

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
<p>KEY ...from > to + added -removed moved to>>/>>from another section, location, re-ordered</p>			
<p>7.1 Moved to 8.2>> >> Moved from 6.3, 6.4 and □</p> <p>This section of the guidance deals with the sequence of action which may have to be undertaken when educational provision for a child of compulsory school age appears to be unsuitable.</p> <p>The department's advice is that in all cases where it is not clear as to whether home education is suitable</p> <p>...the authority should initially attempt to resolve those doubts through informal contact and enquiries.</p> <p>(including situations where</p>	<p>7.1 This section of the guidance deals with the sequence of action which has to be undertaken when a child of compulsory school age appears not to be receiving suitable education.</p> <p>Informal enquiries will lead a local authority to judge that a child appears not to be receiving suitable education, either because the</p>	<p>may have > has</p> <p>educational provision for a child of compulsory school age appears to be unsuitable. > a child of compulsory school age appears not to be receiving suitable education</p> <p>...the authority should initially attempt to resolve those doubts through informal contact and enquiries. ></p>	

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<p>there is no information available at all),</p> <p>This is likely to be the most productive initial approach even when a child is not being suitably educated. An authority's s.436A duty (and that under s.437, see below) forms sufficient basis for informal enquiries. Furthermore, s.436A creates</p>	<p>information the authority has about the child's education suggests that it is inadequate, or because there is insufficient information to demonstrate that the child is receiving any significant education at all.</p>	<p>Informal enquiries will lead a local authority to judge that a child appears not to be receiving suitable education,</p> <p>(including situations where there is no information available at all), > either because the information the authority has about the child's education suggests that it is inadequate, or because there is insufficient information to demonstrate that the child is receiving any significant education at all.</p>	

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<p>a duty to adopt a system for making such enquiries. 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, thus avoiding delay in securing a suitable education when it is not being provided.</p>			
<p>7.2 Moved to 8.1» » Moved from 6.2</p> <p>6.2 Families beginning home education sometimes state that they are entitled to a period during which the home education provided for the child may not meet the requirements in s.7 because they are still, as it were, building up the provision to a satisfactory level.</p>	<p>7.2 Families beginning EHE sometimes state that they are entitled to a period during which the EHE provided for the child may not meet the requirements in s.7 because they are still building up the provision to a satisfactory level.</p>	<p>home education > EHE</p>	

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<p>Some parents may go further and describe this period as being necessary for ‘de schooling’. There is no legal basis for such a position. Any statement along these lines could be an indication that the child is not being properly educated. It is not unreasonable that good home education develops with experience as a child becomes used to being in a different learning environment and parents ‘find their feet’, and it would be unrealistic to make a judgement about the suitability of home education provision only a few days after it is started.</p> <p>However, families should be aiming to offer satisfactory home education from the outset, and to have made preparations with that aim in view, as time lost in</p>	<p>Some parents may go further and describe this period as being necessary for ‘de-schooling’. There is no legal basis for such a position. Any statement along these lines could be an indication that the child is not being properly educated. It is not unreasonable that good EHE develops with experience, as a child becomes used to being in a different learning environment and parents ‘find their feet’; and it would be unrealistic to make a judgement about the suitability of EHE provision only a few days after it is started.</p> <p>However, families are required by law to ensure suitable EHE from the outset, and they should have made preparations with that aim in mind, as time lost in</p>	<p>should be aiming to offer satisfactory > families are required by law to ensure</p>	

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<p>educating a child is difficult to recover.</p> <p>In such cases, a reasonable timescale should be agreed for the parents to develop their provision; it is easier to do this if the parents are engaging constructively with the local authority but in any event, there should be no significant period in which a child is not receiving suitable education, other than reasonable holiday periods at appropriate points.</p>	<p>educating a child is difficult to recover.</p> <p>In such cases, a reasonable timescale should be agreed for the parents to develop their provision; it is easier to do this if the parents are engaging constructively with the local authority but, in any event, there should be no significant period in which a child is not receiving suitable education, other than reasonable holiday periods at appropriate points.</p>	<p>suitable</p> <p>to > they should</p>	
	<p>Preliminary Notices</p>		
<p>7.3 Moved to 8.3» » Moved from 6.9</p>		<p>Education Act 1996 > 1996 Act</p>	

