



Department
for Education

Children not in School

Schools Bill Factsheet

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Schools Bill Factsheet: Children not in School

What is the Government's policy objective?

All children are entitled to receive a world-class education that allows them to reach their potential and live a fulfilled life, regardless of their background. This may be achieved through attendance at school or otherwise, by parents' exercising their right to elective home education (EHE). To help achieve this objective, it is necessary for local authorities to be able to identify children who are not registered pupils at a school and who may be children missing education (CME) if they are not receiving an education suitable to their age, ability and aptitude and any special educational needs. The government's plan to place a duty on local authorities to provide support to families who register and educate their children at home will help toward ensuring that all children of compulsory school age, regardless of where they are educated, are well supported and as many as possible receive a high standard of education.

While we know that many parents who home educate do so well, often to a high standard, this is not the case for all. Some may be deemed to be 'home educated' but in reality are educated mainly or entirely through attendance at unsuitable settings, such as unregistered independent schools; and there is a risk for a number of other children that their education is simply unsuitable, because their parents are not able to educate them effectively at home, or the children are not being educated at all.

The government's objective therefore is to ensure that all parents who decide to educate their child at home are supported to provide them with a suitable education, and that local authorities have the tools at their disposal to help them to carry out their duties in relation to education and safeguarding.

The government takes safeguarding seriously. Schools, colleges, and local authorities have a number of responsibilities, duties and guidance that are there to keep children safe from harm (e.g. [Keeping Children Safe In Education](#)). However, further work needs to be done to ensure *all* children are safeguarded, regardless of how they are being educated.

What does this measure do?

This measure will place a duty on local authorities in England to establish and maintain Children Not In School (CNIS) registers, and to provide support to home educators. The registers will record eligible children of compulsory school age that are: electively home educated, flexi-schooled, or receive alternative provision in an unregistered setting (unless an exception applies, to be set out in regulations, such as where the proprietor of a school has made such arrangements). The registers will help ensure local authorities are aware of the children not in school in their area so that they can undertake their existing responsibilities more effectively, which include trying to identify CME. Parents, and certain providers of out-of-school education (meeting a prescribed threshold to be set out in regulations), will be required to provide information for this register. As part of this measure, changes are to be made to School Attendance Order (SAO) legislation for

England to help increase efficiency of the process. Furthermore, where local authorities will be required to commence the SAO process where parents fail to comply with certain duties to provide information for a local authority's register (in these cases apparent non-compliance becomes a trigger for action in the same way as a situation where it appears the child is not receiving suitable education).

Why is legislation needed?

There are increased concerns about the rising numbers of children not on a school roll (either due to being home educated, attending full-time non-school alternative provision, or missing education completely), and how some of these children may not be receiving a suitable education or not be known to the local authority at all. Whilst some local authorities maintain voluntary EHE and/or CME registers, there is little consistency or centralised analysis. The Association of Directors of Children's Services survey and local authorities report increasing numbers of home-educating children year-on-year, particularly during the Covid-19 pandemic where numbers increased by 38% between 2019 and 2020¹. While we know many parents who choose to home educate are very committed and do so in the best interests of their child, in some cases the reasons for home educating are not for the best education of the child and the education being provided is unsuitable. There is therefore a greater need for local authorities to be able to identify these children to assure themselves about the education being provided. Registers will ensure consistency across local authorities and will be a valuable tool to support them with their existing duties, including ensuring all children receive a suitable education and are safeguarded.

Currently there is no requirement for local authorities to maintain registers, nor is there a requirement on parents to inform anyone of their decision to home educate. Every local authority has a statutory duty to satisfy themselves that every child of compulsory school age is receiving that suitable education, however this duty cannot be fulfilled when an authority is unable to accurately identify where and how a child is receiving their education. Alongside the duty on parents to provide necessary information on their child's education should they not be in school to the local authority, a duty on certain out-of-school education providers to reactively provide information to the local authority will help ensure that as many children as possible that should be on a register are.

We want each local authority's register to include all children of compulsory school in its area who are not a registered pupil at a school maintained by a local authority, a non-maintained special school, an alternative provision academy, or a registered independent school. This means it will include children who have their education arranged by the local authority via section 19 of the Education Act 1996 in settings that are not state-funded schools or registered independent schools. This education is commonly referred to as unregistered alternative provision.

