

Enactment impact assessment

Title: Children Not in School

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1. Summary of proposal

- Under current legislation, parents have a duty under Section 7 of the Education Act 1996 to secure an efficient, full-time education for their child of compulsory school age that is suitable to the child's age, ability, aptitude and any special educational needs the child has (if any). Parents can choose to do this by sending the child to school or educating them otherwise than at school (for example, by home educating them). Local authorities (hereafter 'local authority(ies)' and 'LA(s)' used interchangeably) have an existing duty under Section 436A of the Act to identify children of compulsory school age in their areas who are not in school and not receiving a suitable education. However, as most parents currently have no legal duty to inform the local authority they are home educating, local authorities cannot be assured that they are fulfilling their education and safeguarding duties towards all children in their areas.
- The Children Not in School measures in the Children's Wellbeing and Schools Act 2026 (hereafter 'the Act') will help local authorities to identify all children not in school in their areas, take action to support those that are not receiving a safe, suitable education and introduce additional touchpoints for the most vulnerable children or those with complex needs that are difficult to meet at home. This will help ensure that every child, regardless of their protected characteristics, receives a safe, suitable education.
- The legislation does not change or add to the definition of "suitable education"¹. As is the case now, home educating parents will be able to continue teaching their children using the methods and content of their choosing, provided that the education is suitable and, where relevant, in the child's best interests.
- The Department for Education (hereafter "DfE" or "the department" intends to legislate to:
 - A. Create compulsory registers of children not in school (CNIS) in each local authority area in England and Wales, and a duty on local authorities to support the children on their registers.

¹ [Elective home education: departmental guidance for local authorities](#)

- B. Introduce changes to the School Attendance Order process to make it more efficient, reducing the time children may spend in unsuitable education (this process will also be used where parents do not comply with their new duty to provide information for CNIS registers).
- C. Create a requirement whereby a parent will need local authority consent to home educate if a child registered at a school is:
- i. subject to an enquiry under Section 47 of the Children Act 1989, or
 - ii. on a child protection plan currently or was previously in the last five years, or
 - iii. at a special school maintained by a local authority, special academy or non-maintained special school, or at an independent school which, in the case of a school in England, is specially organised to make special educational provision for pupils with special educational needs, or in the case of a school in Wales, makes additional learning provision for pupils with additional learning needs, and where the child became a registered pupil at that school under arrangements made by the local authority (hereafter referred to as “at a special school”).
- D. Create a power whereby if a child is subject to a s47 Children Act enquiry, on a child protection plan or was previously on a child protection plan in the last five years and is already being home educated, the local authority will be able to require them to attend school.
- E. Introduce a requirement for local authorities to consider the home environment and other learning environments when:
- a child is first registered on the Children Not in School registers
 - and when determining whether or not children should be required to attend school.
- F. Require the Secretary of State to make regulations introducing a pilot scheme in certain local authorities whereby parents must attend and participate in a formal meeting with the local authority if they wish to withdraw their child from school for home education. This scheme would take place in no more than 30 per cent of local authorities in England and no more than 30 per cent of local authorities in Wales. It would run for at least two years but not more than five years. The local authority must ensure that the following matters are discussed with the parent during the meeting:
- parents’ legal duty to secure a full-time, efficient education that is suitable to their child’s age, ability and aptitude and any special educational needs the child may have; and how the parent(s) plan to meet this duty
 - the duties of the local authority, including the duty to provide advice and information to parents of children on their Children Not in School registers, where requested to do so by the parent.
 - the parent(s)’ reasons for wishing to home educate their child

- any support needs the child may have and how those needs could be met
- the safeguarding and welfare of the child
- anything else relevant to the parent(s)' decision to withdraw the child from school

The intention behind these meetings is that, by requiring local authorities to share information, respond to questions, and direct families to useful resources, this could help parents feel confident and well-informed before deciding on home education. The meetings would also give local authorities the opportunity to identify any additional needs at an early stage, ensuring families receive appropriate support and that wider factors affecting a child's wellbeing are taken into account.

- The Children Not in School Registers measures will make it mandatory for a child to be registered on their local authority's (hereafter "LA's" or "LA" where singular) Children Not in School register if they are:

A. of compulsory school age,

B. living in the authority's area, and are either

- i. not registered at a relevant school².
- ii. they are registered as a pupil or are a student at a relevant school but it has been agreed that they can receive some or all of their education otherwise than at the school (so for example, are flexi-schooled or the local authority has placed them in an alternative provision setting).
- iii. they are a student registered at a further education setting that provides education for children aged 14 and above but they attend that setting on a part-time basis and do not also attend a school.

- The introduction of the registration system will create the following duties:

A. Duty on local authorities in England and Wales to maintain a Children Not in School register.

B. Parents of children who are eligible for inclusion on the register to provide certain information for it, such as the child's name, date-of-birth, current home address and (if they have moved in the last twelve months) their previous address and details about the education provided, such as an estimate of the amount of time being educated by a parent and by other people. If parents do not comply with this duty, it may give a local authority legal grounds for being able to conclude that a child does not appear to be receiving suitable education.

² "relevant school" means—(a) a school maintained by a local authority, (b) a non-maintained special school (within the meaning given by section 337A), (c) an Academy school or alternative provision Academy, (d) a school not falling within paragraph (c) that is registered under section 95 of the Education and Skills Act 2008 (register of independent educational institutions), (e) an institution in England within the further education sector that provides secondary education suitable to the requirements of children who have attained the age of 14 years, (f) an independent educational institution within the meaning of section 92(1) of the Education And Skills Act 2008, (g) a school that is included in the register of independent schools in Wales (kept under section 158 of the Education Act 2002) or (h) a public school, grant-aided school or independent school, within the meaning of section 135(1) of the Education (Scotland) Act 1980.

- i. As with the current law, this determination will prompt the local authority to issue a notice requiring evidence that the education is suitable. If that evidence is not forthcoming, a School Attendance Order (SAO) usually must be issued.
 - ii. A parent who breaches such an order may be prosecuted and subject to a fine of up to £2,500 (increased by this legislation from £1,000, to bring it in-line with the offence of causing non-attendance at school).
- C. Duty on providers of out-of-school education³ to provide information for the register in cases where they are providing education to a child for more than a prescribed amount of time without any parent of the child being present.
 - i. This is a reactive duty – providers will only have to provide this information when a local authority makes a request for it.
 - ii. Failure to comply with this duty by a provider will enable the local authority to issue a penalty fine. Regulations will be used to set the level of the monetary penalty.
- D. Duty on local authorities to provide support to families on their Children Not in School registers, including advice and information about GCSEs, where it is requested by the parent. Local authorities will also be required to host a bi-annual engagement forum with their home education communities (provided that at least one parent has registered their interest in attending the forum).

