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CHILDREN, SCHOOLS AND FAMILIES BILL

CLAUSE 26 AND SCHEDULE 1: HOME EDUCATION

POLICY STATEMENT

Regulations and Statutory Guidance

Schedule 1 to the Children, Schools and Families Bill provides regulation making powers relating to the registration and monitoring of home education, including the appeals mechanism. New sections 19A to 19H set out these powers which cover:

Section 19A - maintenance by local authority of home education register;

Section 19B - manner in which application is to be made and entry of a child's details on the register;

Section 19C - supplementary provisions relating to an application including information to be included in the application; statement about the prospective education; provision for an undertaking to be provided by a parent; and the entry by the local authority of the child's details on the register including steps to be taken by a local authority; power for local authority to provide for a period within which a repeat application may not be made; and what details should be entered on the register;

Section 19D - registration period - no regulation making power;

Section 19E - monitoring the provision of home education - no regulation making power;

Section 19F - revocation of registration including steps to be taken by an authority in relation to revocation or proposed revocation, what should and should not be taken into account;

Section 19G - appeals against refusal to register or revocation;

Section 19H - supply of information to a local education authority in England exercising its home education functions.

Section 19I provides a power to make statutory guidance in relation to the registration and monitoring arrangements.

What follows is a policy statement which draws out our initial proposals for regulations and guidance once the Bill becomes law. It is intended to support debate and consultation as the Bill passes through the Parliamentary process. Any regulations and guidance will be subject to full public consultation.

General

Current Position

Local authorities are currently not under a duty to monitor home education on a regular basis but they are under a duty under section 436A EA 1996 to have arrangements in place to identify

children not receiving a suitable education. Subsection (b) of section 436A makes clear that this provision does not relate to home educated children that are receiving suitable education. However, in order for a local authority to establish whether the education is suitable, the duty supposes some kind of investigation by a local authority. Arguably it imposes an obligation to act. Currently this can only be done with the co-operation of those home educating parents that the local authority know about. Our proposals for registration and monitoring will ensure that all home educated children are known to their local authority and none are missing out on their education.

If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education either by regular attendance at school or otherwise then that authority is under a duty under section 437 of the Education Act 1996 to take steps under the school attendance order framework. The school attendance order framework is about ensuring that all children receive a suitable education - whether by regular attendance at school or otherwise. It is for local authorities to determine in this context what is "suitable education" where a child is being home educated. In practice, the current lack of effective monitoring arrangements means that local authorities have had difficulty in carrying out their responsibilities where these involve a home educated child where parents have been unwilling to cooperate with monitoring requests. Our proposals will help overcome those obstacles and assist local authorities in focusing their efforts on children who are missing education as opposed to wasting time and public money pursuing home educators who are providing an adequate standard of education but who are unwilling to provide reliable evidence to their local authorities.

A New Approach

Home education is a well-established and important part of our education system. England is and will remain under our proposals one of the most liberal countries in the developed world for parents who choose to home educate. Our reforms will have minimal impact on home educators who are doing a good job - unlike many other countries, parents will be able to follow the wide range of different educational philosophies they currently adhere to, including autonomous learning. Home educated children will not have to follow the National Curriculum, take SATs tests or other public examinations. They will not have to observe school hours, days or holidays.

For most home educators who already work harmoniously with their local authorities, the provisions in the Bill will bring little change on the ground. However, when combined with our wider proposals, home educators will have much better access to support if their children have special needs, or want to attend college, or take public examinations. There will also be funding to help local authorities provide support to home educators such as access to school libraries, music lessons, after school clubs and sports facilities.

For the arrangements to be successful there needs to be co-operation between home educators and local authorities. They must recognise and respect each others' responsibilities. Local authorities must respect the right of parents to decide the educational approach of their child, and the current Bill reinforces the well established principle that parents are responsible for the education of their children, not the state. Home educating parents and their children should respect local authorities' duty to ensure that every child in their area is being educated and assist them in discharging this duty in a way that is cost effective for the taxpayer. As well as monitoring, our proposals envisage local authorities adopting a more supportive role to home educators in their area and home

educators becoming more involved in shaping their local authority's policies and practices that relate to home education.

