

Children not in School Consultation - England

Launch date: 2 April 2019 Respond by: 24 June 2019

This document can be downloaded from The HE Byte - [English Consultations](#) page

For comments on the consultation see "[Responding to the Children not in School Consultation](#)" which is also available from the above page.

Links to relevant documents on gov.uk website:

Elective home education: call for evidence 2018 response:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791552/EHECfEResponseDocumentv9.4.pdf

Children not in school - Department for Education - Citizen Space

<https://consult.education.gov.uk/school-frameworks/children-not-in-school>

On-line Response:

<https://consult.education.gov.uk/school-frameworks/children-not-in-school/consultation>

Consultation document 634.9 KB (PDF document)

https://consult.education.gov.uk/school-frameworks/children-not-in-school/supporting_documents/EHE2019consultationpaper9.5.pdf

UNCRC assessment 124.4 KB (PDF document)

https://consult.education.gov.uk/school-frameworks/children-not-in-school/supporting_documents/BRANDED_UNCRC%20assessmentEHEproposalsv2.0.pdf

Family Test assessment 113.5 KB (PDF document)

https://consult.education.gov.uk/school-frameworks/children-not-in-school/supporting_documents/BRANDED_Family%20TestEHE2019v2.0.pdf

Equalities log 169.0 KB (PDF document)



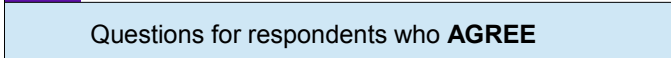
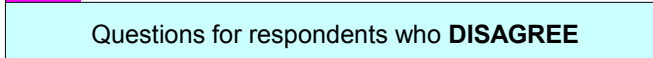
https://consult.education.gov.uk/school-frameworks/children-not-in-school/supporting_documents/BRANDEDTheEqualitiesLogBlankTemplateEHE2019consultationv4.0.pdf

Comparison between questions on published Consultation Document and On-line Response Form`

Please note: The text below has been copied from the PDF documents and the on-line form - it has not been checked in every detail. It should therefore be used **for reference only**, with the original documents used for verifying any text quoted elsewhere.

It is common for government consultations to number questions in on-line response forms differently from those in the published consultation documents, and for those differences not to be identified until one is completing the on-line form. This consultation follows that model, along with a further complication - depending how respondents answer the initial question in each section, they are presented with a differently numbered set of questions in the remainder of that section. Apart from one question (Nos. 8 & 20 below), all the questions appear to be identical. It seems therefore that the different question sets have more to do with sorting the replies. The distinguishing question in each case begins, "Do you agree..." with the answer options being "Yes" or "No". All this raises questions about the reasons why the DfE has decided to separate out the two basic types of replies, and whether those which disagree with the proposal will be weighted differently from those which are in agreement with it.

Key to colour codes used

Red text Corrections & highlights added by the Byte team	 The one question which differs significantly	 Questions for Local Authorities <u>only</u>
Published questions (PDF document)	 Questions for respondents who AGREE	 Questions for respondents who DISAGREE

Questions with white backgrounds are common to all responses.

Q

Q

Introduction

The survey may appear lengthy from the number of pages it contains. However, please note the following:

After some preliminary questions about you as a respondent, the survey is structured around the four basic propositions in the accompanying consultation paper, which if possible you should read before completing the survey:

a duty on local authorities to maintain a register;

a duty on parents to supply information for the register;

a duty on certain settings to supply information; and

a duty on local authorities to provide support for home education

For each of these four propositions, you are asked whether or not you agree with the proposition. An answer is required. Whether you answer 'yes' or 'no' determines the next page of questions presented to you, which is about details related to that proposition.

For each proposition, the subsequent questions on detail are almost identical whether your answer to the initial question is 'yes' or 'no', but seeking responses on the details separately for respondents who agree or disagree with the propositions helps us to analyse responses more meaningfully.

After the basic question and detailed questions on each of the four propositions, there is a final page of concluding general questions.

This structure means that the number of questions put to each respondent is only just over half of the total in the overall survey form.

Thank you.

