Department for Education

Children Not in School Statutory Guidance

Government consultation

Launch date: 12 November 2026

Respond by: 3 February 2027

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Introduction

Following the passage of the Children's Wellbeing and Schools Act 2026 ('the Act'), the Department for Education is seeking views on draft Children Not in School statutory guidance and proposals for associated secondary legislation that will support implementation of the Children Not in School measures.

The Children Not in School measures, introduced by the Act, are intended to support local authorities to identify children who are not in school, particularly those who are not receiving a suitable education or are experiencing harm, and to take action where concerns arise. These include:

a) compulsory Children Not in School registers in each local authority area, and accompanying duties on some parents and out-of-school education providers to give information for these registers
b) a duty on local authorities to provide support to the parents of children on their registers
c) changes to the School Attendance Order process to make it more efficient.
d) a requirement whereby parents of children who are:
    - on child protection plans or were previously on child protection plans in the previous five years
    - subject to section 47 child protection enquiries
    - on the roll of a special school under local authority arrangements

    will need local authority consent to educate otherwise than at school, including home education. Where a child who is currently on a child protection plan, has been subject to a plan within the previous five years, or is subject to a section 47 enquiry is already being home educated, the local authority will also be able to require the child to attend school where it considers this to be in the child's best interests
e) a requirement for local authorities to consider the home and other learning environments at the point of Children Not in School registration and when considering whether children should be required to attend school
f) the piloting of mandatory meetings in selected local authorities, for parents wishing to withdraw their child from school for home education

The draft statutory guidance explains how local authorities, parents, schools, and out-of-school education providers in England should fulfil their responsibilities under the new framework. It also updates and incorporates the department's existing Elective Home Education guidance, with the intention of providing a single source of guidance on home education and the Children Not in School measures. Bringing this guidance together into a single document is intended to make it easier for local authorities, parents, and other stakeholders to understand and navigate the framework by reducing the need to refer to multiple guidance documents.

To complement the statutory guidance, the department has also published a draft summary guide that provides a concise overview of the CNIS measures and to help readers identify the sections of the full guidance most relevant to them. The summary guide is intended to support navigation of the statutory guidance and does not replace it. The department also intends to publish separate non-statutory guidance for out-of-school education providers before the provider duties come into force.

Alongside the guidance, some aspects of the new framework will be set out in secondary legislation. The secondary legislation will provide further legal detail on how the measures in the Act will operate, while the proposed guidance will explain how those measures should be implemented in practice for children not in school and their families.

This consultation seeks views on both the draft guidance and the proposed policy approaches that will inform the secondary legislation. Responses will help inform the final guidance and regulations before the guidance is issued and the regulations are made.

Who this consultation is for

This consultation is for:

- Parents of children not in school, including:
    - Home educating parents
    - Parents of flexi-schooled children
    - Parents of children receiving education through full-time online providers
- Parents considering withdrawing their children from school to educate them otherwise than at school
- Children of compulsory school age who are not in school, including:
    - children who are home educated
    - children who are flexi-schooled
    - children who are receiving all of their education through full-time online providers
- local authorities
- schools, colleges and Alternative Provision providers
- out-of-school education providers
- organisations with safeguarding responsibilities or an interest/role in safeguarding children (such as Ofsted, the Children's Commissioner, the National Society for the Prevention of Cruelty to Children (NSPCC), organisations supporting families who have experienced domestic abuse and so on)

- organisations representing or supporting home educators and home-educating families
- organisations representing or supporting children with special educational needs and disabilities (SEND) and their families

We welcome responses from anyone with an interest in the education, wellbeing, safeguarding or support of children not in school.

Issue date

The consultation was launched on 12 November 2026.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email at CNIS.consultation@education.gov.uk.

If your enquiry is related to the DfE consultation website or the consultation process in general, email coordinator.consultations@education.gov.uk or visit the DfE Contact us page.

Additional copies

Additional copies can be downloaded from GOV.UK DfE consultations.

The response

The results of the consultation and DfE's response will be published on GOV.UK in Spring 2027.

Respond online

To help us analyse the responses, use the online system wherever possible. Visit DfE consultations on GOV.UK to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system – for example, because you use specialist accessibility software that is not compatible with the system – you may request an alternative format of the form.

By email

CNIS.consultation@education.gov.uk

By post

CNIS Consultation, Non-School Education Division

Department for Education

Sanctuary Buildings

Great Smith Street

London SW1P 3BT

Deadline

The consultation closes on 3 February 2027.

Section 1: About you

Demographics/equalities questions

5. In what capacity are you responding?

- on behalf of a local authority
- as a parent/carer of a home educated child
- as a parent/carer of a flexi-schooled child
- as a parent/carer of a child attending alternative provision
- as a parent/carer of a child receiving education through full-time online providers
- as a parent/carer of a child registered at a school or college (for example, mainstream school or college, alternative provision schools, or independent schools)
- as a parent/carer considering withdrawing their children from school to educate them otherwise than at school
- as a child of compulsory school age who is being home educated
- as a child of compulsory school age who is being flexi-schooled
- as a child of compulsory school age who is receiving all their education through full-time online providers
- as a child who is registered at a school or college
- on behalf of a school or college
- on behalf of an out-of-school education provider (for example, tutoring organisation, supplementary education and so on)
- on behalf of a charity / voluntary or community organisation
- prefer not to say
- other – please specify (max. 10 words)

6. Please specify your local authority (if you are a parent or child, provide the local authority in whose area you live; if you are a professional, please provide the local authority in whose area you work).

