



Department
for Education

Department for Education
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Dear Local Authority Elective Home Education Teams,

We are writing to you with regard to the Children's Wellbeing and Schools Act 2026, which received Royal Assent on 29 April. The Act will be published at <https://bills.parliament.uk/bills/3909/publications> soon.

As you may know, the Act contains several measures relating to elective home education (the Children Not in School measures). **When implemented**, these measures will help you to identify all children not in school in your areas, including those not receiving a suitable education or at risk of harm, and to take action where this is the case.

Whilst Parliament has passed the Act, **these measures are not yet in force** and **implementation will not be immediate**. Please ensure that you continue to adhere to existing legislation and guidance, including the Elective Home Education guidance (2019) for local authorities, which remains current. We will contact you again in due course with further details regarding when the Children Not in School measures will come into force.

The measures will introduce:

- Compulsory Children Not in School registers in each local authority area, with a duty on parents of eligible children and certain out-of-school education providers to provide information for these registers.
- A duty on local authorities to provide support, in the form of advice and information, to the parents of children on their registers.
- Changes to the School Attendance Order (SAO) process to make it more efficient.
- A requirement whereby parents of children who are on child protection plans (or were on one in the past five years), subject to current section 47 enquiries or attend special schools will need local authority consent before they can withdraw their children from school for home education (and where children subject to the aforementioned child protection processes are already being home educated, the local authority will be able to require them to attend school if it would be in their best interests).
- A requirement for local authorities to consider the home and other learning environments at the point of registration on the registers and when deciding whether they must issue a preliminary notice or a SAO.

- A requirement for the Government to pilot mandatory meetings in selected local authorities for parents wishing to withdraw their child from school for home education.

To guide implementation, we will be holding a consultation on draft statutory guidance and on the policy content of associated regulations. We would encourage you to share your views via the consultation once it is launched and to also share it with home-educating parents in your area. Evidence collected through the consultation will also help to inform our assessment of the new burdens for local authorities which will result from the implementation of the Children Not in School measures. This will ensure that local authorities can receive appropriate funding to meet the implications of these new burdens.

We will share further details about the consultation in due course. In the meantime, we are grateful for all the work you do to ensure children receive a suitable education and are safe and are happy to answer any questions or concerns that you may have.

Kind regards,

Elective Home Education Team

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