

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>436L School nomination notice: restrictions</p>	<p>Read relevant sections in Publications- Explanatory Notes, Delegated Powers Memorandum, Human Rights Memorandum</p>
	<p>(1) A local authority may not specify a school in a school nomination notice if the child is permanently excluded from it.</p>	
	<p>(2) A local authority may not specify a maintained school or Academy school in a school nomination notice if the admission of the child would, because of the need to take measures to avoid failing to comply with any duty applicable to the school in relation to class sizes, prejudice the provision of efficient education or the efficient use of resources.</p>	
	<p>(3) A local authority may not specify a maintained school or Academy school in a school nomination notice if, were the child concerned admitted to the school in accordance with a school attendance order resulting from the notice, the number of pupils at the school in the child's age group would exceed the relevant number.</p>	
	<p>(4) The relevant number is—</p> <p style="padding-left: 40px;">(a) in the case of a maintained school, the number determined in accordance with section 88C or 89 of the School</p>	

	<p>Standards and Framework Act 1998 as the number of pupils in the child's age group which it is intended to admit to the school in the school year in which the child would be admitted, or</p> <p>(b) in the case of an Academy school, the number determined in accordance with the Academy arrangements relating to the school or any enactment as the number of such pupils.</p>	
	<p>(5) Subsection (3) does not prevent a local authority from specifying a maintained school where the authority is responsible for determining the arrangements for the admission of pupils to the school.</p>	
	<p>(6) Subsection (3) also does not prevent a local authority from specifying a maintained school or Academy school if—</p> <p>(a) in the opinion of the authority the school is a reasonable distance from the home of the child, and</p> <p>(b) there is no maintained school or Academy school in their area which—</p> <p>(i) the authority could specify (apart from subsection (3)), 15 and</p>	

	<p>(ii) is in the opinion of the authority a reasonable distance from the home of the child.</p>	
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