



# Education Act 1996

## 1996 CHAPTER 56

### PART VI

#### SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

### CHAPTER II

#### SCHOOL ATTENDANCE

##### *School attendance: offences and education supervision orders*

#### **[<sup>F1</sup>444ZA] Application of section 444 to alternative educational provision**

- (1) Where, in the case of a child of compulsory school age who is not a registered pupil at any school—
- (a) a [<sup>F2</sup>local authority] has made arrangements under section 19 for the provision of education for him otherwise than at a school or at his home, and
  - (b) notice in writing of the arrangements has been given to the child's parent,
- subsections (1) to (7) of section 444 have effect as if the place at which the education is provided were a school and the child were a registered pupil at that school.

[ Where—

- <sup>F3</sup>(1A)
- (a) a child of compulsory school age has been excluded for a fixed period on disciplinary grounds from a relevant school in England,
  - (b) the child remains for the time being a registered pupil at the school,
  - (c) the appropriate authority for the school has made arrangements under section 19 above or section 100 of the Education and Inspections Act 2006 for the provision of full-time education for the child otherwise than at the school or at the child's home during the period of exclusion, and
  - (d) notice in writing of the arrangements has been given to the child's parent,

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subsections (1) to (7) of section 444 have effect during that period as if the child were not a registered pupil at the school and as if the place at which the education is provided were a school and the child were a registered pupil at that school (so far as that would not otherwise be the case).

(1B) Where—

- (a) a child of compulsory school age who is a registered pupil at a relevant school in England is required by the appropriate authority for the school to attend at a place outside the school premises for the purpose of receiving any educational provision, and
  - (b) notice in writing of the requirement has been given to the child's parent,
- subsections (1) to (7) of section 444 have effect as if the place at which the child is required to attend were a school and the child were a registered pupil at that school (in addition to being a registered pupil at the school mentioned in paragraph (a)).

(1C) Subsection (1B) does not apply if—

- (a) the place at which the child is required to attend is another relevant school (whether in England or elsewhere), and
- (b) the child is a registered pupil at that other school.

(1D) In relation to a maintained school or a pupil referral unit—

- (a) references in subsection (1A) to exclusion are references to exclusion under [F4section 51A] of the Education Act 2002, and
- (b) the requirement referred to in subsection (1B) is a requirement imposed under section 29(3) or 29A(1) of that Act.]

(2) Where—

- (a) a child of compulsory school age has been excluded from a relevant school [F5in Wales],
  - (b) he remains for the time being a registered pupil at the school,
  - (c) he is required by the appropriate authority for the school to attend at a place outside the school premises for the purpose of receiving any instruction or training, and
  - (d) notice in writing of the requirement has been given to the child's parent,
- subsections (1) to (7) of section 444 have effect as if the place at which the child is required to attend were a school and the child were a registered pupil at that school (and not at the school mentioned in paragraph (b)).

(3) In relation to a maintained school or a pupil referral unit—

- (a) the reference in subsection (2)(a) to exclusion is a reference to exclusion under section 52 of the Education Act 2002, and
- (b) the requirement referred to in subsection (2)(c) is a requirement imposed under section 29(3) of that Act.

(4) A child shall not be taken to have failed to attend regularly—

- (a) in a case falling within subsection (1) [F6or (1A)], at the place at which education is provided for him, or
- (b) in a case falling within subsection [F7(1B) or] (2), at the place at which he is required to attend,

unless he has failed to attend regularly since the giving of the notice mentioned in subsection (1)(b)[F8, (1A)(d), (1B)(b)] or (2)(d).

