

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>436J School attendance order for child with EHC plan</b></p>	<p>Read relevant sections in <a href="#">Publications- Explanatory Notes, Delegated Powers Memorandum, Human Rights Memorandum</a></p>
	<p>1. Subsections (2) and (3) apply where a local authority is required to serve a school attendance order under section 436I in respect of a child for whom the authority maintains an EHC plan.</p>	
	<p>2. Where the EHC plan specifies the name of a school, that school must be named in the order.</p>	
	<p>3. Where the EHC plan does not specify the name of a school—</p> <p style="padding-left: 40px;">(a) the authority must amend the plan so that it specifies the name of a school, and</p> <p style="padding-left: 40px;">(b) that school must then be named in the order.</p>	
	<p>4. An amendment to an EHC plan required to be made under subsection(3)(a) is to be treated as if it were an amendment made following a review under section 44 of the Children and Families Act 2014, and that section and regulations made under it apply accordingly.</p>	
<p>5. Where—</p> <p style="padding-left: 40px;">(a) a school attendance order is in</p>		

	<p>force in respect of a child for whom the local authority maintain an EHC plan, and (b) the name of the school specified in the plan is changed, the local authority must amend the order accordingly.</p>	
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