



# 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

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- 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 EDUCATION AUTHORITIES AND EDUCATIONAL INSTITUTIONS ETC

*Duty to promote fulfilment of duty imposed by section 2*

- 10 Local education 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

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 20 Appropriate arrangements

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- 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  
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 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  
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- 53 Failure to comply with attendance notice: penalty notice
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- 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
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- 60 Review of initial operation of Chapter

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- 80 Assessments relating to learning difficulties

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**CHAPTER 2**

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- 159 Approved external qualifications: England  
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162 Functions of Welsh Ministers etc  
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171 Financial provisions  
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174 Short title

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**SCHEDULES****SCHEDULE 1 — Minor and consequential amendments****Part 1 — REGULATION AND INSPECTION**

- 1 Disability Discrimination Act 1995 (c. 50)  
2 (1) Section 28D (accessibility strategies and plans) is amended as...  
3 For section 28M(2)(a) substitute— (a) schools approved under section 342...  
4 For section 28Q(4)(d) substitute— (d) a school approved under section...  
5 Education Act 1996 (c. 56)



- 6 For section 6(2) (reference to definition of special school) substitute—...
- 7 In section 313(5) (codes of practice) for “Part” substitute “Chapter”....
- 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...
- 12 Police Act 1997 (c. 50)
- 13 Education Act 2002 (c. 32)
- 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.
- 25 Education Act 2005 (c. 18)
- 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...
- 30 Childcare Act 2006 (c. 21)
- 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...
- 37 Education and Inspections Act 2006 (c. 40)
- 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)...
- 41 Safeguarding Vulnerable Groups Act 2006 (c. 47)  
Part 2 — MISCELLANEOUS
- 42 Local Government Act 1972 (c. 70)
- 43 Children Act 1989 (c. 41)
- 44 Social Security Administration Act 1992 (c. 5)
- 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....
- 48 Education Act 1996 (c. 56)
- 49 In section 439 (school attendance: specification of schools), in  
subsection...

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

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- 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”...  
 53 School Standards and Framework Act 1998 (c. 31)  
 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:  
 England...  
 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...  
 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.  
 74 Welfare Reform and Pensions Act 1999 (c. 30)  
 75 Learning and Skills Act 2000 (c. 21)  
 76 In the following provisions after “section” insert “139A or”—  
 77 In section 140 (the title of which becomes “Assessments relating...  
 78 Tax Credits Act 2002 (c. 21)  
 79 Education Act 2002 (c. 32)  
 80 Anti-social Behaviour Act 2003 (c. 38)  
 81 Sexual Offences Act 2003 (c. 42)  
 82 Children Act 2004 (c. 31)  
 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...  
 86 Education and Inspections Act 2006 (c. 40)  
 87 In section 74(3) (implementation of curriculum requirements for fourth  
 key...  
 88 (1) In section 180 (functions to be exercisable by National...  
 89 Safeguarding Vulnerable Groups Act 2006 (c. 47)  
 90 Criminal Justice and Immigration Act 2008 (c. 4)

## SCHEDULE 2 — Repeals and revocations