintained school for which it is not the admissions authority to admit a particular child to its sixth form. *Subsection (3)* amends section 96(3) of that Act to ensure that any permitted academic selection criteria adopted by a school (including the school sixth form) are satisfied by the child before the local education authority may use its powers to direct the school to admit that child.

Section 44: Power to require provision of education by further education institution

109. This section inserts new section 51A into the Further and Higher Education Act 1992 and applies to England only. It replicates, for local education authorities, the Learning and Skills Council's existing power to direct institutions within the further education sector in England which provide education suitable to the requirements of young people over compulsory school age but under 19, to provide specified young people of that age and within their authority's area with such education. Before exercising this power, the local education authority must consult with the governing body of the further education institution, and anyone else it thinks appropriate. The governing body of such an institution must comply with the direction. In exercising this power, a local education authority must have regard to any guidance provided by the Secretary of State.

The core and additional entitlements

Section 45: Duties in relation to the core and additional entitlements

110. This section inserts four new sections (sections 17A, 17B, 17C, 17D) into the Education Act 1996. It places responsibility for securing the core entitlement and the additional entitlement (defined in section 17A(7)) for all young people who are over compulsory school age but under 19, on local education authorities (rather than the Learning and Skills Council, where the responsibility currently lies).
111. The core entitlement is to a course of study in mathematics, English and information and communications technology.
112. The additional entitlement is to a course of study in a diploma entitlement area specified by the Secretary of State.
113. New section 17A(1) and (2) places a duty on the local education authority to exercise its functions with a view to securing that the core entitlement and courses of study within all the additional entitlement areas are made available in relation to young people in their area who are over compulsory school age but under 19. The intention is that the additional entitlement refers to the diploma entitlement. In securing the additional (diploma) entitlement, local education authorities are able to take into account whether providing a particular course would involve disproportionate expenditure, in which case the requirement to secure the course would not apply (subsection (3)). The entitlement does not entitle a young person to follow a course of study within a particular additional (diploma) entitlement area or to follow more than one course of study within different (diploma) entitlement areas (subsection (5)). A local education authority may satisfy the entitlement by securing that courses of study are available either within or outside their local education authority boundaries (subsection (4)).
114. Subsection (8) defines "course of study" for the purposes of the core and additional (diploma) entitlements. It does so by reference to the resulting qualification, and enables the Secretary of State to specify by order (subject to the negative resolution procedure) both the type and the level of the qualification. Local education authorities must have regard to statutory guidance issued by the Secretary of State in exercising their functions under this section (subsection (6)). Subsection (9) sets out that these entitlements do not apply to young people who are subject to a detention order. However, new section 18A(2)(e) of the Education Act 1996 (inserted by section 48) makes clear that as part of its responsibilities to secure suitable education and training for young people in juvenile custody, a local education authority must take into account the desirability of the core entitlement and the additional entitlement being satisfied in relation to persons over compulsory school age but under 19 who have elected for them.
115. New section 17B describes the entitlements. Young people who are over compulsory school age but under 19 may elect for either or both of the core entitlement and the additional (diploma) entitlement.

These notes refer to the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) which received Royal Assent on 12 November 2009

116. New section 17C defines the core entitlement, which is to follow courses of study in mathematics, English and information and communications technology. The entitlement is satisfied if a course of study in each of the subjects is made available to a young person. The entitlement will cease if a course of study is made available but not begun before a person's 19th birthday.
117. New section 17D provides that the additional entitlement is to follow a course of study in an entitlement area. Additional entitlement areas refer to diploma lines which will be specified by the Secretary of State. The entitlement is satisfied if a course of study in one of the entitlement areas is made available to a young person. The entitlement will cease if a course of study is made available but not begun before a person's 19th birthday.

Boarding accommodation: persons subject to learning difficulty assessment

Section 46: Boarding accommodation: persons subject to learning difficulty assessment

118. This section inserts a new section 514A into the Education Act 1996. It enables local education authorities, when securing suitable education and training provision for young people with learning difficulties who are over compulsory school age but under 25, also to secure boarding accommodation for these learners, either within or outside their local authority area, where they consider it appropriate.

Work experience

Section 47: Work experience for persons over compulsory school age

119. This section inserts a new section 560A into the Education Act 1996, providing local education authorities with a power to secure the provision of work experience for people within their area who are over compulsory school age but under 19, and those aged 19 but under 25 for whom a learning difficulty assessment has been (or should be) conducted. This also places local education authorities under a duty to encourage these learners to participate in work experience, and to encourage employers to provide opportunities for work experience.