We are aware of instances where CME are receiving part or all of their education in unregistered, and sometimes illegal, education settings. There may be times when a

¹ www.adcs.org.uk/assets/documentation/ADCS_EHE_Survey_2020_FINALweb.pdf

parent of a child tells their local authority that the child is being educated at such a setting and the authority need to check whether this is true. However, the setting may refuse to provide any information and under current law cannot be compelled to do so. There may also be times when a child is attending a setting full-time, but the child's parent conceals this fact from the local authority to avoid the setting being identified as an unregistered independent school. Legislation is therefore needed to ensure that settings in scope share important information with local authorities.

Where local authorities must use the SAO process when a parent does not provide necessary information for a local authority's register, there is a need to bring the sanctions for not complying with SAOs into line with sanctions for children who are registered at school not attending their school. There is also a need to ensure the SAO² processes which currently apply only to maintained schools and pupil referral units are extended to apply to academy schools and alternative provision academies to bring consistency of approach. A breach of a SAO is punishable by a fine of up to £1,000, compared to a fine of £2,500 for the offence of knowingly failing to cause a child to attend the school at which they are registered. There is therefore an incentive for some parents to remove their child from school under the guise of EHE, and not provide a suitable education.

In relation to the enforcement of SAOs, the government intends to tighten up the process and remove the existing need to create a new SAO every time a breach occurs. Currently, if a parent is convicted of failure to comply with a SAO and continues to breach the order by not sending their child to school, the local authority can take no further action to enforce that order. They must go through the process of assessing whether a suitable education is being provided and making a new order and prosecuting the parent for breach of that new order if it is not complied with. It is also not an offence for a parent to comply with an SAO by sending their child to the named school for a single day, and then withdraw again.

The government is of the view that this is not appropriate and is unduly burdensome for local authorities. Where a parent is not suitably educating their child after conviction for breach of an SAO, it should not be necessary for the local authority go through the entire process again to ensure a child is suitably educated. This adds up to a lengthy timeframe, during which a local authority cannot be certain that the child is receiving a suitable education.

What is the effect of the legislation?

The Government is establishing a local authority administered registration system for children not in school i.e. children not registered at a relevant school (e.g. due to being electively home educated), children who are flexi-schooled, or children placed partly or exclusively in unregistered alternative provision (with exceptions in regulations). This registration system and its associated duties were confirmed in the government's [CNIS](#)

² SAOs are the measure available to local authorities where they cannot be satisfied that a parent is ensuring their child receives a suitable education.

[consultation response](#) in February 2022. As set out in that response, the introduction of the registration system will create the following:

- duty on local authorities to maintain registers of Children Not in School
- duty on parents to provide necessary information to local authorities for inclusion on their registers; local authorities will be required to start SAO proceedings should parents not comply with providing this information
- duty on providers of out-of-school education to provide information to the local authority, on request, in cases where they are providing education to an eligible child above a prescribed threshold (which will likely represent a substantial proportion of a child's education), or where the local authority reasonably believes them to be – this includes local authorities being able to impose a civil penalty should providers not comply with such a request
- duty on local authorities to provide support to registered home-educating families where it is requested
- duty on local authorities to share information from their registers
- duty on local authorities to have regard to statutory guidance

The changes to SAO legislation will:

- reduce the statutory timeframes for the issue and process of SAOs to increase efficiency in processing and reviewing orders, and to minimise the time that children may be receiving unsuitable education for
- bring the SAO process for academies in line with maintained schools, therefore creating more consistency among state-funded schools and make the process for local authorities more straightforward
- make it an offence for a parent to withdraw a child who is subject to a SAO from school, except by following the proper procedure for having the SAO amended or revoked; also a parent convicted of breaching an SAO by failing to have their child registered at the named school will be able to be prosecuted again under the same SAO if they continue to breach it in this way
- bring the maximum penalty for breach of SAO into line with the offence of knowingly failing to cause a child to attend the school at which they are registered – this would attract penalty on conviction of up to £2,500 fine or up to 3 months' imprisonment (51 weeks after the commencement of wider changes to sentencing legislation) or both

How will this work in practice?

Duty of local authorities to keep registers of children not in school

Each local authority in England will be required to maintain its own register of children who are not in school. A child will be eligible for registration if they are mainly living in the local authority's area, of compulsory school age, and not a registered pupil at a school maintained by a local authority, a non-maintained special school, an Academy school or alternative provision academy, or a registered independent school.

