



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 2

#### [<sup>F1</sup>LOCAL AUTHORITY] FUNCTIONS

##### *Persons detained in youth accommodation*

#### **52 Release from detention of child or young person with special educational needs**

- (1) The Education Act 1996 (c. 56) is amended as follows.
- (2) After section 312 insert—

##### **“312A Children subject to detention**

- (1) No provision of, or made under, this Part applies in relation to a child who is subject to a detention order and detained in relevant youth accommodation.
- (2) The following provisions of this section apply where a child who has been subject to a detention order is released having, immediately before release, been detained in relevant youth accommodation.
- (3) Subject to subsection (6), a statement which was maintained for the child by a [<sup>F1</sup>local authority] under section 324 immediately before the beginning of the detention is, from the child's release, to be treated as being maintained by that authority under section 324.
- (4) In subsection (3) “the beginning of the detention” means—
  - (a) the beginning of the period of detention in relevant youth accommodation, or

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**Changes to legislation:** Apprenticeships, Skills, Children and Learning Act 2009, Section 52 is up to date with all changes known to be in force on or before 18 March 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

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- (b) where that period is part of a continuous period, comprising periods of detention in relevant youth accommodation and in other accommodation, the beginning of that continuous period.
- (5) For the purposes of subsection (4), it is immaterial whether or not a period of detention is pursuant to a single order.
- (6) Where, on the child's release, a [<sup>F1</sup>local authority] (“the new authority”) other than the authority mentioned in subsection (3) (“the old authority”) becomes responsible for the child for the purposes of this Part—
  - (a) the old authority must transfer the statement to the new authority, and
  - (b) from the child's release, the statement is to be treated as being maintained by the new authority under section 324.”
- (3) In section 328(5) (reviews of educational needs), at the end of paragraph (a) (but before “and”) insert—
  - “(aa) where the child concerned—
    - (i) has been subject to a detention order, and
    - (ii) immediately before release was detained in relevant youth accommodation,
 on the child's release from detention.”.

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#### 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)**
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#### Commencement Information

- I1** S. 52 in force at 1.9.2010 for E. by [S.I. 2010/303](#), art. 6, **Sch. 5** (with arts. 9-11)
- I2** S. 52 in force at 1.4.2011 for W. by [S.I. 2011/829](#), **art. 2(d)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 52 omitted by [2018 anaw 2 Sch. 1 para. 6\(n\)\(i\)](#)

**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](#)