



Education and Skills Act 2008

2008 CHAPTER 25

PART 5

MISCELLANEOUS AND GENERAL

CHAPTER 2

MISCELLANEOUS

PROSPECTIVE

Maintained schools: pupils' views

157 Governing bodies of maintained schools to invite and consider pupils' views

After section 29A of the Education Act 2002 insert—

“29B Governing body to invite and consider pupils' views

- (1) The governing body of a maintained school must invite the views of pupils about prescribed matters.
- (2) In exercising any of their functions relating to the conduct of the school, the governing body of a maintained school must consider any relevant views of registered pupils at the school about matters prescribed under subsection (1) (whether expressed by virtue of that subsection or otherwise) and, in doing so, must have regard to the age and understanding of the pupils who expressed them.
- (3) For the purposes of subsection (1), a governing body invite the views of pupils about a matter if they invite the views of—
 - (a) all registered pupils at the school,

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Education and Skills Act 2008, Cross Heading: Maintained schools: pupils' views is up to date with all changes known to be in force on or before 17 April 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) View outstanding changes

- (b) such of those pupils as appear to the governing body to be affected by the matter, or
 - (c) pupils appearing to the governing body to be representative of pupils within paragraph (a) or (b).
- (4) The following are the matters that may be prescribed under subsection (1)—
- (a) the exercise, or proposed exercise, of a function of the governing body of a maintained school relating to the conduct of the school;
 - (b) the exercise, or proposed exercise, of such a function in a particular way.
- (5) In discharging their duties under subsections (1) and (2), the governing body of a maintained school must have regard to any guidance given from time to time—
- (a) in relation to England, by the Secretary of State, or
 - (b) in relation to Wales, by the Welsh Ministers.
- (6) In this section, “prescribed” means—
- (a) in relation to England, prescribed by the Secretary of State;
 - (b) in relation to Wales, prescribed by the Welsh Ministers.
- (7) Nothing in this section affects any power or duty relating to consulting pupils which a governing body of a maintained school have otherwise than under this section.”

158 Consultation of pupils: existing functions

In section 176 of the Education Act 2002 (c. 32) (consultation with pupils), subsection (1) is amended as follows—

- (a) in paragraph (a) (duty of [F1local authorities]), after “authority” insert “ in Wales ”;
- (b) omit paragraph (b) (duty of governing bodies);
- (c) for “the Secretary of State (in relation to England) or the National Assembly for Wales (in relation to Wales)” substitute “ the Welsh Ministers ”.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 15(2)**

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

Education and Skills Act 2008, Cross Heading: Maintained schools: pupils' views is up to date with all changes known to be in force on or before 17 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)