Guidance will recognise that home educators and their children are a diverse group who are home educating for many different reasons. Many will be home educating because their child has not had a positive experience of school; others will have a philosophical preference for an educational approach which is very different from that offered in school. The local authority should approach monitoring from the perspective of collaboration and support, and make every effort to make arrangements for monitoring which are tailored to fit family routines.

For these reasons local authorities need to approach registration and monitoring with the widest possible perspective on what constitutes a 'suitable and efficient' education recognising that home educated children do not have to follow a prescribed curriculum, take tests or examinations, follow school hours or use any particular resources. There must be a focus on whether the home educated child is learning and making progress appropriate to their individual needs and aptitudes. Monitoring must also be carried out in a supportive way, with the LA listening to the family, and doing everything possible to respond to the reasonable requests of home educating families for support, bearing in mind the cost and efficiency of delivery.

Local authorities should establish mechanisms for engaging with representatives from all parts of the home educating community in establishing arrangements for monitoring. We would expect the home educating community to be involved with commissioning monitoring arrangements, support services and in providing training to local authority officials carrying out monitoring.

The regulations and guidance on registration and monitoring arrangements will recognise that the interests of the child are of paramount importance. The focus of the arrangements in the Bill is on the education of the child. Where in the course of monitoring safeguarding concerns come to light these will be addressed through existing child protection legislation which is entirely separate from the educational arrangements set out in the current Bill. The following statement outlines our proposals in more detail for the regulations and guidance.

THE REGISTRATION SCHEME

The Register: Content and Application Process

Section 19A requires a local authority to keep a register of home educated children. Subsections (2) and (3) enable regulations to be made about the way in which local authorities will maintain and amend the register.

We envisage that regulations relating to the maintenance of the register will cover matters such as the local authority's duty to keep the register up to date, making it clear that local authorities can keep the register in any format that is effective eg paper or electronic. The regulations will clarify that the register will not be publicly available and that access to the register must be restricted to people who need to inspect the register in order to gain information about a home educated child for the purposes of carrying out other functions of the local authority (for example in relation to children missing education or safeguarding) or else the monitoring or support of home education.

We envisage that regulations covering maintenance and amendment of the register will require local authorities to accept information from parents in a manner that is least burdensome, for example in writing, by electronic means or by a telephone call. They should also make provisions for allowing local authorities to make changes to the register where information other than from the parent suggests that the register needs amending - when the family moves house, for example without notifying the local authority. These provisions will ensure that where details are incorrect owing to an oversight by the parents, amendments to the register can be made by the local authority rather than the local authority having to consider revocation under 19F (1) (b) and a fresh application to register.

Sections 19B and 19C provide that regulations will cover the manner in which the application will be made, what needs to be included in an application and the entry of a child's details onto the register.

Manner in which the application will be made: Local authorities will decide how they want to populate and maintain the register, for example on line, in writing or in person; at the local authority's offices, at a school or at a library or other public building. Guidance will say that in doing so they should take into account the views of home educators locally about how the process might work and operate on the principle that registration should be convenient for home educators. It would be best practice to agree arrangements through the consultative forum that Graham Badman's report on home education suggested each authority should create.

What is to be included in an application : Regulations will provide that applications for a child's details to go on the home education register should include the child's name, address and date of birth; gender; race; religion; special educational needs including whether or not the child is statemented; whether the child has any disability; the names and addresses of those with parental responsibility; other addresses the child has lived at over the past 5 years if of compulsory school age; contact telephone number(s) and email address; place of education, or where most education is carried out if different from the residential address; name of person providing the education if not the parents; details of any previous refusal of or revocation of a registration to home educate and details about the reasons for refusal and the local authority in whose area this refusal or revocation took place; details of any school attendance order served; name of any school that the child has been withdrawn from prior to being home educated. Parents may refuse to supply information such as race, religion and special educational needs but must supply the other information specified. An application should be made within 20 days of the start of home education although there will be transitional provisions covering those parents who are already home educating who we propose should be given 3 months to come forward for registration once the relevant provisions in the Bill are commenced.

