



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 4

#### THE CHIEF EXECUTIVE OF SKILLS FUNDING

### CHAPTER 1

#### ESTABLISHMENT AND MAIN DUTIES

*Education and training for persons aged 19 or over etc.*

**86 Education and training for persons aged 19 or over and others subject to adult detention**

- (1) The Chief Executive must secure the provision of reasonable facilities for—
  - (a) education suitable to the requirements of persons who are aged 19 or over, other than persons aged under 25 who are subject to learning difficulty assessment,
  - (b) education suitable to the requirements of persons who are subject to adult detention, and
  - (c) training suitable to the requirements of persons within paragraphs (a) and (b).
- (2) This section does not apply to the provision of facilities to the extent that section 87 applies to the provision of those facilities.
- (3) Facilities are reasonable if (taking account of the Chief Executive's resources) their quantity and quality are such that the Chief Executive can reasonably be expected to secure their provision.
- (4) In discharging the duty under subsection (1) the Chief Executive must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
  - (b) take account of the different abilities and aptitudes of different persons;
  - (c) take account of the education and skills required in different sectors of employment for employees and potential employees;
  - (d) take account of facilities the provision of which the Chief Executive thinks might reasonably be secured by other persons;
  - (e) act with a view to encouraging diversity of education and training available to individuals;
  - (f) act with a view to increasing opportunities for individuals to exercise choice;
  - (g) have regard to the desirability of enabling persons subject to adult detention to continue programmes of education or training which they have begun;
  - (h) have regard to the desirability of the core entitlement and the additional entitlement being satisfied for persons subject to adult detention but aged under 19 who have elected for them;
  - (i) make the best use of resources.
- (5) For the purposes of this section a reference to the provision of facilities for education or training (except so far as relating to facilities for persons subject to adult detention) includes a reference to the provision of facilities for organised leisure-time occupation in connection with education or (as the case may be) training.
- (6) For the purposes of this section—
- “education” includes full-time and part-time education;
  - “training” includes—
    - (a) full-time and part-time training;
    - (b) vocational, social, physical and recreational training;
    - (c) apprenticeship training.
- (7) In this Part, “organised leisure-time occupation” means leisure-time occupation, in such organised cultural training and recreational activities as are suited to the requirements of persons who fall within subsection (1)(a) or (b), for any such persons who are able and willing to profit by facilities provided for that purpose.
- (8) Sections 17B to 17D of the [Education Act 1996 \(c. 56\)](#) (core and additional entitlements: interpretation) apply for the purpose of subsection (4)(h) as they apply for the purpose of section 17A of that Act (duties of local education authorities in relation to the core and additional entitlements).