



Education and Inspections Act 2006

2006 CHAPTER 40

PART 7

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 2

PARENTAL RESPONSIBILITIES AND EXCLUDED PUPILS

Excluded pupils

104 Notice to parent relating to excluded pupil

- (1) The head teacher of a relevant school in England, on excluding from the school a pupil of compulsory school age, must give the parent by the prescribed time a notice in writing complying with subsections (2) and (3) and containing such other information as may be prescribed.
- (2) Where the appropriate authority are or will be obliged under the relevant enactment to make arrangements for the provision of full-time education for the excluded pupil during his exclusion, or intend to do so without being so obliged, the notice must specify the first day on which full-time education is to be provided for the excluded pupil.
- (3) The notice must specify as days on which the parent is to be subject to section 103(2) each school day beginning with the first school day to which the exclusion relates and ending with the earliest of the following—
 - (a) where a day is specified under subsection (2), the school day preceding that day,
 - (b) the fifth school day to which the exclusion relates, and
 - (c) the last school day to which the exclusion relates.

Changes to legislation: Education and Inspections Act 2006, Section 104 is up to date with all changes known to be in force on or before 17 April 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

- (4) Subsection (7) of section 103 applies for the purposes of subsection (3) as it applies for the purposes of subsection (2)(a) of that section.
- (5) Where the appropriate authority are a [^{F1}local authority], they must provide the head teacher with such information as will enable the head teacher to give a notice complying with subsection (2).
- (6) Section 572 of EA 1996, which provides for the methods by which notices may be served under that Act, does not preclude a notice under this section from being given to the parent of the excluded pupil by any effective method.
- (7) Regulations may enable a notice under this section to be combined with a notice required by virtue of section 52(3)(a) of EA 2002 (which relates to the exclusion of pupils from maintained schools).
- (8) In this section—
- “the appropriate authority” means—
- (a) in the case of a permanent exclusion or an exclusion from a pupil referral unit, a [^{F1}local authority],
 - (b) in the case of an exclusion for a fixed period from a maintained school, the governing body of the school, and
 - (c) in the case of an exclusion for a fixed period from a relevant school which is an [^{F2}Academy school, an alternative provision Academy,] a city technology college or a city college for the technology of the arts, the proprietor of the school;
- “prescribed” means prescribed by regulations;
- “regulations” means regulations made by the Secretary of State;
- “the relevant enactment” means—
- (a) where the appropriate authority is a [^{F1}local authority], section 19 of EA 1996, and
 - (b) in any other case, section 100 of this Act.

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)**
- F2** Words in s. 104(8) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 16(4)**; [S.I. 2012/924](#), art. 2

Modifications etc. (not altering text)

- C1** [S. 104](#) modified (18.5.2012) by [The Wiltshire Council \(Arrangements for the Provision of Suitable Education\) Order 2012 \(S.I. 2012/1107\)](#), arts. 1(2)(a), **7** (with art. 5)

Commencement Information

- I1** [S. 104](#) in force at 1.9.2007 by [S.I. 2007/1801](#), **art. 4(h)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

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. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)