Persons detained in youth accommodation

Section 48: Provision of education for persons subject to youth detention

120. This section inserts a new section 18A into the Education Act 1996.
121. New section 18A will have the effect that local education authorities in England and Wales (LEAs) with relevant youth accommodation in their area ("host authorities") will be required to secure that enough suitable education and training is provided to meet the reasonable needs of the children and young people in the youth justice system who are held in those establishments.
122. "Relevant youth accommodation" is defined in section 562(1A) of the Education Act 1996 (as inserted by section 49) and covers most kinds of youth detention accommodation. ("Youth detention accommodation" is defined, in turn, in section 107 of the Powers of Criminal Courts (Sentencing) Act 2000 as a young offender institution, secure training centre and accommodation provided by or on behalf of a local education authority (or the Secretary of State under section 82(5) of the Children Act 1989) for the purpose of restricting the liberty of children and young persons, with power for the Secretary of State under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 to specify other accommodation by order.) However, "relevant youth accommodation" does not include Young Offender Institutions (YOIs) accommodating 18-20 year olds.

123. LEAs will not therefore be responsible for securing the provision of education in YOIs accommodating 18-20 year olds. In England this will be the responsibility of the Chief Executive of Skills Funding under section 86. In Wales this will remain the responsibility of the Welsh Ministers under section 32 of the Learning and Skills Act 2000.
124. Subsection (2) requires LEAs when securing the provision of education and training in relevant youth accommodation to have regard to any special educational needs or learning difficulties persons have, to the desirability of continuing with any courses started, to the core and additional entitlements being satisfied and to the relevant national curriculum.
125. Local education authorities will be required to have regard to guidance issued by the Secretary of State for England and the Welsh Ministers for Wales when exercising their functions under this provision.

Section 49: Persons detained in youth accommodation: application of provisions

126. Under section 562 of the Education Act 1996, functions of LEAs, the Secretary of State, the Welsh Ministers and parents under the Education Act 1996 (and those Education Acts read as one with that Act) do not apply in relation to persons detained pursuant to a court order or an order of recall of the Secretary of State.
127. **Section 49** reverses the effect of section 562 for children and young people detained in relevant youth accommodation. Therefore, functions of LEAs, the Secretary of State, the Welsh Ministers and parents under those Acts will generally apply towards such persons detained pursuant to a court order or an order of recall of the Secretary of State in relevant youth accommodation.
128. New section 562(3) clarifies that section 562 does not operate in relation to children and young people who are kept in secure accommodation under section 25 of the Children Act 1989 (which could be for welfare reasons or to protect themselves or others from injury.)
129. This section applies to England and Wales.

Section 50: Persons detained in youth accommodation: further provision

130. This section inserts a new Chapter 5A into Part 10 of the Education Act 1996 after section 562 of that Act.
131. New section 562A of the Education Act 1996 (inserted by section 50 of this Act) provides a power to prescribe modifications to provisions of the Education Acts in their application to children and young people who are detained. Subsection (2)(a) ensures that this power cannot be used to modify the specific provisions made by this Act regarding the provision of education and training for detained persons. The power will be exercisable by the Secretary of State for England and the Welsh Ministers for Wales.
132. New section 562B of that Act imposes responsibilities on home LEAs in England and Wales to monitor the education or training of a child or young person subject to a detention order. The home LEA will have to take such steps as they consider appropriate to promote the person's fulfilment of his or her learning potential while they are in custody and on their release.
133. The home LEA is the local education authority where the young person is ordinarily resident (excluding any period when the person is subject to a detention order) or, in relation to a child who is or was looked after by an authority under the Children Act 1989, the local education authority that is or was most recently looking after the person.
134. However, section 562B does not apply to children who, while they are detained, are looked after by a local authority (which could happen where they are detained in

local authority accommodation); in those cases, local authorities have duties under section 22(3) of the Children Act 1989 which are similar to those under section 562B.