[Insert list of all local authorities]

[Prefer not to disclose]

Section 2: Children Not in School Statutory Guidance

Overarching principles and approach to draft guidance

Proposal and rationale

Children within scope of the Children Not in School measures have a wide range of needs, experiences and circumstances. Parents have a long-established right to educate their children otherwise than at school and remain responsible for ensuring their child receives an efficient, full-time and suitable education. We know that most parents of children not in school are acting in their children's best interests and work hard to support their education.

At the same time, local authorities have legal responsibilities in relation to children's education, welfare and safeguarding – regardless of where or how they are educated. The Children Not in School measures introduced by the Act aim to support local authorities in carrying out these responsibilities while respecting the rights of parents and recognising the diversity of educational approaches that families may choose.

The draft guidance begins by setting out a number of overarching principles that should inform decision-making by local authorities and others. These principles are intended to recognise:

- children's rights, wellbeing and individual needs
- parents' rights and responsibilities in relation to education
- local authorities' educational and safeguarding duties
- the importance of constructive and respectful engagement between families and local authorities
- the diverse circumstances of children not in school

The guidance also includes introductory information on its purpose, intended audience, relationship with other statutory guidance, and the proposed scope of a training package to be delivered to local authorities to assist them in carrying out their new duties.

Alongside the draft statutory guidance, we have published a shorter summary guide designed to help parents, providers and other stakeholders navigate the main guidance and identify the sections most relevant to them.

We would welcome views on the overall approach taken in the introduction and general principles, including whether these sections appropriately establish the framework and expectations for the remainder of the guidance.

Questions on the overarching principles and approach to the draft guidance

7. To what extent do you agree or disagree that the general principles set out at the start of the guidance (in the section “General Principles” on page 3) provide an appropriate framework for how parents, local authorities and other stakeholders should exercise their responsibilities in relation to children not in school?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

8. To what extent do you agree or disagree that the roles and responsibilities of parents, schools, local authorities and out-of-school education providers are clearly explained throughout the guidance?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

9. To what extent do you agree or disagree that, throughout the guidance, the needs and circumstances of children and families with protected characteristics, and those of other groups identified in the section “Additional considerations for specific groups of children” are appropriately reflected, where their protected characteristics or circumstances may affect how they access education?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

10. Do you have any comments on the overall structure, tone or content of the guidance, including any areas where additional examples, templates or case studies would be helpful?

Provide details of any comments on the overall structure, tone or content of the guidance. If you do not have any comments, please leave blank.

[FREE TEXT]

11. Do you have any views on the proposed summary guide, including whether it provides a helpful introduction to the main CNIS guidance, and whether there is any additional information that should be included?

Provide details of any views on the proposed summary guide. If you do not have any views, please leave blank.

[FREE TEXT]

12. Do you have any comments on the proposed content of the training package to support the “Training expectations for local authority offices” (set out on page 4) including any additional topics that should be covered?

Provide any comments on the proposed content of the training package. If you do not have any views, please leave blank.

[FREE TEXT]

Specific guidance proposals

The following sections concern the content of the draft statutory guidance. We are particularly interested in views on whether these sections provide a clear and appropriate framework for implementation.

Consent requirements

Proposal and rationale

One way in which local authorities will become aware of children not in school is when a parent seeks to withdraw their child from school in order to home educate them. The draft guidance sets out the process that local authorities, schools and parents should, or in some cases must, follow when a parent seeks to withdraw a child from school.

The Act introduces a new consent requirement that applies to certain children before they can be withdrawn from school for education otherwise than at school, including home education. This applies to children who:

- are currently on child protection plans, or have been subject to a child protection plan within the last five years
- are subject to a current section 47 child protection enquiry
- attend a special school under arrangements made by a local authority

When making a consent decision, local authorities must consider:

- whether it would be in the child's best interests to receive education through regular attendance at school
- whether suitable arrangements have been made for the child's education otherwise than at school

The draft guidance section on Consent Decisions proposes a framework of factors that local authorities should take into account when considering a child's best interests.

We would welcome views on whether the proposed framework and content for consent decisions set out in the guidance is clear and supports consistent decision-making by local authorities.

The government also intends to make consequential amendments to Regulation 9(2) of the School Attendance (Pupil Registration)(England) Regulations 2024 to ensure consistency with the approach established by the Act. Regulation 9(2) concerns the deletions of names from school admission registers for children attending special schools under arrangements by the local authority. Following the intended amendments, local authority consent would no longer be required where a child leaves a special school for

other reasons, such as transferring to another school, moving area and no longer living within a reasonable distance of the school, or reaching the end of compulsory school age. This will simplify the existing arrangements and ensure that a single approach applies to decisions about withdrawal from a special school for the purpose of education otherwise than at school, including home education.

Questions on consent requirements

13. To what extent do you agree or disagree with the factors a local authority should consider when determining a child's best interests in relation to the consent requirement (set out in section "Best interests of the child" on page 16)?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Please provide further details on your answer. If you have no further information to add, please leave blank.

