



Education and Skills Act 2008

2008 CHAPTER 25

PART 3

[^{F1}ASSESSMENTS OF EFFECTIVENESS OF EDUCATION AND TRAINING ETC]

Textual Amendments

- F1** Pt. 3 heading substituted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), ss. [78\(4\)\(a\)](#), [164\(3\)\(f\)](#)

Provision of courses of study

^{F2}**86 Learning aims for persons aged 19 and over**

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Textual Amendments

- F2** S. 86 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. [1\(2\)\(a\)\(b\)\(b\)](#), Sch. 1 para. [84](#), **2 Pt. 1** (with art. [2\(3\)](#))

F3
...

Textual Amendments

- F3** S. 87 crossheading omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), ss. [78\(4\)\(b\)](#), [164\(3\)\(f\)](#)

Status: Point in time view as at 01/08/2024.

Changes to legislation: There are currently no known outstanding effects for the Education and Skills Act 2008, Part 3. (See end of Document for details)

87 Benefit and training information

- (1) Information within subsection (2) or (3) may be—
- (a) used in connection with the exercise of an assessment function of the Secretary of State or a devolved authority, or
 - (b) disclosed to a person for use in connection with the exercise of an assessment function of the Secretary of State or a devolved authority.
- (2) Information is within this subsection if—
- (a) it is about an individual ^{F4}..., and
 - (b) it is held by the Secretary of State for the purposes of any function of the Secretary of State relating to social security.
- (3) Information is within this subsection if—
- (a) it is about an individual ^{F5}...,
 - (b) it is held by the Secretary of State or a devolved authority, and
 - (c) it relates to any training or course of education undertaken by the individual ^{F6}....
- (4) For the purposes of this section and sections 88 to 90, “assessment function” means any of the following functions—
- (a) evaluating the effectiveness of training or education ^{F7}...;
 - (b) assessing policy in relation to the provision of ^{F8}... training or education;
 - (c) assessing policy in relation to social security or employment as it affects the provision of or participation in ^{F9}... training or education.

Textual Amendments

- F4** Words in s. 87(2)(a) omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 78\(2\)\(a\), 164\(3\)\(f\)](#)
- F5** Words in s. 87(3)(a) omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 78\(2\)\(a\), 164\(3\)\(f\)](#)
- F6** Words in s. 87(3)(c) omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 78\(2\)\(b\), 164\(3\)\(f\)](#)
- F7** Words in s. 87(4)(a) omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 78\(2\)\(c\), 164\(3\)\(f\)](#)
- F8** Word in s. 87(4)(b) omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 78\(2\)\(d\), 164\(3\)\(f\)](#)
- F9** Word in s. 87(4)(c) omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 78\(2\)\(d\), 164\(3\)\(f\)](#)

Commencement Information

- I1** S. 87 in force at 26.1.2009 by [S.I. 2008/3077, art. 4\(c\)](#)

88 Revenue and Customs information

- (1) The Commissioners for Her Majesty's Revenue and Customs may disclose information relating to income tax or tax credits to a person for use in connection with the exercise of an assessment function of the Secretary of State or a devolved authority.
- (2) The reference in subsection (1) to the Commissioners for Her Majesty's Revenue and Customs includes a reference to a person authorised by the Commissioners.

Status: Point in time view as at 01/08/2024.

Changes to legislation: There are currently no known outstanding effects for the Education and Skills Act 2008, Part 3. (See end of Document for details)

Commencement Information

I2 S. 88 in force at 26.1.2009 by [S.I. 2008/3077](#), [art. 4\(c\)](#)

89 Use of information

- (1) Information disclosed to a person in reliance on section 87(1)(b) or 88 may be used by that person only in connection with the exercise of an assessment function of the Secretary of State or a devolved authority.
- (2) Subsection (3) applies where information about an individual is used in connection with the exercise of an assessment function of the Secretary of State or a devolved authority—
 - (a) in reliance on section 87(1)(a), or
 - (b) under subsection (1) above.
- (3) So far as is reasonably practicable, the information must not be used in such a way that the identity of the individual is disclosed to, or capable of being discovered by, a person carrying out an evaluation or assessment of a kind mentioned in section 87(4)(a) to (c).

Commencement Information

I3 S. 89 in force at 26.1.2009 by [S.I. 2008/3077](#), [art. 4\(c\)](#)

90 Wrongful onward disclosure of information

- (1) This section applies to information—
 - (a) used in reliance on section 87(1)(a), or
 - (b) disclosed in reliance on section 87(1)(b) or 88.
- (2) A person commits an offence if—
 - (a) the person discloses the information to another otherwise than in connection with the exercise of an assessment function of the Secretary of State or a devolved authority, and
 - (b) the information relates to a person whose identity is specified in or can be deduced from the disclosure.
- (3) It is a defence to prove that a person charged with the offence reasonably believed—
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (4) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding [^{F10}the general limit in a magistrates' court] or to a fine not exceeding the statutory maximum or to both.

Status: Point in time view as at 01/08/2024.

Changes to legislation: There are currently no known outstanding effects for the Education and Skills Act 2008, Part 3. (See end of Document for details)

- (5) A prosecution for an offence under this section may be instituted in England and Wales only with the consent of the Director of Public Prosecutions.
- (6) In subsection (4)(b), the reference to [^{F11}the general limit in a magistrates' court] is to be read as a reference to 6 months in relation to an offence committed in England and Wales before [^{F12}2 May 2022].

Textual Amendments

- F10** Words in s. 90(4)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F11** Words in s. 90(6) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F12** Words in s. 90(6) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**

Commencement Information

- I4** S. 90 in force at 26.1.2009 by [S.I. 2008/3077](#), **art. 4(c)**

91 Information: supplementary

- (1) This section applies for the purposes of sections 87 to 90.
- (2) Nothing in these sections affects the use or disclosure of information by virtue of—
- section 3 of the Social Security Act 1998 (c. 14);
 - any other enactment or rule of law.
- (3) These are the devolved authorities—
- the Scottish Ministers;
 - the Welsh Ministers.
- [^{F13}(c) the Commission for Tertiary Education and Research.]
- (4) A reference to the Secretary of State includes a reference to a person providing services to the Secretary of State.
- (5) A reference to a devolved authority includes a reference to a person providing services to the authority.
- ^{F14}(6)

Textual Amendments

- F13** S. 91(3)(c) inserted (1.8.2024) by [Tertiary Education and Research \(Wales\) Act 2022 \(asc 1\)](#), s. 148(2), **Sch. 4 para. 22(3)** (with s. 19); [S.I. 2024/806](#), **art. 2(k)(xiii)** (with art. 28)
- F14** S. 91(6) omitted (26.5.2015) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 78(3)**, 164(3)(f)

Commencement Information

- I5** S. 91 in force at 26.1.2009 by [S.I. 2008/3077](#), **art. 4(c)**

Status:

Point in time view as at 01/08/2024.

Changes to legislation:

There are currently no known outstanding effects for the Education and Skills Act 2008, Part 3.