2. Strategic case for proposed regulation

- **Problem: Local authorities are unable to identify all children in their areas who are not in school and not receiving a suitable education and/or are of safeguarding concern, limiting local authorities' ability to take action to support those children**
- Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are of compulsory school age, not registered at a school and are not receiving a suitable education. This means that local authorities must try to identify all home educated children in their area and make assessments on whether each child appears to be receiving a suitable education.
- Parents are responsible for ensuring that their child is receiving a suitable education; and, under section 7 of the Education Act 1996, they can choose to do this by having their child attend a school "or otherwise" – for example, by home educating them. However, currently parents do not need to notify their local authority that they are home educating. This makes it difficult for local authorities to fulfil their section 436A duty to identify all children not in school in their areas who are not receiving a suitable

³ Many home educated children will attend out-of-school education provision as part of their home education arrangements. Out-of-school education providers in scope of this legislation will likely include tuition centres and private tutors, for example, if they meet the threshold of time spent educating the child to be set in regulations.

education. It also makes it difficult for local authorities to fulfil their legal duties to safeguard and promote the welfare of all children in their area, regardless of where they are educated.

- This is the core problem that the proposals for mandatory Children Not in School registers intend to help fix. The duty on parents to provide information for these registers will help ensure that local authorities are aware of all children not in school in their areas. Local authorities can then identify which children are not receiving a suitable education and/or who are of safeguarding concern and take action to support - and, where needed - protect them. Within Wales, the development of the Children Missing Education database will complement these proposals. The arrangements will introduce a formal data sharing arrangement between health and education bodies and enable Welsh Local authorities to be aware of school aged learners who are not on any LA education record (provided that the families have registered with G.P. surgeries). Local authorities will use the information from health and follow up with any family who have not formally informed the local authority that they are home educating their child.
- **Evidence to support problem statement.** The problem of local authorities not being able to identify all children not in school in their areas is becoming more acute as time goes on. Data shows that in recent years elective home education (EHE) numbers in England and Wales have been increasing on an annual basis. DfE's 2025/2026 EHE data publication⁴ shows that there were an estimated 126,000⁵ children in EHE in England on the Autumn census day in October 2025, up from 111,700 the previous year. In 2016, a data collection by the Association of Directors of Children's Services reported that there were just 36,500 children in home education in England (although it's important to note that the ADCS data collection had different data collection methodology compared to DfE collection). The numbers of EHE children in Wales have continued to increase at a similar rate. The Welsh Government's Educated other than at school (EOTAS) data release⁶ confirms that in the 2024/25 academic year 7,176 children were known to be electively home educated in Wales. The same statistical data release for September 2016 – August 2017⁷ records 1,724 known home-educated children⁸.
- Most parents who home educate do so in their children's best interests, and many home educated children receive a suitable education that supports them to thrive. However, increasingly, parents of children with complex needs are choosing to home educate and may not be well prepared or equipped to provide a suitable education. In DfE's October 2025 data collection, local authorities reported that *mental health* is now one of the top reasons (16%) for parents choosing to home educate. Equivalent data is not published

⁴ [Elective home education, Autumn term 2025/26 - Explore education statistics - GOV.UK](#)

⁵ It should also be noted that Local authorities are concerned that the numbers they have provided for the Department's EHE data collection are underestimates of the number of children not in school in their area as parents do not need to notify them that they are home educating.

⁶ [Pupils educated other than at school: September 2024 to August 2025 \[HTML\] | GOV.WALES](#)

⁷ [Pupils educated other than at School, 2016/17](#)

⁸ As with numbers in England, it should be noted that numbers of home educated children in Wales are based on those who are known to local authorities. Local authorities in Wales have stressed that not all home educators make themselves known.

in Wales, although local authorities collate information on reasons behind de-registration from school. It has been reported anecdotally by local authorities that school anxiety and phobia is one of the significant factors behind de-registrations.

- Dissatisfaction with schools due to lack of support around bullying, Special Educational Needs and Disabilities (SEND), or just more generally also appears to be a significant factor in parents choosing to home educate. In December 2025, Ofsted and the Care Quality Commission published the findings of their thematic review into Children Not in School with SEND⁹. The report's findings suggested that children with SEND are leaving the school system due to dissatisfaction with how the school system is meeting their needs; the report suggested this was exacerbated by missed opportunities to identify children's needs early enough. In these cases, parents may not be providing a suitable education as they are unprepared due to feeling that they had no other option. The department's data collection from October 2025 shows an estimated 34,700 children in England were children missing education (CME)¹⁰, 9% of whom were categorised as such a result of being in unsuitable EHE. In Wales, two separate data exercises¹¹ have been undertaken to estimate the numbers of children missing education. The exercises cross-referenced anonymised census and health data from two separate sources. Both exercises indicated that the number of children estimated to be missing from education (in April 2021) could be as high as 12,000 (approximately 6%).
- There are also concerns that rising numbers will mean a risk of more children being out of sight of safeguarding professionals and potentially at risk of harm. There is evidence to support this proposition, including cases where a child has been seriously harmed or died as a result of abuse or neglect whilst not in school, or having been removed from school for the purposes of EHE.
- Between April 2023 and March 2024, the Child Safeguarding Practice Review Panel (CSPRP) received 330 serious incident notifications and rapid reviews. Ten per cent of those that died or were seriously harmed were not in school or receiving home education and 5% were not receiving any education at all.¹² In May 2024 the CSPRP published a thematic review of 27 serious safeguarding incidents involving 41 school age children (29 of whom appear to have been home educated, six considered to be missing education, with data not available for the remaining six). Of these 41 children, only 17 were known to local authority children's services at the time of the incident¹³. Sara Sharif was also removed from school in April 2023 under the guise of home education prior to her death (August 2023)¹⁴. Her father and stepmother were found guilty of her murder in December 2024. In November 2025, the Local Child Safeguarding Panel Review report into Sara's death was published¹⁵. It made several recommendations for additional touch-points for home educated children or children

⁹ [The experiences of children with SEND who are not in school: a thematic review - GOV.UK](#)

¹⁰ [Children missing education, Autumn term 2025/26 - Explore education statistics - GOV.UK](#)

¹¹ [Children missing from state education: estimating numbers using linked administrative data | GOV.WALES](#)

¹² [The Child Safeguarding Practice Review Panel - Annual Report 2023 to 2024](#)

¹³ [Safeguarding children in Elective Home Education – Panel Briefing 3](#)

¹⁴ [Safeguarding children in elective home education - GOV.UK](#)

¹⁵ [SS-CSPR-SSCP-Report-for-publication-13.11.25.pdf](#)

whose parents are considering home educating to ensure that they remain visible to services that are there to support them.