Applications will also have to include a statement giving information about the child's prospective education. Regulations supported by guidance will set out what should be included in this statement and the form it should take and more information on this document is provided at para 29 below. We envisage that it should be provided in written or electronic form as best suits the parents. Regulations will also provide for flexibility around the provision of this statement, so that if a parent is unable to provide the statement with the initial application information (because for example they need more time or support from the local authority to prepare it) regulations will specify that a parent may give an undertaking to provide the statement within a period determined

by or in accordance with regulations which we envisage should not be more than three months after the date of application. Information such as names, addresses, contact details, previous history of home education registration and the statement of prospective education (or an undertaking to provide one) will be core information and if it is not provided the application will not be “in the prescribed manner” and the local authority will be unable to register that child. Guidance will make it clear that local authorities should work cooperatively with parents and should assist them in registering through ensuring that administrative errors in applications (eg dates that are inconsistent) are investigated and rectified promptly and in a manner that is not onerous to applicants.

Local authorities will be able to specify a period, prescribed by or determined in accordance with regulations, within which an application to enter on their home education register the details of a child whose previous application has been refused or revoked, may not be made unless the authority is satisfied that there has been a change of circumstances that justifies an application being made within that period. We envisage that the local authority will have discretion to determine a period on a case by case basis not exceeding one year, within which no repeat application may be made. The period specified by the local authority should reflect the authority’s assessment of how long it will take for circumstances to change such that parents might reasonably expect that a renewed application would stand a reasonable chance of success.

The regulations will also specify the information to be held on the register which is likely to include the child’s name, address and date of birth; names and addresses of those with parental responsibility; other addresses the child has lived at over the past 5 years if of compulsory school age; contact telephone number(s) and email address; place of education, or where most education is carried out if different from the residential address; any previous refusal of or revocation of a registration to home educate and details about the reasons for refusal and the local authority in whose area this refusal or revocation took place; name of person providing the education if not the parents; gender; race; religion; special educational needs including whether or not the child is statemented; and any disability.

Information of a statistical nature such as gender, race, religion or special education needs will not be a requirement for registration although applicants will be encouraged to provide it in order that local authorities can provide appropriate training for staff, ensure that appropriate staff are selected to conduct monitoring, and in order to inform national policy

Where a family has more than one child that is being home educated, a separate application will be needed in respect of each child although local authorities should identify ways to simplify the registration process for families with several children, particularly where the details supplied in respect of each child are similar.

Registration of a child: Once an application has been made in the prescribed format the child must be registered unless one of the specific grounds for refusing the application set out under 19B is satisfied. There is therefore a presumption of registration unless one of the specified grounds is satisfied. The grounds are (broadly), previous refusal or revocation of a home education application; inaccurate or inadequate information; and welfare issues.

The local authority will have a discretion to register (or refuse to register) where a previous

application has been rejected, registration has previously been revoked, or a school attendance order has been served and is still in force. Regulations may make provision about matters that are or are not to be taken into account by an authority in making any decision not to register and what steps should be taken by a local authority in the process of making its decision. In relation to a decision to refuse to register on these grounds the regulations will make it clear that the grounds for refusal or revocation must be substantial to protect parents from arbitrary decisions or those with a purely administrative basis. In respect of the local authority discretion to refuse registration where registration has been previously refused or revoked we envisage that each case must be considered on its own merits. The sorts of factors which might affect this are where there have previously been educational or welfare concerns but circumstances have now changed.