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<p>Under s.437(1) of the Education Act 1996, local authorities must act if it appears that parents are not providing a suitable education. This section states that:</p> <p>"If it appears to a 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."</p> <p>Section 437(2) of the Act provides that the period specified for a response shall not be less than 15 days beginning with the day on which the notice is served.</p>	<p>7.3 Under s.437(1) of the 1996 Act, a local authority must serve a preliminary notice if it appears that a child is not receiving a suitable education. This section states that:</p> <p>"If it appears to a 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."</p> <p>S.437(2) of the Act provides that the period specified for a response shall not be less than 15 days beginning with the day on which the notice is served.</p>	<p>local authorities > a local authority</p> <p>act > serve a preliminary notice</p> <p>parents are not providing a suitable education > a child is not receiving a suitable education</p>	

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<p>7.4 Moved to 8.4 » Moved from 6.10, 6.6</p> <p>Local authorities considering whether they should serve a s.437(1) notice in a specific case should note that current case law means that a refusal by parents to provide any information in response to informal enquiries will in most cases mean that the authority has a duty to serve a notice under s.437(1).</p> <p>This is because where no other information suggests that the child is being suitably educated, and where the parents have refused to answer, the only conclusion which an authority can reasonably come to, if it has no information about the home education provision being made, is that the home</p>	<p>7.4 Local authorities considering whether they are required to serve a preliminary notice in a specific case should note that a refusal by parents to provide any information in response to informal enquiries will in most cases mean that the authority has a duty to serve a preliminary notice.</p> <p>This is because, where no other information suggests that the child is being suitably educated, and where the parents have refused to answer or have provided no information about the child's education, the only conclusion which an authority can reasonably come to is</p>	<p>should > are required to</p> <p>s.437(1) notice > preliminary notice</p> <p>notice under s.437(1) > preliminary notice</p> <p>if it has no information about the home education provision being made, > or have provided no information</p>	

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<p>education does not appear to be suitable.</p> <p>...although a refusal to allow a visit can in some circumstances justify service of a notice under s.437(1).</p> <p>Local authorities should take care to ensure that the family has received any enquiries,</p>	<p>that the child does not appear to be receiving suitable (or any) education.</p> <p>A local authority should not be serving a preliminary notice purely based on a parent declining a meeting or not providing information of work, and should instead be making their judgement as to whether suitable education appears to be being received with all of the information that they have available.</p> <p>A refusal to allow a visit can, in exceptional circumstances, justify service of a preliminary notice.</p> <p>Local authorities should take care to ensure that the family has received any letters or enquiries, and is not simply</p>	<p>about the child's education,</p> <p>the home education does not appear to be suitable > the child does not appear to be receiving suitable (or any) education.</p> <p>+ A local authority should not be serving a preliminary notice purely based on a parent declining a meeting or not providing information of work, and should instead be making their judgement as to whether suitable education appears to be being received with all of the information that they have available.</p> <p>some > exceptional</p> <p>notice under s.437(1). > preliminary notice.</p>	

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and is not simply absent.	absent.	+ letters or	
<p>7.5 Moved to 8.5 » Moved from 6.11</p> <p>The local authority must consider any response made by the parent to the s.437(1) notice, in the light of s.437(3). Section 437(3) refers to the serving of school attendance orders: "If - (a) a parent on whom a notice has been served under subsection (1) fails to satisfy the 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</p>	<p>7.5 The local authority must consider any response made by the parent to the preliminary notice, in light of s.437(3). S.437(3) refers to the serving of SAOs: "If - (a) a parent on whom a notice has been served under subsection (1) fails to satisfy the 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</p>	<p>s.437(1) > preliminary Section > S. school attendance orders > SAOs.</p>	

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<p>form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order."</p> <p>Nb. If the school in question is an academy, the authority should seek its agreement to that school being named in the order. If an academy is then named in an order which is made, and the academy does not agree with this, a direction may be sought from the Secretary of State.</p>	<p>form as may be prescribed, requiring him to cause the child to become a registered pupil at a school³⁶ named in the order."</p>		
<p>7.6 Moved to 8.6» » Moved from 6.12</p> <p>In considering whether it is satisfied by the parent's response to the s.437(1) notice, it is open to the authority to consider any other relevant information available to it - not only through its own contacts with the family, but also information provided by other</p>	<p>7.6 In considering whether it is satisfied by the parent's response to the preliminary notice, the authority will need to consider any other relevant information available to it - not only through its own contacts with the family, but also information provided by other agencies and other</p>	<p>it is open to the authority > the authority will need</p>	

