



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 2

[^{F1}LOCAL AUTHORITY] FUNCTIONS

Persons detained in youth accommodation

48 Provision of education for persons subject to youth detention

After section 18 of the Education Act 1996 insert—

“18A Provision of education for persons subject to youth detention

- (1) A [^{F1}local authority] must secure that—
- (a) enough suitable education is provided to meet the reasonable needs of children subject to youth detention in their area;
 - (b) enough suitable education and training is provided to meet the reasonable needs of persons who are—
 - (i) over compulsory school age but under 19, and
 - (ii) subject to youth detention in their area.
- (2) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons' reasonable needs, a [^{F1}local authority] must (in particular) have regard to—
- (a) the persons' ages, abilities and aptitudes;
 - (b) any special educational needs or learning difficulties (within the meaning of section 15ZA(6) and (7)) the persons may have;
 - (c) the desirability of enabling persons to complete programmes of study or training which they have begun;

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Section 48 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (d) any relevant curriculum and the desirability that education received by persons subject to youth detention should be comparable with education which they could be expected to receive if they were attending a school or institution implementing a relevant curriculum;
 - (e) the desirability of the core entitlement ^{F2}... being satisfied in relation to persons over compulsory school age but under 19 ^{F2}....
- (3) In subsection (2)(d), “relevant curriculum” means—
- (a) in relation to a [^{F1}local authority] in England, the National Curriculum for England established under section 87 of the Education Act 2002 as subsisting for the time being;
 - (b) in relation to a [^{F1}local authority] in Wales—
 - (i) the National Curriculum for Wales established under section 108 of that Act as subsisting for the time being, or
 - (ii) any local curriculum formed by the authority under section 116A of the Education Act 2002 (formation of local curricula for pupils in Key Stage 4) or for their area under section 33A of the Learning and Skills Act 2000 (formation of local curricula for students aged 16 to 18).
- [^{F3}(4) Section 17C (the core entitlement) applies for the purposes of subsection (2) (e).]
- (5) Any arrangements made by a [^{F1}local authority] under subsection (1) for the provision by another person (the “learning provider”) of education or training must require the learning provider, in making any determination as to the education or training to be provided for a particular person (“P”), to have regard to any information within subsection (6).
- (6) The information within this subsection is—
- (a) information provided under section 562F by a [^{F1}local authority] as to the level of P’s literacy and numeracy skills;
 - (b) any other information provided under section 562F by P’s home authority (within the meaning of Chapter 5A of Part 10) for the purpose of assisting a determination such as is mentioned in subsection (5).
- (7) In performing the duty imposed by subsection (1), a [^{F1}local authority] must have regard to any guidance issued—
- (a) in the case of a [^{F1}local authority] in England, by the Secretary of State;
 - (b) in the case of a [^{F1}local authority] in Wales, by the Welsh Ministers.
- (8) For the purposes of subsection (1), a person is subject to youth detention in the area of a [^{F1}local authority] if—
- (a) subject to a detention order, and
 - (b) detained in relevant youth accommodation in the area of the authority.”

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. 16(2)**
- F2** Words in s. 48 omitted (15.1.2012) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 30(7)(a)**, 82(2)(b)
- F3** Words in s. 48 substituted (15.1.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 30(7)(b)**, 82(2)(b)

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Commencement Information

II S. 48 in force at 1.9.2010 for specified purposes for E. by [S.I. 2010/303](#), [art. 6](#), [Sch. 5](#) (with [arts. 9-11](#))

Changes to legislation:

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6