



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 1

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

### CHAPTER 1

#### YOUNG PERSONS

#### *Interpretation*

#### **5 Full-time occupation**

- (1) For the purposes of this Part, a person is in full-time occupation if the person works for at least 20 hours per week—
  - (a) under a contract of employment, or
  - (b) in any other way which may be prescribed, otherwise than under a short-term contract or arrangement.
- (2) The power conferred by subsection (1)(b) includes, in particular, power to prescribe the following ways of working—
  - (a) as a self-employed person,
  - (b) otherwise than for reward, or
  - (c) as the holder of an office.
- (3) For the purposes of this section, the number of hours for which a person works per week is—
  - (a) the number of the person's normal weekly working hours, less
  - (b) the number of hours of actual guided learning—
    - (i) which constitute relevant training or education, and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) in which the young person participates each week during normal weekly working hours.
- (4) In subsection (3)—
- “normal weekly working hours”—
- (a) in relation to a person employed under a contract of employment, means the person’s normal working hours in a week, and
- (b) in relation to a person working in a way prescribed under subsection (1)(b), has the prescribed meaning;
- “actual guided learning” has the meaning given by section 8(3).
- (5) Section 234 of the Employment Rights Act 1996 (c. 18) (construction of references to normal working hours where employee entitled to overtime pay) applies for the purposes of the definition of “normal weekly working hours” in subsection (4) as it applies for the purposes of that Act.
- (6) Regulations may make provision for a person to be, or not to be, treated as working for at least 20 hours per week in cases where the number of hours for which the person works per week (calculated under subsection (3)) varies from week to week.
- (7) Where a person works otherwise than under—
- (a) a single contract of employment, or
- (b) a single arrangement (in the case of a way of working prescribed under subsection (1)(b)),
- the number of hours for which the person works per week is the aggregate of the amounts calculated under subsection (3) in relation to each of the contracts or arrangements under which the person works.
- (8) For the purposes of subsection (1)—
- (a) a contract of employment is a short-term contract unless it—
- (i) has a fixed term of 8 weeks or longer, or
- (ii) does not have a fixed term but has been, or can reasonably be expected to be, in force for at least 8 weeks;
- (b) an arrangement, in the case of a way of working prescribed under paragraph (b) of that subsection, is a short-term arrangement unless it has been, or can reasonably be expected to be, in force for at least 8 weeks.