



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

Provision of support services

71 Provision of support on conditional basis: learning and support agreements

- (1) Services provided for young persons in pursuance of section 68 or 70(1)(b) may include the provision of support on a conditional basis.
- (2) For the purposes of this section—
 - (a) “support” provided for a person means any form of support and includes, in particular—
 - (i) support in the form of medical or social care, including care provided otherwise than to that person,
 - (ii) support in the form of incentives, including allowances and payments, and
 - (iii) other financial assistance;
 - (b) support is provided for a young person on a conditional basis if it is provided under arrangements (a “learning and support agreement”) under which its provision is subject to the young person's agreement to fulfil conditions (“learning and support conditions”).
- (3) Subsections (4) to (6) apply where support is provided for a young person on a conditional basis by virtue of subsection (1).
- (4) The learning and support agreement must include provision (whether or not in the form of a learning and support condition) relating to the young person's participation in education or training.

Changes to legislation: *Education and Skills Act 2008, Section 71 is up to date with all changes known to be in force on or before 29 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*

- (5) The person providing the support (the “service provider”) must consider that providing it on a conditional basis would be desirable in the interests of encouraging, enabling or assisting the young person—
- (a) to fulfil the duty imposed by section 2, in a case where the young person is a person to whom Part 1 applies, or
 - (b) in any case, to participate effectively in education or training.
- (6) The learning and support conditions must be conditions—
- (a) determined in consultation between the service provider and the young person, having regard to an assessment of the young person's needs conducted by the service provider and the young person for the purposes of this section, and
 - (b) to which in the course of that consultation the young person has agreed;
- and the service provider must make arrangements for the learning and support conditions to be reviewed periodically.
- (7) Learning and support agreements made by virtue of subsection (1) do not create any obligations in respect of whose breach any liability arises in contract or in tort.
- (8) Subsection (1) is subject to section [F168(4)].

Textual Amendments

- F1** Word in s. 71(8) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 28(3)(c)**, 82(3); [S.I. 2012/1087](#), **art. 3**

Modifications etc. (not altering text)

- C1** S. 71 functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), **12(1)(i)(2)(3)**
- C2** S. 71 functions made exercisable concurrently (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, **18** (with art. 28)
- C3** S. 71: functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **5**

Commencement Information

- I1** S. 71 in force at 26.1.2009 by [S.I. 2008/3077](#), **art. 4(a)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 71 functions made exercisable concurrently by [S.I. 2024/402 art. 33](#)

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. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)