

## Children Missing Education: England

Section 4 of the Education and Inspection Act 2006 England and Wales introduced Section 436A to the Education Act 1996. This new section imposed a duty on local authorities to make arrangements to identify children not receiving suitable education. "Suitable education" is defined in law as efficient full-time education suitable to the child's age ability aptitude and special needs. Section 4 came into force in England in February 2007. The following guidance applies only to England since Wales has its own guidance on Children Missing Education and its own Government Home Education Guidelines.

2009 Statutory Guidance on Children at Risk of Not Receiving Suitable Education (England) says:

"73. When raising awareness with partner agencies it is useful to remind them that parents may lawfully educate their children at home. Where a local authority is satisfied that a parent is providing their child with a suitable full time education, the child is not the target of this duty. However, the local authority does have the power to issue a school attendance order if it appears that the parent is not providing a suitable education. Education of children at home by their parents is not in itself a cause for concern about the child's welfare." p.22

Where a local authority becomes aware of a home educated child, the details may be passed to Children Missing Education so that the blank data field for "place of education" can be filled. The details might also be passed to the local authority Elective Home Education team. You are quite likely to get a follow-up letter/phone call from the authority saying that it has come to their attention that you are home educating and asking you to supply information on your educational provision. The authority might want you to fill in a form/ answer questions and/or meet with the authority's home education consultant. The authority might want you to fill in a form/ answer questions and/or meet with the authority's home education consultant.

Whilst you do not have to meet them, or to provide any of that information, case law has established that it is reasonable for a LA to request information on home education. Therefore it might be prudent to acknowledge any communication from your LA and to provide them with information in a form of your choosing. See our information sheet 'Home Education and Local Authority' for more details.

Statutory Guidance (England) instructs the local authority to follow the procedures set out in the Government Home Education Guidelines for England. "Section 436A of the Education Act 1996 requires local authorities to make arrangements to establish (so far as it is possible to do so) the identities of children who are not pupils at schools and who are not otherwise receiving suitable education. In order to comply with this duty local authorities need to make arrangements which will as far as possible enable them to determine whether any children who are not pupils at schools, such as those being educated at home, are receiving suitable education. In order to do this local authorities should make inquiries with parents educating children at home about the educational provision being made for them. The procedures to be followed with respect to such investigations are set out in the EHE Guidelines, 2.7-2.11 and 3.4-3.6."

### Links

Education and Inspection Act 2006 (England and Wales)

<http://tinyurl.com/29nj7g6>

Government Guidance on Children Missing Education 2009 (England)

<http://education.gov.uk/publications/standard/publicationDetail/Page1/LEA/0225/2004>

Government Guidelines on Home Education 2007 (England)

<http://www.education-otherwise.org/Legal/7373-DCSF-Elective%20Home%20Education.pdf>

**Education Otherwise publishes the following Information Sheets, which are also available as pdfs to download from the EO website at <http://www.education-otherwise.net>**

Home Education England and Wales • About Education Otherwise • Home Education and Lone Parents (England and Wales) • School Attendance Orders (England) • The Law and Home Education in England and Wales • Educational Philosophies (England) • Home Education and the Local Authority (England) • Funding for Home Education (England) • How people home educate • Home Education and Special Needs (England) • Children Missing Education (England) • Deregistering a Child from School (England) • Home Education and Exams (England) • Flexischooling (England) • Child Benefit (England)

This leaflet is from the EO Information Leaflet Series. This series is only a guide, not an authoritative statement of law or procedures. The resources mentioned have been recommended by individual EO members and are not necessarily endorsed by Education Otherwise.

Education Otherwise Association Limited, PO Box 3761, Swindon, SN2 9GT

Helpline: 0845 4786 345 - Charity Registration Number: 1055120

© Education Otherwise Association Ltd. 2011

(last revised March 2011)