- In November 2025, the NSPCC also published the “Tipping Point” report on tackling the challenges of safeguarding children educated at home¹⁶. The report recommends updating Elective Home Education guidance to clarify expectations on local authorities, providing stable funding for local authorities, further training for local authorities, and embedding the child’s voice into school deregistration and home education review processes.
- In Wales [a formal review](#)¹⁷ published in 2021 by the then Children’s Commissioner for Wales concluded that the Welsh Government had failed in its duty to protect the rights of children who are home educated, and children in independent schools. The Commissioner highlighted the need to strengthen home education legislation and noted the lack of action taken by the Welsh Government following recommendations made in a Child Practice Review (CPR) published in 2016 in relation to the death of a home-educated child in Wales. In 2017, the National Independent Safeguarding Board (NISB) commissioned the CASCADE report. Recommendations included a significantly enhanced support service for home educated children, and clearer assessment of the needs and wellbeing of home educated children. The recommendations also included a register of home educated children, a more holistic assessment of the wellbeing and education of home-educated children undertaken at regular intervals and in the home as their place of education, and consideration of a legal expectation on parents.
- In Wales, the Mid and West Wales Safeguarding Board, wrote to the Welsh Government (January 2026) in relation to Child Practice Review (CPR) CYSUR 1/2024, that was undertaken and published in September 2025, and to express support for Wales’ involvement in the CNIS measures within the then Children’s Wellbeing and Schools Bill.
- The CPR relates to the death of a home-educated child in Pembrokeshire in early 2024. As this is the second CPR relating to the death of a home-educated child in Pembrokeshire, the Chair of the CYSUR reiterated the Board’s recommendation from the Dylan Seabridge Child Practice Review in 2018, which stated that it had ‘identified continuing shortfalls regarding the legal framework to ensure children who are home educated are seen and heard’. CYSUR has stated it: ‘hopes the Welsh Government will use the opportunity to strengthen further the statutory arrangements and framework in Wales as part of ‘the Children, Wellbeing and Schools Bill’ [now Act] to help prevent such tragedies and harm to children re-occurring’.
- In England, there is also evidence that children of safeguarding concern, including those on child protection plans, have poorer educational outcomes than the general child population. As of March 2024, children on a child protection plan were half as likely to achieve the expected standard in reading, writing and mathematics (combined) at Key

¹⁶ [Safeguarding children educated at home | NSPCC Learning](#)

¹⁷ <https://www.childcomwales.org.uk/a-review-of-the-welsh-governments-exercise-of-its-functions-home-education-and-independent-schools/>

Stage 2 compared to the overall pupil population. Pupils on child protection plans also had the highest proportion of pupils (57.5%) who were persistent absentees¹⁸.

- DfE ran a Call for Evidence in 2018 seeking views on proposals for statutory registers of children not in school. This was followed by a consultation in 2019, which proposed the four duties set out above and sought the public's views on the introduction of those duties. The majority of local authorities, schools and other safeguarding partners expressed support for the proposals, whilst the majority of home educating parents who responded were against. In the department's response in 2022, under the previous Government, it was confirmed that legislation to introduce these duties would be pursued at a suitable opportunity.
- The Welsh Government consulted on proposals to introduce local authority education databases in 2020. The proposals required local authorities in Wales to hold databases containing information on all children of compulsory school age living in their areas, and to record how and where the child was receiving their education. The databases would be populated from existing education records and health records, which would be shared via local health boards. The majority of stakeholders expressed support for the proposals, whilst the majority of home educating parents who responded were against. The then Children's Commissioner for Wales felt that the proposals did not go far enough and called for primary legislation instead. The Welsh Government undertook a second consultation¹⁹ in 2024 on revised proposals (by way of regulations) in relation to children missing education databases. The regulations require local authorities to record only children who are potentially missing education on the database. The arrangements were tested via a pilot exercise in April 2025, and a report was published on 24th March 2026: [Evaluation of the children missing education database pilot: summary \[HTML\] | GOV.WALES](https://www.gov.wales/written-statement-elective-home-education-and-children-missing-education)
<https://www.gov.wales/written-statement-elective-home-education-and-children-missing-education>.
- In the Department for Education's 2019 consultation, respondents drew attention to the fact that some parents of children eligible for registration would attempt to avoid their legal duty to provide information for local authority registers. The duty on certain providers of out-of-school education to provide information for local authority CNIS registers will be crucial in identifying some of these children who should be on registers but are not. If a local authority has reason to believe that either an eligible child/ children are attending an out-of-school education provider and that the provider is educating these children at or above a prescribed threshold of time (which will be set in regulations), the local authority can make a request for the out-of-school education provider to provide information on any child living in England or Wales (regardless of whether the child lives in the local authority area) for whom they are providing education above the prescribed threshold, to help the local authority determine eligibility for the CNIS registers. The provider must comply with this request by providing the local authority with all children's names, addresses, and dates of birth; the total amount of time that the child spends receiving that education and the amount of time the child spends receiving that education without any parent of the child being actively involved in the tuition or supervision of the child. The information must cover a period of three months ending with the date of the notice from the LA. A provider that fails to provide

¹⁸ [Outcomes for children in need, including children looked after by local authorities in England, Reporting year 2023 - Explore education statistics - GOV.UK](#)

¹⁹ [Children missing education database | GOV.WALES](#)

information requested, or provides false information, could be issued with a civil financial penalty. This will help ensure the local authority has a complete picture of all children not in school in its area.

- **Out-of-school education providers.** No reliable data exists on the number of out-of-school education providers in England or Wales, much less how many are attended by home educated children. This is because most out-of-school education providers are not regulated under either education or childcare law, and therefore there is no requirement for them to register with the department, Welsh government or another regulatory body.
- Given that the duty on out-of-school education providers will only fall on those providers that are catering to children for a certain amount of time/ proportion of their education (the exact threshold will be consulted on and then set in regulations), not every provider will be in scope of our proposed measures. Where the policy intention is to try to set the threshold to only place the duty on those providers that are being used as part of a child's home educating arrangements (which will probably namely be private tutors and supplementary schools) rather than as extracurricular activities (sports clubs, youth clubs, etc), the majority of the providers should not be in scope. In the absence of certainty on the true number of providers in scope, we have used a figure of 100,000 providers in England in analysis as a conservative overestimate to demonstrate potential impacts.
- We anticipate that one of the benefits of the Children Not in School proposals will be more accurate data on the number and profile of out-of-school education providers being used by home educating children. This is because parents of eligible children will be required to provide, for local authority CNIS registers, information on the out-of-school education providers that their children are attending for more than a prescribed threshold of time (to be set in regulations), including: the name and address of the provider, type of provider, the address where the education is being received, and estimate of the amount of time the child is receiving education from that provider. This means that post-implementation of the registers, we will have a much clearer idea of impact on out-of-school education providers; and, if necessary, we could use regulations to exempt certain types of providers from the duty.
- Pre-implementation of the registers, we will be seeking to consult on our proposals for the regulations with out-of-school education providers and parents and local authorities. This consultation will help determine the number and profile of providers that will be in scope of the provider duty as well as the providers that parents must provide information on for the registers, and any unforeseen negative impacts (which we would then seek to mitigate ahead of implementation).
- **Justification for intervention.** Rationale for government intervention: there are several aspects to the rationale for intervention related to Children Not in School registers. One important aspect is a merit good argument – the state and society as a whole place a value on children receiving a suitable standard of education, irrespective of whether this is provided in a school setting or at home. To this end, state and independent schools are required to meet agreed standards and inspections monitor their compliance with these. Similarly, LAs have a duty to assess whether children in their locality are

