



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 4

#### REGULATION AND INSPECTION OF INDEPENDENT EDUCATIONAL PROVISION IN ENGLAND

### CHAPTER 1

#### INDEPENDENT EDUCATIONAL INSTITUTIONS IN ENGLAND

##### *Independent colleges for 16 to 18 year olds*

#### **132 Providers of independent education or training for 16 to 18 year olds**

- (1) Regulations may provide for any provision of this Chapter to apply in relation to an independent post-16 college as it applies in relation to an independent educational institution, subject to such modifications as may be prescribed.
- (2) For this purpose, “an independent post-16 college” means an institution in England—
  - (a) at which relevant education or training is provided for—
    - (i) five or more persons who are not under compulsory school age, including at least one who is over compulsory school age but is under the age of 18, or
    - (ii) at least one student to whom subsection (4) applies who is over compulsory school age but is under the age of 18,
  - (b) which is not—
    - (i) an independent educational institution,
    - (ii) a school maintained by a [<sup>F1</sup>local authority],
    - (iii) a special school not so maintained, <sup>F2</sup>...
    - [<sup>F3</sup>(iiiia) an institution solely or principally concerned with the provision of higher education, or]

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**Changes to legislation:** *Education and Skills Act 2008, Section 132 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*

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- (iv) an institution in receipt of funding from the [<sup>F4</sup>[<sup>F5</sup>Secretary of State]<sup>F6</sup>...], and
  - (c) which is outside the further education [<sup>F7</sup>sector].
- (3) In subsection (2)(a), “relevant education or training” provided for a person means education or training which—
- (a) is provided for the person for at least 16 hours a week, for at least 4 weeks, during an academic year, and
  - (b) is not education or training provided in connection with facilities for adventure activities (within the meaning of section 1 of the Activity Centres (Young Persons' Safety) Act 1995 (c. 15) (adventure activities: licensing)).
- (4) This subsection applies to a person—
- (a) for whom [<sup>F8</sup>an EHC plan is maintained], or
  - (b) for whom [<sup>F9</sup>an EHC plan was] maintained immediately before—
    - (i) the person ceased to be a pupil at his or her last school [<sup>F10</sup>or (if later) the person ceased to be a student at his or her last post-16 institution], or
    - (ii) the institution [<sup>F11</sup>in England mentioned in subsection (2)] started providing relevant education or training for the person.
- (5) Regulations may—
- (a) provide that a specified institution or an institution of a specified description is not an independent post-16 college;
  - (b) provide that time spent on a specified activity or on an activity of a specified description is or is not to be treated as time during which education or training is provided for the purposes of this section;
  - (c) amend subsection (3)(a) so as to substitute a different number of hours or weeks for the number of hours or weeks for the time being mentioned there.
- (6) In this section—
- “an academic year” means a period of 12 months ending with 31 August;
  - [<sup>F12</sup>“post-16 institution” has the meaning given by section 83(2) of the Children and Families Act 2014;]
  - “specified” means specified in regulations under this section.

#### 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)**
- F2** Word in s. 132(2)(b)(iii) omitted (1.8.2019) by virtue of [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, **11(a)(i)**
- F3** S. 132(2)(b)(iiia) inserted (1.8.2019) by [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, **11(a)(ii)**
- F4** Words in s. 132(2)(b)(iv) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 85** (with art. 2(3))
- F5** Words in s. 132(2)(b)(iv) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 16 para. 44**; [S.I. 2012/924](#), art. 2
- F6** Words in s. 132(2)(b)(iv) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 64**

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- F7** Word in s. 132(2)(c) substituted (1.8.2019) by [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, **11(b)**
- F8** Words in s. 132(4)(a) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 87(a)**; S.I. 2014/889, art. 7(a)
- F9** Words in s. 132(4)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 87(b)**; S.I. 2014/889, art. 7(a)
- F10** Words in s. 132(4)(b)(i) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 87(c)**; S.I. 2014/889, art. 7(a)
- F11** Words in s. 132(4)(b)(ii) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 87(d)**; S.I. 2014/889, art. 7(a)
- F12** Words in s. 132(6) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 87(e)**; S.I. 2014/889, art. 7(a)

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#### Commencement Information

- I1** S. 132 in force at 19.6.2009 for specified purposes by [S.I. 2009/1513](#), **art. 2(2)**

**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\(3\)](#)