Children of compulsory school age will also be eligible for registration if they are registered as pupils at schools but do not attend school full-time, including 'flexi-schooled' children, children who attend mainstream school part-time but spend the rest of their time in unregistered alternative provision, and children who are registered at school but attend unregistered alternative provision (part-time or full-time) instead.

The registers will need to contain the child's name, date of birth, home address, parents' names and home addresses, and certain details of how their education is being provided (the details to be set out in regulations, including any persons providing some or all of the education and any institutions at which some or all of it is being provided). Other information will be included in the registers and will be set out in regulations. This could include the child's ethnicity and other demographic information, reasons for EHE, any special educational needs, and information about the child's welfare and general circumstances.

Local authorities will be responsible for maintaining the information on the registers and ensuring it is as accurate as possible in relation to each child. This includes any additional or corrected details as well as the deletion of data where appropriate, including when a child on their register is no longer of compulsory school age and so out of scope of registration eligibility. Requirements about how to maintain the registers will be provided in regulations.

Provision of information to local authorities: parents

The parent of any child who is eligible for registration by a local authority will have a duty to provide the local authority with any of the information that the authority is required to include in the registers (set out above). The parents must also inform the local authority when any of the required information changes or the child ceases to be eligible for registration. Parents will need to provide information to local authorities when their child reaches compulsory school age and meets the other eligibility criteria for registration.

The duty will apply only where the child is electively home-educated (including flexi-schooled). It will not apply where the child is exclusively in unregistered alternative provision, or attending school part-time and in unregistered alternative provision the rest of the time, as in those cases the parent is normally not responsible for the child's becoming eligible for registration and may not have the required information. In the rare situation where a child is in unregistered alternative provision for part of the time and electively home-educated for the rest of the time, then the duty will apply to the parent.

There is no immediate criminal or civil sanction for breach of this duty. However, it is important to make clear that parents in scope must take the initiative in getting their children registered and must cooperate with local authorities' efforts to populate the registers. On that basis, parents who fail to provide the required information within 15 days will be subject to the existing SAO process, on the basis that a parent's failure to comply with their duties creates a legitimate presumption for the local authority that they need to investigate the suitability of the child's education. This would be achieved through the issue of a preliminary notice, which the parent may respond to in the usual

way to in order to satisfy the local authority that suitable education is being received.

Provision of information to local authorities: education providers

Many electively home-educated children will attend out-of-school education provision as part of their parents' arrangements for securing a suitable education. Some children will also be placed in unregistered alternative provision settings. The legislation will require such out-of-school education providers and unregistered alternative provision to provide information to local authorities. Local authorities will have the power to request that such settings provide information for the register.

Where a child is registered in a local authority's CNIS register and the local authority reasonably believe that the child is attending a setting for more than a prescribed proportion of their education (specifics to be set out in regulations), or they reasonably believe that one or more eligible children are doing so (even if they do not know the identities of those children), the local authority will have the power to give a notice to the provider requiring them to confirm whether they are providing education to an eligible child; and, if so, to provide the child's name, date of birth and home address and the name and home address of each parent of that child. Regulations will create exceptions to the duty so that specified, unintended out-of-school settings or arrangements are not brought in scope due to a technicality. This could include informal groups of home educating parents or museums that offer extensive educational programmes to children.

A local authority will also have the power to give a notice to the provider of the out-of-school education to provide the name, date of birth, address and name and home address of each parent of each child of compulsory school age attending that setting above the prescribed threshold. This is a vital element of the measures that will significantly aid the identification of eligible children and to cross-reference information on the registers.

Where a person fails to comply with a notice to provide information within 15 days, or provides false or incorrect information, the local authority may issue a warning notice of their intention to impose a civil financial penalty on that person. The notice should explain why they intend to issue a penalty, the amount of the penalty, and how and when the person can make representations about the matter.

The local authority must consider any representations made by a certain deadline. Having done so, or where no representations have been made, the local authority will be required to either give the person a penalty notice or inform the person that they do not intend to give them a penalty notice. A penalty notice should set out the amount to be paid, the time for payment, the methods of payment, the consequences of non-payment, and details of how to appeal. The penalty will be set in regulations at £2,500 and payable within the deadline set out in the penalty notice (which must be at least 28 days of the issue of the notice). If the person fails to pay, the penalty will increase to a higher amount (set out in regulations) and become recoverable as if it had been imposed in an order made by the county court. A person given a penalty notice will have a right of appeal to the First-tier Tribunal.