[FREE TEXT]

14. When providing reasons for granting or refusing consent, how should a local authority explain to the parent the potential benefits and disadvantages to the child that informed its decision?

The local authority should not be required to explain the potential benefits and disadvantages considered.

The local authority should provide a brief written summary of the main benefits and disadvantages considered.

The local authority should provide a brief written summary, with further detail available on request.

The local authority should provide a detailed written explanation of the benefits and disadvantages considered.

The local authority should provide a detailed written explanation of the benefits and disadvantages considered, and how these were weighed against other factors.

Other (please specify).

[Free text]

Support for families educating at home

Proposal and rationale

The Act introduces a new duty for local authorities to provide support to eligible parents, if requested by the parent. The support to be provided is advice and information relating to the education of the child, including information about access to GCSE examinations.

The role of the local authority will be to act as an 'informed friend' by providing advice, signposting and helping to connect parents to further sources of assistance. Local authorities may choose to proactively create a 'local offer' of support and resources to help them meet this duty, however local authorities must consider every request made under the support duty by eligible parents, even if it is beyond the scope of the 'local offer'.

The support duty also requires the local authority to proactively offer forum meetings twice per year with eligible parents, and to hold the forum if accepted by at least one parent. The forum discussions will be focused on the operation of the Children Not in School registers and school attendance order measures brought in by the Act.

We want to ensure that the support duty can operate effectively, to assist parents to navigate home education if they want the support and to support positive relationships between home educating families and local authorities. To this end we want to ensure that the text of the Support Duty section in guidance is clear and unambiguous in how this duty should operate.

15. To what extent do you agree or disagree that the operation of the support duty (in section “Support for families educating at home” on page 46) is clearly set out in a way that will ensure consistent delivery of the support duty across LAs and sufficiently details the scope of the duty?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

If you would like to provide additional details to support your answer, please enter them here. If you have no additional details to add, please leave blank.

[FREE TEXT]

How local authorities consider whether a child appears to be receiving a suitable education

Proposal and rationale

There is no statutory definition of what constitutes a ‘suitable education’. What is suitable will vary for every child according to their individual age, ability, aptitude and any special educational needs they have.

The draft guidance largely retains the approach to suitability currently set out in the department’s existing Elective Home Education guidance. This reflects the fact that home education can be provided through a wide range of approaches and methods, and that what constitutes a suitable education will depend on the individual’s circumstances and needs of the child.

The government considers it important that the guidance continues to recognise the diversity of educational approaches while supporting local authorities to fulfil their duties in relation to children not in school. We would welcome views on whether the approach to suitability set out in the draft guidance remains appropriate, including whether any aspects of the existing approach should be clarified or amended.

We also believe that local authority officers being able to see the child in their home can, in some circumstances, be an invaluable way for local authorities to consider whether it appears that a child is receiving a suitable education and, where applicable, whether the educational arrangements are in their best interests. The Act gives local authorities the power to request a home visit and requires them to treat the refusal of a visit as a relevant factor in their consideration of the child’s education and, where applicable, their best interests.

We are mindful of capacity and resources as well as varying needs in a diverse home education cohort, and we do not expect local authorities to visit all families as a matter of course. Decisions about whether to request a home visit should be proportionate and based on the sufficiency and reliability of the information available.

The guidance sets out a list of factors that local authorities should consider when deciding whether a home visit may be appropriate, and when prioritising which children would benefit most from being seen at home. It also sets out a range of factors that local

authorities should consider when assessing a child's home and learning environment. We would welcome views as to whether the correct factors have been identified.

16. To what extent do you agree or disagree with the factors local authorities should consider when considering the home and settings where the child is being educated (in section "The home and other settings where the child is being educated" on page 49)?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Please provide any further details for your answer. If you have nothing to add, please leave blank.

[FREE TEXT]

17. To what extent do you agree or disagree with the proposed list of families that local authorities should prioritise for home visits (in section "Home visits" on page 50)?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Please provide any further details for your answer. If you have nothing to add, please leave blank.

[FREE TEXT]

18. Do you have any views or comments in relation to what constitutes a 'suitable' education, or on the extent to which it is defined? You may

wish to refer to Section 4 (on page 21) and Section 8 (on page 55) of the draft guidance when answering this question.

Please provide details below. If you have no views or comments in relation to what constitutes a ‘suitable’ education or on the extent to which it is defined, please leave blank.

[FREE TEXT]

Section 3: Secondary legislation and associated policy proposals

The Act requires further detail about the application and operation of the Children Not in School measures to be set out in secondary legislation. The following sections set out the government's proposed approach, and responses will help inform the content of the Children Not in School regulations.

Children required for inclusion on CNIS registers

Proposal and rationale

The Act sets out which children are eligible to be included on local authority Children Not in School registers. These are children of compulsory school age, living in the authority's area who are:

- not registered at a school
- registered at a school but the school has arranged or agreed that:
- they will receive education otherwise than at a school
- they will be absent for some or all of the time when they would normally be expected to attend school
- registered at and attending a further education provider part-time, and are not also registered at a different school or further education provider

The Act gives the government the power to make regulations to clarify when a child is to be regarded as eligible or not eligible for registration in certain cases when a child is registered at a school or further education provider.

