

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>436E Provision of information to local authorities: education providers</p>	<p>Read relevant sections in Publications-Explanatory Notes, Delegated Powers Memorandum, Human Rights Memorandum</p>
	<p>(1) This section applies where a local authority in England reasonably believes that—</p> <p style="padding-left: 40px;">(a) a person is providing out-of-school education to a child for more than the prescribed amount of time without any parent of the child being actively involved in the tuition or supervision of the child, and</p> <p style="padding-left: 40px;">(b) the child is, or is eligible to be, registered by the authority under section 436B.</p>	
	<p>(2) In this section—</p> <p style="padding-left: 40px;">(a) “out-of-school education” means any programme or course of education, or any other kind of structured education, that is provided otherwise than as part of the education provided by a relevant school (within the meaning of section 436B);</p> <p style="padding-left: 40px;">(b) “prescribed amount of time” means an amount of time prescribed</p>	

	<p>—</p> <ul style="list-style-type: none">(i) by reference to a number of hours in, or a proportion of, a week or other period;(ii) by reference to a proportion of the time a child spends receiving education;(iii) in any other way.	
	<p>(3) The authority may by notice require the person—</p> <ul style="list-style-type: none">(a) to confirm whether or not the person is providing out-of-school education to any child as mentioned in subsection (1)(a), or has done so at any time during the period of 3 months ending with the date of the notice, and(b) to provide the authority with the following information in relation to any child (whether or not that child lives in the authority's area) to whom they are providing such education, or to whom they have provided such education during that 3 month period—<ul style="list-style-type: none">(i) the child's name, date of birth and home address,	

	<p>(ii) the total amount of time that they provide such education to the child, and</p> <p>(iii) the amount of time that they provide such education to the child without any parent of the child being actively involved in the tuition or supervision of the child.</p>	
	<p>(4) A notice under subsection (3) is served if it is sent to or left at the place where the out-of-school education is provided (as well as in the circumstances referred to in section 572(1)).</p>	
	<p>(5) Before the end of the specified period, the person on whom a notice under subsection (3) is served must comply with the requirement in the notice.</p>	
	<p>(6) The “specified period” is the period, specified in the notice that—</p> <p>(a) is at least 15 days, and</p> <p>(b) begins with the day on which the notice is served.</p>	
	<p>(7) Regulations may provide for exceptions to the duty in subsection (5).</p>	

	<p>(8) Where a local authority in England is satisfied that a person on whom a notice under subsection (3) is served has—</p> <p>(a) failed to comply with their duty under subsection (5), or</p> <p>(b) provided incorrect information in response to the notice, the authority may require the person to pay a monetary penalty to the authority in accordance with Schedule 31A.</p>	
	<p>(9) The amount of the monetary penalty is to be the prescribed amount.</p>	
	<p>(10) Subsection (8) does not apply in relation to a notice under subsection (3) that is served during the period of 3 months beginning with the day on which section 25 of the Children’s Wellbeing and Schools Act 2025 comes into force.</p>	