Use of information on the register

At present, local authorities are not under a duty to share information with the Department relating to children not in school. Under the new legislation, local authorities must, if the Secretary of State so directs, provide the Secretary of State with information of a prescribed description from their registers. This could include information relating to an individual child or aggregated information.

Local authorities will be able to provide information from their registers, including personal data and sensitive personal data, to persons specified in regulations, which will likely include the police and health bodies, when they consider it appropriate for the purpose of promoting or safeguarding the education, safety, or welfare of a child,³ or any other person under the age of 18.

Where a local authority becomes aware that a child on their register will move, or has moved, to the area of another local authority in England, the local authority must also provide the other authority with the information contained on their register relating to that child. This is an important element to ensure that children do not drop off local authority registers should they move out of the area.

Support

Every local authority must provide or secure the provision of support to any parent of a child registered in the authority's CNIS register to promote the education of that child, where this is requested by their parent.

This duty to provide support is limited to parents who are electively home educating their children only. It will not apply where a child is registered at a school, or where the local authority is required to make arrangements for the child's education under section 19 of the Education Act 1996 or section 42 of the Children and Families Act 2014, i.e. those in alternative provision and those with an education, health and care plan, where local authorities already have relevant duties.

The nature and amount of the support are at the local authority's discretion whilst considering the parent's initial request. In guidance, we will set out expectations that support is provided to any child whose parents requests it, tailoring the level and nature of the support to the degree of the child's needs. More support should be offered to those children that need it most, for instance whether a child has special educational needs or is a child in need.

The support should be provided for the purpose of promoting the education of the child in question. Statutory guidance will set out that the support should, as a minimum, aim to help the parent to ensure that the child is receiving an efficient, full-time, suitable education. If the child's education is already meeting that standard without support from the local authority, any requested support should be aimed at further improving the

³ A 'child' as per the Education Act 1996 is someone of or under compulsory school age. (See section 8 of Education Act 1996 for definition of 'compulsory school age'.)

child's education.

The support that may be provided by local authorities could include, but is not necessarily limited to, the following:

- advice about education of the child
- information about sources of assistance for the education of the child
- provision of facilities, services, or assistance (including financial assistance)
- access to non-educational services or benefits

If the parent has asked for a particular form of support, then that should be considered, though the authority will remain free to decide not to provide what has been asked for. If the parent has set out any relevant information about the child's circumstances or needs, then those should also be considered.

Guidance

The new legislation provides that the Secretary of State may give statutory guidance to local authorities in England about their new duties and functions under sections 436B to 436H. Local authorities in England must have regard to the guidance.

School Attendance Orders

New legislation will amend the School Attendance Order (SAO) process in England. Sections 437 to 443 of the Education Act 1996 will continue to apply in Wales. New sections 436I to 436Q will be added to the Act setting out the process for SAOs in England only. These provisions will create two new scenarios where the local authority must issue a 'preliminary notice' (requiring the parent to evidence that their child is receiving a suitable education): in cases where it appears that a parent of a child who is or may be eligible for inclusion on the CNIS register has been asked for information by the local authority to help the authority work out whether the recipient is the child's parent and / or whether the child should be registered, and has failed to provide the requested information or provided incorrect information to the local authority; and in cases where the person appears not to have complied with some of the parental duties described above under section 436D ('provision of information to local authorities: parents'). A flowchart outlining the new process of considering and issuing of SAOs in cases where a child appears not to be receiving suitable education can be found on page 12.

The new process for England is that a parent who receives a preliminary notice will have no less than 10 days to satisfy the local authority that their child is receiving a suitable education. This minimum timeframe has been shortened from 15 to 10 days as we want to ensure that the time when any child that could be in potential receipt of unsuitable education to be kept to a minimum. Additionally, the preliminary notice will need to be issued by the local authority within 3 days of the event that triggers their duty to issue it. This is a relatively short timeframe on account of the importance for local authorities to act immediately once they have legitimate reason to believe they must investigate whether a child is receiving a suitable education.

The changes will make the process for and effect of SAOs more similar for academy schools and alternative provision academies as they currently are for maintained schools. This means that an academy school may be named in the SAO if admitting the child would not take the academy school above its published admission number or, if that rules out all academy schools (and maintained schools) in a reasonable distance of the child's home, an academy school may be chosen, as may a maintained school, if it is reasonably close to the child's home. As academy schools will be treated the same as maintained schools, they cannot be specified in a school nomination notice if the child's admission would force the school to take prejudicial measures to avoid exceeding the infant class size limit.

