

Coronavirus Act 2020 Disapplication of section 444(1) and (1A) of the Education Act 1996 (England) (No.2) Notice 2020

The Secretary of State for Education, in exercise of the powers conferred by section 38(1) of, and paragraph 5 of Schedule 17 to, the Coronavirus Act 2020¹, issues the following notice.

Disapplication of section 444(1) and (1A) of the Education Act 1996

1. The Secretary of State for Education by this notice disapplies section 444(1) and (1A) of the Education Act 1996² (the Act), which create offences relating to the failure of parents to secure regular attendance at school of a registered pupil, during the period specified in this notice.

2. The Secretary of State for Education considers the issuing of this notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus for the following reasons:
 - (a) Since 20th March 2020 educational institutions, including schools and further education colleges, and registered childcare settings in England have remained open for vulnerable children and young people and for children of critical workers in order to reduce the spread of coronavirus.

 - (b) On 28th April 2020 the Secretary of State for Education issued a notice disapplying section 444(1) and (1A) of the Act, in the manner described in paragraph 1³. The specified time period of that notice was 1st May 2020 to 31st May 2020.

 - (c) On 10th May 2020 the government announced that certain education and childcare settings in England are being asked to plan for the possibility of phased wider opening if the government's tests are met.

 - (d) Section 444(1) and (1A) of the Act create offences relating to the failure of parents to secure regular attendance at school of a registered pupil. It is therefore appropriate and proportionate to temporarily disapply section 444(1) and (1A) so that parents can be sure that keeping their children out of school during this period will not expose them to a risk of criminal prosecution and conviction. It remains a parent's duty to ensure that their

¹ 2020 c.7.

² 1996 c.56.

³ The notice can be viewed at this link: <https://www.gov.uk/government/publications/disapplication-notice-school-attendance-legislation-changes>

child of compulsory school age receives a suitable education during this period in whatever way they can under section 7 of the Act.

- (e) Sections 444A and 444B of the Act make provision for the issuance of penalty notices where there is reason to believe a person has committed an offence under section 444(1). Based on the latest published 2018/19 figures, around 6,000 penalty notices were issued every week by local authorities. Disapplication of section 444(1) is also thereby appropriate and proportionate in relieving the burden on local authorities with respect to investigation and decision making under sections 444A and 444B, freeing up resources to meet the other needs that arise as a result of the incidence or transmission of coronavirus.

Specified period

3. The specified period in this notice starts at the beginning of 1st June 2020 and finishes at the end of 30th June 2020.

Signed by or on behalf of the Secretary of State for Education:

Date of signature:

28th May 2020

