

Coronavirus Act 2020 Disapplication of Section 444(1) and (1A) of the Education Act 1996 (England) Notice 2021

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 in relation to England section 444(1) and (1A) of the Education Act 1996² (the Act) 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) An increase in the rates and means of transmission of coronavirus make it necessary to take further measures to reduce transmission. On 4th January 2021 the Prime Minister announced a national lockdown in England to begin on 5th January 2021. In light of the level and seriousness of risk and having considered advice and information from the Scientific Advisory Group on Emergencies, the Chief Medical Officer, the Joint Biosecurity Committee and Public Health England, the Secretary of State has decided that it is appropriate for most pupils to temporarily cease to attend school. The purpose of this measure is to reduce rates of transmission by reducing the number of contacts among pupils and between pupils and staff at school, and between pupils and others while travelling to and from school and while at home and in the community.
 - (b) 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 pupils will not be required to attend school. It remains a parent's duty to ensure that their child of compulsory school age receives a suitable education in whatever way they can under section 7 of the Act and state-funded schools are required to provide remote education to pupils who are not attending in certain circumstances by virtue of the Coronavirus Act 2020 Provision of Remote Education (England) Temporary Continuity Direction 2020 made on 30th September 2020³.

¹ 2020 c. 7.

² 1996 c. 56.

³ Published in the Gazette and online at <https://www.thegazette.co.uk/notice/3642261>

(c) 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 therefore 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.

(d) The matters above are relevant to all of England.

Specified period

3. The specified period in this notice starts at the beginning of 7th January 2021 and finishes at the end of 6th February 2021.

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

A handwritten signature in black ink, appearing to read 'Nick Gibb', is centered on the page. The signature is written in a cursive, flowing style.

Date of signature: 6 January 2021