

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
<p>KEY ...<del>from</del> &gt; to    + added    -<del>removed</del>    moved to&gt;&gt;/&gt;&gt;from another section, location, re-ordered</p>			
<p>6. What should local authorities do when it is not clear that home education is suitable? &gt; split into 6 and 7 of draft</p>	<p>6. How local authorities decide whether a child appears to be receiving suitable EHE</p>		
<p>6.1 Moved to ?&gt;&gt; &gt;&gt; Moved from 6.4</p>	<p>6.1 As should be made clear throughout this guidance, most home educators will be providing a good education to their child. Therefore, we would expect most EHE provided by parents to appear suitable to the local authority.</p> <p>A local authority is only required to commence more</p>	<p>+ 6.1 As should be made clear throughout this guidance, most home educators will be providing a good education to their child.</p> <p>+ Therefore, we would expect most EHE provided by parents to appear suitable to the local authority.</p> <p>+ A local authority is only required to commence more formal proceedings, in the form of a preliminary notice</p>	

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
<p><del>The department's advice is that in all cases where it is not clear as to whether home education is suitable (including situations where there is no information available at all), the authority should initially attempt to resolve those doubts through informal contact and enquiries.</del></p> <p>This is likely to be the most productive initial approach even when a child is not being suitably educated.</p> <p>An authority's s.436A duty</p>	<p>formal proceedings, in the form of a preliminary notice (see Chapter 7), should a child appear not to be receiving suitable education.</p> <p>The Department would expect local authorities to first engage with parents through informal enquiries.</p> <p>Such enquiries may be sufficient for the local authority to come to a view.</p> <p>An authority's duties under s.436A and 437 of the 1996</p>	<p>(see Chapter 7), should a child appear not to be receiving suitable education.</p> <p>the authority should initially attempt to resolve those doubts through informal contact and enquiries&gt; The Department would expect local authorities to first engage with parents through informal enquiries.</p> <p>This is likely to be the most productive initial approach even when a child is not being suitably educated &gt; Such enquiries may be sufficient for the local authority to come to a view</p> <p>+ of the 1996 Act</p>	

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
<p>(and that under s.437, <del>-see below</del>) forms sufficient basis for informal enquiries.  <b>Furthermore</b>, s.436A creates a duty to adopt a system for making such enquiries.</p>	<p><b>Act</b> form sufficient basis for informal enquiries, <b>and</b> s.436A creates a duty to adopt a system for making such enquiries.</p> <p>The focus of these enquiries is to establish whether the child appears to be receiving suitable education, and there is not a requirement to satisfy a local authority that education is suitable at this stage.</p>	<p><b>Furthermore &gt; and</b></p> <p>+ The focus of these enquiries is to establish whether the child appears to be receiving suitable education, and there is not a requirement to satisfy a local authority that education is suitable at this stage.</p>	
<p><b>6.2 Moved to 7.2</b>»  <b>» Moved from 6.1</b></p>	<p>6.2 Whilst information requested from parents does not need to be as extensive as what would be required in response to a preliminary notice (as explained in the next section), local authorities should be asking home educating parents for information that demonstrates to the local</p>	<p>+ Whilst information requested from parents does not need to be as extensive as what would be required in response to a preliminary notice (as explained in the next section), local authorities should be asking home educating parents for information that demonstrates to the local</p>	

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<p>Questions as to the suitability of home education provision most often arise either when a child is first being home educated,</p> <p>or alternatively when there is a change in the circumstances of a child whose education was previously satisfactory. In the latter case, this change may not be a specific event; it can simply be that as a child grows older, the provision of education is becoming beyond the resources of the parents.</p>	<p>authority the child is receiving education that is suitable.</p> <p>This includes cases where the local authority does not yet know how the child is being educated (e.g. a new home educating parent) and cases where the local authority has been given information in the past but is carrying out its ongoing responsibility to check that the child's education continues to be suitable.</p>	<p>authority the child is receiving education that is suitable.</p> <p>Questions as to the suitability of home education provision most often arise either when a child is first being home educated, &gt; This includes cases where the local authority does not yet know how the child is being educated (e.g. a new home educating parent)</p> <p>or alternatively when there is a change in the circumstances of a child whose education was previously satisfactory. In the latter case, this change may not be a specific event; it can simply be that as a child grows older, the provision of education is becoming beyond the resources of the parents &gt; and cases where the local</p>	

