



# 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*Status: Point in time view as at 26/11/2008.*

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*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

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28 Duty to enable participation: arrangements subsequently notified  
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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

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- 34 Appeal against penalty notice given under section 31
- 35 Further power to withdraw penalty notice given under section 31
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- 60 Review of initial operation of Chapter

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- 123 Provision of information by proprietors

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- 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*

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- 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 “...



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- 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)...

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*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...

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- 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

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