

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>436I School attendance orders</p> <p>(1) A local authority in England must serve an order under this section on a child’s parent if —</p> <p style="padding-left: 40px;">(a) the authority has served a preliminary notice on the child’s parent under section 436H,</p> <p style="padding-left: 40px;">(b) the child’s parent fails to satisfy the local authority, within the period specified in the notice, that—</p> <p style="padding-left: 80px;">(i) the child is receiving suitable education, in a case where condition A, C or D is cited in the notice,</p> <p style="padding-left: 80px;">(ii) it is in the best interests of the child to receive education otherwise than by regular attendance at school, in a case where condition B is cited in the notice, and</p> <p style="padding-left: 40px;">(c) in the opinion of the authority it is expedient that the child should attend school.</p>	<p>Read relevant sections in Publications-Explanatory Notes, Delegated Powers Memorandum, Human Rights Memorandum</p>

	<p>(2) For the purpose of determining whether an order must be served under this section in respect of a child, the local authority—</p> <p>(a) must consider all of the settings where the child is being educated and where the child lives,</p> <p>(b) must consider how the child is being educated and what the child is learning, so far as is relevant in the particular case, and</p> <p>(c) may request the child’s parent on whom the preliminary notice has been served under section 436H to allow the local authority to visit the child inside any of the homes in which the child lives.</p>	
	<p>(3) If a request under subsection (2)(c) is refused by the person to whom it is made, the local authority must consider that to be a relevant factor in deciding whether the child’s parent has failed to satisfy the local authority as mentioned in subsection (1)(b)(i) or (ii).</p>	
	<p>(4) An order under this section (a “school attendance order”) is an order requiring the person on whom it is served to cause the child to become a registered pupil at a school named in the order.</p>	
	<p>(5) A school attendance order under this section—</p>	

	<p>(a) must be served without delay, and in any event before the end of the period of five days beginning with the day on which the authority determines which school is to be named in the order, and</p> <p>(b) must be in the prescribed form.</p>	
	<p>(6) A school attendance order under this section continues in force (subject to any amendment made by the local authority) for so long as the child is of compulsory school age, unless—</p> <p>(a) it is revoked by the authority, or</p> <p>(b) a direction is made in respect of it under section 436P(6) or 447(5).</p>	
	<p>(7) Where a maintained school is named in a school attendance order under this section—</p> <p>(a) the local authority must without delay, and in any event before the end of the period of five days referred to in subsection (5)(a) inform the governing body and the head teacher, and</p> <p>(b) the governing body and the local authority must admit the child to the</p>	

	school.	
	<p>(8) Where an Academy school or alternative provision Academy is named in a school attendance order under this section—</p> <p>(a) the local authority must without delay, and in any event before the end of the period of five days referred to in subsection (5)(a) inform the proprietor and the principal, and</p> <p>(b) the proprietor must admit the child to the school.</p>	
	<p>(9) Subsections (7) and (8) do not affect any power to exclude from a school a pupil who is already a registered pupil there.</p>	