The children that the government intends to be eligible for registration include:

- home educated children (including those aged 14-16 who attend further education colleges or other 16-19 providers part-time)
- children in Alternative Provision who are not registered at school
- children in Education Otherwise than at School (EOTAS) who are not registered at school
- children receiving their education from full-time online providers
- children who have been excluded and are no longer on a school roll
- children who are in custody and not registered at a school
- children missing education (CME)

Secondary legislation will set out the full list of children who are required to be registered.

We are proposing that the following children should also be included:

- **flexi-schooled children**: Children on flexi-schooling arrangements remain registered pupils at school but do not attend full-time, with the remainder of their education provided outside of school through arrangements made by their parents. This differs from part-time timetables and school-arranged alternative provision, where the arrangements for a child's education outside of school remain the responsibility of the school. While it is good practice for a school to inform a local authority that a flexi-schooling arrangement is in place for a child, and to provide the details of that arrangement, schools do not have a duty to do so. Including children on flexi-schooling arrangements on CNIS registers will help local authorities to maintain an accurate understanding of such arrangements, and better enable consideration of the education the child is receiving during periods when they are not attending school, supporting local authority duties to ensure all children in their area are receiving a safe and suitable education

We would welcome views on whether this group of children should be included in the Children Not in School registers.

We also propose to exclude child performers and children engaged in paid sport, dance, or modelling, who are registered at a school but absent some of the time. Periods of absence from school for these activities should already be subject to existing local authority Child Performance and Activities Licensing arrangements, through which the child's education and educational arrangements during the relevant periods are considered. Including these children within the registers would therefore risk duplicating existing local authority oversight. For these reasons, we intend to exclude them from scope of the registers. We would, however, welcome views on whether there are any concerns with this approach.

Questions on children who should be eligible for inclusion on Children Not in School registers

19. To what extent do you agree that children who are flexi-schooled should be required to be recorded on Children Not in School registers? Please provide details to support your answer

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

If you would like to provide additional details to support your answer, please use the textbox below. If you have nothing further to add, please leave blank

[FREE TEXT]

20. Do you have any concerns with child performers who are registered at a school being excluded from the Children Not in School registers?

Yes

No

If yes, please provide additional details to support your answer. If no, please leave blank.

[FREE TEXT]

Information to be recorded on Children Not in School registers

Proposal and rationale

The Act requires local authorities to record the following information on their Children Not in School registers:

- child's full name, date of birth, and address.
- child's previous address: if the child has lived at their current address for less than 12 months
- any additional addresses for the child if the child lives at more than one address
- parents' full names and addresses
- the following details about the child's education provision:
- the name of each parent who is providing education to the child
    - an estimate of the amount of time that the child spends receiving education from each of their parents
    - an estimate of the total amount of time that the child spends receiving education from persons other their parents
    - if a particular provider (an individual or an organisation), other than the child's parents provides education to the child for more than a prescribed threshold (which government proposes to set at 6 hours per week):
        - the name and address of the provider

- a description of the type of provider that it is (for example, supplementary school)
- the postal address of each place where the education is provided (if that is different from the address of the provider), or the website or email address of the provider if that education is provided virtually
- an estimate of the amount of time that the child spends receiving education from that provider
- an estimate of the amount of time the child spends receiving that education without any of their parents being actively involved in their child's tuition or supervision

The government intends to make regulations that will set out further categories of information that local authorities must record on their registers if they hold it or are able to reasonably obtain it. These further categories are limited under section 436C(2) of the Act, and may include information about the child's characteristics, circumstances, needs or interactions with a local authority or educational institutions that is intended to promote or safeguard the education or welfare of children. Parents of registered children will not be required to supply any of this information.

The list of information items to potentially be included in this list can be found in the Annex to this consultation and the section of the guidance titled 'Information local authorities must record on their registers if they hold it or can reasonably obtain it'.

We would welcome views as to whether the further information that local authorities will be required to record on their registers under the regulations captures the right range of information.

Questions on information that is to be recorded on registers

21. To what extent do you agree or disagree with the information local authorities will be required to record on their Children Not in School registers if they have it or can reasonably obtain it?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Please provide further details regarding any information you believe should be recorded but is not included, or that you believe should not be recorded. If you have nothing further to add, please leave blank.

[FREE TEXT]

How registers are to be maintained

Proposal and rationale

The Act provides for regulations to make provision about how Children Not in School registers are maintained. The requirements to be set out under these regulations could, for example, cover how local authorities keep the registers up to date, make changes to the registers, the format in which information must be recorded on the registers, as well as the content of registration forms. The Act also allows regulations to set requirements about how local authorities make people aware of the registers and their responsibilities in relation to them.

We intend to use these powers to require local authorities to maintain their registers using an electronic management information system and to use standard registration forms. We also intend to set requirements for how local authorities communicate registration duties to parents. This could include requirements such as those set out in the “How local authorities should inform parents of their registration duties” section of the draft guidance.

The government intends that any requirements to be set out in regulations support consistent and accurate record-keeping across local authorities, making the registration process clear for parents, while minimising unnecessary administrative burdens.

