



Education and Skills Act 2008

CHAPTER 25

EDUCATION AND SKILLS ACT 2008

PART 1

DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

CHAPTER 1

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Changes to legislation: Education and Skills Act 2008 is up to date with all changes known to be in force on or before 13 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

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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 “...
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:...

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- 39 In the following provisions for “approved by the Secretary of...
 40 (1) Section 171 (prohibition on participation in management:
 transitional provision)...

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:...

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- 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...
- 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...

- 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...

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SCHEDULE 2 — Repeals and revocations

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Changes and effects yet to be applied to :

- s. 10 functions made exercisable concurrently by [S.I. 2024/402 art. 33](#)
- s. 12 functions made exercisable concurrently by [S.I. 2024/402 art. 33](#)
- s. 56(3) words inserted by [2013 c. 22 s. 26\(8\)](#)
- s. 66(1) words omitted by [2022 asc 1 Sch. 4 para. 22\(2\)\(a\)](#)
- s. 66(1) words substituted by [2022 asc 1 Sch. 4 para. 22\(2\)\(b\)](#)
- s. 68 functions made exercisable concurrently by [S.I. 2024/402 art. 33](#)
- s. 70 functions made exercisable concurrently by [S.I. 2024/402 art. 33](#)
- s. 71 functions made exercisable concurrently by [S.I. 2024/402 art. 33](#)
- s. 85 functions made exercisable concurrently by [S.I. 2024/402 art. 33](#)
- s. 127 coming into force by [S.I. 2014/3364 art. 2\(u\)](#) (Effect not applied to [legislation.gov.uk](#). S. 127 already brought into force on 12.10.2009 by [S.I. 2009/1606](#), art. 4)
- s. 143(3) omitted by [2018 anaw 2 Sch. 1 para. 15\(2\)](#)
- s. 158 repealed by [2010 nawm 1 Sch. 2](#)
- Sch. 1 para. 7 omitted by [2018 anaw 2 Sch. 1 para. 6\(1\)\(ii\)](#)
- Sch. 1 para. 10 omitted by [2018 anaw 2 Sch. 1 para. 6\(1\)\(ii\)](#)
- Sch. 1 para. 75 omitted by [2018 anaw 2 Sch. 1 para. 15\(5\)](#)
- Sch. 1 para. 77 omitted by [2018 anaw 2 Sch. 1 para. 15\(5\)](#)

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\(3\)](#)