The local authority will continue to be required to consult the governing body of any maintained school they intend to name in the SAO or offer the parent as an alternative choice. Following this consultation, the local authority will still be required to inform the governing body if they still intend to do so. Where the named school is an academy school or alternative provision academy, the local authority has a duty to consult with, and serve notices on, the proprietor.

The local authority will need to give this notice to any maintained schools or academy school or alternative provision academy it intends to name within the SAO or offer as alternatives within 15 days of the expiry of the deadline set out in the preliminary notice.

A governing body or proprietor served with a notice of intention to name will have a 10-day period in which to apply to the Secretary of State for a direction that their school should not be named in the SAO. If the Secretary of State gives a direction, the local authority must choose a school or schools in accordance with that direction.

Having narrowed down the list of possible schools, the local authority will need to notify the parent of their intention to make an order, identifying the school they intend to name in the SAO and, if they wish, one or more alternative options for the child to attend. The local authority will need to serve the notice (known as a 'school nomination notice') on the parent within three days of the school's deadline for making an application to the Secretary of State. However, if there is an application, the local authority will need to wait for the Secretary of State's decision before notifying the parent. The local authority will need to issue an order naming that school within three days of the direction.

A parent who receives notice that an SAO is to be issued will be able to influence which school is named in the order in three ways:

- if the notice offers more than one school, they may state a preference for one of the schools mentioned in the notice and that school must be named in the order
- they can try to get the child admitted to a school that is not named in the notice:
 - they may apply for the child to be admitted to an academy school or alternative provision academy or a school maintained by a local authority and, if the child is admitted that school must be named in the order

- if the parent wishes their child to attend a fee-charging school, they can apply to the local authority asking them to pay the fees. If the child is admitted and the application for fee-payment is granted, then the school must be named
- they can apply for the child to be admitted to a fee-charging or other school that is not maintained or an academy school or alternative provision academy, without asking for any fees to be paid by the local authority; if the child is admitted, the local authority must decide whether the school is suitable and, if so, name it in the SAO

In each of these options, the parent will have 10 days in which to notify the local authority of their decision.

With the school selection process complete, the local authority will need to serve the SAO upon the parents. The local authority will need to do this within three days of confirming which school is to be named.

Depending on the type of school named in the SAO, the local authority will need to inform the governing body and head teacher, or proprietor, that their school, academy or alternative provision academy is to be named within three days of making that decision. Proprietors of all those types of schools will have a duty to admit that child to their school once the SAO is issued.

Service of a SAO upon a parent will be able to be carried out by 'any effective method', meaning that if a notice or order is received by the parent, then it is deemed to have been properly served, no matter how it was done. This will provide local authorities with more flexibility in how they ensure an SAO is issued and received and strengthen their ability to enforce it, should it be breached.

Failure to Comply with School Attendance Order

Any ongoing failure to comply with an SAO that is in force will be an offence for which the parent can be prosecuted and convicted. This means that a parent who does not comply with the SAO by sending their child to the named school, is prosecuted and convicted for this non-compliance, and then still does not have their child registered at the school can be prosecuted for breaching the SAO again. This is a change to the current law, which says that a parent cannot be found guilty of breaching the same SAO twice, meaning that if they are convicted and still do not comply, a new SAO must be issued before any further enforcement action can be taken.

As under current law, the SAO will remain in force until it is revoked by the local authority or terminated by a court or until the child ceases to be of compulsory school age. Revocation may occur if the parent is able to demonstrate to the local authority that their child will be receiving a suitable education otherwise than at school, or if the recipient of the order demonstrates that they are not the child's parent. Guidance will be given to local authorities about how to handle revocation requests, recommending that they