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	<p>A parent being able to demonstrate what education is taking place is usually the easiest way to establish whether suitable education is being received.</p> <p>This could include engagement with the child or seeing examples of work.</p> <p>As part of a local authority's ongoing engagement with parents to ensure education remains suitable, local authorities may wish to advise parents what would be useful to be shared at the next informal engagement to aid</p>	<p>authority has been given information in the past but is carrying out its ongoing responsibility to check that the child's education continues to be suitable</p> <p>+ A parent being able to demonstrate what education is taking place is usually the easiest way to establish whether suitable education is being received.</p> <p>+ This could include engagement with the child or seeing examples of work</p> <p>+ As part of a local authority's ongoing engagement with parents to ensure education remains suitable, local authorities may wish to advise parents what would be useful to be shared at the next informal engagement to aid their ongoing judgement of</p>	

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
	<p>their ongoing judgement of suitability.</p>	<p>suitability.</p>	
<p><b>6.3 Moved to 7.1</b>▶▶  <b>▶▶ Moved from 6.6</b></p> <p>Informal enquiries can include a request to see the child, either in the home or in another location.</p>	<p>6.3 What is considered informal enquiries can be varied and will be subject to individual circumstances.</p> <p>For instance, it could be a simple phone conversation outlining progress of learning or it could include a request to see the child, either in the home or in another location.</p> <p>The Department is of the view that seeing the child can be an effective means to judge whether it appears that the child is not receiving</p>	<p>+ 6.3 What is considered informal enquiries can be varied and will be subject to individual circumstances.</p> <p>+ For instance, it could be a simple phone conversation outlining progress of learning</p> <p>Informal enquiries can include &gt; or it could include</p> <p>+ The Department is of the view that seeing the child can be an effective means to judge whether it appears that the child is not receiving</p>	

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<p><del>But</del> the parent is under no legal obligation to agree to this simply <b>in order to satisfy</b> the local authority as to the suitability of <b>home education</b>, <del>although a refusal to allow a visit can in some circumstances justify service of a notice under s.437(1).</del></p>	<p><b>suitable education.</b> The parent is under no legal obligation to agree to this <b>simply to inform</b> the local authority's <b>judgement</b> as to the suitability of <b>EHE.</b></p> <p><b>However, seeing the child in their educational setting can be very valuable as part of considering whether it appears that the child is not receiving suitable education.</b></p> <p><b>In some instances, it may be reasonable to conclude that it appears that a child is not receiving suitable education if the local authority is unable to assess the learning environment.</b></p> <p><b>This is not to say that the child and/or educational setting must be seen as part of every annual engagement.</b></p>	<p><b>suitable education.</b></p> <p><b>in order to satisfy &gt; simply to inform</b></p> <p><b>+ judgement</b></p> <p><b>+ However, seeing the child in their educational setting can be very valuable as part of considering whether it appears that the child is not receiving suitable education.</b></p> <p><b>+ In some instances, it may be reasonable to conclude that it appears that a child is not receiving suitable education if the local authority is unable to assess the learning environment.</b></p> <p><b>+ This is not to say that the child and/or educational setting must be seen as part of every annual engagement.</b></p>	

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<p><del>The question of</del> access to the child in relation to safeguarding powers is dealt with in a later section of this guidance.</p>	<p>The approach to informal enquiries will need to be proportionate to the level of doubt about whether the child is receiving suitable education.</p> <p>Access to the child in relation to safeguarding powers is dealt with in Chapter 8 of the guidance.</p>	<p>+ The approach to informal enquiries will need to be proportionate to the level of doubt about whether the child is receiving suitable education.</p> <p>Chapter 8</p>	
	<p>Case study 1: A parent report deemed sufficient to assess suitability Aisha has always home educated her son Saad aged 9. She uses a very structured approach where she sets him an hour each of mathematics</p>	<p>+ Case study 1: A parent report deemed sufficient to assess suitability Aisha has always home educated her son Saad aged 9. She uses a very structured approach where she sets him an hour each of mathematics</p>	



