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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This is the ninth commencement order made under the Education and Skills Act 2008 (“the 2008 Act”).

Article 2 brings into force on 28th June 2013 the following provisions of Chapters 1, 2 and 6 of Part 1 of the 2008 Act (duty to participate in education or training)—

- (a) section 1, which sets out the persons to whom the duties in Part 1 apply, is commenced partially so that the duty on young people in England to participate in education or training applies until “the first anniversary of the date on which the person ceased to be of compulsory school age” rather than to the age of 18;
- (b) section 2, which creates the duty to participate in education and details the ways in which young people may fulfil that duty;
- (c) section 3, which sets out the definition of level 3 qualification;
- (d) section 4, which sets out the definition of full-time education or training;
- (e) section 5, which sets out the definition of full-time occupation;
- (f) section 6, which defines relevant training or education for people who are fulfilling the duty to participate through the route described in section 2(1)(c);
- (g) section 7, which provides for the dates on which a relevant period begins and ends to be set by regulations;
- (h) section 8, which sets “sufficient” relevant education and training;
- (i) section 10, which establishes a duty on local authorities to promote participation in education or training of young people in their area who are subject to the duty to participate in section 2;
- (j) section 11, which places a new duty on certain educational institutions in England to promote attendance for the purpose of enabling young people to meet the duty to participate in section 2;
- (k) section 12, which places a duty on local authorities to identify those young people in their area who are subject to the duty to participate and are not participating;
- (l) section 13, which sets out educational institutions’ duties if they believe that a person is not fulfilling the duty to participate in education or training;
- (m) section 14, which sets out the information that educational institutions must provide to enable local authorities to identify young people who are not participating;
- (n) section 16, which sets out certain bodies that may share information about a young person with a local authority in order for it to fulfil its functions;
- (o) section 17, which allows information held by local authorities and their service providers to be shared and used for the purposes of Part 1 of the Act;
- (p) section 18, which requires a local authority to have regard to any guidance issued by the Secretary of State when exercising their functions under Part 1 of the Act;
- (q) section 39(1) and (2), which amends section 63A of the Employment Rights Act 1996, which establishes a right to paid time off for young people aged 16-19 if they do not

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already have a level 2 qualification, so that it does not apply to people subject to the duty to participate;

- (r) sections 62(1), (2), (5) and (6) and 64(1), (2) and (5), which set out how the duties in the Act apply in relation to Crown employees and those employed in the House of Commons; and
- (s) section 66, which contains interpretation provisions.

Article 3 brings section 1 fully into force on 26th June 2015.

Article 4 makes a transitory provision in relation to section 39(2) of the 2008 Act, which applies until section 29 of the 2008 Act is brought into force.

An impact assessment has not been produced for this instrument as no impact on the private sector or civil society organisations is foreseen. The impact on the public sector is minimal.