We are continuing to develop the detailed requirements that should apply to the maintenance of registers and how duties in relation to the registers should be publicised and would welcome views from respondents on matters that should be considered as part of that work.

Questions on how registers are to be maintained

22. The Act allows for regulations to make provision about the maintenance of Children Not in School registers. Do you have any views on the requirements outlined above, or more generally, on how registers should be maintained, updated and kept accurate, including any safeguards or requirements that should apply?

Please provide details below. If you have no views on the requirements outlined above or generally, please leave blank.

[FREE TEXT]

Sharing information with the Secretary of State and prescribed persons

Proposal and rationale

The act enables information from the Children Not in School registers, which is prescribed in regulations, to be shared with the Secretary of State. The government proposes that local authorities should be required to provide the information set out in the Annex to this consultation, from their registers with the department.

This proposed data collection builds on information that the department already collects from local authorities through the existing Children Missing Education and Elective Home Education data collections[1], and largely reflects information that is already collected in relation to children attending school.

Collecting the proposed information at a national level will support analysis of the characteristics and circumstances of children not in school, help inform local and national policy development, and support evaluation of the implementation and impact of the Children Not in School registers and associated measures. It will also help the department to identify trends, understand movement of children between school and elective home education and other education settings or arrangements, and help support local authorities in the discharge of their statutory functions.

The Act also enables the Secretary of State to share information received from local authorities with prescribed persons for the purposes of promoting or safeguarding the education or welfare of an individual child or children. The government proposes that the following persons be prescribed in regulations as 'relevant persons', with whom information may be shared for these purposes:

- local authorities
- schools
- Ofsted
- bodies listed in section 11 of the Children Act 2004[2]
- Welsh Ministers
- researchers (anonymised information only)

The inclusion of the above as relevant persons will ensure that professionals, organisations or education settings that are there to support – and, where necessary,

[1] Release home - Children missing education - Explore education statistics - GOV.UK; Release home - Elective home education - Explore education statistics - GOV.UK

[2] Children Act 2004 (2004 c 31)

protect – children have a full and accurate picture of a child. Taken with the power for certain prescribed information to be shared with the Secretary of State, it will enable the department to create a consistent view of a child's education, particularly where a child has moved between educational settings or local authority areas, and will help ensure that relevant information can be shared with local authorities, schools and other professionals where appropriate, so that children can benefit from more tailored support or services. The sharing of anonymised data with researchers can also support the identification of patterns, trends, and evaluation of how government policies may be impacting children or specific cohorts of children not in school.

We would welcome views on the information from the Children Not in School registers that local authorities should be required to share with the Secretary of State; and the relevant persons with whom the Secretary of State may share information.

Questions on the sharing of information with the Secretary of State and prescribed persons

23. To what extent do you agree or disagree with the list of data items set out in the Annex to this consultation that local authorities will be required to share with the Department for Education?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Please explain your answer. If you disagree, please indicate which data items you believe should not be shared with the Department for Education, or any that you feel should be that are not currently included in the regulations.

[FREE TEXT]

24. To what extent do you agree or disagree with the list of persons or organisations with whom the Secretary of State may share information for the purposes of promoting or safeguarding a child's education or welfare?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Please explain your answer. If you disagree, please indicate which persons the Secretary of State should not be permitted to share information with, or any that you feel should be included that are not currently listed in the regulations.

[FREE TEXT]

Education Providers: Threshold for parents and providers sharing information

Parent duty to provide information on education providers

Proposal and rationale

The Act requires parents of registered children to provide information about education providers used as part of their child's education where those providers meet a threshold prescribed in regulations.

The government intends for this threshold be set at six hours or more per week. This would mean that parents of registered children would only be required to provide information about an education setting or provider they are using as part of their education provision for their child, where their child receives education from that provider for six hours or more per week.

The government considers that a threshold is needed to ensure that the duty captures providers that form a significant part of a child's education, while avoiding disproportionate requirements in relation to activities that are more occasional, supplementary or recreational in nature, and also seeking to minimise burdens on local authorities in terms of the processing of information. A lower threshold – for example, one, two or four hours per week – could capture a wide range of activities that may not represent a substantial part of a child's education and could result in significant volumes of information being collected and processed by local authorities. A higher threshold – for example eight or more hours per week – could reduce local authorities' visibility of providers that play a significant role in a child's education, including settings attended regularly for a full day each week.

The government therefore considers that six hours per week represents a proportionate threshold, balancing the need for local authorities to have visibility of providers that make a significant contribution to a child's education with the need to avoid unnecessary administrative burdens. In Annex C (on page 83) of the draft guidance, it sets out what activities count as 'education' for the purposes of determining which providers would be in scope of this duty.

Where a child receives education from a person or organisation other than their parents for six hours or more per week, parents would be required to provide the following information:

- the name and address of the provider
- a description of the type of provider that it is (for example, supplementary school)

- the postal address of each place where the education is provided (if that is different from the address of the provider), or the website or email address of the provider if that education is provided virtually
- an estimate of the total amount of time that the child spends receiving education from that provider
- an estimate of the amount of time the child spends receiving that education without any of their parents being actively involved in their child's tuition or supervision

The Act also requires local authorities to request updates to this information at least once every 12 months, but no more frequently than once every three months. Parents must respond by the time set out by the local authority in the request (and the time the local authority sets out must not be less than 15 days).