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<p>agencies and other sources and the child's former school (if any), as to the child's circumstances and needs.</p> <p>The authority should make arrangements to gather and record as much information as possible from these alternative sources. Of course, the local authority should give reasonable weight to information provided by parents, on its own merits. For example, an authority should not dismiss information provided by parents simply because it is not in a particular form preferred by the authority (eg, a report by a qualified teacher).</p>	<p>sources and the child's former school (if any), as to the child's circumstances and needs.</p> <p>The authority should make arrangements to gather and record as much information as possible from these alternative sources. Of course, the local authority should give reasonable weight to information provided by parents, on its own merits. For example, an authority should not dismiss information provided by parents simply because it is not in a particular form preferred by the authority (e.g., a report, when a meeting was requested).</p> <p>Whilst third party reports may be used to complement information provided by parents, such reports may not be accepted as definitive</p>	<p>by a qualified teacher > when a meeting was requested</p> <p>+ Whilst third party reports may be used to complement information provided by parents, such reports may not</p>	

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	<p>evidence of suitable education.</p> <p>The local authority may ask the parents to provide additional information but, if it is not satisfied that suitable education is being received and in the opinion of the local authority it is expedient that the child should attend school, they must serve a SAO, unless the time limit for the parents to provide information has not yet expired.</p> <p>Local authorities should not continue to request further information after that deadline has passed.</p>	<p>be accepted as definitive evidence of suitable education.</p> <p>+ The local authority may ask the parents to provide additional information but, if it is not satisfied that suitable education is being received and in the opinion of the local authority it is expedient that the child should attend school, they must serve a SAO, unless the time limit for the parents to provide information has not yet expired.</p> <p>+ Local authorities should not continue to request further information after that deadline has passed.</p>	
	<p>Case study 3: EHE appears not to be suitable Louise and John have been home educating Ellie, aged</p>	<p>+ Case study 3: EHE appears not to be suitable Louise and John have been home educating Ellie, aged</p>	

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	<p>13, for the past three years and their education has been seen by their local authority as suitable during this time. Their educational provision is due for a routine, annual review. At the previous two engagements, Louise and John’s written report regarding Ellie’s education had been deemed sufficient for the local authority to make a judgment as to whether Ellie appeared to be receiving suitable education. At this review, when their local authority EHE officer, Angela, engages with Louise and John, she is concerned that there is no information provided about Ellie’s numeracy and literacy learning and the progress being made. Louise therefore deems the report insufficient on this occasion and asks for information on literacy and numeracy progress. Louise</p>	<p>13, for the past three years and their education has been seen by their local authority as suitable during this time. Their educational provision is due for a routine, annual review. At the previous two engagements, Louise and John’s written report regarding Ellie’s education had been deemed sufficient for the local authority to make a judgment as to whether Ellie appeared to be receiving suitable education. At this review, when their local authority EHE officer, Angela, engages with Louise and John, she is concerned that there is no information provided about Ellie’s numeracy and literacy learning and the progress being made. Louise therefore deems the report insufficient on this occasion and asks for information on literacy and numeracy progress. Louise</p>	

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	<p>and John are only willing to provide the submitted report. Efforts to resolve this informally are unsuccessful and so Angela issues a preliminary notice (section 437(1) of the 1996 Act) to Louise and John.</p> <p>As part of the local authority's consideration of other sources of information to aid their assessment of suitability, Angela becomes aware of an alleged Early Help concern regarding the family. Louise and John are unwilling to meet in person but suggest a detailed virtual call and provide detailed examples of literacy and numeracy work produced by Ellie. Following this meeting and additional information provided, Angela is satisfied that the education is suitable and so informs Louise and John of this, and how she will be in touch again in</p>	<p>and John are only willing to provide the submitted report. Efforts to resolve this informally are unsuccessful and so Angela issues a preliminary notice (section 437(1) of the 1996 Act) to Louise and John.</p> <p>As part of the local authority's consideration of other sources of information to aid their assessment of suitability, Angela becomes aware of an alleged Early Help concern regarding the family. Louise and John are unwilling to meet in person but suggest a detailed virtual call and provide detailed examples of literacy and numeracy work produced by Ellie. Following this meeting and additional information provided, Angela is satisfied that the education is suitable and so informs Louise and John of this, and how she will be in touch again in</p>	