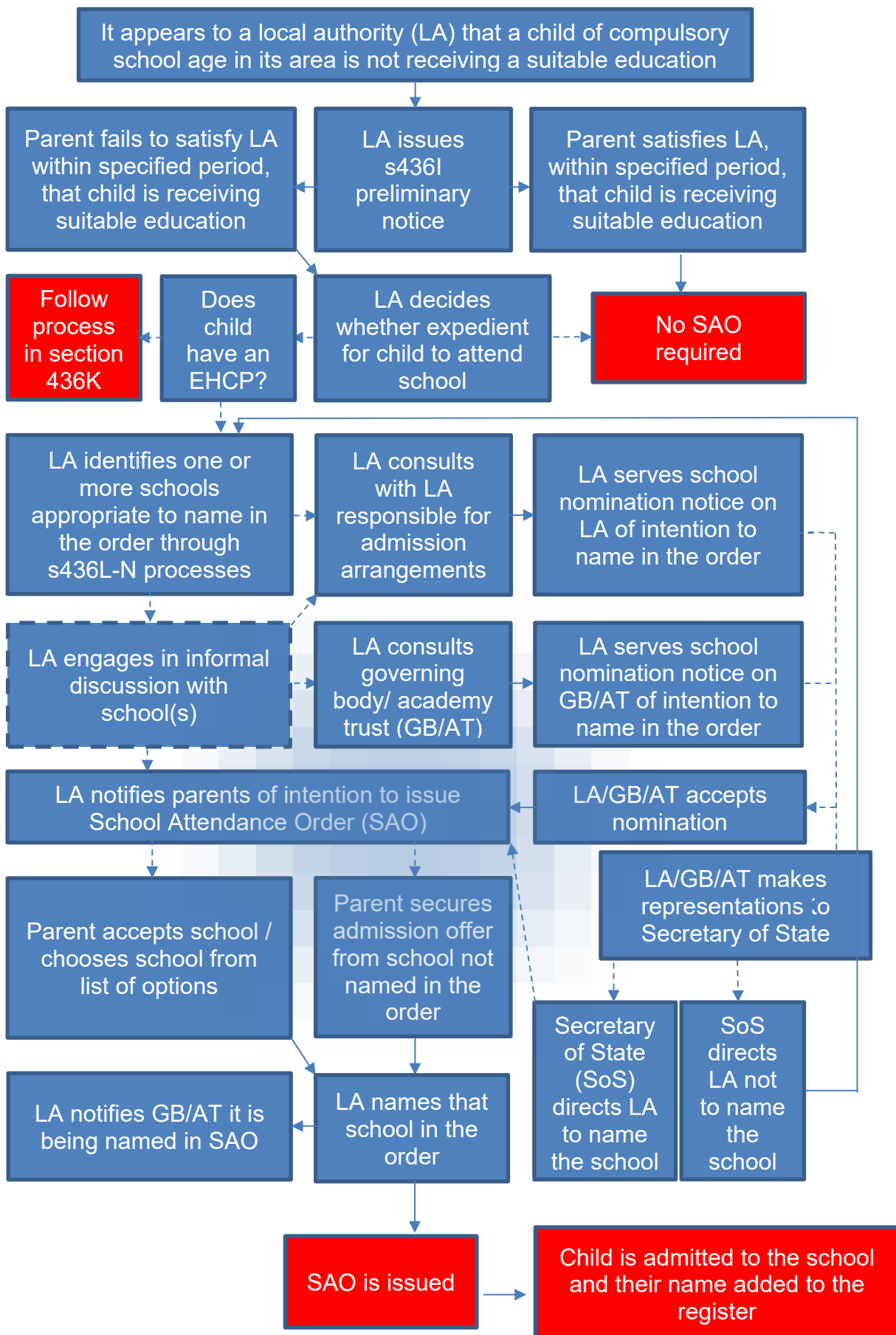
should normally seek to convene a meeting with the parent and representatives of the school to discuss the matter. A flowchart outlining the process of revocation requests and prosecutions of SAOs can be found on page 13.

Where an SAO is in force in relation to a child and the child is registered at the school named in the order, it will be an offence for the child's parent to cause the child's name to be deleted from the register except as part of the statutory process for amending or revoking an SAO. This is to prevent a parent withdrawing their child from school so that the child can be educated entirely otherwise than at school (or not educated at all) without satisfying the local authority that the child will be suitably educated.