Questions on the threshold at which parents must provide information about an education provider

25. The government is proposing that the threshold for requiring parents to provide information about an education provider should be six hours or more per week. To what extent do you agree or disagree with this proposed threshold?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Please explain your answer. If you disagree, please indicate what alternative threshold you would propose and why.

[FREE TEXT]

Out-of-school education provider duty

Proposal and rationale

The Act also places duties on certain out-of-school education providers to provide information to local authorities upon request.

The purpose of the provider duty is to identify children who should be on the Children Not in School register but are not, identify children who may be attending illegal or unsafe educational provision and to help local authorities verify information they have received from parents about a child's educational arrangements.

The Act requires a threshold to be prescribed in regulations for the provider duty. The government proposes that this threshold be set at six hours per week. This would mean that an out-of-school education provider would only be required to provide information on request where it is providing education to a child for six hours or more per week.

The government considers that the rationale for the provider threshold is similar to that for the parental duty. A lower threshold could bring within scope a wider range of providers that do not constitute a substantial part of a child's education, including providers commonly attended by school pupils on an extracurricular basis. A higher threshold could exclude providers that represent a significant element of a child's education and reduce local authorities' ability to identify children who should be included on their registers or who may be attending unsafe or unsuitable education, such as illegal schools, and limit their ability to verify the educational arrangements in place.

The government therefore considers that six hours per week represents a proportionate threshold that balances the effectiveness of the duty against the burden placed on providers.

Information providers would be required to supply

Providers that meet the prescribed threshold would be required to provide the following information to local authorities upon request:

- the child's name, date of birth, and home address
- the total amount of time they provide education to the child
- the amount of time that they provide education to the child without any parent of the child being actively involved in the tuition or supervision of the child

Providers would have at least 15 days to comply with a request.

Where a provider fails to provide the required information or the local authority is satisfied that the provider has provided the incorrect information, the requesting local authority may impose a monetary penalty. The government intends to set this penalty at £300, increasing to £600 if the payment is not made within the required period (a minimum of 28 days). This aligns with existing penalties that apply where providers fail to comply with information notices relating to the Tax-Free Childcare scheme.

To support an initial familiarisation period, the Act prevents local authorities from requiring such penalty payments during the first three months after the duty comes into force.

Recognising that many providers may be unfamiliar with these requirements, the government intends to publish separate guidance for education providers before the duty comes into force. This guidance would explain the scope of the duty, how to comply with requests, and the circumstances in which exemptions apply.

Proposed exemptions from the provider duty

The Act enables certain categories of provider to be exempted from the provider duty through regulations.

The government proposes to exempt a limited number of provider types where application of the duty would not support the aims of the Children Not in School measures, or where equivalent information is already available through other routes.

In particular, we propose to exempt the following types of provider:

- full-time DfE-accredited online providers should already notify local authorities when children join or leave their rolls
- museums accredited under the UK Museum Accreditation Scheme and libraries provided under statutory library services often provide drop-in, irregular or supplementary educational opportunities rather than forming a substantial part of a child's education
- work experience providers would be exempt where placements are temporary and the provider does not provide any education themselves. The government does not wish to place unnecessary burdens on employers offering work experience opportunities

The government has considered whether wider exemptions should apply to organisations providing extracurricular activities such as Scouts, Guides and Cadet groups. However, it is not proposed to exempt these organisations. Such activities would not normally be expected to meet the proposed six-hour threshold and therefore would generally fall outside the scope of the duty. Where they do meet the threshold, the government considers it may be appropriate for local authorities to be aware of the role that such organisations are playing in a child's education during the period that the child is with the organisation.

Questions on the scope of the provider duty

26. The government is proposing that the threshold at which an out-of-school education provider must provide information to a local authority

upon request should be six hours or more per week. Do you agree or disagree with this proposed threshold?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Please explain your answer. If you disagree, please indicate what alternative threshold you would propose and why.

[FREE TEXT]

27. To what extent do you agree or disagree that the monetary penalty for an out-of-school education provider that fails to provide the required information to a local authority should be set at £300, increasing to £600 if payment is not made within the required period?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Please explain your answer. If you disagree, please indicate what the alternative penalty you propose and why.

[FREE TEXT]

- full-time DfE-accredited online providers
- museums which are accredited under the UK Museum Accreditation Scheme
- libraries provided by, or on behalf of, a local authority under statutory library services
- work experience providers so long as the work experience is temporary and does not provide the child with other education

28. Do you agree that all the following types of provider should be exempt from the provider duty?

Yes – all listed provider types should be exempt

No – one or more listed provider types should not be exempt

Don’t know

29. If you answered no to the previous questions, please select all provider types you believe should not be exempt:

- full-time DfE-accredited online providers
- museums which are accredited under the UK Museum Accreditation Scheme
- libraries provided by, or on behalf of, a local authority under statutory library services
- work experience providers so long as the work experience is temporary and does not provide the child with other education

Please explain your answer

[FREE TEXT]

30. Are there any other types of provider that you believe should be exempt from the provider duty?

Yes

No

If yes, please explain which providers should be exempt and why. If no, please leave blank.

