



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 7

#### DISCIPLINE, BEHAVIOUR AND EXCLUSION

### CHAPTER 2

#### PARENTAL RESPONSIBILITIES AND EXCLUDED PUPILS

#### *Excluded pupils*

#### **103 Duty of parent in relation to excluded pupil**

- (1) This section applies where—
  - (a) a pupil of compulsory school age (“the excluded pupil”) is excluded on disciplinary grounds from a relevant school in England, whether for a fixed period or permanently, and
  - (b) notice under section 104 has been given to a parent of the pupil.
- (2) The parent of the excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day which—
  - (a) is one of the first five school days to which the exclusion mentioned in subsection (1)(a) relates or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates, and
  - (b) is stated in the notice under section 104 to be a day on which the parent is subject to this subsection.
- (3) If the excluded pupil is present in a public place at any time during school hours on a school day falling within subsection (2), the parent commits an offence.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that he had a reasonable justification for his failure to comply with the duty imposed by subsection (2).

**Status:** Point in time view as at 05/05/2010.

**Changes to legislation:** Education and Inspections Act 2006, Section 103 is up to date with all changes known to be in force on or before 06 July 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)

- (5) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Proceedings for an offence under subsection (3) may not be instituted except by a [F1local authority].
- (7) Where the excluded pupil is excluded during the course of a school day but before the beginning of any afternoon session on that day, that day is to be treated for the purposes of subsection (2)(a) as the first day to which the exclusion relates.
- (8) In this section—
- “parent”, in relation to a pupil, does not include any person who is not an individual;
  - “public place” means—
    - (a) any highway, and
    - (b) any place to which at the material time the public or any section of the public have access, on payment or otherwise, as of right or by virtue of express or implied permission;
  - “school hours” means any time during a school session of the school referred to in subsection (1)(a) or during a break between sessions of that school on the same day.

#### **Textual Amendments**

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**

#### **Commencement Information**

- I1** S. 103 in force at 1.9.2007 by [S.I. 2007/1801](#), **art. 4(h)**

**Status:**

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