



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 1

#### EDUCATION FUNCTIONS OF LOCAL AUTHORITIES

#### 4 Duty to identify children not receiving education

- (1) In Chapter 2 of Part 6 of EA 1996 (school attendance) before the cross-heading preceding section 437 insert—

*“Children not receiving suitable education*

#### 436A Duty to make arrangements to identify children not receiving education

- (1) A [<sup>F1</sup>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—
- are not registered pupils at a school, and
  - are not receiving suitable education otherwise than at a school.
- (2) In exercising their functions under this section a [<sup>F1</sup>local authority] must have regard to any guidance given from time to time by the Secretary of State.
- (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.”
- (2) In section 437 of EA 1996, in subsection (8) omit the definition of “suitable education”.
- (3) In section 580 of EA 1996 (index) for the entry in the second column which relates to the expression “suitable education (in Chapter 2 of Part 6)” substitute “section 436A(3)”.

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**Changes to legislation:** Education and Inspections Act 2006, Section 4 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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### Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 14\(2\)](#)
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### Commencement Information

- I1** S. 4 in force at 27.2.2007 for E. by [S.I. 2006/3400](#), [art. 6\(a\)](#)  
**I2** S. 4 in force at 1.9.2009 for W. by [S.I. 2009/1027](#), [art. 3\(a\)](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)