[FREE TEXT]

Mandatory meetings pilot scheme

Proposal and rationale

The Act requires a pilot scheme of mandatory meetings to be implemented within two years of the Children Not in School measures coming into force. Under the pilot, all parents wishing to withdraw their child from school to home educate them will be required to attend a meeting with the local authority before the child's name can be removed from the school roll.

The pilot aims to ensure that:

- parents are fully informed about home education and their responsibilities before a child is removed from the school roll
- local authorities can more efficiently identify families who feel 'forced' to home educate and explore options for additional support if the preference of the family is for the child to remain in school
- any safeguarding or welfare concerns can be identified at an early stage by the local authority
- constructive and positive relationships can be established between local authorities and home educating families in their area, including an understanding of the support available to families from their local authority.

The Act requires the Secretary of State to establish the pilot scheme through regulations. Those regulations will set out a number of matters relating to the operation of the pilot, which could include how meetings are conducted, attendance requirements, and participation requirements. The proposals described in this section set out the government's intended approach, and responses to this consultation will help inform the content of those regulations.

How the mandatory meetings will work in the pilot

The child will remain on the roll of their school until the meeting takes place. Until the meeting has taken place, normal school attendance expectations will continue to apply. Any absences from school should be reported to the school in the usual way, and absences recorded in line with attendance codes set out in Working Together to Improve School Attendance.

The government considers it important that parents are able to make a fully informed decision about home education before their child is removed from the school roll and that they have the opportunity to discuss the responsibilities associated with home education, any support needs the child may have, and the support available from the local authority. At the same time, the pilot should avoid creating unnecessary delay for families who have decided to exercise their right to educate their child at home.

The government is therefore considering a target for local authorities to hold the meeting within two weeks of a parent requesting to withdraw their child from school for home education. In developing this proposal, we have sought to balance the importance of ensuring timely access to the meeting with the practical arrangements involved in organising it – such as coordinating attendance by relevant participants and managing any travel or venue arrangements. We are seeking views on whether this is an appropriate timeframe (see question 8.1).

The Act requires the parent to attend the meeting with the local authority, and the child must also attend unless exceptional circumstances apply (see question 8.2). The parent may choose whether a representative of the child's school should also attend the meeting.

The government's expectation is that meetings will primarily be held in person. In many cases, the child's school is likely to be the most practical venue, as it can make it easier for all relevant parties to attend and may avoid the need for additional travel arrangements. However, we would expect local authorities to take account of the circumstances of the child and family when arranging meetings. Parents should therefore be able to suggest an alternative venue where they consider this would be more appropriate, and local authorities would be expected to seek to accommodate such requests where reasonably practicable.

Face to face meetings are more likely to support effective discussion, enable stronger relationships to be developed between families and local authorities, and create opportunities for children and parents to participate fully. We are seeking views on the circumstances in which meetings should be permitted to take place virtually (see question 8.3).

During the meeting the local authority must, in accordance with the Act, ensure that the following matters are discussed with the parent:

- the duty of parents to provide an efficient, full-time, and suitable education and how the parent plans to meet this duty
- the duties of the local authority, including the duty to provide support in the form of advice and information, and the duty to offer eligible parents the opportunity to attend a biannual forum
- the parent's reasons for considering that the child should be home educated
- any support needs that the child may have and how those needs could be met
- any considerations regarding the safeguarding and welfare of the child
- anything else relevant to the decision to withdraw the child from school

In accordance with the Act, the parent must participate in the meeting for it to be considered complete. We propose that the 'participation' requirement is fulfilled where the parent attends the meeting and responds reasonably to questions posed by the local

authority at the meeting. A response declining to provide information requested would still constitute 'participation' for these purposes and meet this requirement.

Following completion of the meeting, provided the parent has participated in the meeting, the local authority would be required to confirm to the child's school without delay that the child's name can be removed from the school roll. The local authority cannot prevent the child's name from being removed from roll after the meeting is complete and the school is notified unless:

- the parent has changed their mind and decides not to proceed with home education
- the child falls within the scope of the separate consent requirement established by the Act

Questions on mandatory meetings pilot

31. To what extent do you agree or disagree that a target of holding the mandatory meetings within two weeks of a request to home educate is an appropriate timeframe?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Please explain your answer

[FREE TEXT]

32. To what extent do you agree or disagree that exceptional circumstances which mean a child does not need to attend a mandatory meeting should be limited to where a child is physically unable to travel to the meeting location?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

If you disagree, please explain what other circumstances should qualify as exceptional circumstances. If you agree, please leave blank.

[FREE TEXT]

33. Do you think mandatory meetings should be held virtually under certain circumstances?

No

Yes – when physical disability of parent or child would be a barrier to in-person attendance

Yes – where there are medical reasons (including physical and mental health) for the parent or child which would be a barrier to in-person attendance

Yes – both answers 8.3.2 and 8.3.3 should apply (when a physical disability or medical reason would be a barrier to in-person attendance)

Yes – for wider reasons than the options above

Please explain your answer.

[FREE TEXT]

34. Do you agree that parent 'participation' should be defined as attendance at the meeting and making reasonable responses to any questions posed by the local authority; and that this also includes responses where the parent declines to provide information?

