



Education and Skills Act 2008

2008 CHAPTER 25

PART 5

MISCELLANEOUS AND GENERAL

CHAPTER 2

MISCELLANEOUS

Maintained schools in England: behaviour and attendance etc

154 Power of governing body: educational provision for improving behaviour

After section 29 of the Education Act 2002 (c. 32) insert—

“29A Power of governing body in England: educational provision for improving behaviour

- (1) The governing body of a maintained school in England may require any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision which is intended to improve the behaviour of the pupil.
- (2) In subsection (1) “maintained school” does not include a maintained nursery school.
- (3) Regulations must make provision—
 - (a) requiring prescribed persons to be given prescribed information relating to the imposition of any requirement under subsection (1), and
 - (b) requiring the governing body of the school to keep under review the imposition of any such requirement.
- (4) Regulations under this section may also make provision—

Changes to legislation: Education and Skills Act 2008, Cross Heading: Maintained schools in England: behaviour and attendance etc is up to date with all changes known to be in force on or before 11 May 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

- (a) requiring a governing body exercising functions under subsection (1) or under the regulations to have regard to any guidance given from time to time by the Secretary of State,
- (b) prohibiting a governing body from exercising the power conferred by subsection (1) in such a way that any pupil is required to receive educational provision outside the school premises for a greater number of days in a school year than is specified in the regulations,
- (c) requiring the governing body to request prescribed persons to participate in any review of the imposition of a requirement under subsection (1),
- (d) about the time within which the first review must be held and the intervals at which subsequent reviews must be held, and
- (e) in relation to any other matter relating to the exercise of the power conferred by subsection (1).”

Commencement Information

- I1** S. 154 in force at 30.3.2010 for specified purposes by [S.I. 2010/1093](#), [art. 2\(d\)](#)
- I2** [S. 154](#) in force at 1.9.2010 in so far as not already in force by [S.I. 2010/1093](#), [art. 3](#)

155 Application of s.444 of Education Act 1996 to alternative education provision

(1) Section 444ZA of the Education Act 1996 (c. 56) (application of section 444 to alternative education provision) is amended as follows.

(2) After subsection (1) insert—

“(1A) Where—

- (a) a child of compulsory school age has been excluded for a fixed period on disciplinary grounds from a relevant school in England,
- (b) the child remains for the time being a registered pupil at the school,
- (c) the appropriate authority for the school has made arrangements under section 19 above or section 100 of the Education and Inspections Act 2006 for the provision of full-time education for the child otherwise than at the school or at the child's home during the period of exclusion, and
- (d) notice in writing of the arrangements has been given to the child's parent,

subsections (1) to (7) of section 444 have effect during that period as if the child were not a registered pupil at the school and as if the place at which the education is provided were a school and the child were a registered pupil at that school (so far as that would not otherwise be the case).

(1B) Where—

- (a) a child of compulsory school age who is a registered pupil at a relevant school in England is required by the appropriate authority for the school to attend at a place outside the school premises for the purpose of receiving any educational provision, and
- (b) notice in writing of the requirement has been given to the child's parent,

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subsections (1) to (7) of section 444 have effect as if the place at which the child is required to attend were a school and the child were a registered pupil at that school (in addition to being a registered pupil at the school mentioned in paragraph (a)).

(1C) Subsection (1B) does not apply if—

- (a) the place at which the child is required to attend is another relevant school (whether in England or elsewhere), and
- (b) the child is a registered pupil at that other school.

(1D) In relation to a maintained school or a pupil referral unit—

- (a) references in subsection (1A) to exclusion are references to exclusion under section 52 of the Education Act 2002, and
- (b) the requirement referred to in subsection (1B) is a requirement imposed under section 29(3) or 29A(1) of that Act.”

(3) In subsection (2)(a), after “relevant school insert “ in Wales ”.

(4) In subsection (4)—

- (a) in paragraph (a), after “within subsection (1)” insert “ or (1A) ”;
- (b) in paragraph (b), after “within subsection” insert “ (1B) or ”;
- (c) in the words following that paragraph, after “(1)(b)” insert “ , (1A)(d), (1B)(b) ”.

(5) In subsection (5), after “(1)(b)” insert “ , (1A)(d), (1B)(b) ”.

(6) In subsection (6), after “subsection (1)” (in both places) insert “ or (1A) ”.

(7) In subsection (7)—

- (a) after paragraph (a) insert—
 - “(aa) in relation to a place at which education is provided as mentioned in subsection (1A) of this section, means leave granted by any person authorised to do so by the appropriate authority for the school;”;
- (b) in paragraph (b), after “subsection” insert “ (1B)(a) or ”.

Commencement Information

I3 S. 155 in force at 1.9.2012 by S.I. 2012/2197, art. 2(a)

Changes to legislation:

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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\(3\)](#)