2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
	<p>and English every morning, followed by science/humanities lessons after lunch and outdoor opportunities later in the day. When asked for information about Saad's education by her local authority, Aisha provides detailed information of the work Saad has produced, including examples of work. In addition, Aisha has meetings with the EHE officer in her home with Saad present where his education is discussed.</p> <p>The following year, when asked for information on Saad's education in relation to its suitability, due to a personal bereavement Aisha submits only a report to the local authority. This report sets out Saad's educational programme and progress being made. The local authority prefers to receive</p>	<p>and English every morning, followed by science/humanities lessons after lunch and outdoor opportunities later in the day. When asked for information about Saad's education by her local authority, Aisha provides detailed information of the work Saad has produced, including examples of work. In addition, Aisha has meetings with the EHE officer in her home with Saad present where his education is discussed.</p> <p>The following year, when asked for information on Saad's education in relation to its suitability, due to a personal bereavement Aisha submits only a report to the local authority. This report sets out Saad's educational programme and progress being made. The local authority prefers to receive</p>	

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	<p>information that clearly demonstrates that the work is taking place. However, because there were no education or safeguarding concerns and because Aisha’s education to Saad has always been clearly demonstrated as suitable, the local authority has sufficient confidence that suitable education is being received. The local authority considered the report and found it sufficient to establish that Saad’s education continues to be suitable.</p> <p>The local authority felt this was a proportionate approach, based on the progress observed during previous engagements with Saad and previous information provided by Aisha. In this instance, a light-touch approach was considered appropriate. However, there is no guarantee that such an</p>	<p>information that clearly demonstrates that the work is taking place. However, because there were no education or safeguarding concerns and because Aisha’s education to Saad has always been clearly demonstrated as suitable, the local authority has sufficient confidence that suitable education is being received. The local authority considered the report and found it sufficient to establish that Saad’s education continues to be suitable.</p> <p>The local authority felt this was a proportionate approach, based on the progress observed during previous engagements with Saad and previous information provided by Aisha. In this instance, a light-touch approach was considered appropriate. However, there is no guarantee that such an</p>	

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	<p>approach would continue to remain appropriate on an ongoing basis.</p>	<p>approach would continue to remain appropriate on an ongoing basis.</p>	
	<p>6.4 Local authorities should be mindful of the different approaches to EHE and so providing information to show a suitable education is taking place may not always be possible in the form requested by the local authority. At the same time, if a parent is unable to provide information which details suitable education in the requested form (e.g. examples of work) due to their pedagogy then they will need to find appropriate, alternative means to demonstrate suitable education taking place, perhaps in dialogue with the local authority.</p>	<p>+ 6.4 Local authorities should be mindful of the different approaches to EHE and so providing information to show a suitable education is taking place may not always be possible in the form requested by the local authority. At the same time, if a parent is unable to provide information which details suitable education in the requested form (e.g. examples of work) due to their pedagogy then they will need to find appropriate, alternative means to demonstrate suitable education taking place, perhaps in dialogue with the local authority.</p>	