The local authority also has a discretion to register (or refuse to register) if it considers that material information provided by the parents is inaccurate or that material information relating to the application has not been disclosed. Regulations will provide that the authority should consider whether to contact other local authorities, children's services colleagues and/or schools if they think it is likely that they will have information that has a bearing on the application to home educate. Regulations will also specify that local authorities will not be required to accept another authority's decision to refuse or revoke registration but can take it into account when receiving applications from home educators moving into their area. There are provisions in the legislation which will allow local authorities to share information amongst themselves relevant to home education registration decisions to ensure that families moving from place to place can register as quickly and efficiently as possible (19 H).

Section 19B requires LAs to refuse registration where they consider that home education would be harmful to the child's welfare. Regulations and guidance will set out the sorts of circumstances in which this will or will not be appropriate and what steps local authorities will have to take in reaching any decision on a child's welfare. The sorts of circumstances where we envisage that local authorities may have to consider carefully whether in their view home education may be harmful to the child are, for example, where a child has a child protection plan which specifies that the child must attend school, or where the local authority considers that the child is a child in need (s17 Children Act) because they are suffering or likely to suffer significant harm. This may include cases where there is a history of domestic violence, serious neglect, domestic chaos related to mental illness or addiction, or other forms of child abuse. Local authorities may also decide that children who are the subject of a s47 Children Act enquiry may not be registered because of the circumstances that triggered the enquiry. We expect these cases to be very few in number with local authorities considering each case on its merits [and without making any general rule about particular types of case]. Parents refused registration will be informed of the grounds for this decision and will have the right to appeal against the decision to an independent panel.

Regulations will require local authorities to acknowledge applications for registration and to make a decision on registration within a reasonable period, possibly 20 working days. Local authorities may not make any charge for registration or monitoring.

Statement of Educational Provision

Guidance will make it clear that the education statement should not be a significant burden on parents and it will not require detailed curriculum or teaching plans. In the current guidelines to

local authorities on home education we advise them that they may reasonably expect the provision of home education to include the following characteristics: “consistent involvement of parents or other significant carers...; recognition of the child’s needs, attitudes and aspirations; opportunities for the child to be stimulated by their learning experiences; access to resources/materials..”. These guidelines are well regarded by home educators and we would expect an education plan to contain these sorts of characteristics.

Regulations will set out the information needed in the statement and the form it should take. We envisage that the statement will contain three types of information. First, it must set out the educational needs of the child, and contain any relevant background information which affects the way education is structured and delivered. This may include information about special educational needs, any particular aptitudes the child has, such as sporting or musical ability, the child’s wishes (particularly for older children who may be preparing for employment), any issues affecting wellbeing, such as bullying, and refer to prior attainment at school or otherwise, and any assessment of potential if available.

The second type of information will be the educational philosophy or approach to be adopted. This might cover the degree of formality of education, any specific curricula that will be followed, or qualifications pursued.

The third piece of information will be outline plans for the forthcoming year. We recognise this will be particularly difficult for new home educators who might like to submit provisional plans and update them at a later stage once they have explored the best approach that suits the family. For some families these plans will be well structured but for others adopting an autonomous approach they may be able to do no more than set out the range of opportunities that are available to their children, although - depending on our review of suitability - there may be broad parameters such as those set out by the recent Select Committee report - numeracy, literacy and breadth (see section on monitoring below).

We do not expect families to submit detailed curricula, nor to make detailed commitments in their plans. We anticipate that all plans will be open to change as new opportunities present themselves, and children develop new interests so we would expect local authorities to consider the plans flexibly in monitoring, recognising that home educators will want to fine tune provision to the opportunities available in their locality and the changing needs of their children.

We envisage plans should cover around 2 sides of typewritten A4 paper as a very rough guide to the extent of detail that should be provided.

