



Education and Skills Act 2008

CHAPTER 25

EDUCATION AND SKILLS ACT 2008

PART 1

DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

CHAPTER 1

YOUNG PERSONS

Duty to participate in education or training

- 1 Persons to whom Part 1 applies
- 2 Duty to participate in education or training

Interpretation

- 3 Level 3 qualification
- 4 Appropriate full-time education or training
- 5 Full-time occupation
- 6 Relevant training or education
- 7 Relevant period
- 8 Sufficient relevant training or education
- 9 Assignment of numbers of hours of guided learning to external qualifications

CHAPTER 2

LOCAL AUTHORITIES AND EDUCATIONAL INSTITUTIONS ETC

Status: Point in time view as at 01/09/2009.

Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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)

Duty to promote fulfilment of duty imposed by section 2

- 10 local authority to promote fulfilment of duty imposed by section 2

Duty to promote good attendance

- 11 Educational institutions: promotion of good attendance

Duty to identify persons not fulfilling duty imposed by section 2

- 12 Duty to make arrangements to identify persons not fulfilling duty imposed by section 2

Information

- 13 Notification of non-compliance with duty imposed by section 2
14 Educational institutions: duty to provide information
15 Supply of social security information
16 Supply of information by public bodies
17 Sharing and use of information held for purposes of support services or functions under this Part

Guidance

- 18 Guidance

CHAPTER 3

EMPLOYERS

Interpretation

- 19 Contracts to which Chapter applies
20 Appropriate arrangements

Commencement of employment

- 21 Appropriate arrangements to be in place before employment begins
22 Financial penalty for contravention of section 21
23 Withdrawal or variation of penalty notice given under section 22 following notice of objection
24 Appeal against penalty notice given under section 22
25 Further power to withdraw penalty notice given under section 22
26 Withdrawal or variation of penalty notice given under section 22: further provisions

Employer to enable participation in education or training

- 27 Duty to enable participation: initial arrangements
28 Duty to enable participation: arrangements subsequently notified
29 Sections 27 and 28: extension for person reaching 18
30 Contravention of section 27 or 28: enforcement notice
31 Financial penalty for non-compliance with enforcement notice given under section 30
32 Withdrawal of enforcement notice given under section 30
33 Withdrawal or variation of penalty notice given under section 31 following notice of objection

Status: Point in time view as at 01/09/2009.

Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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)

- 34 Appeal against penalty notice given under section 31
- 35 Further power to withdraw penalty notice given under section 31
- 36 Withdrawal or variation of penalty notice given under section 31:
further provisions

Supplementary

- 37 Right not to suffer detriment
- 38 Dismissal to be treated as unfair
- 39 Other amendments of Employment Rights Act 1996

CHAPTER 4

PARENTING CONTRACTS AND PARENTING ORDERS

- 40 Parenting contracts
- 41 Parenting orders
- 42 Parenting orders: supplemental
- 43 Parenting orders: appeals
- 44 Parenting contracts and parenting orders: further provisions

CHAPTER 5

ATTENDANCE NOTICES

Initial steps

- 45 Failure to fulfil duty under section 2: initial steps

Attendance notices

- 46 Attendance notice
- 47 Attendance notice: description of education or training

Attendance panel, appeals and variations etc

- 48 Attendance panel
- 49 Appeal arrangements
- 50 Variation and revocation of attendance notice

Failure to comply with attendance notice

- 51 Offence of failure to comply with attendance notice
- 52 Restrictions on proceedings for offences under section 51
- 53 Failure to comply with attendance notice: penalty notice
- 54 Penalty notices: appeal arrangements
- 55 Non-participation fines: interpretation
- 56 Enforcement of non-participation fine etc: person reaching 18
- 57 Enforcement of non-participation fine etc: fine imposed on person aged
18 or over
- 58 Enforcement of non-participation fine: further provisions
- 59 Application of sums recovered by virtue of section 56 or 57

Supplementary

- 60 Review of initial operation of Chapter

Status: Point in time view as at 01/09/2009.

Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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)

CHAPTER 6

MISCELLANEOUS

- 61 Alternative ways of working
- 62 Crown employment
- 63 House of Lords staff
- 64 House of Commons staff
- 65 Financial penalties
- 66 Interpretation of Part
- 67 Corresponding provision for Wales

PART 2

SUPPORT FOR PARTICIPATION IN EDUCATION OR TRAINING: YOUNG ADULTS WITH LEARNING DIFFICULTIES AND YOUNG PEOPLE IN ENGLAND

Provision of support services

- 68 Support services: provision by local education authorities
- 69 Directions
- 70 Local education authorities: supplementary powers
- 71 Provision of support on conditional basis: learning and support agreements
- 72 Educational institutions: duty to provide information
- 73 Educational institutions: access and facilities
- 74 Internet and telephone support services etc
- 75 Inspection
- 76 Supply of social security information relating to young persons
- 77 Supply of information by public bodies
- 78 Supplementary
- 79 Existing functions of Secretary of State

Assessments relating to learning difficulties

- 80 Assessments relating to learning difficulties

Careers education

- 81 Careers education: information and advice

Apprenticeships

- 82 Apprenticeships: functions of Learning and Skills Council for England

School transport etc

- 83 Provision of transport etc for persons of sixth form age: duty to consider journey times
- 84 Exercise of travel functions by local education authorities in England: duty to have regard to religion or belief of persons of sixth form age

Co-operation as regards 14-19 education and training

- 85 Co-operation as regards provision of 14-19 education and training

Status: Point in time view as at 01/09/2009.

Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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)

PART 3

ADULT SKILLS

Provision of courses of study

86 Learning aims for persons aged 19 and over

Assessments of effectiveness of education or training

87 Benefit and training information
88 Revenue and Customs information
89 Use of information
90 Wrongful onward disclosure of information
91 Information: supplementary

PART 4

REGULATION AND INSPECTION OF INDEPENDENT EDUCATIONAL PROVISION IN ENGLAND

CHAPTER 1

INDEPENDENT EDUCATIONAL INSTITUTIONS IN ENGLAND

Introductory

92 Independent educational institutions
93 Application of Chapter to institutions in England only

Standards

94 Independent educational institution standards

Requirement of registration

95 The register
96 Unregistered independent educational institutions: offence
97 Unregistered independent educational institutions: inspection

Registration procedure

98 Applications for registration
99 Determination of applications for registration
100 Institutions no longer required to register: power to deregister

Approval of material changes to registered details

101 “Material change”
102 Requirement to apply for approval for material change
103 Inspection and report where applications made for approval
104 Determination of applications for approval
105 Power to deregister institution that makes unapproved material change

Independent inspectorates

106 Independent inspectorates
107 Quality assurance of independent inspectorates

Status: Point in time view as at 01/09/2009.

Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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)

Inspections and reports

- 108 Duty to inspect certain registered institutions at prescribed intervals
- 109 Duty to inspect registered institution on direction of Secretary of State
- 110 Inspections under this Chapter: power of entry etc
- 111 Fees for inspections by Chief Inspector under this Chapter
- 112 Failure to pay fees
- 113 Publication of inspection reports

Failure to meet standards

- 114 Action plans
- 115 Power of Secretary of State to take enforcement action
- 116 Enforcement action available to Secretary of State
- 117 “Relevant restriction”
- 118 Relevant restriction imposed by Secretary of State: supplementary

Unsuitable persons

- 119 Unsuitable persons

Emergencies

- 120 Application to justice of the peace for order
- 121 Relevant restriction imposed by justice of the peace: supplementary
- 122 Order of justice of the peace: notification

Provision of information by proprietors

- 123 Provision of information by proprietors

Appeals

- 124 Appeal by proprietor against decision of Secretary of State to deregister
- 125 Appeal by proprietor against other decisions of Secretary of State
- 126 Appeal by proprietor against order of justice of the peace
- 127 Relevant restriction imposed by Tribunal: supplementary

Prohibition on participation in management of independent educational institutions

- 128 Prohibition on participation in management
- 129 Directions under section 128: appeals
- 130 Directions under section 128: information
- 131 Directions under section 128: notification

Independent colleges for 16 to 18 year olds

- 132 Providers of independent education or training for 16 to 18 year olds
- 133 Regulations under section 132: supplementary

Supplementary

- 134 Proceedings for offences
- 135 Offences by bodies corporate
- 136 Offences by unincorporated bodies
- 137 Service of notice etc
- 138 Interpretation of Chapter

Status: Point in time view as at 01/09/2009.

Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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)

Transitional provision

- 139 Continuity of the law
- 140 The register and fees
- 141 Prohibition on participation in management

CHAPTER 2

SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

Non-maintained special schools in England

- 142 Interpretation
- 143 Right of sixth-form pupils to opt out of religious worship
- 144 Protection of pupils in an emergency
- 145 Appeals

Independent schools in England

- 146 Abolition of requirement of approval for independent schools: England
- 147 Approval of independent schools: consequential amendments
- 148 Approval of independent schools: transitional provision

PART 5

MISCELLANEOUS AND GENERAL

CHAPTER 1

POWERS OF NATIONAL ASSEMBLY FOR WALES

- 149 Powers of National Assembly for Wales

CHAPTER 2

MISCELLANEOUS

School admissions

- 150 Sixth form admissions etc
- 151 Admission arrangements
- 152 Sixth form admissions etc: appeals
- 153 School admissions: supplementary

Maintained schools in England: behaviour and attendance etc

- 154 Power of governing body: educational provision for improving behaviour
- 155 Application of s.444 of Education Act 1996 to alternative education provision

Maintained schools in England: assessment arrangements

- 156 National Curriculum for England: duty to implement assessment arrangements

Status: Point in time view as at 01/09/2009.

Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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)

Maintained schools: pupils' views

- 157 Governing bodies of maintained schools to invite and consider pupils' views
- 158 Consultation of pupils: existing functions

External qualifications

- 159 Approved external qualifications: England
- 160 Approved external qualifications: Wales
- 161 Functions of Qualifications and Curriculum Authority in England and Northern Ireland
- 162 Functions of Welsh Ministers etc
- 163 Functions of Qualifications and Curriculum Authority in Northern Ireland in relation to vocational qualifications

Inspections of teacher training

- 164 Inspections of teacher training in England: removal of duty to notify

Schools forums

- 165 Constitution of schools forums

CHAPTER 3

GENERAL

- 166 Orders and regulations
- 167 Functions to be exercisable by Welsh Ministers
- 168 General interpretation
- 169 Minor and consequential amendments, repeals and revocations
- 170 Power to make consequential and transitional provision etc.
- 171 Financial provisions
- 172 Extent
- 173 Commencement
- 174 Short title

SCHEDULES

- SCHEDULE 1 — Minor and consequential amendments
- Part 1 — REGULATION AND INSPECTION

Disability Discrimination Act 1995 (c. 50)

- 1
- 2
- 3
- 4

Education Act 1996 (c. 56)

- 5 The Education Act 1996 is amended as follows.
- 6 For section 6(2) (reference to definition of special school) substitute—...
- 7 In section 313(5) (codes of practice) for “Part” substitute “...

Status: Point in time view as at 01/09/2009.

Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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)

- 8 After section 537A insert— Application of sections 537 and 537A...
- 9 (1) Section 548 (no right to give corporal punishment) is...
- 10 In the table in section 580 (index), in the entry...
- 11 In that table insert the following entries at the appropriate...

Police Act 1997 (c. 50)

- 12 In section 113BA of the Police Act 1997 (suitability information...

Education Act 2002 (c. 32)

- 13 The Education Act 2002 is amended as follows.
- 14 In the definition of “qualifying body” in section 1(3) (interpretation)...
- 15 Before section 157 insert— Application of Chapter to schools in...
- 16 In section 157 (independent school standards) omit subsections (1A) and...
- 17 In section 158 (the registers)— (a) omit subsections (1)(a) and...
- 18 Omit sections 162A and 162B (inspection of registered schools in...
- 19 In section 163 (power to inspect registered schools in Wales)—...
- 20 In section 164 (inspections under section 163: supplementary) omit “for...
- 21 In section 165(1)(a) (failure to meet standards) omit “162A or”....
- 22 In section 167A (prohibition on participation in management of independent...
- 23 For sections 167C and 167D (information and notification in relation...
- 24 (1) Section 171 is amended as follows.

Education Act 2005 (c. 18)

- 25 The Education Act 2005 is amended as follows.
- 26 For section 5(2)(g) (duty to inspect certain schools) substitute—
- 27 For section 28(2)(d) (duty to arrange inspections of certain schools)...
- 28 (1) Section 59 (combined reports) is amended as follows.
- 29 In section 62(4)(a) (power of Welsh Ministers to change inspection...

Childcare Act 2006 (c. 21)

- 30 The Childcare Act 2006 is amended as follows.
- 31 (1) Section 13 (duty to provide information, advice and training)...
- 32 (1) Section 34(2) (requirement to register: other early years providers)...
- 33 In section 49 (inspections) in subsection (4) for “independent school”...
- 34 (1) Section 53(2) (requirement to register: other later years providers)...
- 35 (1) Section 63(3) (applications for registration on the general register)...
- 36 In section 106 (general interpretation) for the definition of “independent...

Education and Inspections Act 2006 (c. 40)

- 37 The Education and Inspections Act 2006 is amended as follows....
- 38 (1) Section 11 (publication of proposals to establish maintained schools:...
- 39 In the following provisions for “approved by the Secretary of...
- 40 (1) Section 171 (prohibition on participation in management: transitional provision)...

