

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>436M School nomination notice: procedure</b></p>	<p>Read relevant sections in <a href="#">Publications- Explanatory Notes, Delegated Powers Memorandum, Human Rights Memorandum</a></p>
	<p>(1) Before deciding to specify a maintained school, Academy school or alternative provision Academy in a school nomination notice a local authority must consult—</p> <p style="padding-left: 40px;">(a) in the case of a maintained school —</p> <p style="padding-left: 80px;">(i) the governing body, and</p> <p style="padding-left: 80px;">(ii) if another local authority is responsible for determining the arrangements for the admission of pupils to the school, that authority, or</p> <p style="padding-left: 40px;">(b) in the case of an Academy school or alternative provision Academy, the proprietor.</p>	
	<p>(2) Where a local authority decides to specify a maintained school, Academy school or alternative provision Academy in a school nomination notice the authority must, before serving the notice, serve notice in writing of their decision on—</p>	

	<p>(a) in the case of a maintained school —</p> <p>(i) the governing body,</p> <p>(ii) the head teacher, and</p> <p>(iii) if another local authority is responsible for determining the arrangements for the admission of pupils to the school, that authority, or</p> <p>(b) in the case of an Academy school or alternative provision Academy—</p> <p>(i) the proprietor, and</p> <p>(ii) the principal.</p>	
	<p>(3) A notice under subsection (2) must be served without delay, and in any event before the end of the period of 15 days beginning with the expiry of the period specified in the notice under section 436H.</p>	
	<p>(4) A person on whom a notice is served under subsection (2)(a)(i) or (iii) or (b)(i) may apply to the Secretary of State for a direction under this section and, if they do so, must inform the local authority which served the notice.</p>	
	<p>(5) An application under subsection (4) must be made—</p>	

	<p>(a) if the notice is served on a school day, before the end of the period of 10 school days beginning with the day on which the notice is served, or</p> <p>(b) if the notice is served on a day that is not a school day, before the end of the period of 10 school days beginning with the first school day following the day on which the notice is served.</p>	
	<p>(6) If the local authority which served a notice under subsection (2) is not informed of an application under subsection (4) within the period specified in subsection (5), the authority must serve the school nomination notice without delay, and in any event before the end of the period of five days beginning with the day after the day on which the period specified in subsection (5) ended.</p>	
	<p>(7) Where the Secretary of State gives a direction under this section—</p> <p>(a) the school or schools to be specified in the school nomination notice are to be determined in accordance with the direction, and</p> <p>(b) the school nomination notice must be served without delay, and in any event before the end of the period of five days beginning with the day after</p>	

	that on which the direction is given.	
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