Where local authorities have committed to provide support, we would expect this to be detailed in the education plan and for the quality and extent of that support to be part of the monitoring discussion at the end of the year

Section 19D provides that the registration period is annual beginning with the date on which the application for entry of the child’s details on the register is received by the local authority. There are no regulation making powers in this section. Guidance will make it clear that local authorities should make every effort to make it straightforward for parents to reregister if home education is continuing once the annual period of registration is close to an end. Parents should not be expected

to submit a full reapplication if home education is continuing and most details are unchanged. The guidance will recommend that local authorities explore whether reregistration can be effected alongside monitoring if that accords with the wishes of the parents, as for many families that may be the simplest course of action. If this is not feasible, we would expect local authorities to contact home educating families 3-4 weeks before registration expires to confirm whether or not registration is to continue, and whether any details have changed. In particular local authorities should work with parents to see whether the existing education statement can be notated with minimal effort on the part of parents, and local authorities should explore whether this could be incorporated into the monitoring visit if that is the easiest approach for parents.

Section 19F sets out the specific circumstances in which registration can be revoked. Subsections (5) and (6) enable regulations to make provision about steps to be taken by a local authority in connection with revocation or proposed revocation and to make provision about matters that should or should not be taken into account in determining whether any of the revocation conditions are met or whether to revoke. Our main concern here is through the regulations to make sure that local authorities do not make arbitrary decisions, act reasonably and do not revoke registration if, for example, a parent makes a small administrative mistake, or if there is a misunderstanding about practical arrangements for monitoring.

We envisage that the regulations covering revocation will include the steps that local authorities must take when they are considering revoking registration, for example communicating by letter and telephone with parents at the last known address and giving parents a reasonable length of time to respond (possibly 2-3 weeks for example). Local authorities will need to bear in mind the arrangements of families who are mobile and make appropriate arrangements for these families so that they can maintain contact if the family is likely to return to the area in order to avoid repeated revocations and reregistrations. Guidance will make it clear that local authorities should at the point of registration ascertain whether any particular communication difficulties are likely to arise and how these might be overcome in order to accommodate families without a settled lifestyle, or who may spend extended periods at an address other than that at which they are registered. Parents will also have the right to appeal against a local authority's decision to revoke registration.

39. We would expect the local authority to make comprehensive enquiries before revoking registration and to give home educating parents ample time to make representations if they believe the grounds for revocation are unreasonable. They should in particular take advice from appropriate experts before concluding education is unsuitable if it is conducted in accordance with a specific philosophy, from those with relevant SEN if that is a factor in any decision and with social services before revoking registration on welfare grounds. The local authority should also consider whether providing support would assist in the particular circumstances.

Monitoring

40. Section 19E sets out the monitoring arrangements. It does not contain any regulation making powers but statutory guidance under section 19I will be issued. The local authority should make every effort to accommodate parents in carrying out monitoring. The section requires local authorities to make arrangements with a view to ascertaining so far as reasonably practicable :

whether education is suitable

whether education accords with their application for registration;

what the child's wishes and feelings about the education are;

whether it is harmful for the welfare of the child to continue with home education.

41. Suitability is at the heart of what the local authority has to consider in determining whether home education is appropriate. An "efficient" and "suitable" education is not defined in the Education Act 1996. In *Harrison and Harrison v Stevenson* (1982) the Court of Appeal defined education as 'the development of mental powers and character and the acquisition of knowledge through the imparting of skills and learning by systematic instruction' and 'systematic' as something that 'achieves that which it sets out to achieve'. The judgement then made the further stipulation that efficient education must be 'such as to prepare the children for life in modern civilised society and enable them to achieve their full potential'.

42. "Efficient" has been broadly described slightly later in case law (Mr Justice Woolf in the case of *R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei* 1985) as an education that "achieves that which it sets out to achieve", and a "suitable" education is one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".