- 1 Name
- 2 Email address
- 3 Are you responding as an individual or on behalf of an organisation?
- 4 If you are responding as an organisation, what is your organisation?
- 5 Which of the following best describes the capacity in which you are responding to this consultation?
 - Home educating parent
 - Other parent
 - Child receiving education
 - Local authority officer or member
 - Representative of other organisation
 - Other
- 6 Would you like us to keep your response confidential?

Information provided in response to consultations, including personal information, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018 or the Environmental Information Regulations 2004.

If you want all, or any part, of a response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Education will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 2018 and, your personal information will only be used for the purposes of this consultation. Your information will not be shared with third parties unless the law allows it. You can read more about what the DfE does when we ask for and hold your personal information in our personal information charter.

Yes/No

Reason for confidentiality

Proposal: creation of a duty on local authorities to maintain a register of children not registered at specified types of school

LA duty to maintain a register of children not in school

1 Do you agree that LAs should be obliged to maintain a register of children who are not registered as specified schools (those listed at para 2.2 of the consultation paper) or being educated under s.19 arrangements?

7 Do you agree that LAs should be obliged to maintain a register of children who are not registered as specified schools (those listed at para 2.2 of the consultation paper) or being educated under s.19 arrangements?
YES/NO

Maintaining a register – implementation details

Maintaining a register – implementation details if opposed

2 And should such a register specify whether they are attending an educational setting (other than their own home) during school hours?

8 Why do you support the concept of a duty on each LA to maintain a register?

20 Why do you not support the concept of a duty to each LA to maintain a register?

3 Should the register be widened still further to also include children who are being educated under s.19 arrangements?

9 Should such a register specify whether children are attending an educational setting (other than their own home) during school hours? Add comments if you wish. Yes/No

21 Should such a register specify whether children are attending an educational setting (other than their own home) during school hours? Add comments if you wish. Yes/No

4 Should the register include flexi-schooled children (i.e. those who are educated at home or elsewhere for some of the week during school hours but are also on the admission register of a state-funded or registered independent school)?

10 Should the register be widened still further to also include children who are being educated under s.19 arrangements? Add comments if you wish. Yes/No

22 Should the register be widened still further to also include children who are being educated under s.19 arrangements? Add comments if you wish. Yes/No

11 Should the register include flexi-schooled children (i.e. those who are educated at home or elsewhere for some of the week during school hours but are also on the admission register of a state-funded or registered independent school)? Add comments if you wish. Yes/No

23 Should the register include flexi-schooled children (i.e. those who are educated at home or elsewhere for some of the week during school hours but are also on the admission register of a state-funded or registered independent school)? Add comments if you wish. Yes/No

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5 What information do you think the register should contain about each child and its parents?

12 What information as a minimum do you think the register should contain about each child? Check as many as required
 Name
 Address
 Date of birth
 Place of birth
 Known previous local authorities of residence
 Whether educated at home currently
 Whether educated at home previously
 Current settings outside home attended if known
 Previous settings outside home attended if known
 Whether on child protection **plan**
 Name and address of each parent
 Parental reasons for child not being in school
 Other (add comments if wished)

24 What information as a minimum do you think the register should contain about each child? Check as many as required
 Name
 Address
 Date of birth
 Place of birth
 Known previous local authorities of residence
 Whether educated at home currently
 Whether educated at home previously
 Current settings outside home attended if known
 Previous settings outside home attended if known
 Whether on child protection **register**
 Name and address of each parent
 Parental reasons for child not being in school
 Other (add comments if wished)

6 Do you think DfE should prescribe a national format for the register?

13 Do you think DfE should prescribe a national format for the register? Add comments if you wish. Yes/No

25 Do you think DfE should prescribe a national format for the register? Add comments if you wish. Yes/No

7 What views do you have on the sharing of data on an authority's register with other local authorities and other agencies?

14 Do you believe that local authorities should share information from their register with other local authorities and other agencies? Add comments if you wish. Yes/No

26 Do you believe that local authorities should share information from their register with other local authorities and other agencies? Add comments if you wish. Yes/No

8 Do you think that a local authority should include any information about a child on its register which has been legally obtained from other agencies?

15 Do you think that a local authority should include any information about a child on its register which has been legally obtained from other agencies? Add comments if you wish. Yes/No

27 Do you think that a local authority should include any information about a child on its register which has been legally obtained from other agencies? Add comments if you wish. Yes/No

9 Do you agree that a register held by a local authority should be open to inspection by other bodies as prescribed by the Secretary of State, in order to check whether the local authority is carrying out its obligations to maintain the register?

