

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</p>	<p>436K School nomination notice for school attendance order</p> <p>(1) Before a local authority serves a school attendance order under section 436I on a person in respect of a child, other than a child for whom the authority maintains an EHC plan, the authority must serve a notice on the person under this section (a “school nomination notice”).</p>	<p>Read relevant sections in Publications-Explanatory Notes, Delegated Powers Memorandum, Human Rights Memorandum</p>

<p>school, and</p> <p>(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>(2) A school nomination notice is a notice in writing—</p> <p>(a) informing the person of the local authority’s intention to serve the order,</p> <p>(b) specifying the school which the authority intends to name in the order and, if the authority considers it fit, one or more other schools which it regards as suitable alternatives, and</p> <p>(c) stating the effect of subsections (3) to (6).</p> <p>For periods within which the school nomination notice must be served, see section 436M(6) and (7).</p>	
	<p>(3) If the school nomination notice specifies one or more alternative schools and the person selects one of them before the end of the period of 15 days beginning with the day on which the notice is served, the school selected by the person must be named in the order.</p>	
	<p>(4) If—</p> <p>(a) within the period mentioned in subsection (3) the person—</p>	

	<p>(i) applies for the child to be admitted to a school which is an Academy school or alternative provision Academy and notifies the local authority which served the notice of the application, or</p> <p>(ii) applies for the child to be admitted to a school maintained by a local authority and, where that authority is not the local authority which served the notice, notifies the latter authority of the application, and</p> <p>(b) the child is offered a place at the school as a result of the application, that school must be named in the school attendance order.</p>	
	<p>(5) If —</p> <p>(a) within the period mentioned in subsection (3) the person applies to the local authority by whom the notice was served for education to be provided at a school which is not a school maintained by a local authority, an Academy school or alternative provision Academy, and</p> <p>(b) the child is offered a place at the school under arrangements made by the authority under which the fees payable in respect of the education provided at the school are to be paid</p>	

	<p>by them under section 517, that school must be named in the school attendance order.</p>	
	<p>(6) If, within the period mentioned in subsection (3)—</p> <p>(a) the person—</p> <p>(i) applies for the child to be admitted to a school which is not maintained by a local authority, an Academy school or an alternative provision Academy and in respect of which no application is made under subsection (5), and</p> <p>(ii) notifies the local authority by whom the notice was served of the application,</p> <p>(b) the child is offered a place at the school as a result of the application, and</p> <p>(c) the school is suitable to the child's age, ability and aptitude and to any special educational needs the child may have, that school must be named in the school attendance order</p>	