43. In his report to the Secretary of State following his review of home education, Graham Badman argues that it would be wrong to seek to legislate in pursuit of an all embracing definition of "suitable". However, he goes on to say that such is the demand and complexity of 21st Century society and employment that further thought should be given to what constitutes an appropriate curriculum within the broad context of home education. Such a curriculum must be sufficiently broad and balanced and relevant to enable young people to make suitable choices about their life and likely future employment.

44. In their report of their inquiry into Graham Badman's review the Children, Schools and Families Select Committee also reflect on the issue of suitability. They are concerned that any monitoring of home education provision should not undermine the flexibility and freedom currently enjoyed by home educating families in relation to their child's learning and development. On autonomous education they recognised that, when overseen by a parent who is committed to his or her child's education, this approach might work well for a child. However, they also recognise the difficult balance between protecting autonomous education and ensuring that all children have the prospect of gaining basic literacy and numeracy skills and of gaining an awareness of the full range of fields of knowledge open to them.

45. The Committee took the view that without such skills and awareness a child could not hope to thrive, let alone achieve his or her full potential and access a choice of careers. They formed the view that there should be a more precise definition of what constitutes "suitable" education and that it must enable local authority officers to tackle situations where the child has no prospect of gaining basic literacy and numeracy skills efficiently or where there is no breadth to their education. It must, then, encompass a positive expectation in relation to, at least, the acquisition of basic skills and reasonable breadth.

46. Our existing guidelines make it clear that a suitable, full time, efficient education cannot be

determined by the same methods that apply in schools. Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, but this measurement of “contact time” is not relevant to home education where there can be almost continuous one-to-one contact and education may take place outside normal “school hours”.

47. The guidelines go on to state that the type of educational activity undertaken can be varied and flexible. Home educating parents are not required to:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards.

48. We will soon commission work to establish whether the current interpretation of ‘suitability’ needs to be updated to provide a definition that takes account of developments in education policy and practice over the years. We intend to commission work to examine whether we can develop a set of principles describing good quality learning in home education, possibly along the lines of those set out in the Independent Schools Regulations, although less detailed and prescriptive.

49. From those principles would flow guidance on factors that local authorities would need to take into account in monitoring home education in different circumstances - for example where children have special educational needs, where they have been bullied or suffered from school phobia, or where they are following an approach such as Montessori/Steiner/autonomous. In this way we would set out the considerations that would apply either to individual children, or to the way education is carried out.

50. The new guidance will include descriptions of what this means based on the review of suitable and efficient education that we are undertaking (para 62). The guidance will make it clear parents are not required to have any qualifications to teach their children and they are not required to teach a specific curriculum. Parents will also not be required to set tests or put their children forward for examinations. The guidance will give additional information for those parents who wish to access existing curricula or programmes of study and examinations.

51. Guidance will emphasize that, so far as is practicable, monitoring will be carried out informally, with parents and children describing the education that has taken place during the year, their plans for the following year, and discussing with the local authority any support they would like to receive in the short or medium term. Parents and local authorities should agree at the point of registration the extent to which monitoring will be carried out more formally through written

reports, provision of work samples etc, or informally through discussion with the parent and the child. We would expect local authorities to be flexible in accommodating the wishes of parents and children which may change over time, particularly when parents start home educating after withdrawing their children from school.

Assessing the Education of the Child

52. The role of the local authority in monitoring is primarily to assess whether the child is receiving a suitable education. Where the child is receiving a suitable education, the local authority should monitor on a light touch basis. Where the child is not receiving a suitable education the local authority will need to consider whether further support will enable the parents to provide a suitable home education. The regulations will set out what the local authority can or cannot take into account when making that decision and guidance will make it clear that in exercising these powers local authorities' aim should be to help the parents to continue to home educate if that is what they want. The educational interests and welfare of the child must be paramount in local authorities' decision making.