16 Do you agree that a register held by a local authority should be open to inspection by other bodies as prescribed by the Secretary of State, in order to check whether the local authority is carrying out its obligations to maintain the register? Add comments if you wish. Yes/No

28 Do you agree that a register held by a local authority should be open to inspection by other bodies as prescribed by the Secretary of State, in order to check whether the local authority is carrying out its obligations to maintain the register? Add comments if you wish. Yes/No

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10 Do you agree that local authorities should have to make annual returns of collated data from the register to DfE for statistical purposes?

11 (for local authorities only.) What does the local authority believe would be the approximate additional annual cost of maintaining a register for its area? this should as far as possible include any costs already incurred on voluntary registration but exclude other costs incurred by the authority in relation to home education and children missing education.

12 Do you have any other comments on either the principle of registration or practical issues related to registration on the basis proposed?

17 Do you agree that local authorities should have to make annual returns of collated data from the register to DfE for statistical purposes? Add comments if you wish. Yes/No

18 This Q is for local authorities only. What does the local authority believe would be the approximate additional annual cost of maintaining a register for its area? this should as far as possible include any costs already incurred on voluntary registration but exclude other costs incurred by the authority in relation to home education and children missing education. it would be helpful to set out the basis for the estimates.

19 Do you have any other comments on either the principle of registration or practical issues related to registration on the basis proposed?

29 Do you agree that local authorities should have to make annual returns of collated data from the register to DfE for statistical purposes? Add comments if you wish. Yes/No

30 This Q is for local authorities only. What does the local authority believe would be the approximate additional annual cost of maintaining a register for its area? this should as far as possible include any costs already incurred on voluntary registration but exclude other costs incurred by the authority in relation to home education and children missing education. it would be helpful to set out the basis for the estimates.

31 Do you have any other comments on either the principle of registration or practical issues related to registration on the basis proposed?

Proposal: creation of a duty on parents to register their child with local authority if not registered at specified types of school

Duty on Parents

13 Do you agree that parents should be under a legal duty to provide information to their local authority about a child who is within scope of the proposed registration requirement?

32 Do you agree that parents should be under a legal duty to provide information to their local authority about a child who is within scope of the proposed registration requirement? **YES/NO**

14 Whether or not you agree with the imposition of a legal duty, if one was created what data should parents have to provide about their child?

Duty of parents – implementation details

33 If a duty on parents was created what data should parents have to provide about their child? Check as many as required
 Name
 Date of birth
 Address
 Place of birth
 Whether educated at home for part or all of time
 Settings currently attended other than home
 Settings previously attended other than home
 Name and address of each parent
 Reasons for child not being in school
 Other information (add comments if wished)

Duty of parents – implementation details if opposed

38 If a duty on parents was created what data should parents have to provide about their child? Check as many as required
 Name
 Date of birth
 Address
 Place of birth
 Whether educated at home for part or all of time
 Settings currently attended other than home
 Settings previously attended other than home
 Name and address of each parent
Parental reasons for child not being in school
 Other information (add comments if wished)

15 Do you agree that there should be a consequence for parents for failing to register details of a child for the purposes of registration?

34 Do you agree that there should be a consequence for parents for failing to register details of a child for the purposes of registration? Yes/No

39 Do you agree that there should be a consequence for parents for failing to register details of a child for the purposes of registration? Yes/No

16 Whether or not your response to (15) was 'yes' do you think that the most effective consequence for non-compliance with the registration process is that it authorises the local authority to begin the school attendance order process by serving a s.437(1) notice on the parents, which begins the formal process of considering suitability of education and whether a child should attend school?

35 Whether or not your response to (3) [34] was 'yes' do you think that the most effective consequence for non-compliance with the registration process is that it authorises the local authority to begin the school attendance order process by serving a s.437(1) notice on the parents, which begins the formal process of considering suitability of education and whether a child should attend school? Yes/No

40 Whether or not your response to (3) [39] was 'yes' do you think that the most effective consequence for non-compliance with the registration process is that it authorises the local authority to begin the school attendance order process by serving a s.437(1) notice on the parents, which begins the formal process of considering suitability of education and whether a child should attend school? Yes/No

17 If your answer to 16 was 'no', what alternative would you favour for a consequence of non-compliance (whether or not your answer to 15 was 'yes')

18 Do you have any other comments about the concept of a legal duty on parents to supply information for the purposes of the proposed register?

