

Current	Proposed additions	Notes
<p><b>436A Duty to make arrangements to identify children not receiving education</b></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><b>436F Use of information in the register</b></p>	<p>Read relevant sections in <a href="#">Publications- Explanatory Notes, Delegated Powers Memorandum, Human Rights Memorandum</a></p>
	<p>(1) A local authority in England must, if the Secretary of State so directs, provide the Secretary of State with information of a prescribed description from their register under section 436B (whether that is information relating to an individual child or aggregated information).</p>	
	<p>(2) The Secretary of State may provide information received under subsection (1) to a prescribed person if the Secretary of State considers it appropriate to do so for the purposes of promoting or safeguarding the education or welfare of—</p> <p style="padding-left: 40px;">(a) the child to whom the information relates, or</p> <p style="padding-left: 40px;">(b) any other person under the age of 18.</p>	
	<p>(3) A local authority in England may provide information from their register under section 436B which relates to a child, to a person mentioned in subsection (4) if the authority considers it appropriate to do so for the purposes of promoting or safeguarding the education or welfare of—</p>	

	<p>(a) the child, or  (b) any other person under the age of 18.</p>	
	<p>(4) For the purposes of subsection (3), the persons are—</p> <p>(a) a person listed in <a href="#">section 11(1)</a> of the Children Act 2004 15 (arrangements to safeguard and promote welfare);</p> <p>(b) Ofsted, meaning—</p> <p>(i) the Office for Standards in Education, Children's Services and Skills, and</p> <p>(ii) His Majesty's Chief Inspector of Education, Children's Services and Skills.</p>	
	<p>(5) Where a local authority in England becomes aware that a child registered in their register under section 436B will move, or has moved, to the area of another local authority in England, the local authority—</p> <p>(a) must provide the other local authority with any information relating to the child which is contained in the register under or by virtue of section 436C(1) or (2), and</p>	

	<p>(b) may provide the other local authority with any other information relating to the child which is contained in the register under or by virtue of section 436C(3).</p>	
	<p>(6) Where a local authority in Wales, Scotland or Northern Ireland makes a request for information from a register under section 436B held by a local authority in England, the local authority in England receiving the request may provide the information if that authority considers it appropriate to do so for the purposes of promoting or safeguarding the education or welfare of—</p> <p>(a) the child to whom the information relates,</p> <p>(b) any other person under the age of 18.</p>	
	<p>(7) A local authority in Scotland means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.</p>	
	<p>(8) A local authority in Northern Ireland means a Health and Social Care Trust or the Education Authority established under the Education Act (Northern Ireland) 2014.</p>	

