

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>436O Revocation of school attendance order on request</p> <p>(1) This section applies where a school attendance order made by a local authority under section 436I is in force in respect of a child.</p> <p>(2) The person on whom the order is served may at any time request the local authority to revoke the order on the ground that arrangements have been made—</p> <p style="padding-left: 40px;">(a) for the child to receive suitable education otherwise than at a school, where the order was served as a result of the person failing to satisfy the local authority that the child is receiving suitable education;</p> <p style="padding-left: 40px;">(b) for the child to receive education, otherwise than at a school, that is in their best interests, where the order was served as a result of the person failing to satisfy the local authority that it is in the best interests of the child to receive education otherwise than by regular attendance at school.</p>	<p>Read relevant sections in Publications- Explanatory Notes, Delegated Powers Memorandum, Human Rights Memorandum</p>

	<p>(3) The authority must comply with a request under subsection (2), unless the authority is of the opinion that the arrangements mentioned in subsection (2)(a) or (b), or both, as the case may be, have not been made for the child.</p>	
	<p>(4) If a person is aggrieved by a refusal of the local authority to comply with a request under subsection (2)—</p> <p>(a) the person may refer the question to the Secretary of State, and</p> <p>(b) the Secretary of State must give such direction determining the question as the Secretary of State considers appropriate.</p>	
	<p>(5) Where the child is one for whom the local authority maintains an EHC plan—</p> <p>(a) if the name of a school or other institution is specified in the EHC plan, subsection (2) does not apply;</p> <p>(b) if the name of a school or other institution is not specified in the EHC plan, a direction under subsection (4)(b) may require the authority to make such amendments in the plan as the Secretary of State considers necessary or expedient in</p>	

	consequence of the determination.	
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