

Status: This version of this provision is prospective.

Changes to legislation: Education and Skills Act 2008, Section 30 is up to date with all changes known to be in force on or before 14 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



Education and Skills Act 2008

2008 CHAPTER 25

PART 1

DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

CHAPTER 3

EMPLOYERS

Employer to enable participation in education or training

PROSPECTIVE

30 Contravention of section 27 or 28: enforcement notice

- (1) This section applies where a person to whom this Part applies is employed under a relevant contract of employment.
- (2) Where a relevant [^{F1}local authority] in England is satisfied that the employer has contravened section 27 or 28, the authority may give the employer a notice (an “enforcement notice”).
- (3) An “enforcement notice” means a notice requiring the employer to take such steps as are specified in the notice.
- (4) The steps that may be specified in the notice are—
 - (a) to offer to vary the terms and conditions of employment in the manner specified in the notice;
 - (b) to permit the employee to take time off during normal working time at the times specified in the notice.
- (5) But—

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- (a) any variation specified under subsection (4)(a) must be a variation only for the purpose of securing that normal working time does not include any time when, in order to be able to participate in education or training in accordance with appropriate arrangements notified to the employer under section 27(1)(b) or 28(1)(b), the employee needs to be not at work;
 - (b) any time specified under subsection (4)(b) must be a time when the employee needs to be not at work in order to participate in education or training in accordance with appropriate arrangements so notified to the employer;
 - (c) in the case of an enforcement notice given in respect of a contravention of section 28, any steps specified in the notice must be steps which it would be reasonable for the employer to take having regard to the matters mentioned in subsection (3) of that section.
- (6) An enforcement notice must also specify—
- (a) particulars of the contravention of section 27 or 28 in respect of which the notice is given, and
 - (b) the consequences of failure to comply with any requirement imposed by it.
- (7) Where an enforcement notice requires the employer to offer to vary the terms and conditions of employment under subsection (4)(a)—
- (a) the employer must make the offer within the time specified in the notice,
 - (b) the employer's offer must not be made directly or indirectly conditional on the employee's agreeing to any other variation of the terms and conditions of employment, and
 - (c) if the employee accepts the employer's offer to vary the terms and conditions of employment, those terms and conditions have effect subject to the variation (but subject to any subsequent variation that may be agreed between the employer and employee).
- (8) Where an enforcement notice requires the employer, under subsection (4)(b), to permit the employee to take time off at specified times during normal working time, the enforcement notice remains in force until—
- (a) the last of the times so specified, or
 - (b) if earlier, the termination of the contract of employment.
- (9) For the purposes of subsection (2), a [F1]local authority] is a relevant [F1]local authority] in relation to a contract of employment under which a person to whom this Part applies is employed if—
- (a) the person belongs to the authority's area, or
 - (b) the person's place of work, or one of the places at which the person works, under the contract is in the authority's area.
- (10) In this section, “normal working time”, in relation to a contract of employment, means any time when, in accordance with the contract, the employee is required to be at work.

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\(3\)](#)