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	<p>approximately a year. Angela shares her judgement with Early Help to aid their work. Shortly after, Early Help follow up with their own investigation, and upon finding no concerns, close their case.</p>	<p>approximately a year. Angela shares her judgement with Early Help to aid their work. Shortly after, Early Help follow up with their own investigation, and upon finding no concerns, close their case.</p>	
<p>7.7 Moved to 8.7 » Moved from 6.12</p> <p>On the other hand the information provided by parents should demonstrate that the education actually being provided is suitable and address issues such as progression expected and (unless the home education has only just started) achieved.</p>	<p>7.7 The information provided by parents should demonstrate that the education being received is suitable and address issues such as the child's progress and (unless the EHE has only just started) what has been achieved.</p> <p>In the case of a child with SEND, it should also describe how their needs are being</p>	<p>Provided > being received</p> <p>progression expected > child's progress</p> <p>home education > EHE</p> <p>+ what has been</p> <p>+ In the case of a child with SEND, it should also describe how their needs are being</p>	

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<p>It should not be simply a statement of intent about what will be provided, or a description of the pedagogical approach taken - this would not enable the authority to reach a legitimate conclusion that a suitable education is actually being provided.</p> <p>This is often a key point in separating out families which are genuinely providing a suitable education at home from those who are not, because the latter often cannot demonstrate satisfactory content or measurement of progress.</p>	<p>met.</p> <p>It should not simply be a statement of intent about what will be provided, or a description of the pedagogical approach taken as this would not enable the authority to reach a legitimate conclusion that a suitable education is actually being provided and received.</p> <p>This is often a key point in separating out families who are genuinely providing a suitable education at home from those who are not, because the latter often cannot demonstrate satisfactory content or measurement of progress.</p>	<p>met.</p> <p>- > as</p> <p>+ and received</p>	

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<p>7.8 Moved to 8.7» » Moved from 6.13 The information needed to satisfy the test in s.437(3)(a) depends on the facts of the case and the judgement of the local authority.</p> <p>However, if the parent refuses to make any substantive response to a notice served under s.437(1) that refusal in itself is likely to satisfy the test in s.437(3)(a) - and such a parent should expect to be served with a school attendance order.</p>	<p>7.8 The information needed to satisfy the test in s.437(3)(a) depends on the facts of the case and the judgement of the local authority. However, if the parent refuses to make any substantive response to a preliminary notice that refusal is likely to satisfy the test in s.437(3)(a) - and such a parent should expect to be served with a SAO.</p>	<p>notice served under s.437(1) > preliminary notice</p> <p>school attendance order > SAO.</p>	

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<p>7.9 Moved to 8.8 » Moved from 6.14</p> <p>The other limb of s.437(3) relates to whether the authority considers that it is expedient for the child to attend school. If the home education is not suitable in terms of s.7, then normally it would be expedient.</p> <p>However, there are cases in which the authority might reasonably take the view that it is not expedient. Examples where this position could be justified are:</p> <p>a. if the child is within a few weeks of ceasing to be of compulsory school age (especially as there may be a delay in enforcement through the courts);</p> <p>b. if the child has physical, medical or educational needs leading to extreme vulnerability in a school</p>	<p>7.9 The other limb of s.437(3) relates to whether the authority considers that it is expedient for the child to attend school. If the EHE is not suitable to the child's age, ability, aptitude and SEN, then normally it would be expedient.</p> <p>There are, however, cases in which the authority might reasonably take the view that it is not expedient. Examples where this position could be justified include:</p> <ul style="list-style-type: none"> • if the child is within a few weeks of ceasing to be of compulsory school age; • if the child has physical, medical or SEN leading to extreme vulnerability in a school setting - and the local authority should then consider alternatives, such as tuition provided by the authority 	<p>home education > EHE</p> <p>in terms of s.7, > to the child's age, ability, aptitude and SEN,</p> <p>educational needs > SEN</p>	

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<p>setting - and the local authority should then consider alternatives such as tuition provided by the authority itself; c. the parent is actively working with the authority to improve the home education and seems likely to achieve suitability within a very short time.</p>	<p>itself; • the parent is actively working with the authority to improve the EHE and seems likely to achieve suitability within a very short time.</p>		
<p>7.10 Moved to 8.9»</p>	<p>7.10 When both limbs of section 437(3) are met - i.e., that the local authority is not satisfied that the child is receiving suitable education and it believes it would be expedient for the child to attend school - the local authority must serve the SAO as soon as is reasonably practicable. Any delay will further exacerbate the length of time a child may not be receiving a suitable</p>	<p>+ 7.10 When both limbs of section 437(3) are met - i.e., that the local authority is not satisfied that the child is receiving suitable education and it believes it would be expedient for the child to attend school - the local authority must serve the SAO as soon as is reasonably practicable. Any delay will further exacerbate the length of time a child may not be receiving a suitable</p>	