receiving a suitable standard of education. However, gaps in existing legislation prevent LAs from identifying children not in school in order to fulfil this duty. A further dimension to the rationale is around addressing potential market failures related to information asymmetries and principal-agent issues. Parents/guardians are the 'agent' acting on behalf of the 'principal', their child. However, if parents are not able to support their children's education, this could lead to an underinvestment in education creating a justification for government intervention – in this case, to identify and offer support to home educating families. Finally, there are economic arguments related to the safeguarding aspects of CNIS registers, the piloting of mandatory meetings in some local authorities before children can be removed from school for home education, and the requirement for parents of children subject to (or previously recently subject to) certain child protection processes to get permission from the local authority before removal from school for home education. Incidents of child mistreatment have a detrimental effect on children's immediate and long-term outcomes and some of these can lead to negative externality costs to society, creating a market failure rationale for government to intervene to prevent these.

- We need to take this action now due to the growing concerns from local authorities about the increasing number of children not in school who are not receiving a suitable education and/or are of safeguarding concern, particularly those that are not known to local authorities (which means action cannot be taken to protect and support these children). The duties on parents and providers to provide information for local authority CNIS registers will ensure that local authorities have a more complete picture of all children not in school in their areas, and can identify those who are not receiving a suitable or safe education.
- Another key benefit to this policy is through the potential attainment benefit to children. Specifically, any child who is found to be missing education, or not gaining adequate education, who, as a result of this legislation, is instead able to get a proper education, will experience significant attainment benefits. We know that attainment is directly linked to potential future earnings.
- When a local authority identifies that a child is not receiving a suitable education, it is important that they can take prompt, efficient action. Normally, this is in the form of the local authority issuing a School Attendance Order (SAO). If a SAO is issued the child must attend the school named in the order. The CNIS proposals also include changes to make the SAO process more efficient, for example by introducing statutory timelines on parts of the process and ensuring that the Order remains in place if parents breach it by removing their child from the school named in the order without having the order revoked. The proposals also increase the maximum penalty upon conviction for breach of a SAO from £1000 to £2,500 plus potential imprisonment. This is to bring the fine in line with that for knowingly failing to cause a child to attend the school at which they are registered, closing a potential incentive for parent whose child is not attending school to remove them for home education and run the risk of a much smaller penalty whilst not providing a suitable education. Through the Act, we have amended the SAO process so that the home and other learning environments are specific considerations when determining suitability. We have also expanded the system so that SAOs can be issued to the parents of children subject to child protection plans (or who have been in the last

five years) and current section 47 child protection enquiries to require them to attend school when it is considered that it is in their best interests to attend school.

- It should be stressed that the only financial burden resulting from these measures on parents will be on those who are issued with a SAO, breach it and are convicted for that breach. Consequently, these costs are avoidable entirely through compliance. Together, these proposals will help ensure that less children are going under the radar and more receive a safe, suitable education.

3. SMART objectives for intervention

- **Objective 1: Enable local authorities to identify all children not in school in their areas**
- The primary objective of the Children Not in School proposals is to support local authorities to identify all children in their areas who are not in school in a timely way so that they can support these children where necessary. The measures in the Act require local authorities in England and Wales to create compulsory registers of all children not in school in their areas, and to enable them to ensure these registers are as complete as possible by placing duties on parents of eligible children and certain out-of-school education providers to provide information for those registers. This will enable local authorities to better fulfil their existing legal duty to identify children of compulsory school age in their areas who are not in school and are not receiving a suitable education. As mentioned previously, most local authorities already hold voluntary registers of children not in school but these are incomplete because there are no existing duties on parents or providers to provide information for them. Therefore, an early success indicator post-implementation could be to compare the numbers of children on local authorities' voluntary registers the previous year with the numbers of children on compulsory CNIS registers. We would expect an increase in the numbers of children because the duties on parents and providers should reveal many of the children not in school that local authorities are currently unaware of in their areas.
- The Act's measures also include a requirement for government to introduce a pilot of mandatory meetings in some local authorities before a child can be withdrawn from school for home education. This will give local authorities timely visibility of children who are about to move out of the school system. It also provides an opportunity to understand the family's plans for education, enabling identification of any additional support the child may need or children who are at risk of receiving an unsuitable education or where there may be safeguarding concerns. The Act provides the power to roll these meetings out nationally, subject to consultation. In addition, the local authority consent requirement for children subject to active section 47 enquiries, on child protection plans (or who have previously been subject to a child protection plans in the last 5 years), and/or registered at a special school will also enable local authorities to identify children whose parents wish for them to be home educated. The consent requirement will give local authorities the ability to prevent children, within scope of the consent requirement, from being moved into home education if they consider that the education would not be suitable or that it would not be in the child's best interests. This

should reduce the number of children not in school who are receiving unsafe or unsuitable education.

- **Objective 2: Improve local authorities' ability to take action where they identify children who are not receiving a suitable education and/or are of safeguarding concern**
- When LAs have identified children not in school in their areas who are not receiving a safe or suitable education, they must take action in line with their existing safeguarding and education duties. As set out above, these measures will put in place a consent mechanism for, two distinct groups of children:
 - i. Children subject to or previously subject to certain child protection processes, specifically those who are:
 - subject to s47 enquiries
 - on a child protection plan, or
 - have previously been on a child protection plan in the last five years
 - ii. Children attending special schools, specifically those who attend:
 - a special school maintained by a local authority,
 - special academy or non-maintained special school, or
 - attend an independent school which is specially organised to make special educational provision (additional learning needs provision in Wales) for pupils with special educational needs (additional learning needs in Wales), where the child became a registered pupil at that school under arrangements made by the local authority.

This ensures that, before any of these children can be moved into home education, the local authority is satisfied that this is in the child's best interests and that the education would be suitable. Where children fall into one of the child protection categories and are already being home educated, local authorities will also have the power to require them to attend school if they determine that this is in the best interests of the child.