53. The guidance will emphasize that any local authority officer engaged in the monitoring of home education must be appropriately trained so that they understand the diversity of approaches that are taken by home educators and are able to make a professional judgement about the education being provided. They will also be appropriately trained in family engagement techniques including speaking to child and ascertaining the wishes and feelings of the children. Local authorities may wish to commission support from the private and voluntary sector in monitoring home education where children have specific needs, or where parents are adopting philosophies where the private/voluntary sector has particular expertise.

Seeing the Child

54. For the vast majority of families an informal meeting with the parents and the child once a year to discuss the progress the child has made and any additional support that might be needed is all that will be required. The statutory guidance will make it clear that the focus of the meeting will be on support and encouragement.

55. Section 19E(4) includes a separate power for local authorities to see the child alone without the parent present. This means that local authorities may ask to see the child on their own, but the child and/or the parents can refuse to agree to such a meeting. In most cases there will be no need to see the child alone and in some cases it will not be appropriate - for example children with particular types of special educational needs, and young children who may not be accustomed to speaking to people they rarely meet. The local authority should consider whether it is most appropriate for two people to be present when the child is seen alone, and there may be cases where it might be appropriate to have another adult present that the child knows and trusts, if the interview is being conducted without the parents present.

56. The guidance will set out the sorts of circumstances where this power may be exercised. We envisage this would be where there is no evidence that the child has received the education described by the parents, little or no evidence that the education meets the needs of the child, or where there are doubts that the child is resident at the registration address - and where these

matters can only be resolved by talking to the child without their parents present. These circumstances will be rare, but it is important that the power is available when all other efforts to establish whether education is 'suitable' have failed.

57. The Bill allows parents to refuse to allow the child to be seen on their own and for the child to refuse. Refusal to co-operate with a request is one of the grounds on which a local authority can revoke registration but only if refusal means that the authority has not had an adequate opportunity to ascertain the matters referred to in 19E (1). Refusal to comply will not automatically result in the revocation of registration if information can be obtained from other sources. The regulations and guidance will set out the things that local authorities can and cannot take into account when exercising their discretion to revoke on the grounds of non co-operation with a request to meet the child. In the case of revocation on these grounds, this will include ensuring that they have genuine concerns or doubts which cannot reasonably be resolved by other means, such as reports from other home educators or others who have seen the child, or other agencies that may have involvement with the child. Local authorities will have to show that proper consideration has been given to the circumstances of the family including the age, maturity and special needs of the child.

58. The place that a child's learning is conducted is an important factor in a child's education and the Bill places local authorities under a duty to make arrangements to visit the place where education mainly takes place. In most cases a meeting in the home should be more convenient for the family and more comfortable for the child who will be in familiar surroundings and it will enable the local authority to gain assurance that the environment is conducive to education. The Bill requires local authorities to give 2 weeks notice of any proposed meeting and our guidance will ask local authorities to be flexible in making arrangements that suit the circumstances of parents.

59. In most instances the home will be the place where education takes place, but this is not always the case - the child may be educated in a part time establishment of some sort and in that case it would make sense for the meeting to take place there

60. Meeting the family to discuss progress is a key part in satisfying the local authority that the child is receiving a suitable education, and will also enable the family and local authority to discuss any additional support that might be helpful. Where a family refuses to co-operate with a reasonable request to meet with the local authority, the local authority can consider whether this so inhibits their ability to determine those factors that the local authority are required to ascertain for the purposes of monitoring a child's home education under 19E (1). This could be taken into account in considering revocation under 19F (1) (e).

Wishes and Feelings of the Child

61. Section 19E (1)(c) requires the local authority, so far as reasonably practicable, to ensure that through their monitoring of the home education being provided, the local authority takes into account the wishes and the feelings of the child. The guidance will set out what local authorities should factor in here but clearly such guidance cannot be exhaustive. Local authority officers will need to be properly trained. A child saying that they do not want to be home educated would not of itself be sufficient reason to revoke registration and the age and maturity of the child would need to be taken into account. If this happened, the local authority would want to discuss with the

parents how the family might better meet the wishes of the child. If there were other concerns about the education provided not being suitable then the wishes and feelings of the child would be a consideration in deciding whether revocation was appropriate, again bearing in mind the age and maturity of the child.