135. Following the amendments made to section 13A of the Education Act 1996 by Schedule 2 to the Act, host LEAs will be required under that section to exercise their functions under section 18A of that Act (inserted by section 48) with a view to promoting the fulfilment by every child concerned of his or her learning potential.
136. The host LEA will be the local education authority for the area where the child or young person is detained.
137. Sections 562C, 562D and 562G confer functions on both the host and home LEAs in respect of those children and young persons where an LEA was maintaining a statement of special education needs immediately prior to their detention.
138. Under 562C the host LEA must use its best endeavours to ensure that appropriate special educational provision is made for the person. This must be either the special educational provision specified in the person's statement, provision corresponding as closely as practicable to that specified in the statement, or if it considers the provision specified is no longer appropriate, such provision as reasonably appears to the authority to be appropriate. The LEA which was maintaining the statement for the person prior to their detention must retain the statement while the person is detained.
139. Following the amendment made to section 207 of the Education Act 2002 by Schedule 2 to this Act, regulations can be made to enable host LEAs to recoup the cost of making appropriate special educational provision for a person under new section 562C from the authority in whose area the person belongs.
140. Section 562D allows an authority to supply goods and services to the host LEA or the actual person providing the special educational provision.
141. Section 562E of the Education Act 1996 makes provision for literacy and numeracy assessments to be conducted. Under section 562E(2) the host authority must arrange for the detained person's literacy and numeracy skills to be assessed as soon as reasonably practicable after the person arrives in that particular place of relevant youth accommodation, unless the authority are satisfied that they already have evidence of the current level of the person's literacy and numeracy skills.
142. New section 562F of the Education Act 1996 makes provision for the transfer of information relating to a detained person's education or training from their school or previous place of learning to the home and host LEA and to providers of education in custody. Such information might include the educational achievements of the person, their current programme of study and information relating to any special educational needs the person may have. Section 562F(1) allows any person who has provided education or training for a detained person (including while they are in custody) to provide information relating to the detained person to the home and host LEA for the purposes of or in connection with the provision of education or training for the person. This enables the person's school, or other place of learning and any provider of education in custody to share information with the home and host LEA for the purposes of securing the provision of education both during their period of detention and on their release.
143. New section 562F(2) requires LEAs to comply with any requests for such information made by a youth offending team established under section 39 of the Crime and Disorder Act 1998 (YOT), another LEA, the custodial operator of the place the person is or is expected to be detained and any provider (or proposed provider) of education to the detained person. This enables educational information to be transferred by the home or host LEA to those who will be providing education or involved in the person's education in custody and on their release.

144. Section 562F(5) requires the Welsh Ministers to provide a copy of any relevant report of an assessment of learning difficulties conducted under section 140 of the Learning and Skills Act 2000 on request to the home or host authority.
145. Section 562F(8) requires the host authority to provide the home authority with any information it holds which relates to the detained person and may be relevant to the provision of education or training for the person on their release. The information must be provided at such time as the host authority thinks reasonable for the purpose of enabling education and training to be provided to the person on their release.
146. New section 562G of the Education Act 1996 applies where a person detained in juvenile custody had a statement of special educational needs maintained for them prior to their detention. It makes provision for the home LEA to notify the host LEA about the statement (and which authority was maintaining it) when the person is detained (unless the host LEA is already aware) and, on the person's release, for the host LEA to provide similar information to the home LEA (unless the home LEA is already aware) and to notify the authority that was maintaining the statement about the release. Subsection (5) requires any LEA which was maintaining a statement of special educational needs for a person immediately prior to their detention to provide this to the host LEA upon request.
147. New section 562H of the Education Act 1996 ensures that upon a child or young person's release the host LEA informs the home LEA (or, in the case of a young person over compulsory school age in Wales, the Welsh Ministers) if they believe the person has special educational needs or a learning difficulty which should be assessed.
148. New section 562I of the Education Act 1996 requires LEAs when they are exercising any of their functions under new Chapter 5A to have regard to any guidance issued by the Secretary of State for England and the Welsh Ministers for Wales.

Section 51: Detention of child or young person: local education authorities to be notified

149. **Section 51** inserts new section 39A into the Crime and Disorder Act 1998 and requires YOTs to notify the person's home and host LEA when they become aware that a child or young person has been detained in relevant youth accommodation, or has been transferred to a new place of detention. YOTs must also notify the home and host LEAs and, if different, the authority in whose area the YOT expects the person to live on their release, of the person's release from relevant youth accommodation.

