

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>436H Preliminary notice for school attendance order</p>	<p>Read relevant sections in Publications- Explanatory Notes, Delegated Powers Memorandum, Human Rights Memorandum</p>
	<p>(1) A local authority in England must serve a preliminary notice on a child's parent in relation to a child for whom the authority is responsible if it appears to the authority that —</p> <p style="padding-left: 40px;">(a) the child is of compulsory school age, and</p> <p style="padding-left: 40px;">(b) either condition A or condition B is met.</p>	
	<p>(2) A local authority in England may serve a preliminary notice on a child's parent if it appears to the authority that either condition C or condition D is met.</p>	
<p>(3) A “preliminary notice” means a notice requiring the child's parent on whom the notice is served to satisfy the local authority that—</p> <p style="padding-left: 40px;">(a) the child is receiving suitable education, where condition A, C or D is relied on to serve the notice;</p> <p style="padding-left: 40px;">(b) the child is receiving education that is in their best interests, where condition B is relied on to serve the notice.</p>		

	<p>(4) Condition A is that the child is not receiving suitable education, either by regular attendance at school or otherwise.</p>	
	<p>(5) Condition B is that—</p> <p>(a) the local authority or another local authority is—</p> <p>(i) conducting enquiries in respect of the child under section 47 of the Children Act 1989 (duty to investigate), or</p> <p>(ii) taking action under section 47(8) of that Act to safeguard or promote the child's welfare, in a case where the enquiries mentioned in sub-paragraph (i) have led the local authority to conclude that the child is suffering, or is likely to suffer, significant harm (within the meaning of section 31(9) and (10) of that Act),</p> <p>(b) the child is not regularly attending school, and</p> <p>(c) it would be in the child's best interests to receive education by regular attendance at school.</p>	
	<p>(6) Condition C is that—</p>	

	<p>(a) the child is eligible to be registered by the local authority under section 436B,</p> <p>(b) the authority has asked the child's parent for information under section 436D(1), and</p> <p>(c) the child's parent has not provided that information before the end of the relevant period (as defined in section 436D(4)(a)), or has provided incorrect information.</p>	
	<p>(7) Condition D is that the child's parent is under a duty to provide information to the local authority under section 436D(2) in relation to the child and</p> <p>(a) has not provided the information before the end of the relevant period (as defined in section 436D(4)), or</p> <p>(b) has provided incorrect information.</p>	
	<p>(8) A preliminary notice must—</p> <p>(a) state which of conditions A to D are relied on to serve the notice,</p> <p>(b) be served without delay, and in any event before the end of the period of five days beginning with the day on which it appears to the local authority</p>	

	<p>that the requirements of subsection (1) or (2) are met, and</p> <p>(c) specify the period within which the person must respond to the notice, which must be not less than 15 days beginning with the day on which the notice is served.</p>	
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