- Usually, when a local authority identifies that a child is not receiving a suitable education, they are required to begin the SAO process. A SAO requires the child to attend the school named in the Order. However, many local authorities believe that the current SAO process is inefficient and local authorities in England reported their concerns to DfE through the consultation on proposed updates to the EHE Guidance for Local Authorities, which ran from October 2023 to January 2024. Challenges with the ability to issue and enforce SAOs were detailed in the responses, including the length of the process and the difficulty of enforcing compliance, including prosecutions for breach. The Welsh Government does not hold information on the use of SAOs in Wales, or how consistently they are applied. An informal request for information for the period January 2024 to January 2025 resulted in responses from all 22 local authorities and showed that 115 SAOs were issued across Wales during this period.
- The CNIS proposals aim to make the SAO process more efficient by introducing statutory timelines, ensuring that a SAO remains in place if it is breached, and bringing

the fine for breach of a SAO into line with the fine for knowingly failing to cause a child to attend school. The CNIS proposals will mean that local authorities, when determining whether to issue a preliminary notice for a SAO or a SAO, must specifically consider the home and any other learning environment that the child attends and of which they are aware. The scope of SAOs will also be expanded so that they can be used to require children subject to child protection plans (or who were subject to child protection plans in the last five years) or subject to current section 47 child protection enquiries to attend school. This will strengthen local authorities' existing powers to support children back into a suitable and safe education and reduce their resource burden in terms of using these powers. We currently collect data on the number of SAOs issued in England, so post-implementation of the CNIS registers we could continue to monitor these numbers. An increase in SAOs issued could be seen as an early success indicator, but ideally we would want to see the number of SAOs issued falling over time (as this would indicate that more children are receiving a suitable and safe education whether that is at home or at school). Evaluation of this element in Wales would be done via direct requests to the 22 local authorities in Wales.

- The above two objectives feed into the Government's Opportunity mission to "Break down the barriers to opportunity". The Children's Wellbeing and Schools Act, which the Children Not in School proposals are part of, will put children and their wellbeing at the centre of the education and children's social care systems, and make changes to ensure children are safe, healthy, happy and treated fairly. More specifically, the Children Not in School proposals and associated measures will help progress the department's objective to raise education standards for children, by ensuring that more children receive a suitable education and fewer slip under the radar.
- The objectives directly contribute to policy agendas for Wales, as set out in the Programme for Government. The objectives support the goal of a more equal Wales, a society that enables children and young people to realise their rights, and in particular their right to education; and to achieve and thrive no matter what their background or circumstances.

4. Description of proposed intervention options and explanation of the logical change process whereby this achieves SMART objectives

- The **preferred option** is to introduce legislation that will require local authorities to maintain registers of children not in school, including home educated children. Parents of children eligible to be registered will have a duty to provide information about their children for the register. Certain out-of-school education providers will have a duty to supply information about children attending their provision when a local authority requests that information. Local authorities will have a duty to provide support to children on their CNIS registers when their parents request it. The proposals also include amendments to the existing School Attendance Order process to make it more efficient.
- Where there is no existing requirement on parents to notify local authorities that they are home educating their children, the new duty on parents to provide information for local authority CNIS registers will help ensure that local authorities can identify all children not in school in their areas (**Objective 1**). We recognise that some parents will not fulfil their duty, despite this being a legal requirement. Therefore, the duty on certain out-of-school education providers to provide information for local authority CNIS registers will ensure that some of those children who are eligible to be on registers, but are not, are identified.
- When children not in school are identified, local authorities can then make enquiries to determine which are not in receipt of a suitable education. In these cases, local authorities usually must begin the School Attendance Order process. Legislating to make this process more efficient will help local authorities to take action to support children back into a safe, suitable education (**Objective 2**).

Theory of Change diagram

Situation	Aims
Local authorities are unable to identify all children in their areas who are not in school and not receiving a safe, suitable education and/or of wider safeguarding concern, limiting their ability to fulfil their existing legal duties and to take action to support those children	1. Enable local authorities to identify all children not in school in their areas 2. Improve local authorities' ability to take action where they identify children who are not receiving a safe, suitable education and/or are of wider safeguarding concern

Inputs and activities	Outputs	Change mechanism	Outcomes	Impacts
Inputs Duty on local authorities to maintain CNIS registers, using information they already hold on eligible children + information required to be provided by parents and certain out-of-school education providers; local authorities also to have a legal duty to provide support to home-educators who request it Requirement for LAs to consider a registered child's home and other learning environments, and a power to request to visit the child in their home(s). Requirement that parents must obtain local authority consent if they wish to home educate children who are at school in England or Wales and are subject to: active enquiries under section 47 of the Children Act 1989; or Child Protection Plans (CPPs) or have previously been subject of CPPs in the last five years; or are registered at a special school. Pilot of mandatory meetings in certain LAs for parents of any child being withdrawn from school for home education. Power for local authorities to start the SAO process for children subject to a s47 Children	Out-of-school education providers and parents will provide required information to local authorities for inclusion on CNIS registers Parents will notify schools that they wish to remove their child from school to home educate; and, for children in scope, schools will notify local authority education and children's social care teams. If a child is in one of the groups in-scope of the consent requirement, local authorities will then decide whether or not to consent to the request to home educate. Parents of children attending schools in pilot areas for mandatory meetings will be required to attend a meeting with local authority. Sanctions for parents (e.g. they could be subject to attendance fines if they remove children from school without consent or before a child's name is removed from the school roll) and education	Legislation is required to establish duties on local authorities, parents and out-of-school education providers – the government is introducing the registration duties and associated safeguarding measures as part of the Children's Wellbeing and Schools Act	Short term Eligible children's information will be recorded on local authority registers, and children previously unknown to the local authority will be identified. Local authorities will use the registers/ powers to request to visit the child to help them make enquiries into the suitability of each child's education. SAOs will normally be issued for any child not receiving a suitable education. Increased visibility of potentially vulnerable children. Children subject to active enquiries under section 47 of the Children Act 1989; or Child Protection Plans (CPPs) or have previously been subject of CPPs in the last five years; or are registered at a special school cannot be removed from school, without consent local authority consent. Local authorities will be able to use the SAO process to get children subject to a s47 Children Act 1989 enquiry, or on a	Local authorities hold and maintain compulsory CNIS registers Parents inform their local authority of their decision or request to home-educate and have access to support from the local authority, improving access for some families to resources, advice etc. Children of safeguarding concern, including those at risk of or experiencing significant harm, are identified, supported and protected by local authorities, schools, and, wherever possible, their parents. Out-of-school education providers develop stronger data collection practices e.g. recording required information at the outset of taking a child on rather than later when prompted to do so Improved attainment and educational outcomes.