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- (5) Section 572, which provides for the methods by which notices may be served under this Act, does not preclude the notice mentioned in subsection (1)(b)<sup>[F9]</sup>, (1A)(d), (1B)(b) or (2)(d) from being given to a child's parent by any other effective method.
- (6) In proceedings for an offence under section 444 in a case falling within subsection (1)<sup>[F10]</sup> or (1A) of this section, <sup>[F11]</sup>it is a defence for the parent to prove that the child is receiving suitable education otherwise than by regular attendance at a school or at the place mentioned in subsection (1)<sup>[F10]</sup> or (1A).
- (7) In section 444 “leave”—
- (a) in relation to a place at which education is provided as mentioned in subsection (1) of this section, means leave granted by any person authorised to do so by the <sup>[F2]</sup>local authority;
- <sup>F12</sup>(aa) [ in relation to a place at which education is provided as mentioned in subsection <sup>[F13]</sup>(1B)(a) or] (1A) of this section, means leave granted by any person authorised to do so by the appropriate authority for the school;
- (b) in relation to a place at which a child is required to attend as mentioned in subsection <sup>[F13]</sup>(1B)(a) or] (2)(c) of this section, means leave granted by any person authorised to do so by the appropriate authority for the school.
- (8) In this section—
- (a) “relevant school” means—
- (i) a maintained school,
- (ii) a pupil referral unit,
- <sup>[F14]</sup>(iii) an Academy school,
- (iiia) an alternative provision Academy,
- (iv) a city technology college, or
- (v) a city college for the technology of the arts;
- (b) “appropriate authority” means—
- (i) in relation to a maintained school, the governing body,
- (ii) in relation to a pupil referral unit, the <sup>[F2]</sup>local authority], and
- (iii) in relation to a school falling within paragraph (a)(iii),<sup>[F15]</sup>(iiia),] (iv) or (v), the proprietor of the school.]

#### Textual Amendments

- F1** S. 444ZA inserted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), ss. 116, 125(4); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F2** 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. 7(2) (with Sch. 2 para. 7(4)(5))
- F3** S. 444ZA(1A)-(1D) inserted (1.9.2012) by Education and Skills Act 2008 (c. 25), ss. 155(2), 173(4); S.I. 2012/2197, art. 2(a)
- F4** Words in s. 444ZA(1D)(a) substituted (1.9.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 1 para. 6; S.I. 2012/1087, art. 3 (with art. 4)
- F5** Words in s. 444ZA(2)(a) inserted (1.9.2012) by Education and Skills Act 2008 (c. 25), ss. 155(3), 173(4); S.I. 2012/2197, art. 2(a)
- F6** Words in s. 444ZA(4)(a) inserted (1.9.2012) by Education and Skills Act 2008 (c. 25), ss. 155(4)(a), 173(4); S.I. 2012/2197, art. 2(a)
- F7** Words in s. 444ZA(4)(b) inserted (1.9.2012) by Education and Skills Act 2008 (c. 25), ss. 155(4)(b), 173(4); S.I. 2012/2197, art. 2(a)

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- F8** Words in s. 444ZA(4) inserted (1.9.2012) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 155(4)(c)**, 173(4); S.I. 2012/2197, art. 2(a)
- F9** Words in s. 444ZA(5) inserted (1.9.2012) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 155(5)**, 173(4); S.I. 2012/2197, art. 2(a)
- F10** Words in s. 444ZA(6) inserted (1.9.2012) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 155(6)**, 173(4); S.I. 2012/2197, art. 2(a)
- F11** Words in s. 444ZA(6) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 109(9)**, 188(1) (with s. 109(11))
- F12** S. 444ZA(7)(aa) inserted (1.9.2012) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 155(7)(a)**, 173(4); S.I. 2012/2197, art. 2(a)
- F13** Words in s. 444ZA(7)(b) inserted (1.9.2012) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 155(7)(b)**, 173(4); S.I. 2012/2197, art. 2(a)
- F14** S. 444ZA(8)(a)(iii)(iiia) substituted for s. 444ZA(8)(a)(iii) (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(8)(a)**; S.I. 2012/924, art. 2
- F15** Word in s. 444ZA(8)(b) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(8)(b)**; S.I. 2012/924, art. 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. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)