

Coronavirus Act 2020 Disapplication of section 444(1) and (1A) of the Education Act 1996 (England) (No.4) 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 disappplies in relation to England 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) From 1st June 2020 primary schools and registered childcare settings in England have been welcoming back certain groups of children. From 15th June 2020, secondary schools, 16 to 19 and further education settings have been providing some face-to-face support to certain other groups. On 2nd July 2020, the government asked schools to prepare for all pupils to return to school from the beginning of the autumn term (except where public health advice indicates that they should remain at home).
 - (c) The Secretary of State for Education has previously issued three notices disapplying section 444(1) and (1A) of the Act, in the manner described in paragraph 1. The most recent notice was issued on 29th June 2020. The specified time period of that notice was 1st July 2020 to 31st July 2020³.
 - (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) until the beginning of the autumn term, when schools are expected to be able to welcome back all pupils, so that parents can be

¹ 2020 c.7.

² 1996 c.56.

³ Read [the notices](#)

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 child of compulsory school age receives a suitable education 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.
- (f) Coronavirus infection rates have decreased and the government has therefore asked schools to prepare for all pupils to return at the beginning of the autumn term. For schools in England this is anticipated to be no earlier than the last week of August. This disapplication will therefore cease at the end of 23rd August. It remains in place until then to ensure that attendance is not mandatory during the remainder of the summer term for any schools whose summer terms run into August and for any schools holding sessions before the beginning of the autumn term.
- (g) The matters above are relevant to all of England.

Specified period

3. The specified period in this notice starts at the beginning of 1st August 2020 and finishes at the end of 23rd August 2020.

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



Gillian Keegan MP, Parliamentary Under Secretary of State for Apprenticeships and Skills

Date of signature:

28.07.20