

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>436C Content and maintenance of registers</p> <p>(1) A register under section 436B must contain the following information in respect of a child registered in it—</p> <p style="padding-left: 40px;">(a) the child's name, date of birth and home address,</p> <p style="padding-left: 40px;">(b) the name and home address of each parent of the child,</p> <p style="padding-left: 40px;">(c) the name of each parent who is providing education to that child,</p> <p style="padding-left: 40px;">(d) the amount of time that the child spends receiving education from each parent of the child,</p> <p style="padding-left: 40px;">(e) if the child receives education from a person other than their parent—</p> <p style="padding-left: 80px;">(i) the names and addresses of any individuals and organisations involved in providing that education,</p> <p style="padding-left: 80px;">(ii) a description of the type of each provider named under</p>	<p>Read relevant sections in Publications- Explanatory Notes, Delegated Powers Memorandum. Human Rights Memorandum</p>

	<p>sub-paragraph (i), (iii) the postal address of each place where that education is provided (where different from the address in sub-paragraph (i)) or the website or email address of the provider if that education is provided virtually,</p> <p>(iv) the total amount of time that the child spends receiving that education and the amount of time the child spends receiving that education without any parent of the child being actively involved in the tuition or supervision of the child.</p>	
	<p>(2) To the extent that the local authority has the information or can reasonably obtain it, a register under section 436B must also contain such information about, or in connection with, the following matters in respect of a child registered in it as may be prescribed—</p> <p>(a) the child's protected characteristics (within the meaning of the Equality Act 2010);</p> <p>(b) whether the child has any special educational needs, including whether the local authority maintains an EHC</p>	

	<p>plan for the child;</p> <p>(c) any enquiries being made or that have been made by a local authority under section 47 of the Children Act 1989 (local authority's duty to investigate) and any actions that are being taken or have been taken by the authority or any other local authority following, or in connection with, enquiries under that section;</p> <p>(d) whether the child is or has ever been a child in need for the purposes of Part 3 of the Children Act 1989 (see section 17(10) of that Act) and, if so, any actions that a local authority is taking or has taken in relation to the child under that Part and any services that a local authority is providing or has provided to the child in the exercise of functions conferred on the authority by section 17 of that Act;</p> <p>(e) whether the child is or has ever been looked after by a local authority (within the meaning of section 22 of the Children Act 1989);</p> <p>(f) the reasons why the child meets condition C in section 436B, including any information provided by a parent of the child as to those reasons or, in a case where a parent has not</p>	
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	<p>provided that information, the fact that they have not done so;</p> <p>(g) whether, under arrangements made under section 436A, the child has been identified as a child who is of compulsory school age but who is not a registered pupil at a school and is not receiving suitable education otherwise than at a school;</p> <p>(h) the school or institution within the further education sector or the type of school or institution (if any) that the child attends or has attended in the past;</p> <p>(i) whether support is being provided in relation to the child under section 436G and, if so, the nature of the support being provided;</p> <p>(j) any actions that have been taken by a local authority in relation to the child under sections 436I to 436P (school attendance orders);</p> <p>(k) any other information about the child's characteristics, circumstances, needs or interactions with a local authority or educational institutions that the Secretary of State considers should be included in the register for the purposes of promoting or</p>	
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	safeguarding the education or welfare of children.	
	(3) A register under section 436B may also contain any other information the local authority considers appropriate.	
	<p>(4) Regulations may, in relation to a register under section 436B, make provision about—</p> <p>(a) how a local authority must maintain the register, including provision relating to—</p> <p style="padding-left: 40px;">(i) how the register is to be kept up-to-date;</p> <p style="padding-left: 40px;">(ii) the making of changes to the register;</p> <p>(b) the form of the register;</p> <p>(c) publication of the register;</p> <p>(d) registration forms;</p> <p>(e) how time is to be recorded for the purposes of subsection (1)(d) and (e) (iv);</p> <p>(f) publicising the register and duties of persons in relation to the register.</p>	
	(5) No information from a register under section 436B may be published, or made	

	<p>accessible to the public, in a form—</p> <p>(a) which includes the name or address of a child who is eligible to be registered under that section or of a parent of such a child, or</p> <p>(b) from which the identity of such a child or parent can be deduced, whether from the information itself or from that information taken together with any other published information.</p>	
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