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	<p>Case study 2: Different approaches to EHE and suitable education  Alfie’s parents decide to withdraw him from primary school and elect to home educate using an ‘unschooling’ pedagogy, as they feel that it suits Alfie’s learning needs more. Alfie is aged 8 and is an inquisitive child, but he has struggled in a classroom setting. Alfie’s parents believe ‘learning by doing’ is the best way to educate Alfie and want Alfie to direct his own learning. Alfie’s former school inform the local authority that they have removed Alfie’s name from the school roll. The local authority’s EHE team write to Alfie’s parents to introduce them to their EHE department. They also propose a meeting the following month to hear about Alfie’s parents’</p>	<p>+ Case study 2: Different approaches to EHE and suitable education  Alfie’s parents decide to withdraw him from primary school and elect to home educate using an ‘unschooling’ pedagogy, as they feel that it suits Alfie’s learning needs more. Alfie is aged 8 and is an inquisitive child, but he has struggled in a classroom setting. Alfie’s parents believe ‘learning by doing’ is the best way to educate Alfie and want Alfie to direct his own learning. Alfie’s former school inform the local authority that they have removed Alfie’s name from the school roll. The local authority’s EHE team write to Alfie’s parents to introduce them to their EHE department. They also propose a meeting the following month to hear about Alfie’s parents’</p>	

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
	<p>approach to his education. A telephone conversation takes place where his parents set out their approach and how education is currently, and will continue to be, suitable to Alfie’s age, ability, aptitude and SEN. The local authority deem the education as appearing efficient, full-time and suitable from this initial engagement and set a date in three months’ time to receive information on suitable education from Alfie’s parents once Alfie’s EHE has become more embedded. After three months, the local authority requests detailed information of suitable education and how progress is being made. Due to Alfie’s parents’ more practical and child-led approach to education, it is rare that Alfie produces written examples of work and so his parents submit a</p>	<p>approach to his education. A telephone conversation takes place where his parents set out their approach and how education is currently, and will continue to be, suitable to Alfie’s age, ability, aptitude and SEN. The local authority deem the education as appearing efficient, full-time and suitable from this initial engagement and set a date in three months’ time to receive information on suitable education from Alfie’s parents once Alfie’s EHE has become more embedded. After three months, the local authority requests detailed information of suitable education and how progress is being made. Due to Alfie’s parents’ more practical and child-led approach to education, it is rare that Alfie produces written examples of work and so his parents submit a</p>	

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	<p>written report.  While the local authority is content with the unschooling approach, knowing it is up to parents to decide how they want to teach their child, they deem the report as insufficient to be able to judge whether Alfie's education appears to be suitable. This is because the local authority feel they have not seen evidence of the education taking place and the progress being made. They, therefore, ask Alfie's parents for information showing that the education described in the report is being provided. Alfie's parents invite the local authority EHE officer to observe a session of Alfie's outdoor learning where they take Alfie to a local park to develop his interest in birds and other woodland animals. They outline their conditions</p>	<p>written report.  While the local authority is content with the unschooling approach, knowing it is up to parents to decide how they want to teach their child, they deem the report as insufficient to be able to judge whether Alfie's education appears to be suitable. This is because the local authority feel they have not seen evidence of the education taking place and the progress being made. They, therefore, ask Alfie's parents for information showing that the education described in the report is being provided. Alfie's parents invite the local authority EHE officer to observe a session of Alfie's outdoor learning where they take Alfie to a local park to develop his interest in birds and other woodland animals. They outline their conditions</p>	

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	<p>for the visit and ask that the meeting be no longer than 30 minutes.</p> <p>At the visit, Alfie counts different birds using tally charts, writing down the names of the birds, and talks eloquently about his interest of birds to the EHE officer. The officer also has a conversation with Alfie about the books he has been reading with his parents about woodland creatures. Separately, the officer also has a conversation with the parents about what has been taught and what is going to be taught going forward. It becomes clear to the EHE officer during this engagement that there is evidence of suitable education being undertaken. Using the report and information compiled from the visit, the officer assesses that Alfie's parents have a</p>	<p>for the visit and ask that the meeting be no longer than 30 minutes.</p> <p>At the visit, Alfie counts different birds using tally charts, writing down the names of the birds, and talks eloquently about his interest of birds to the EHE officer. The officer also has a conversation with Alfie about the books he has been reading with his parents about woodland creatures. Separately, the officer also has a conversation with the parents about what has been taught and what is going to be taught going forward. It becomes clear to the EHE officer during this engagement that there is evidence of suitable education being undertaken. Using the report and information compiled from the visit, the officer assesses that Alfie's parents have a</p>	

