

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
<p>KEY ...from > to + added -removed moved to>>>/>>>from another section, location, re-ordered</p>			
<p>Introduction ▢</p>	<p>Introduction</p>		
<p>The government’s aim is to ensure all young people receive world-class education which allows them to reach their potential and live a more fulfilled life, regardless of background. That education should be provided in a safe environment, whether at school or at home.</p>	<p>The Government’s priority is to level up education standards so that children and young people in every part of the country are prepared with the knowledge, skills and qualifications they need to reach their potential and live a more fulfilled life; and for education to be provided in a safe environment, whether that be at school or at home.</p>	<p>...aim > priority</p> <p>...ensure all young people > level up education standards</p> <p>receive > are prepared with</p> <p>world-class education > the knowledge, skills and qualifications</p> <p>which allows them > they need</p>	
<p>Parents have a right to educate their children at home, and the government wants the many parents who do it well to be supported.</p>	<p>Parents have a right to educate their children at home. The Government respects this right and wants to ensure that parents are</p>	<p>+ ...respects this right...</p> <p>...the many parents who do ..it well to be supported > ensure that parents are</p>	

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<p>They devote time, financial resources and dedication to the education of their children.</p> <p>Most parents who take up the weighty responsibility of home education do a great job, and many children benefit from being educated at home.</p>	<p>supported to do this well.</p> <p>Most parents who take up the weighty responsibility of elective home education do a great job, and many children benefit from being educated at home.</p>	<p>supported to do this well.</p>	
<p>Educating children at home works well when it is a positive, informed and dedicated choice.</p> <p>However, the past few years have seen a very significant increase in the number of children being educated at home, and there is considerable evidence that many of these children are not receiving a suitable education.</p>	<p>Educating children at home works well when it is a positive, informed and dedicated choice and decision.</p> <p>The past few years have seen a significant increase in the number of children being educated at home, especially as a result of the Covid-19 pandemic.</p> <p>While this increase is not a concern in of itself, there is evidence from local authorities and other</p>	<p>+...and decision</p> <p>+...especially as a result of the Covid-19 pandemic.</p> <p>+...While this increase is not a concern in of itself</p> <p>...and there is considerable</p>	

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<p>There is a less well evidenced but increasing concern that some children educated at home may not be in safe environments.</p>	<p>stakeholders that some of these children are not receiving a suitable efficient full-time education, including that some of these children are not being educated in safe environments.</p> <p>(Hereafter, “suitable education” will be used as shorthand to include all element of section 7 of the Education Act 1996: suitable, efficient, and full-time. (See</p>	<p>evidence > there is evidence from local authorities and other stakeholders</p> <p>..many > some</p> <p>...suitable education > suitable efficient full-time education</p> <p>There is a less well evidenced but increasing concern that some children educated at home may not be in safe environments. > ...including that some of these children are not being educated in safe environments.</p> <p>+ (Hereafter, “suitable education” will be used as shorthand to include all element of section 7 of the Education Act 1996: suitable, efficient, and full-time. (See Chapter 3 for more information on section 7).</p>	

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	<p>Chapter 3 for more information on section 7).</p>		
<p>The department believes that although the primary responsibility for ensuring that children are properly educated belongs to parents, a local authority has a moral and social obligation to ensure that a child is safe and being suitably educated.</p> <p>If it is not clear that that is the case, the authority should act to remedy the position.</p>	<p>Although the primary responsibility for ensuring that children are properly educated belongs to parents, a local authority has obligations intended to ensure that a child is safe and being suitably educated.</p> <p>Local authorities have a legal duty to make arrangements to identify children not registered at schools who are not receiving suitable education, and then to act if it appears that a child is not in receipt of suitable education.</p>	<p>...obligation > obligations intended</p> <p>If it is not clear that that is the case, the authority should act to remedy the position. > Local authorities have a legal duty to make arrangements to identify children not registered at schools who are not receiving suitable education, and then to act if it appears that a child is not</p>	