Inputs and activities	Outputs	Change mechanism	Outcomes	Impacts
Act 1989 enquiry or on a CPP or were previously on a CPP in the last five years who are being home educated but where it is considered that regular attendance at school would be in their best interests. Additional funding (exact amount subject to new burdens assessment) and training and statutory guidance to be provided to local authorities to support them to discharge their new duties	providers (i.e. fines for not providing information for CNIS registers) who do not comply with the aforementioned processes.		CPP, or who were previously on a CPP in the last five years into school when it's in their best interests.	
Changes to the School Attendance Order (SAO) process to make it more efficient, reducing the time children may spend in unsuitable education (where use of this process will be the sanction on parents who do not comply with their new duty). Further changes to the SAO process so that local authorities in England and Wales have a duty to specifically consider the child's home environment and other learning environments when determining whether a child should be required to attend school; and to start the SAO process if so. Activities	Local authority: when determining whether or not children should be required to attend school, local authorities will be required to consider the home environment and other learning environments.		Long term More complete picture of all children not in school in each local authority, including those of safeguarding concern. Fewer children in receipt of unsuitable education (and for a shorter period of time) and/or at risk of harm, due to increased ability to identify these children, introduction of the local authority consent mechanism for children in scope, and the improvements to the SAO process. Improved visibility of out-of-school education	

Inputs and activities	Outputs	Change mechanism	Outcomes	Impacts
Statutory and non-statutory guidance will be issued to assist local authorities and schools in the exercise of their new duties, including how to identify whether a setting is in scope of the provider duty to provide information and in terms of when it might be appropriate to issue fines to providers for failure to provide information. Complementary guidance to be issued to parents and providers to inform them of their new duties.			providers that home educated children are attending. Positive benefits to children and society if legislation identifies and reduces the number of children who could be receiving unsuitable or unsafe education.	
Sector engagement including consultations will take place to determine which settings will be in scope of the provider duty, including direct inputs from such providers.				

5. Description of shortlisted policy options carried forward

- The following table presents an assessment of our shortlisted policy options.

Options carried to shortlist	Objective 1- Identify children not in school	Objective 2 – Improve local authority ability to take action
Option 1 – Compulsory CNIS registers, home education consent requirement and pilots of mandatory meetings before withdrawal from school for home education	Yes	Yes

Option 2 – Compulsory CNIS registers w/o provider duty	Partially	Partially
Option 3 – Guidance only	No	No

- **Option 1: The legislative option** i.e. compulsory CNIS registers including duties on parents and certain out-of-school education providers; the requirement for parents of children on child protection plans (or who were on child protection plans in the last five years), section 47 child protection enquiries, and at special schools to get permission from the local authority before they withdraw their children from school for home education; and pilots of mandatory meetings before parents can withdraw their children from school for home education in up to 30% of local authorities in England or up to 30% of local authorities in Wales, with the option to roll this out nationally.
- This is our preferred option as discussed in-depth in the previous and following sections of the assessment, including the potential impact on small and medium businesses and our proposed mitigations.
- **Option 2: Legislation to require local authorities to maintain compulsory CNIS registers, but without the duty on certain out-of-school education providers to provide information for the registers**
- We considered ways to introduce the measures without the provider duty. This would have avoided impacts on businesses entirely as there would be no regulatory burden on providers to provide information to local authorities at all. However, it is our view that not including the provider duty would lead to not all children being captured on local authority Children Not in School registers. Without the duty on out-of-school education providers to share information with the local authority, there could be scenarios of local authorities being aware of EHE children attending a particular setting but being unable to request further information on those attending, or to check information with their own register. Therefore, not having the duty on providers would make it harder for local authorities to identify children who are eligible to be on their registers but are not, or assure themselves that those home educated children they know of are receiving a suitable education. More children are likely to go under the radar, possibly receiving unsuitable education or no education at all.
- **Option 3: Strengthen existing non-statutory guidance, rather than creating legislative duties**
- We have explored whether updates to the existing non-statutory guidance (2019 Elective Home Education: Guidance for local authorities/Parents) would be sufficient to meet our policy objectives in England. The department ran a consultation from October 2023 to January 2024 to receive feedback from local authorities, home educating families, and other stakeholders in England on how the guidance could be strengthened. Given that the guidance hasn't been updated since 2019, stakeholders broadly welcome it being refreshed. Making the guidance clearer would have the advantage of improving consistency of practice across local authorities, particularly in terms of how they engage

with home educating families and therefore keep their voluntary registers. However, while there is an expectation that local authorities will follow non-statutory guidance, local authorities **must** follow legislation. Updating non-statutory guidance would also mean that parents and out-of-school education providers are not under any duty to provide the local authority with information on home educating children. This would continue to leave local authorities with an incomplete picture of the number of children not receiving a suitable education, and therefore hinder their ability to take the necessary steps to address these cases.

- The position in Wales is slightly different as statutory elective home education guidance²⁰ was published in May 2023. Local authorities are therefore expected to follow the guidance when applying their EHE processes. However, home educators have strongly opposed the guidance and its statutory status since it was published. The Welsh Government has anecdotal evidence that opposition from home educators on certain aspects, e.g. the view that local authorities should see and speak to the child as part of a suitability assessment, is often challenged. An independent [Evaluation of the elective home education statutory guidance](#)²¹ has been undertaken and published in January 2026. The first recommendation for the WG was to consider making statutory changes and prioritise targeted measures where evidence suggests a need for further strengthening and recommendation four outlined that there was a need to “strengthen communication of existing guidance requirements and data reporting to support consistent interpretation of ‘seeing and communicating with the child’”.
- **Small and Micro Business Assessment (SaMBA) and medium-sized business impact assessment.** The preferred option of compulsory CNIS registers with accompanying duties on parents and out-of-school education providers will have a direct impact on SMBs. This option will place requirements on some education providers to collect and store data²² and respond to requests to provide that data to local authorities. There is also the potential financial impact of a fine where the duty to provide information is not complied with, however, these costs are avoidable with compliance. This impact is mitigated by the fact that information will only be required to be shared upon request rather than as a regular, proactive duty. We have tested the impact of the CNIS measures on out-of-school representatives through the department’s Out-of-School Steering Group. There will be a public consultation prior to implementation to establish the most appropriate level to set the threshold that brings a provider into scope of the duty, which will keep the number of businesses affected at the most appropriate level. For any providers that are captured by the threshold, but are not appropriate to be in scope of the duty – we will have a delegated power that will enable us to exempt these providers from the duty; again, this will ensure that the number of businesses affected is reduced. As part of our legislation engagement, we will ensure we re-engage with the Out-of-School Setting steering group to ensure that impacted businesses are kept abreast of the impact of the measures. Finally, local authorities will not be able to issue fines for non-compliance in the first three months of the legislation coming into

²⁰ [Elective home education guidance | GOV.WALES](#)

²¹ [Evaluation of the elective home education statutory guidance: GOV.WALES](#)

²² The data that providers will be required to collect (e.g. the child’s name, address and time spent being educated by the provider) is information we would expect providers to already be collecting to ensure the safeguarding/ health and safety of the children attending their settings.

effect. This will allow providers time to adjust to their new requirements without fear of financial sanction.