Review of Suitable and Efficient Education

62. Parents are already required to ensure that the education they provide for their child at home is suitable to their age, ability and aptitude, and any special educational needs they may have.

63. The Bill does not change that but in the Government's response to Badman Report we have said that we will review the definition of what constitutes a 'suitable' and 'efficient' education in the light of recent developments such as the Rose Review, the Every Child Matters outcomes and the current arrangements for assessing and delivering the curriculum throughout the statutory school years. In commissioning the review we will give home educators an assurance that they will not be required to follow the National Curriculum, or the Early Years Foundation Stage, nor for their children to take any statutory tests or national qualifications. We already accommodate a wide range of educational approaches and philosophies in independent schools, which respond to the wishes of parents, and we anticipate that we will see even greater variation in the approaches taken by home educators.

64. The review will build on existing case law which refers to preparing children for life primarily within their own community, while not preventing them pursuing a different form of life if that is what they choose as adults. This means that home educated children and their families continue to have a wide discretion to determine the education of their child. The review will be conducted in the context of examining how local authorities can determine that home educators are receiving a suitable education bearing in mind the diversity of approaches that they take. It will involve a wide spectrum of people reflecting the diversity of home educators so as to take account of the full range of approaches to learning at home. It will also be particularly important that those with expertise in the education of children with special educational needs are involved.

65. Guidance made under section 19I will set out any revised interpretation on the issue of suitability of education following on from the review.

Appeals

66. Section 19G gives parents the right to appeal against a decision by a local authority to refuse or revoke registration. Regulations will determine the powers of the appeal panel. Subsections (1) and (2) provide regulation making powers. The framework for the appeal will be set out in regulations and accompanied by guidance to ensure that appeals are informal and impartial along similar lines to school admission appeal panels. The panel will be independent from the authority and will comprise three people, all of whom have been trained in appeal arrangements. Panels should include at least one person who has a professional educational background, at least one person who has experience of home educating and a lay member. Local authorities will be responsible for establishing the panel and for providing administrative support.

67. The panel will consider written and oral evidence provided by the parents and the LA and will

be able to seek clarification and information. The child will also be asked to give their views. The powers of the panel will be set out in regulation. It will be completely independent from the original decision maker; it will be able to reconsider the facts and merits in every case; it will be able to establish facts by reference to written and/or oral evidence from all relevant persons. The panel will be able to decide that a decision to revoke or refuse registration should be upheld or not upheld. We envisage that a panel may also be able to, for example, recommend registration but attach conditions - such as the provision by a home educating parent of an address or the arrangement of a meeting between the parent and child and the local authority. Where the decision of the local authority is not upheld, the LA must enter or reinstate the child's name on the register for the remainder of the registration period. Where the decision is upheld the parents cannot continue to home educate their child or reapply for registration for the period specified by the local authority in accordance with the regulations concerning repeat applications. The appeal panel regulations will set out the timescale within which an appeal should be heard and set out the administrative process for lodging an appeal.

68. We anticipate that local authorities exercising good practice will want to have a review process in place which parents can use initially before having to appeal and we will set out this expectation in guidance. Parents will also have the right to seek judicial review of any panel decision and, if they considered that there was maladministration, could complain to the local government ombudsman.

Supply of Information

69. Section 19H enables regulations to be made requiring local authorities, maintained schools and the proprietors of independent schools to supply a local education authority exercising its home education functions with information. It is intended that this will provide for the situation where a local authority receives an application from the parent of a child who has previously been registered elsewhere or who has been withdrawn from school to home educate. The information requested will include any reason for refusing or revoking registration; whether there is a school attendance order in place relating to the child; information about the current educational attainment of the child; and any particular needs he or she might have that should be taken into account as parents and the local authority make plans for supporting home education.