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	<p>It is crucial the authority acts promptly should they become aware that a child is not receiving suitable education.</p>	<p>in receipt of suitable education.</p> <p>+ It is crucial the authority acts promptly should they become aware that a child is not receiving suitable education.</p>	
<p>This guidance is intended to help local authorities understand their existing powers, and their duties in relation to children who are being educated at home, and how those relate to the obligations of parents.</p>	<p>This guidance is intended to help local authorities understand their existing powers and duties in relation to children who are being educated at home, and how those relate to the obligations of parents.</p>		

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	<p>The Government encourages authorities to develop mutually respectful and trusting relationships with home educating families. By doing so, children and parents can be better supported and resources targeted to where they are most needed.</p>	<p>+The Government encourages authorities to develop mutually respectful and trusting relationships with home educating families. By doing so, children and parents can be better supported and resources targeted to where they are most needed.</p>	
<p>Our initial step is to ensure that LAs understand the powers at their disposal and when they can be used to intervene if it appears that a child is not receiving an adequate, safe, or appropriate education.</p>			

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<p>However, where it is clear that parents are educating a child well at home, the need for contact should be minimal and not made more onerous than is required by the parents' own needs.</p> <p>It aims to enable local authorities to identify children not receiving a suitable education, and do something about it. The end result should be that every child is receiving a suitable education in a safe and</p>	<p>Where it is clear that parents are educating a child well at home, local authority contact may, in some cases, be brief.</p> <p>As a rule of thumb, we would expect local authority / parent contact to be at least annual.</p> <p>However, this does not mean that contact will be minimal indefinitely.</p> <p>The guidance aims to enable local authorities to identify children not receiving a suitable education and do something about it. The result should be that every child is receiving a suitable education in a safe and appropriate</p>	<p>...the need for contact > local authority contact</p> <p>... should be > may</p> <p>...minimal > in some cases, be brief.</p> <p>+As a rule of thumb, we would expect local authority / parent contact to be at least annual.</p> <p>+ However, this does not mean that contact will be minimal indefinitely.</p> <p>It... > The guidance...</p>	

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<p>appropriate setting, whether at home or in school.</p>	<p>setting.</p>		
<p>Where necessary - because it is evident that a child is simply not receiving suitable education at home and the use of school attendance powers is not achieving a change in that situation - the local authority should be ready to use its safeguarding powers as explained in this guidance. The overriding objective in these cases is to ensure that the child's development is protected from significant harm.</p>	<p>Whilst elective home education is not inherently a safeguarding matter, if it is evident that a child is not receiving suitable education at home and the use of school attendance powers is not achieving a change in that situation, the local authority should be ready to use its safeguarding powers, as explained in Chapter 8 of this guidance. The overriding objective in these cases is to ensure that the child's development is protected from harm.</p>	<p>Where necessary > Whilst elective home education is not inherently a safeguarding matter</p> <p>...because > ...if</p> <p>+ ...Chapter 8 of...+</p>	

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	<p>The Government remains committed to introducing statutory local authority registers for children not in school, as well as a duty for local authorities to provide support to home- educating families. This will help local authorities undertake their existing duties which aim to ensure that all children receive a suitable education and are safe, by helping to better identify children not in school. Authorities will therefore be better able to identify those children missing education (CME) and offer the right support to those who want it.</p>	<p>+ The Government remains committed to introducing statutory local authority registers for children not in school, as well as a duty for local authorities to provide support to home- educating families. This will help local authorities undertake their existing duties which aim to ensure that all children receive a suitable education and are safe, by helping to better identify children not in school. Authorities will therefore be better able to identify those children missing education (CME) and offer the right support to those who want it.</p>	
	<p>This guidance represents the Department’s interpretation of how the current legal</p>	<p>+ This guidance represents the Department’s interpretation of how the</p>	

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	<p>framework affects the provision of home education. The guidance is not intended to provide legal advice. It does not create new powers or duties, and only the courts can make authoritative decisions on the law. Readers with legal questions should seek independent legal advice.</p>	<p>current legal framework affects the provision of home education. The guidance is not intended to provide legal advice. It does not create new powers or duties, and only the courts can make authoritative decisions on the law. Readers with legal questions should seek independent legal advice.</p>	
<p>Summary flow chart</p> <p>This chart summarises the more detailed flow charts inserted at the end of this guidance document by showing the main features of the legal options open to a local authority if it is satisfied that a child is not receiving a suitable education at home.</p> <p>□ Chart</p>			

Overview