Yes

No – parents should be required to provide information when requested and actively engage in the discussion throughout.

Don’t know

Please explain your answer

[FREE TEXT]

Section 4: Additional Comments

The preceding questions seek views on specific aspects of the draft statutory guidance and proposed secondary legislation. However, there may be other matters relating to the draft guidance, proposed secondary legislation, or practical implementation of the Children Not in School measures that you wish to raise.

We would therefore welcome any further comments that you have not already provided elsewhere in your response.

35. Do you have any additional comments on the draft statutory guidance, proposed secondary legislation, or on the practical implementation of the Children Not in School measures?

Please enter your answer below. If you do not have any additional comments on the draft guidance, proposed secondary legislation, or practical implementation of the measures, please leave blank.

[FREE TEXT]

Annex – summary of proposed data requirements

This annex summarises the information that local authorities would be required to record and the information proposed for collection by the Department for Education. The table groups data items by what they are intended to achieve, distinguishes between information already required under the Act, which is not part of this consultation, and the additional data proposed for recording and collection. For each item, it shows the proposed level of return to the department, and whether comparable information is already collected for school pupils. As explained earlier in this document, parents would not be required to provide any of the proposed additional information.

Identifying children and understanding the cohort *Purpose: to establish an accurate picture of the number and characteristics of the children not in school, identify trends, and understand changes over time*			
Information Item	**Status**	**Proposed return to Department for Education**	**Comparable information already collected through existing Department for Education data collections**
Child's name, DOB, address(es)	Required for collection by local authorities under the Act	Individual level (anonymised)	School census
Estimate of how much time each parent spends providing education to their child	Required for collection by local authorities under the Act	Individual level	Not currently collected
Protected characteristics as defined in the Equality Act: • Sex • Ethnicity	Proposed additional information	Individual level	School census EHE/CME collection (aggregate level)

Whether child is receiving SEND support	Proposed additional information	Individual level	School census
Whether child has a EHCP	Proposed additional information	Individual level	School census EHE/CME collection (aggregate level)
Whether child is or ever has been a Child in Need	Proposed additional information	Individual level	School census EHE/CME collection (aggregate level)
Whether child is or has been subject to s47 child protection enquiries and actions taken under that section	Proposed additional information	Individual level	School census
Whether child is or ever has been a looked after child	Proposed additional information	Individual level	School census EHE/CME collection (aggregate level)
Reasons why children are on registers	Proposed additional information	Individual level	No
Reasons why a child is home educated, such as CME, EOTAS (for example, due to dissatisfaction with schools, mental health, and so on)	Proposed additional information	Individual level	EHE/CME collection (aggregate level)
Actions taken to identify child as a child not in school or receiving suitable education under section 436A for example:	Proposed additional information	Individual level	No

• enquiries with GPs, housing providers, police and so on • liaison with other officials for example children's social care • arrangement with doctors/hospitals to notify LAs of children who appear not in school or at risk of harm			
Previous school(s) attended	Proposed additional information	Individual level	School census EHE/CME collection - school type only
Whether a child is a young carer	Proposed additional information	Individual level	School census
Whether the child would be considered eligible for Free School Meals if in school	Proposed additional information	Individual level	School census CME collection (aggregate level)

Understanding use of out-of-school education providers *Purpose: to help understand how children receive their education, and the contribution made by out-of-school education providers*			
Information Item	**Status**	**Proposed return to Department for Education**	**Comparable information already collected through existing Department for Education data collections**
Name(s)/address(es) of provider(s)	Required for collection by local	Not collected(?)	No

	authorities under the Act		
Description of type(s) of provider(s) used to provide child's education	Required for collection by local authorities under the Act	Aggregate level	No
Estimate of total time child spends receiving education from providers	Required for collection by local authorities under the Act	Individual level	No
Number of preliminary notices issued	Proposed additional information	Aggregate level	Yes
Number of SAOs issued, revoked, prosecuted	Proposed additional information	Aggregate level	EHE/CME collection -issue and revocations only
Support being requested and/or offered under the support duty	Proposed additional information	Aggregate level	No
Number of engagement forums held in previous year and number of attendees at each	Proposed additional information	Aggregate level	No
Consideration of the child's home/learning environments • number of cases not yet considered • number of cases where considered and	Proposed additional information	Individual level & aggregate level	No

no concerns raised • number of cases where considered and concerns raised			
Use of home visits and outcomes of visits/refusals: • number of visits • number of refusals • number of homes/LEs assessed • number of assessments leading to no concerns • number of assessments leading to further actions	Proposed additional information	Individual level & aggregate level	No
Number of complaints received from parents versus number resolved	Proposed additional information	Aggregate level	No

Outcomes for children not in school Purpose: to help gain a better understanding of the extent to which children not in school are accessing formal qualifications, and the educational outcomes for these children			
Information Item	**Status**	**Proposed return to Department for Education**	**Comparable information already collected through existing Department for Education data collections**

If the child is/will be preparing to sit any formal qualifications in the current academic year	Proposed additional information	Individual level	School census
Qualification type, subject and exam board	Proposed additional information	Individual level	School census
What exam centre/school is providing the service	Proposed additional information	Individual level	School census

Department for Education

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