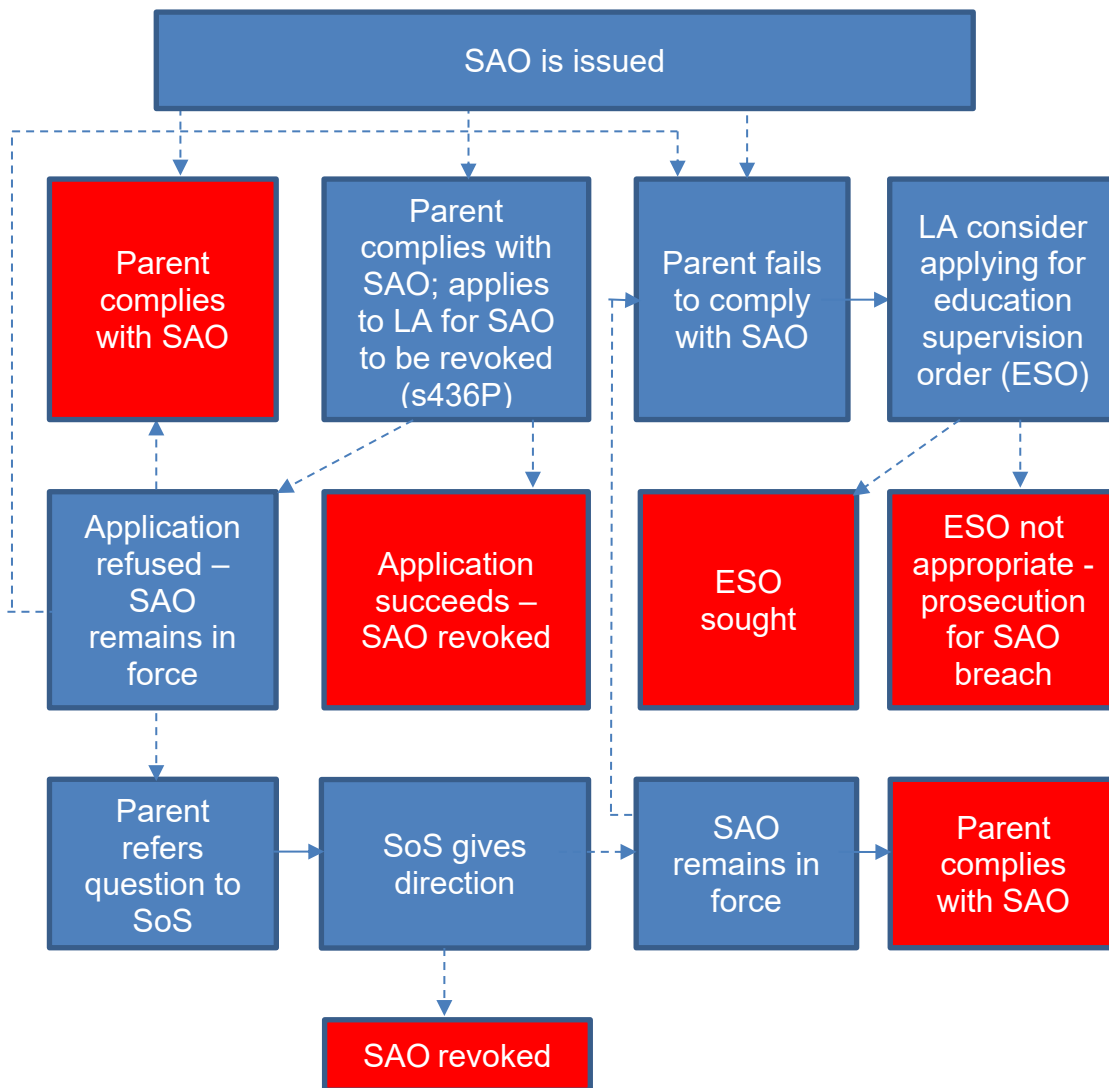
Allowing a parent to deregister their child in these circumstances without a sanction would undermine the force of the SAO and its effectiveness as a means of ensuring a child's suitable education, as it would allow a parent to simply register a child for a short period to comply with the order but then withdraw to potentially provide unsuitable education without consequence. If the parent tries to get their child's name removed from the register but fails, then the offence will not be committed.

The penalty for breach of an SAO will be a fine not exceeding £2,500 or a term of imprisonment of up to 3 months (which will become a maximum of 51 weeks after wider changes to criminal sentencing law come into force) or both. This will be an increase from the current maximum sentence of a fine of £1,000 and will bring the sanction for breach of an SAO in line with the sanction for the offence of knowingly allowing a registered pupil's non-attendance. This will remove the incentive of a lower punishment that may encourage a parent to withdraw their child from school under the guise of home education to avoid a higher fine for non-attendance.