36 Whether or not you favour any consequences if non-compliance, what alternatives to initiation of the SAO process would you prefer as an effective way of securing compliance? Yes/No

37 Do you have any other comments about the concept of a legal duty on parents to supply information for the purposes of the proposed register?

41 Whether or not you favour any consequences if non-compliance, what alternatives to initiation of the SAO process would you prefer as an effective way of securing compliance? Yes/No

42 Do you have any other comments about the concept of a legal duty on parents to supply information for the purposes of the proposed register?

Proposal: creation of a duty on proprietors of certain education settings to respond to enquiries from local authorities

Duty on Settings

19 Do you agree with the general approach that the proprietors of settings providing education in school hours – other than specified types of school – should be under a duty to supply information to local authorities about any child in scope of the proposed register

43 Do you agree with the general approach that the proprietors of settings providing education in school hours – other than specified types of school – should be under a duty to supply information to local authorities about any child in scope of the proposed register? **YES/NO**

20 Which settings do you think should be included in the scope of the duty?

Duty on settings – implementation details

44 Which settings do you think should be included in the scope of the duty? **Check as many as required**
 Alternative provision settings (part-time)
 Unregistered independent schools
 Yeshivas and other full-time settings not requiring registration
 Home education groups not requiring registration
 Other settings providing education during school hours
 Other (add comments if wished)

Duty on settings – implementation details if opposed

49 Which settings do you think should be included in the scope of the duty?
 Alternative provision settings (part-time)
 Unregistered independent schools
 Yeshivas and other full-time settings not requiring registration
 Home education groups not requiring registration
 Other settings providing education during school hours
 Other (add comments if wished)

21 Which information should proprietors of the settings in scope be required to (a) keep in the setting's own register and (b) supply on request to the local authority about a child in scope of the registration requirement?

45 Which information should proprietors of the settings in scope be required to supply on request to the local authority about a child in scope of the registration requirement? Check as many as required
 Name of child
 Address of child
 Date of birth of child
 Other (add comments if wished)

50 Which information should proprietors of the settings in scope be required to supply on request to the local authority about a child in scope of the registration requirement? Check as many as required
 Name of child
 Address of child
 Date of birth of child
 Other (add comments if wished)

22 Do you agree there should be a sanction on the proprietor for non-compliance with a duty to supply information about a child in scope of the registration requirement?

46 Do you agree there should be a sanction on the proprietor for non-compliance with a duty to supply information about a child in scope of the registration requirement? Yes/No

51 Do you agree there should be a sanction on the proprietor for non-compliance with a duty to supply information about a child in scope of the registration requirement? Yes/No

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23 If your answer to 22 was 'yes', which type of sanction would you favour? For example should there be an offence which carries a fine, or should enforcement be via a court order requiring release of information?

24 Do you have any other comments about the concept of a duty on the proprietors of settings to provide information about children who attend their setting and fall within the scope of the registration requirements?

47 Regardless of your answer to the previous question, which type of sanction do you think would be most effective?
Fine
Court order requiring release of information
Other (add comment if wished)

48 Do you have any other comments about the concept or details of a duty on the proprietors of settings to provide information about children who attend their setting and fall within the scope of the registration requirements?

52 Regardless of your answer to the previous question, which type of sanction do you think would be most effective?
Fine
Court order requiring release of information
Other (add comment if wished)

53 Do you have any other comments about the concept or details of a duty on the proprietors of settings to provide information about children who attend their setting and fall within the scope of the registration requirements?

Proposal: creation of a duty on local authorities to provide support to parents who educate children at home

Duty on local authorities to provide support for home education

25 Do you agree that there should be a statutory duty on local authorities to provide support on request to parents who educated their children at home, of a type to be prescribed by the Secretary of State in regulations?

54 Do you agree that there should be a statutory duty on local authorities to provide support on request to parents who educated their children at home, of a type to be prescribed by the Secretary of State in regulations?