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	education.	education.	
	After a school attendance order is served		
<p>7.11 Moved to 8.10▶▶ ▶▶ Moved from 6.15 At any stage following the issue of the order, parents may present evidence to the local authority that they have now made satisfactory arrangements for the child’s education and apply to have the order revoked. This evidence must be considered, and the order must be revoked unless the authority is of the opinion, having considered that evidence, that the parents have not made satisfactory arrangements.</p>	<p>7.11 At any stage following the issue of the order, parents may present evidence to the local authority that they have now made satisfactory arrangements for the child’s education and apply to have the order revoked. This evidence must be considered, and the order must be revoked unless the authority is of the opinion, having considered that evidence, that the parents have not made satisfactory arrangements.</p>		
<p>7.12 Moved to 8.11▶▶ ▶▶ Moved from 6.16 If the local authority refuses to revoke the order, parents</p>	<p>7.12 If the local authority refuses to revoke the order,</p>	<p>may > will</p>	

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<p>can choose to refer the matter to the Secretary of State, who may give a direction to the local authority which either requires revocation of the order, or confirms it (s.442 of the Education Act 1996).</p>	<p>parents can choose to refer the matter to the Secretary of State, who will give a direction to the local authority which either requires revocation of the order or confirms it (s.442 of the 1996 Act).</p>	<p>Education Act 1996 > 1996 Act</p>	
<p>7.13 Moved to 8.12▶▶</p>	<p>7.13 The Secretary of State will consider the question in the same terms as the local authority, i.e., if there are arrangements for suitable education to be provided otherwise than at school, a direction shall be given to revoke the order. Once a decision is made, the direction will be made to the local authority and the parents notified. The Department will respond to the initial request within 10 working days and in its response will set out a timeframe for the Secretary</p>	<p>+ 7.13 The Secretary of State will consider the question in the same terms as the local authority, i.e., if there are arrangements for suitable education to be provided otherwise than at school, a direction shall be given to revoke the order. Once a decision is made, the direction will be made to the local authority and the parents notified. The Department will respond to the initial</p>	

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	<p>of State to make a decision. Where cases are more complex and require more detailed consideration, the applicants will be notified and kept updated as to when a decision is expected to be made. The Secretary of State will make a decision based on the evidence provided by the parents and will also contact the local authority that served the SAO to request any further relevant information that will aid their decision.</p>	<p>request within 10 working days and in its response will set out a timeframe for the Secretary of State to make a decision. Where cases are more complex and require more detailed consideration, the applicants will be notified and kept updated as to when a decision is expected to be made. The Secretary of State will make a decision based on the evidence provided by the parents and will also contact the local authority that served the SAO to request any further relevant information that will aid their decision.</p>	
<p>7.14 Moved to 8.13 and</p>			

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<p>8.14▶▶ ▶▶ Moved from 6.17 and 6.19</p> <p>6.17 Whether or not the parents have sought revocation and intervention by the Secretary of State, if they do not cause the child to be registered at a school, and regularly attend it, then the authority should consider prosecution, and should proceed with this unless there is very good reason not to do so.</p> <p>The department is aware that some local authorities have been reluctant to prosecute for non-compliance with a school attendance order, for reasons connected with costs, and the behaviour of some parents who deliberately withhold information about home education provision but are then able to easily satisfy the court that the home education is suitable. This is</p>	<p>7.14 Whether or not the parents have sought revocation and intervention by the Secretary of State, if they do not cause the child to be registered at a school, and regularly attend it, then the authority should promptly consider prosecution, and should proceed with this unless there is very good reason not to do so.</p> <p>Costs should not be considered such an exception, and where there are such concerns, local authorities should seek legal advice on cost recovery from the</p>	<p>+ promptly</p> <p>for reasons connected with costs... > Costs should not be considered such an exception,</p>	

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<p>an understandable concern, but local authorities must bear in mind their public responsibilities as prosecutors; in such cases they may wish to seek legal advice about the prospect of obtaining a costs order against a successful defendant on the basis that the prosecution would have been unnecessary if not for the defendants' unreasonable conduct.</p> <p>An example of that might be because the circumstances point to seeking an Education Supervision Order instead of prosecution (see following section on safeguarding). Under s.447(1) of the 1996 Act, a local authority considering prosecuting a parent for non-compliance with a school attendance</p>	<p>defendant, on the basis that the prosecution would have been unnecessary if not for the defendant's unreasonable conduct.</p> <p>An example of such an exception might be because the circumstances point to seeking an Education Supervision Order (ESO) instead of prosecution (see following section on safeguarding). Under s.447(1)</p>	<p>This is an understandable concern, > and where there are such concerns</p> <p>in such cases they may wish to > local authorities should</p>	