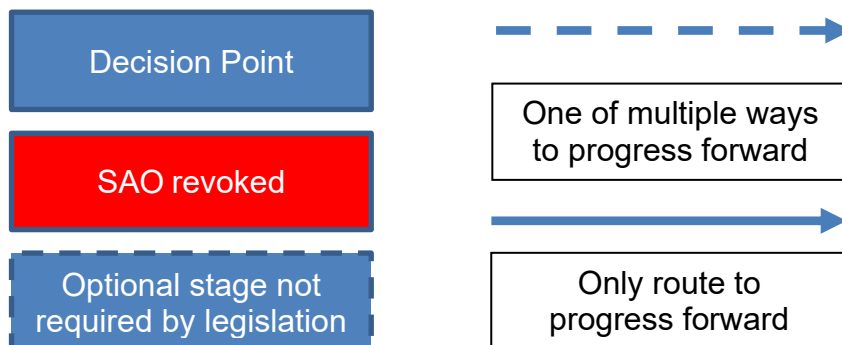
Flowchart outlining the School Attendance Order (SAO) process in England



Flowchart outlining the SAO compliance and prosecution process in England



Flowchart Key:



Key questions and answers

Why should local authorities have a duty to register children not in school? Why is this necessary when many parents home educate their children well?

The move to require local authority registration is not intended to undermine privacy, nor will it interfere with parents' right to educate their child in a way and with methods as they think best and appropriate. While we know many parents who home educate their children are often very committed and do this well, this is not the case for all. Some will not be receiving a suitable education or having their needs met. Notification to a local authority that a child is receiving home education and collecting information on all children who are not in school will help local authorities to plan and target their resources to children who are truly missing education and to safeguard where it is needed. In addition, it will help them to plan their resources for complying with their duties under existing law and the new duty to provide support where it is requested. This will help ensure home educating parents, who would like or need it, are supported to promote a suitable education for their child.

Isn't home-schooling socially harmful?

Elective Home Education is not considered an inherent safeguarding risk. Most parents who take up the weighty responsibility of home education do a great job, and many children benefit from being educated at home. Suitable education is not simply a matter of academic learning but should also involve socialisation. Most home education considers this and is a social experience with other home educators and/or in other educational settings.

Do the Children Not In School measures give additional powers to local authorities to assess home education?

The Children Not In School and School Attendance Order measures do not feature additional or amended powers for local authorities to assess education. The government's view is that authorities' existing powers and duties, if used in the way set out in the government's guidance, are enough for a local authority to determine whether the provision is suitable.

The Children Not In School registers and duty to provide support to home educators will help toward ensuring that no child is missing education and providing a complete list of children who are not in school. This will help relevant support be targeted to where it is needed most.

Why are children educated in unregistered alternative provision in scope of Children Not in School measures? Don't local authorities already possess information related to alternative provision in their area?

We want registers to include all children of compulsory school age educated in unregistered settings. Some Elective Home Education arrangements aside, in practice, this should only happen when the local authority or school has arranged suitable education, commonly called alternative provision, under section 19 of the Education Act 1996.

Whilst these children will be known by the local authority, we believe it is important that the new registers contains all children of compulsory school age who are being educated whilst not on a school roll, as well as those that receive *some* of their education otherwise than at a mainstream education setting (e.g. those who are flexi-schooled). We do not want to include children where a school has arranged alternative provision in an unregistered setting and so we intend to make regulations creating exceptions for these children. In these cases, the pupil remains on the school roll and the school is responsible for the education they receive and therefore we feel should not be in scope for the local authority registers.

What data will be required for the Children Not In School measures and how will it be maintained?

Local authorities will be responsible for maintaining the information on their registers and ensuring it is as accurate as possible in relation to each child. This includes any additional or corrected details as well as the deletion of data where appropriate. Recommendations on how to maintain the registers will be provided in departmental guidance.

Local authorities will be able to provide information about the contents of their registers, including personal data and sensitive personal data, to persons or agencies specified in regulations. They will be able to do so when they consider it appropriate for the purpose of promoting or safeguarding the education, safety, or welfare of a child. It is anticipated that such persons may include the police and health bodies.

Are School Attendance Orders a suitable consequence for parents who don't provide information for registers?

The Government does not intend to criminalise parents who fail to provide information for their home-educated child to be registered with the local authority. Ultimately, the important issue is that the child receives a suitable education and so the most appropriate response to a failure to register is to take steps to determine whether the child is being suitably educated and, if not, to get that child into school. The use of existing SAO procedures, strengthened by the reforms in this Bill, will help local authorities to achieve this aim and the best outcome for the child.



Department
for Education

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