26 If such duty was to be created which if the following should it encompass?
 a. advice on home education and sources of support – whether provided directly by the authority or available elsewhere;
 b. assistance with the cost of examination fees incurred by private entrants (possibly with specified minimum levels);
 c. local authority support for local home education groups and forums which would provide both collective and individual help to families;
 d. negotiation of free or discounted admission for home educated children to facilities & other destinations which school children attend on an organised basis;
 e. carrying out, and publicising the results of, checks on private tutors;
 f. providing regular information and contacts for home educating families through newsletters; and
 g. making local arrangements for home educated children to participate in programmes normally conducted through schools, e.g. immunisation, sight & hearing tests, etc

Support for parents – implementation details

55 If such duty was to be created which if the following should it encompass? Check as many as required
 Advice
 Assistance with exam fees
 Support for home education groups
 Discounted admissions
 Checks on private tutors
 Newsletters for home educators
 Arranging participation in school activity programmes
 Other (add comments if wished)

Support for parents – implementation details if opposed

63 If such duty was to be created which if the following should it encompass? Check as many as required
 Advice
 Assistance with exam fees
 Support for home education groups
 Discounted admissions
 Checks on private tutors
 Newsletters for home educators
 Arranging participation in school activity programmes
 Other (add comments if wished)

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- 27** What are the potential difficulties in ensuring that such a duty is properly discharged by a local authority?
- 28** Should the duty to provide support on request be limited to children whose details are included on the proposed register?
- 29** Should other mechanisms be explored for enhancing access to public examinations for children educated at home, and if so, what?
- 30** (for local authorities only) What expenditure does the authority already incur on support for home educated families, what types of support does this cover and approximately how many children are in scope of the support?
- 31** Do you have any further comments on the issue of local authority support for home-educating families?
- 32** Do you consider that support for home-educating parents should be provided by the Department of Education?
- 33** If your answer to 32 was 'yes', what forms of support do you believe are particularly suited to being provided on a national rather than local basis?

- 56** What are the potential difficulties, apart from the availability of resources, in ensuring that such a duty is properly discharged by a local authority?
- 57** Should the duty to provide support on request be limited to children whose details are included on the proposed register? Yes/No
- 58** Should other mechanisms be explored for enhancing access to public examinations for children educated at home, and if so, what?
Examination body operated centres;
Duty on schools and colleges to allow private candidates;
Other (add comments if wished)
- 59** (This question is for local authorities only) What expenditure does the authority already incur on support for home educated families, what types of support does this cover and approximately how many children are in scope of the support?
- 60** Do you have any further comments on the issue of local authority support for home-educating families?
- 61** Do you consider that support for home-educating parents should be provided by the Department of Education? Yes/No
- 62** Regardless of your answer to the preceding question, which forms of support do you think particularly suited to delivery on a national rather than local basis? Check as many as required
General advice to parents on home education
Financial assistance for exam fees
Other (add comment if wished)

- 64** What are the potential difficulties, apart from availability of resources, in ensuring that such a duty is properly discharged by a local authority?
- 65** Should the duty to provide support on request be limited to children whose details are included on the proposed register? Yes/No
- 66** Should other mechanisms be explored for enhancing access to public examinations for children educated at home, and if so, what?
Examination body operated centres;
Duty on schools and colleges to allow private candidates;
Other (add comments if wished)
- 67** (This question is for local authorities only) What expenditure does the authority already incur on support for home educated families, what types of support does this cover and approximately how many children are in scope of the support?
- 68** Do you have any further comments on the issue of local authority support for home-educating families?
- 69** Do you consider that support for home-educating parents should be provided by the Department of Education? Yes/No
- 70** Regardless of your answer to the preceding question, which forms of support do you think particularly suited to delivery on a national rather than local basis? Check as many as required
General advice to parents on home education
Financial assistance for exam fees
Other (add comment if wished)

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Other matters

- 34** Do you have any comments on the conclusions set out in the published equalities log, UNCRC analysis and family impact test document?
- 35** Do you have any other comments on the government's proposals for legislation relating to registration, and support for home education?

Concluding questions

- 71** Do you have any comments on the conclusions set out in the published equalities log, UNCRC analysis and family test?
- 72** Do you have any other comments on the government's proposals for legislation relating to registration, and support for home education?