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
	clear plan in place, with suitable education being provided and progress made.	clear plan in place, with suitable education being provided and progress made.	
<p><b>Part moved from 6.5</b></p> <p>Parents are under no duty to respond to <b>such enquiries</b>,</p> <p><b>but if</b> a parent does not respond, or responds without providing <b>any</b> information <del>about the child's education, then it will normally be justifiable</del> for the authority to conclude that the child <b>does not appear to be receiving suitable education and it should not hesitate to do so and take the necessary consequent steps. This is confirmed by relevant case-law.</b></p>	<p>6.5 Parents are not under a duty to respond to <b>local authorities' informal enquiries</b>.</p> <p><b>However, where</b> a parent does not respond to <b>informal enquiries</b>, or responds without providing <b>sufficient</b> information for the <b>local</b> authority to conclude that the child <b>appears to be receiving suitable education</b>, formal steps must be taken by the <b>local authority</b> - see Chapter 7.</p>	<p><b>such enquiries</b> &gt; <b>local authorities' informal enquiries</b>.</p> <p><b>but if</b> &gt; <b>However, where</b></p> <p>+ to informal enquiries,</p> <p><b>any</b> &gt; <b>sufficient</b></p> <p>for the local authority to conclude</p> <p>+ local</p> <p><b>does not appear to be receiving suitable education</b> &gt; <b>appears to be receiving suitable education</b></p>	



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<p>In many cases, making such informal enquiries will allow the situation to be resolved, <del>either</del> by <b>evidence</b> being provided that the <b>home education</b> is suitable <del>or by agreement on alternative approaches to educating the child based on the local authority's initial assessment (for example, by catering for special needs in a different way).</del></p>	<p>In many cases, making such informal enquiries will allow the situation to be resolved by <b>information</b> being provided that the <b>EHE</b> is suitable.</p>	<p><b>and it should not hesitate to do so and take the necessary consequent steps.</b> &gt; <b>formal steps must be taken by the local authority - see Chapter 7.</b></p> <p><b>evidence &gt; information</b></p>	
<p>» Moved from 6.4</p>	<p>6.6 If local authorities reach a point where it appears that the child is not receiving suitable education, including due to a lack of information provided,</p>	<p>+ If local authorities reach a point where it appears that the child is not receiving suitable education, including due to a lack of information provided,</p>	

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<p>Local authorities should be in no doubt about the necessity for doing this in order to make an early move to formal procedures under s.437 if necessary, <del>thus avoiding delay in securing a suitable education when it is not being provided.</del></p>	<p>then authorities should not hesitate to begin formal enquiries and commence the SAO process by issuing a preliminary notice.</p> <p>Although informal enquiries are the preferred route to establish that education appears to be suitable, instances of long-running inconclusive informal enquiries should be avoided and local authorities must act at the point it appears that the child is not receiving a suitable education.</p>	<p>Local authorities should be in no doubt about the necessity for doing this in order to make an early move to formal procedures under s.437 if necessary, &gt; then authorities should not hesitate to begin formal enquiries and commence the SAO process by issuing a preliminary notice.</p> <p>+ Although informal enquiries are the preferred route to establish that education appears to be suitable, instances of long-running inconclusive informal enquiries should be avoided and local authorities must act at the point it appears that the child is not receiving a suitable education.</p>	
<p>6.9 Moved to 7.3»</p>			

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
6.10 Moved to 7.4▶▶			
6.11 Moved to 7.5▶▶			
6.12 Moved to 7.6▶▶			
6.13 Moved to 7.8▶▶			
6.14 Moved to 7.9▶▶			
6.15 Moved to 7.11▶▶			
6.16 Moved to 7.12▶▶			
6.17 Moved to 7.14▶▶			
6.18 Moved to 7.15▶▶			
6.19 Moved to 7.14▶▶			
6.20 Moved to 7.16▶▶			
6.21 Moved to 7.17▶▶			
<del>6.22</del>			

Overview