



Education Act 1996

1996 CHAPTER 56

PART VI

SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

CHAPTER II

SCHOOL ATTENDANCE

School attendance: offences and education supervision orders

[^{F1}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 [^{F2}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—

- ^{F3}(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,

Changes to legislation: Education Act 1996, Section 444ZA is up to date with all changes known to be in force on or before 05 May 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

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 ^{F4}section 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 ^{F5}in 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) ^{F6}or (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).

Changes to legislation: Education Act 1996, Section 444ZA is up to date with all changes known to be in force on or before 05 May 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

- (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)^[F9], (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)^[F10] or (1A)] of this section, ^[F11]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)^[F10] 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 ^[F2]local authority];
- ^{F12}(aa) [in relation to a place at which education is provided as mentioned in subsection ^[F13](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 ^[F13](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,
- ^[F14](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 ^[F2]local authority], and
- (iii) in relation to a school falling within paragraph (a)(iii),^[F15](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)

Changes to legislation: *Education Act 1996, Section 444ZA is up to date with all changes known to be in force on or before 05 May 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*

- 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

Changes to legislation:

Education Act 1996, Section 444ZA is up to date with all changes known to be in force on or before 05 May 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.

[View outstanding changes](#)

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](#)