



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 [^{F1}local 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 [^{F1}local 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.”

Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 14\(2\)](#)

Changes to legislation: *Education and Inspections Act 2006, Part 1 is up to date with all changes known to be in force on or before 25 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*

Commencement Information

- I1** S. 1 in force at 25.5.2007 for E. by [S.I. 2007/935, art. 6\(a\)](#)
I2 S. 1 in force at 30.6.2008 for W. by [S.I. 2008/1429, art. 3\(1\), Sch. Pt. 1](#)

2 Duties in relation to diversity and choice

In section 14 of EA 1996 (functions of ^{F1}local authorities] in relation to the provision of primary and secondary education) after subsection (3) insert—

“(3A) A ^{F1}local 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.”

Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 14\(2\)](#)

Commencement Information

- I3** S. 2 in force at 25.5.2007 by [S.I. 2007/935, art. 7\(a\)](#)

3 Duty to consider parental representations

After section 14 of EA 1996 insert—

“14A Duty of ^{F1}local authority] to consider parental representations

- (1) Where a ^{F1}local 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 ^{F1}local 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 ^{F1}local 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 ^{F1}local authority] must have regard to any guidance given from time to time by the Secretary of State.”

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Textual Amendments

F1 Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 14\(2\)](#)

Commencement Information

I4 S. 3 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(a\)](#)

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 [^{F1}local 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
 - (b) are not receiving suitable education otherwise than at a school.
- (2) In exercising their functions under this section a [^{F1}local 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) ”.

Textual Amendments

F1 Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 14\(2\)](#)

Commencement Information

I5 S. 4 in force at 27.2.2007 for E. by [S.I. 2006/3400](#), [art. 6\(a\)](#)
I6 S. 4 in force at 1.9.2009 for W. by [S.I. 2009/1027](#), [art. 3\(a\)](#)

^{F25} School improvement partners

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Textual Amendments

F2 S. 5 repealed (15.11.2011) by [Education Act 2011 \(c. 21\)](#), **ss. 33(1), 82(1)(a)**

6 Functions in respect of youth work, recreation etc

- (1) Before section 508 of EA 1996 (functions of ^[F3]local authority] in respect of facilities for recreation and social and physical training), and immediately after the cross-heading which precedes that section, insert—

507A ^[F3]“Local authorities] in England: functions in respect of recreational and training facilities for children under 13

- (1) A ^[F1]local 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 ^[F1]local 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 ^[F1]local 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 ^[F3]Local authorities] 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 ^[F1]local 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

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- (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
 - (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 [^{F1}local 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 [^{F1}local 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.

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- (8) For the purposes of subsection (7)(a) a [F1local 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 [F1local 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
 - (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 [F1local 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 [F1local 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 [F1local 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).

Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**
- F3** 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. 14(3)**

Commencement Information

- I7** S. 6 in force at 8.1.2007, see s. 188(2)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)