

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>436P Offence of failure to comply with school attendance order</p>	<p>Read relevant sections in Publications- Explanatory Notes, Delegated Powers Memorandum, Human Rights Memorandum</p>
	<p>(1) If a person on whom a school attendance order under section 436I is served fails to comply with the requirements of the order, the person is guilty of an offence.</p>	
	<p>(2) Subsection (1) does not apply if the person proves 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>(3) The reference in subsection (1) to failure to comply with the requirements of a school attendance order includes causing a child to</p>	

	<p>cease to be registered at the school named in the school attendance order.</p>	
	<p>(4) Subsection (3) does not apply in circumstances where—</p> <p>(a) the school has, pursuant to section 436J or 436N, ceased to be the school named in the school attendance order, or</p> <p>(b) the school attendance order has been revoked pursuant to section 436O.</p>	
	<p>(5) A person who—</p> <p>(a) fails to comply with the requirements of a school attendance order under section 436I by not causing a child to become a registered pupil at the school named in the order, and</p> <p>(b) is convicted of an offence under this section in respect of the failure, may be found guilty of an offence under this section again if the failure continues.</p>	
	<p>(6) If, in proceedings for an offence under this section, the person is acquitted, the court may direct that the school attendance order ceases to be in force.</p>	

	<p>(7) A direction under subsection (6) does not affect the duty of the local authority to take further action under section 436I if at any time the authority is of the opinion that, having regard to any change of circumstances, it is expedient to do so.</p>	
	<p>(8) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine not exceeding level 4 on the standard scale (or both).</p>	
	<p>(9) In subsection (8), “the maximum term for summary offences” means—</p> <p>(a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;</p> <p>(b) if the offence is committed after that time, 51 weeks.”</p>	