- We recognise that there is a potential secondary impact on providers through the duty on local authorities to provide support to home-educators who request it. One form of support we envisage is through the signposting to resources or providers for assistance with education provision. This may lead to local authorities preferring certain providers or larger, more well-known businesses thus potentially taking some business away from other, smaller providers.
- We anticipate that the net direct annual costs to small and medium businesses in England will be c.£0.1m and the Welsh costs will be considerably lower. We will revisit and revise this figure once more data is available, likely ahead of the introduction of the secondary legislation that will implement the provider duty. Our calculations on the potential costs for businesses are set out in section 6(2) and the SaMBA section of the evidence base below. [Impact assessment continued on the next page, with the regulatory scorecard].

6. Regulatory scorecard for preferred option

Part A: Overall and stakeholder impacts

(1) Overall impacts on total welfare	Directional rating
(i) Description of overall expected impact The creation of compulsory CNIS registers will have a positive effect on society as local authorities will be better equipped to identify children who are not receiving a suitable education otherwise than at school and/or are of wider safeguarding concern. They will then be able to determine more clearly how such children can be helped and (wherever necessary) protected, either by arranging their attendance at a school or in alternative provision or providing more support for their education at home. The clearer identification of home-educating families who are doing a good job in the best interests of their child will allow local authorities to focus resources on those who are not and strengthen their ability to identify where a child may be at risk of harm or other safeguarding concerns. The provision of stronger data will enable policy-makers to consider underlying trends on national and local levels in drivers of home education where it is not in the best interests of children. This will aid more robust and targeted policy-making and guidance updates across all areas of education and children's social care. Separate to this there could be indirect benefits by virtue of the new duty on local authorities to provide support to home educating families that request this. For example, anecdotally we know that some home educating families struggle to identify exam centres where their children can sit GCSEs. The Act makes clear that families can request information on this as part of the support duty. We anticipate that the measures will enable the identification of greater numbers of children who are receiving unsuitable education, or those who are at risk of harm, and returning those children to school or other appropriate and safe settings. This benefit will outweigh the potential expected costs of the measures and enable more children to grow up with an education that will allow them to access more opportunities in life and society. In pilot local authorities, parents will meet with the authority before their child can be removed from school for home education. In these meetings, the local authority will ensure that parents are informed of the roles and responsibilities on home educating, so they are well-prepared to take on this commitment before they remove their child from school. The meeting would also be an opportunity for the local authority to identify any particular support needs the child may have or, where appropriate, alternatives to home education if parents feel that they are being "forced into" home education. This could have the additional benefit of enabling local authorities to identify parents who are unlikely to provide a suitable education for their child so that they can take action more quickly.	Positive Based on all impacts (incl. non-monetised)

(1) Overall impacts on total welfare	Directional rating
In all local authorities, parents will require local authority consent to withdraw their children from school if the children are currently on a child protection plan or have been on one within the last five years, or are on a section 47 enquiry. The consent mechanism provision and the expansion of the SAO process will help to prevent more vulnerable children being moved into an unsuitable or unsafe home education, and to move more children who are in an unsuitable learning environment into a safe and suitable learning environment. This will improve the education these children receive and therefore remove barriers to their opportunities in life.	
(ii) Monetised impacts Total £ NPSV (central estimate): -£57.9m (-£147.2m to -£33.7m). This includes impacts in Wales, which are estimated to be -£1.9m (-£5m to £0m), or approximately 6% of the identified costs in England, based on the latest EHE learner numbers in England and Wales. We have considered all costs to households and businesses, with monetisation discussed in the relevant sections. Separately, we expect that local authorities will face additional burdens. We have monetised the costs of their additional burdens linked to the consent requirements portion of the policy, and the mandatory meetings pilot. We have not monetised any benefits as the registers will provide valuable information that enables further measures to be taken to support children and families. The benefits of those further actions cannot be monetised at this stage due to uncertainty over what they might be; consequently, their effectiveness and impact cannot be evidenced yet.	Negative Based on likely £NPSV

(iii) Non-monetised impacts	At this stage, we have not monetised the potential costs to local authorities to establish and manage CNIS registers. We have identified one potential, positive distributional household impact from the Children Not in Schools Register (CNIS) measure. It includes a duty on LAs to offer support to home-educating families. The support duty may be more likely to benefit middle and lower income families. Parents who choose to home educate bear the financial responsibility for doing so since a state school place (or state-funded place) is available for their child. Middle and lower income families may find this financial responsibility more burdensome than those in higher income brackets. Therefore, the new requirement on local authorities to provide advice and information to assist with home education may support middle and lower income families to access resources and information that they would otherwise be unable to due to their financial situation (for example, where families may currently not have the funds to get access to information that is only available through subscriptions to third-party websites or resource hubs). The position in Wales is that there is already an agreed package of support for home educators which comprises statutory and non-statutory elements and the above measure would complement and enhance this. However, it is not possible to quantify this or accurately calculate the potential level of positive impact – where we do not currently hold data on the numbers of home educating families currently in receipt of social benefits. Equally, local authorities will need to consider requests for support on a case-by-case basis, according to the needs of the individual child. With the introduction of the statutory registers, such data will be possible to collect, which could be used to inform future departmental policy on such areas, One of the key benefits to this regulatory change is enabling the reduction of safeguarding risks. The consent mechanism will help local authorities to identify vulnerable children and prevent children from moving into home education where doing so would potentially create safeguarding risks or place them in an unsuitable learning environment. This will ensure more children are in appropriate education settings. The pilots of mandatory meetings between local authorities and parents could have a similar impact for children who do not meet the threshold for the consent requirement. Parents who attend these meetings may choose an alternative education option when they are provided with further information on what home education entails. Where parents decide to withdraw their child for home education and the local authority has concerns about their ability to offer a safe, suitable education, the local authority would prioritise these children for follow-up. Another key benefit to this policy is through the potential attainment benefit to pupils. Specifically, any learner who is found to be missing education, or not gaining adequate education, who, as a result of this legislation, is instead able to get a proper education, will experience significant attainment benefits. We know that attainment is directly linked to potential future earnings.	Positive
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(1) Overall impacts on total welfare		Directional rating
(iv) Any significant or adverse distributional impacts?	No significant distributional impacts identified.	Negative

