

*Status: This version of this provision is prospective.*

*Changes to legislation: Education and Skills Act 2008, Section 37 is up to date with all changes known to be in force on or before 21 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*



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 1

#### DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

### CHAPTER 3

#### EMPLOYERS

#### *Supplementary*

PROSPECTIVE

### 37 Right not to suffer detriment

After section 47A of the Employment Rights Act 1996 (c. 18) insert—

#### **“47AA Employees in England aged 16 or 17 participating in education or training**

- (1) An employee has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that, being a person entitled to be permitted to participate in education or training by section 27 or 28 of the Education and Skills Act 2008, the employee exercised, or proposed to exercise, that right.
- (2) This section does not apply where the detriment in question amounts to dismissal (within the meaning of Part 10).”

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

Education and Skills Act 2008, Section 37 is up to date with all changes known to be in force on or before 21 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\(3\)](#)