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Status: Point in time view as at 25/09/2022.
Changes to legislation: Education Act 1996, Section 437 is up to date with all changes known to be in force
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have been made appear in the content and are referenced with annotations. (See end of Document for details)
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Education Act 1996

1996 CHAPTER 56

PART VI

SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

CHAPTER II

SCHOOL ATTENDANCE

School attendance orders

437   School attendance orders.

(1) If it appears to a [**F1**local authority] that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.

(2) That period shall not be less than 15 days beginning with the day on which the notice is served.

(3) If—

    (a)   a parent on whom a notice has been served under subsection (1) fails to satisfy the [**F1**local authority], within the period specified in the notice, that the child is receiving suitable education, and

    (b)   in the opinion of the authority it is expedient that the child should attend school,

the authority shall serve on the parent an order (referred to in this Act as a "school attendance order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order.

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Education Act 1996 (c. 56)
Part VI – School admissions, attendance and charges
Chapter II – School attendance
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(4) A school attendance order shall (subject to any amendment made by the [**F1**local authority]) continue in force for so long as the child is of compulsory school age, unless—

    (a)   it is revoked by the authority, or

    (b)   a direction is made in respect of it under section 443(2) or 447(5).

(5) Where a maintained **F2**. . . school is named in a school attendance order, the [**F1**local authority] shall inform the governing body and the head teacher.

(6) Where a maintained **F2**. . . school is named in a school attendance order, the governing body (and, in the case of a maintained school, the [**F1**local authority]) shall admit the child to the school.

(7) Subsection (6) does not affect any power to exclude from a school a pupil who is already a registered pupil there.

(8) In this Chapter—

    [**F3**"maintained school" means any community, foundation or voluntary school or any community or foundation special school not established in a hospital; and]

    F4...

Textual Amendments

F1   Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

F2   Words in s. 437(5)(6) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 113(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F3   Definition substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 113(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F4   Words in s. 437(8) repealed (27.2.2007 for E., 1.9.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 4(2), 188(3), **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 6(a)(g); S.I. 2009/1027, art. 3(a)(d)

Modifications etc. (not altering text)

C1   S. 437: power to disapply conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 17 para. 5** (with ss. 88-90)

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