Section 52: Release from detention of child or young person with special educational needs

150. **Section 52(2)** inserts a new section 312A into the Education Act 1996. New section 312A(1) suspends Part 4 of the Education Act 1996 while the person is detained in juvenile custody. Part 4 makes provision for children with special educational needs, and would otherwise apply while the person is detained in juvenile custody by virtue of the amendments of section 562 of that Act made by section 49. New Chapter 5A of Part 10 of that Act (inserted by section 50) makes provision for the education of children with special educational needs during the period of that detention. New section 312A(3) revives any statement that was maintained for a person prior to their detention in juvenile custody on their release and makes provision for the statement to transfer to the authority who will be responsible for maintaining it under Part 4 on the person's release.
151. **Section 52(3)** amends section 328(5) of the Education Act 1996 (reviews of educational needs) to require the local authority maintaining the statement to review the child's statement on their release from juvenile custody.

Transport in England

152. Local education authorities have a duty under section 509AA of the Education Act 1996 to publish an annual transport policy statement setting out the transport provision they will make to facilitate the attendance of young people of sixth form age at establishments of education and training. LEAs also have a duty to make the transport arrangements they deem necessary to support adults to attend institutions of education and training. Sections 53 to 57 amend the sixth form duty so that young people and their parents will be consulted in the drawing up of transport policy statements, so that the statements provide sufficient information to inform young people's and their parents' choice between establishments, and so that the statements may be revised in response to complaints. Section 57 also re-enacts the adult transport duty and place a new duty on LEAs to set out in a transport policy statement the arrangements they will make for learners aged 19 to 24 (inclusive) with learning difficulties or disabilities.

Section 53: Provision of transport etc for persons of sixth form age: duty to have regard to section 15ZA duty

153. Under section 41 (which inserts new section 15ZA into the Education Act 1996), LEAs will be responsible for commissioning education and training provision for young people aged 16-18. This section amends section 509AB (the sixth form transport duty) so that LEAs are required to consider what they are required to do under 15ZA(1) in relation to persons of sixth form age, when drawing up their transport policy statement for young people of sixth form age. This will ensure that transport arrangements are not made in isolation and that LEAs consider their commissioning duties, including particular relevant factors (for example, the location of the provision), when developing their local transport policy.

Section 54: Transport policy statements for persons of sixth form age: consultation

154. Section 509AB of the 1996 Act contains requirements about the preparation of transport policy statements for people of sixth form age. Section 54 amends section 509AB to add people who will be of sixth form age when the statement has effect and their parents to the list of persons or bodies LEAs must consult when preparing the statements.

Section 55: Transport policy statements for persons of sixth form age: content and publication

155. **Section 55(1)** amends section 509AB of the 1996 Act to insert a new subsection (7A). This requires LEAs to have regard to the need to include sufficient information in their transport policy statement, and the need to publish the statement in good time, so that young people and their parents are able to take account of those matters when choosing an establishment.
156. **Subsection (2)** amends section 509AA of the 1996 Act so that the Secretary of State has more freedom than before to amend the provision about when statements must be published. Previously the Secretary of State could choose a deadline only within the calendar year during which the academic year started; now he or she will be free to choose an earlier deadline.

Section 56: Complaints about transport arrangements etc for persons of sixth form age

157. This section inserts section 509AE into the Education Act 1996, which makes provision about sixth form transport complaints. A sixth form transport complaint is a complaint about how an LEA have carried out (or failed to carry out) their transport responsibilities in relation to people of sixth form age. It can be made by a person who is, or will, be of sixth form age at the relevant time, or the person's parent.

158. Section 509AE(1) allows LEAs to revise transport policy statements to amend transport provision or financial assistance arrangements as a result of a sixth form transport complaint, if they deem this to be necessary. Section 509AE(2) requires them to do so if the Secretary of State directs them to as a result of a sixth form transport complaint. Section 509AE(3) states that any LEA who amend their statement following a complaint must publish the revised statement as soon as practicable, along with a description of the changes. Under section 509AE(4) the Secretary of State need not consider whether to use direction making powers in response to a sixth form transport complaint unless it has already been brought to the attention of the LEA concerned and the LEA have had a reasonable opportunity to investigate and respond.
159. Section 509AE(7) provides that where an authority have published their sixth form statement and their transport policy statement for adult learners in the same document, the requirement in section 509AE(3) to publish a revised statement is to be read as a requirement to publish a version of the document that includes the revised statement.
160. Paragraphs 7 to 9 of Schedule 2 amend the Secretary of State's direction-giving powers to make clear that they are subject to section 509AE.

