

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 7: Discipline, Behaviour and Exclusion

Section 103: Duty of parent in relation to excluded pupil

499. This section applies where a pupil is excluded from a relevant school in England for a fixed period or permanently and notice under section 104 has been given to a parent of the pupil.
500. *Subsection (2)* imposes a duty on the parent to ensure that the excluded pupil is not present in a public place during normal school hours on a day which is one of the first five school days to which the exclusion relates and is specified in the notice under section 104 (or, in the case of an exclusion for a fixed period of 5 days or less, on any of the days to which the exclusion relates which is specified in the notice).
501. *Subsection (3)* provides that the parent commits an offence if the parent fails in this duty.
502. Under *subsection (4)* the parent has a defence if he shows that he had a reasonable justification for the failure.
503. *Subsection (5)* sets out the sanction if found guilty of the offence. This will be a fine not exceeding level 3 on the standard scale.
504. *Subsection (6)* provides that only a local education authority can institute proceedings against the parent.
505. *Subsection (7)* provides that if the child is excluded before the start of the afternoon session, that day will count as the first day of the exclusion.
506. *Subsection (8)* defines “parent”, “public place” and “school hours” for the purposes of the section.