

Current	Proposed additions	Notes
<p>436A Duty to make arrangements to identify children not receiving education</p> <p>(1) A local authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—</p> <p style="padding-left: 40px;">(a) are not registered pupils at a school, and</p> <p style="padding-left: 40px;">(b) are not receiving suitable education otherwise than at a school.</p> <p>(2) In exercising their functions under this section a local authority must have regard to any guidance given from time to time by the Secretary of State.</p> <p>(3) In this Chapter, “suitable education”, in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have (in the case of a local authority in England) or suitable to the child's age, ability and aptitude and to any additional learning needs the child may have (in the case of a local authority in Wales).</p>	<p>436B Duty to register children not in school</p>	<p>Read relevant sections in Publications- Explanatory Notes, Delegated Powers Memorandum. Human Rights Memorandum</p>
	<p>(1) A local authority in England must maintain a register of children who are eligible to be registered by the authority under this section.</p>	
	<p>(2) A child is eligible to be registered by a local authority under this section if conditions A to C are met.</p>	
	<p>(3) Condition A is that the child lives in the authority's area.</p>	
	<p>(4) Condition B is that the child is of compulsory school age.</p>	
	<p>(5) Condition C is that—</p> <p style="padding-left: 40px;">(a) the child is not a registered pupil or a student registered at a relevant school,</p> <p style="padding-left: 40px;">(b) the child is a registered pupil at a relevant school but the proprietor of the school has arranged or agreed that—</p> <p style="padding-left: 80px;">(i) the child will receive education otherwise than at that or any other relevant</p>	

	<p>school, and</p> <p>(ii) the child will be absent for some or all of the time when the child would normally be expected to attend the relevant school, or</p> <p>(c) the child is a student registered at a relevant school falling within subsection (7)(e) but attends that school on a part-time basis, and is not also a registered pupil at a different relevant school.</p>	
	<p>(6) Regulations may make provision—</p> <p>(a) for cases where a child is to be regarded as falling or not falling within subsection (5)(b) or (c);</p> <p>(b) for cases where a child falling within subsection (5)(b) or (c) is not to be regarded as eligible for registration under this section.</p>	
	<p>(7) In this section “relevant school” means—</p> <p>(a) a school maintained by a local authority,</p> <p>(b) a non-maintained special school</p>	

	<p>(within the meaning given by section 337A).</p> <p>(c) an Academy school or alternative provision Academy,</p> <p>(d) a school not falling within paragraph (c) that is registered under section 95 of the Education and Skills Act 2008 (register of independent educational institutions),</p> <p>(e) an institution in England within the further education sector that provides secondary education suitable to the requirements of children who have attained the age of 14 years, or</p> <p>(f) an independent educational institution within the meaning of section 92(1) of the Education And Skills Act 2008.</p>	
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