Status: Point in time view as at 01/09/2009.

Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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)

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 41 (1) The Safeguarding Vulnerable Groups Act 2006 is amended as...
Part 2 — MISCELLANEOUS

Local Government Act 1972 (c. 70)

- 42 In section 177(1A) of the Local Government Act 1972 (allowances:...

Children Act 1989 (c. 41)

- 43 In section 36(5)(b) of the Children Act 1989 (education supervision...

Social Security Administration Act 1992 (c. 5)

- 44 The Social Security Administration Act 1992 is amended as follows....
45 (1) Section 2A (claim or full entitlement to certain benefits...
46 (1) Section 2AA (full entitlement to certain benefits conditional on...
47 (1) Section 2C (optional work-focused interviews) is amended as follows....

Education Act 1996 (c. 56)

- 48 The Education Act 1996 is amended as follows.
49 In section 439 (school attendance: specification of schools), in subsection...
50 In section 444A(1)(b) (penalty notice in respect of failure to...
51 In section 566(3) (evidence: documents)— (a) in paragraph (a), after...
52 (1) Paragraph 8 of Schedule 35B (meaning of “eligible child”...

School Standards and Framework Act 1998 (c. 31)

- 53 The School Standards and Framework Act 1998 is amended as...
54 (1) Section 86 (parental preferences) is amended as follows.
55 In section 87 (no requirement to admit children permanently excluded...
56 After section 88Q (inserted by section 151) insert— Admission arrangements:...
57 (1) Section 89 (procedure for determining admission arrangements) is amended...
58 (1) Section 89A (determination of admission numbers) is amended as...
59 (1) Section 89B (co-ordination of admission arrangements) is amended as...
60 (1) Section 89C (further provision about schemes adopted or made...
61 Omit section 89D (power to restrict alteration of admission arrangements...
62 (1) Section 90 (reference of objections to adjudicator or Secretary...
63 After section 90 insert— Regulations by Welsh Ministers under sections...
64 Omit section 90A (restrictions on alteration of admission arrangements following...
65 Before section 92 insert— “ Publication of information about admissions:...
66 Omit section 94(7).
67 (1) Section 95 (appeals relating to children to whom section...
68 (1) Section 98 (admission for nursery education or to nursery...

Status: Point in time view as at 01/09/2009.

Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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)

- 69 In section 103 (permitted selection: introduction, variation or abandonment of...
- 70 In section 108 (implementation of decision that school should cease...
- 71 After section 138 insert— Regulations made by Welsh Ministers under...
- 72 In section 142(1) (general interpretation)— (a) in the definition of...
- 73 (1) Section 143 (index) is amended as follows.

Welfare Reform and Pensions Act 1999 (c. 30)

- 74 (1) Section 72 of the Welfare Reform and Pensions Act...

Learning and Skills Act 2000 (c. 21)

- 75 The Learning and Skills Act 2000 is amended as follows....
- 76 In the following provisions after “section” insert “ 139A or...
- 77 In section 140 (the title of which becomes “Assessments relating...

Tax Credits Act 2002 (c. 21)

- 78 Omit paragraph 10 of Schedule 5 to the Tax Credits...

Education Act 2002 (c. 32)

- 79 After section 210 of the Education Act 2002 insert— Regulations...

Anti-social Behaviour Act 2003 (c. 38)

- 80 In section 19(2) of the Anti-social Behaviour Act 2003 (parenting...

Sexual Offences Act 2003 (c. 42)

- 81 In section 21 of the Sexual Offences Act 2003 (positions...

Children Act 2004 (c. 31)

- 82 The Children Act 2004 is amended as follows.
- 83 In section 10 (co-operation to improve well-being), in subsection (4) (f),...
- 84 In section 11 (arrangements to safeguard and promote welfare), in...
- 85 In section 13(3)(g) (Local Safeguarding Children's Boards), for “under section...

Education and Inspections Act 2006 (c. 40)

- 86 The Education and Inspections Act 2006 is amended as follows....
- 87 In section 74(3) (implementation of curriculum requirements for fourth key...
- 88 (1) In section 180 (functions to be exercisable by National...

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 89 In section 21 of the Safeguarding Vulnerable Groups Act 2006...

Criminal Justice and Immigration Act 2008 (c. 4)

- 90. (1) Schedule 7 to the Criminal Justice and Immigration Act...

SCHEDULE 2 — Repeals and revocations

Status:

Point in time view as at 01/09/2009.

Changes to legislation:

Education and Skills Act 2008 is up to date with all changes known to be in force on or before 12 June 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.