Section 57: Local education authorities in England: provision of transport etc for adult learners

161. This section inserts two new sections into the Education Act 1996.
162. New section 508F re-enacts section 509 of the 1996 Act (which is repealed) in respect of LEAs' travel duties towards adult learners. It continues to impose a duty on LEAs to make any transport or other arrangements that they consider necessary, or that the Secretary of State directs, for the purpose of facilitating the attendance of learners who are aged 19 and over at certain education institutions. Any transport provided must be free of charge. The authority may pay all or part of the reasonable travel expenses of a learner for whose transport no arrangements are made. The LEA must have regard to the age of the learner, and the nature of the route, when considering what arrangements to make.
163. Subsection (5) specifies that in considering what arrangements to make for relevant young adults (i.e. those aged 19-24 with learning difficulties or disabilities), the LEA must have regard to what they are required to do under section 15ZA(1). This is the duty introduced in this Act under which LEAs will be responsible for commissioning education and training provision for young people aged 16-18 as well as those aged 19-24 with learning difficulties and disabilities. This link (similar to the link made from the sixth form transport duty by section 53) will ensure that transport arrangements are not made in isolation and that LEAs consider their commissioning duties, including particular relevant factors (for example, the location of the provision), when developing their local transport policy.
164. New section 508G places a new duty on LEAs to make available in a transport policy statement information about the travel provision they have put in place for people aged 19 to 24 (inclusive) in respect of whom a learning difficulty assessment under section 139A or 140 of the Learning and Skills Act 2000 has been carried out or is required to be carried out. LEAs may publish this information in a joint statement with their sixth form transport policy statement under section 509AA of the 1996 Act, or as a separate statement if they prefer. This measure is designed to ensure that young people with learning difficulties aged 19 to 24 (inclusive) and their parents are able to access information about what transport is available, so that they are able to make informed choices between institutions.
165. When preparing the statement, the LEA are required to consult other LEAs, education institutions, affected learners and their parents. The authority must also have regard to guidance about the preparation of the statement (section 508H).

166. Under subsections (2) to (4) of section 508G, the statement must specify any transport or other arrangements, any payment of travel expenses, and any concessionary schemes which the LEA plans to make available to this group of learners in the following academic year. Subsection (5) of that section states that the statement must be published by the end of May before the start of the relevant academic year, in line with the sixth form transport policy statement duty. Subsection (6) of the section requires the LEA to have regard to the need to supply sufficient information and the need to publish the statement in good time, so that, as with the sixth form transport policy statement duty, young people and their parents are able to use this information to help them choose their institution. Section 508G(7) enables LEAs to make additional arrangements, payments or concessions which are not included in the statement during the course of the year. Section 508G(8) allows the Secretary of State to amend subsection (5) to change the deadline for publication of the statement.
167. New section 508H allows the Secretary of State to issue guidance to support LEAs to carry out their functions under 508F and 508G. LEAs must have regard to any guidance in carrying out their functions.
168. New section 508I replicates, for learners with learning difficulties aged 19-24, the transport complaints measures being introduced in respect of the sixth form duty in section 56.

Powers in respect of non-maintained schools

Section 58: Power of LEAs to arrange provision of education at non-maintained schools

169. This section repeals section 128 of the School Standards and Framework Act 1998. Section 128 amended section 16 of the Education Act 1996 and substituted a new section 18 in that Act. The new section 18 gave the Secretary of State the power to make regulations, under which a LEA could assist primary and secondary schools outside the maintained sector, or make arrangements for pupils to be educated at such schools: an assisted places scheme. The section has never been commenced, and the Government therefore now considers that it should be repealed. The effect of the repeal is that the original section 18 remains in force. LEAs will continue to retain powers under sections 16 and 18 of the Education Act 1996 to assist, and arrange provision of education at, non-maintained schools.

Section 59 and Schedule 2: Minor and consequential amendments

170. **Section 59** introduces Schedule 2, which contains minor and consequential amendments relating to the provision made by Part 2.
171. It amends section 13 of the Education Act 1996 so that local education authorities in England have a general responsibility for contributing to the spiritual, moral, mental and physical development of the community by securing further education (as well as primary and secondary education) for young people who are over compulsory school age but under 19, who are 19 or over but under 25 and may have a learning difficulty. It also substitutes an amended section 13A in the 1996 Act to ensure that local education authorities exercise new education and training functions in relation to those young people for whom they have assumed responsibility so as to promote high standards, fulfilment of potential and (in England) fair access to opportunity for education and training.