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<p>order must in any case consider, either as an alternative to prosecution or as well as prosecution, making an application for an Education Supervision Order.</p>	<p>of the 1996 Act, a local authority considering prosecuting a parent for non-compliance with a SAO must in any case consider, either as an alternative to prosecution or as well as prosecution, making an application for an ESO.</p>	<p>(ESO)</p> <p>school attendance order > SAO</p>	
<p>7.15 Moved to 8.14 » Moved from 6.18</p> <p>If the local authority does prosecute the parents for not complying with the school attendance order, then it will be for a court to decide whether or not the education being provided is suitable, full-time and efficient.</p>	<p>7.15 If the local authority does prosecute the parents for not complying with the SAO, then it will be for a court to decide whether the order has been breached.</p>	<p>school attendance order > SAO</p> <p>education being provided is suitable, full-time and efficient.> order has been breached.</p>	

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<p>The court can direct that the order shall cease to be in force if it is satisfied that the parent is fulfilling his or her duty.</p>	<p>The parents can seek to prove that they are causing the child to receive suitable education, in which case the court will also decide whether they have succeeded in proving that.</p> <p>The court can direct that the order shall cease to be in force if it finds the parent not guilty.</p>	<p>+ The parents can seek to prove that they are causing the child to receive suitable education, in which case the court will also decide whether they have succeeded in proving that.</p> <p>is satisfied that the parent is fulfilling his or her duty > finds the parent not guilty.</p>	
<p>► Moved from 6.20</p> <p>It should be noted that the offence of not complying with a specific school attendance order is only committed once. Therefore if a parent is convicted and fined, but still does not send the child to</p>	<p>7.16 Where a parent is convicted and fined but still</p>	<p>Therefore if > Where</p>	

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<p>school, the process of serving a notice under s.437(1) and if necessary, serving a further order under s.437(3) must be undertaken again. This means that a parent willing and able to be fined repeatedly can continue the unsatisfactory provision of home education indefinitely, if the local authority relies on education law alone. The implication of this is that in such cases the local authority will need to consider using other powers - see the following section on safeguarding.</p>	<p>does not send their child to school local authorities should, in addition to recommencing the s.437(1) process, also consider using other powers at their disposal: such as their safeguarding powers, for example, where failure to provide a suitable education could be a form of educational neglect. See the following section on safeguarding.</p>	<p>the process of serving a notice under s.437(1) and if necessary, serving a further order under s.437(3) must be undertaken again. > local authorities should, in addition to recommencing the s.437(1) process,</p> <p>The implication of this is that such cases the local authority will need to consider using other powers - > also consider using other powers at their disposal: such as their safeguarding powers, for example, where failure to provide a suitable education could be a form of educational neglect.</p>	

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
<p>▶ Moved from 6.21</p> <p>Under section 8 of the Crime and Disorder Act 1998, when a person is found guilty of breaching a school attendance order, the court can make a parenting order. A parenting order requires the parent to attend up to three months of a counselling or guidance (which can be specified by the local authority).</p> <p>The court can add other requirements intended to prevent the parent committing the offence again. Such an order can only be made if there is provision for such counselling or guidance.</p> <p>A breach of the order can result in a substantial fine. Local authorities should consider whether there is</p>	<p>7.17 Under s. 369 of the Sentencing Act 2020, when a person is found guilty of breaching a SAO, the court can make a parenting order. A parenting order requires the parent to attend up to three months of counselling or guidance (which can be specified by the local authority via the court).</p> <p>The court can add other requirements intended to prevent the parent committing the offence again. Such an order can only be made if the Secretary of State has confirmed that there are local arrangements in place for implementing parenting orders.</p> <p>A breach of the order can result in a fine. Local authorities should consider</p>	<p>Under section 8 of the Crime and Disorder Act 1998 > Under s. 369 of the Sentencing Act 2020</p> <p>+ via the court</p> <p>there is provision for such counselling or guidance > the Secretary of State has confirmed that there are local arrangements in place for implementing parenting orders</p>	

2019 Guidance (LA)	2023 Draft (LA)	Changes	Comments
scope for seeking such an order in appropriate cases.	whether there is scope for seeking such an order in appropriate cases.		

Overview
