



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 1

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

### CHAPTER 5

#### ATTENDANCE NOTICES

PROSPECTIVE

*Attendance panel, appeals and variations etc*

#### 48 Attendance panel

- (1) A [<sup>F1</sup>local authority] in England must establish a panel (an “attendance panel”), constituted in accordance with regulations.
- (2) An attendance panel of a [<sup>F1</sup>local authority] in England has the following functions—
  - (a) functions conferred on it by virtue of section 49 in relation to appeals against attendance notices;
  - (b) functions conferred on it by virtue of section 50(6)(b);
  - (c) functions conferred on it by section 52(5) and (6);
  - (d) functions conferred on it by virtue of section 54 in relation to appeals against fixed penalty notices.
- (3) Regulations under subsection (1)—
  - (a) must require a [<sup>F1</sup>local authority] to secure that any person who chairs an attendance panel is not a member of the authority; and
  - (b) may make provision for the payment by the [<sup>F1</sup>local authority] of allowances to members of an appeal panel.

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Education and Skills Act 2008, Cross Heading: Attendance panel, appeals and variations etc is up to date with all changes known to be in force on or before 27 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*

- (4) Regulations made by virtue of subsection (3)(b) may provide for any of the provisions of sections 173 to 174 of the Local Government Act 1972 (c. 70) [<sup>F2</sup>or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011] (allowances to members of local authorities and other bodies) to apply with prescribed modifications in relation to members of an attendance panel.

#### 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** Words in s. 48(4) inserted (W.) (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), s. 178(3), **Sch. 3 para. 7**; S.I. 2012/1187, art. 2(1)(q)

## 49 Appeal arrangements

- (1) A [<sup>F1</sup>local authority] in England must make arrangements for enabling a young person to whom an attendance notice is given by the authority to appeal against—
- (a) the giving of the attendance notice;
  - (b) the description of education or training specified in the attendance notice;
  - (c) any variation of the notice—
    - (i) under subsection (2) of section 50;
    - (ii) by virtue of subsection (5) or (6)(b) of that section.
- (2) The arrangements must provide for any appeal under the arrangements to be to an attendance panel established under section 48.
- (3) Regulations may make provision about the making of appeals under arrangements under this section, including provision—
- (a) as to the procedure on such appeals; and
  - (b) as to the powers of the attendance panel in relation to such appeals.

#### 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)**

## 50 Variation and revocation of attendance notice

- (1) Subsection (2) applies where a [<sup>F1</sup>local authority] has given an attendance notice under section 46 to a person to whom this Part applies.
- (2) If the attendance notice still has effect when—
- (a) the education or training specified in the notice ends, or
  - (b) it becomes impracticable for the person to comply with the requirements specified in the notice because of a change of residence,
- the [<sup>F1</sup>local authority] may by notice to the person specify other education or training.
- (3) Subsections (4) to (7) and (8)(c) of section 46 apply in relation to specifying education or training under subsection (2) as they apply in relation to the giving of an attendance notice.

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- (4) Where the [F1local authority] gives a notice under subsection (2), the attendance notice has effect as if it specified the education or training specified in the notice under that subsection.
- (5) Prescribed matters specified in an attendance notice given by a [F1local authority] may be varied by the authority by notice given to the person to whom the attendance notice was given.
- (6) Regulations may provide for other matters specified in an attendance notice given by a [F1local authority] to be varied—
  - (a) with the consent of the person to whom the notice was given, or
  - (b) with the consent of an attendance panel established by the [F1local authority] under section 48.
- (7) Regulations under subsection (6)(b) may in particular make provision as to the procedure to be followed in relation to the giving of any consent under the regulations.
- (8) An attendance notice given by a [F1local authority] may be revoked by the authority by notice given to the person to whom the attendance notice was given.

#### 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)**

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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\(3\)](#)