(2) Expected impacts on businesses		
(i) Description of overall business impact	The businesses that will be affected by the pilots of mandatory meetings will be independent schools²³ within pilot areas (in up to 30% of local authorities, though expected to be lower). Parents will be required to attend a meeting with the local authority, and with the parents' consent, a representative from the school will also be required to attend. Where schools are within the pilot area, they will be expected to: • Familiarise themselves with the guidance on the mandatory meetings pilot and processes. We anticipate that this guidance will only be a few pages long for schools. • Participate in the meeting and engage with the parent and local authority on the topics of discussion where required. We anticipate these meetings will not be lengthy (perhaps one-hour maximum). We will have more accurate information on the impact of these meetings on schools following the pilot and any decisions to expand the pilot nationally will follow a formal consultation. Independent schools will also be affected by the requirement for parents of children at special schools or who are subject to certain child protection processes to get permission from the local authority before they are withdrawn from school for home education. It should be noted however, that independent special schools are already subject to an existing requirement via secondary legislation. Therefore, the legislative change for independent special schools does not pose any additional costs to business. Where a parent wishes to withdraw their child from school for home education, these schools will be expected to: • Familiarise themselves with the guidance on the consent requirement. We anticipate that this guidance will only be a few pages long for schools. • Notify the local authority that the parent wishes to withdraw the child	Negative

²³ When referring to impacts on businesses in the context of "independent schools" in this document, we are referring to those schools that are fee-paying and are considered businesses by the Regulatory Policy Committee.

(2) Expected impacts on businesses

- Provide information to the local authority about the child's education and circumstances should they be in-scope of the consent requirement. This is to assist the local authority in making a decision as to whether removal from school for home education is in the child's best interests and that education would be suitable.

The impact on business from the consent requirement and the pilot of mandatory meetings falling on independent schools are calculated in proportion to the overall number of independent schools relative to all schools. This could mean the presented impacts overestimate the cost to business, as it's possible that the rates at which children are removed from independent school for home education would be lower than for other types of schools, given the high cost to parents of independent schools (either directly in fees or indirectly through obtaining LA support for attendance, for example in terms of children at independent special schools). This is based on the assumption that parents may have made a concerted effort or decision for their children to attend independent schools given this high direct/ indirect cost and therefore may be less likely to change their method of education to home education. There is a counter argument that if parents experience financial difficulties or placed their child in an independent school after trying many other schools and have to withdraw from the independent school, they may choose home education. However, in the case of financial difficulties we believe that it is more likely that they would firstly choose a non-fee paying school in these circumstances. However, we do not have evidence on differential probability of EHE to quantify this at this stage.

The other businesses that will be affected by the Children Not in School registers proposals are out-of-school education providers, such as private tutors and supplementary schools. However, not all out-of-school education providers currently in operation will be in scope of our proposals. This is because the duty to provide information for local authority CNIS registers will only apply to those providers that are providing education to a child living in England or Wales; and who is meeting a threshold (to be set in regulations) in terms of the number of hours/proportion of a child's education being provided.

As the out-of-school education sector is not regulated under education or childcare law, there is no requirement on these providers to register with DfE/Welsh government or a single regulatory body. This means that we do not hold data on the number of providers currently in operation. We have previously estimated that there may be more than 100,000 in England based on open-source research. We have conducted sensitivity testing on this estimate for all analysis. The maximum number of providers tested is double our estimate (200,000), and the minimum number of providers tested is 25% of our estimate (25,000). We go into more detail on these figures – alongside other sensitivity tests – in the costs and benefits to business calculations section. Welsh Government do not hold data on the number of out of school education providers.

We will have a more accurate figure of how many providers will be in scope of the provider duty following a planned consultation on the

(2) Expected impacts on businesses

	regulations and statutory guidance post-Royal Assent. The consultation will enable us to determine where the threshold for the duty should be set at and which providers should be exempt from it. Where providers are in scope of the duty, they will be expected to do the following: • Familiarise themselves with statutory guidance to be published as pre-implementation of the CNIS registers to ensure they understand their responsibilities and whether they are in scope • Collect the following information: child's name, date of birth, and home address; and the amount of time the child spends receiving education at the provision • Keep a record of this information for at least 3 months, as local authorities can also request information about children that have recently left the provision • If a local authority requests information, confirm whether or not they're providing education to children at or above the threshold (to be set in regulations); and, if so, to provide the local authority with the aforementioned information We believe that burdens on individual businesses will be minimised by the fact that the information providers will be required to share (e.g. child's name and address) is information that they should hold already for safeguarding or business purposes; and that they only need to provide the information on request from the local authority rather than proactively. Local authorities will not be able to issue penalty fines within 3 months of the duty coming into force. This will allow businesses time to adjust to the new duty and requirements upon them without facing the prospect of financial sanctions for failing to comply straightaway.	
(ii) Monetised impacts	EANDCB, central: £1.2m (£0.8m to £4.0m) This includes impacts in Wales, which are estimated to be £0m (£0m to £0.3m), or approximately 6% of the identified costs in England, based on the latest EHE learner numbers in England and Wales. We have estimated costs to business through three different strands of the policy. Those are: • The mandatory meetings pilot • The requirement for consent before some children are able to be removed from schools • The introduction of CNIS registers We have monetised two types of costs, specifically for independent schools, linked to the <u>mandatory meetings pilot</u>: 1. Familiarisation time: All independent schools located in piloting LAs will need to familiarise themselves with additional guidance related to the need for mandatory meetings. We estimate this guidance will be an additional 2 pages for schools.	Negative Based on likely business £NPV

(2) Expected impacts on businesses

2. **Preparation for, and attendance of the mandatory meetings:** Independent schools will need to have an appropriate representative attend the meetings. This representative will also need to do some preparation work before the meeting to ensure they understand the case.

The Keeping Children Safe in Education statutory guidance already recommends schools have meetings with parents prior to EHE, although we do not collect data on how many schools currently do. Nonetheless, this means the cost to business identified here might not be entirely additional.

We have monetised two types of costs, specifically for independent schools, linked to the consent requirements portion of the legislation:

1. **Familiarisation time:** All independent schools will need to familiarise themselves with additional guidance related to the additional consent requirements. We estimate this guidance will be an additional 2 pages for schools.
2. **Deregistration admin:** When independent schools receive a request for a pupil to be deregistered to become electively home educated, they will need to make the LA aware. They will also need to do some initial checks on whether the child will require consent before being allowed to leave, and make the LA aware of any other useful information related to the case. This is likely to involve input from multiple staff members.

We have monetised three types of costs to non-school education settings associated with the CNIS registers:

1. **Familiarisation time:** All providers of out-of-school education will need to familiarise themselves with the new legislation, to check whether any actions apply to them. This will be achieved through review of the section of statutory guidance relating the provider duty, which we estimate will run to around 2 pages.
2. **Reporting time:** Providers of out-of-school education, with children attending the setting for a substantive proportion of their education, will be required to send necessary information to the local authority.
3. **Data collection time:** Sourcing information internally held for relay to the local authority, or where providers of out-of-school education voluntarily seek to collect the data required by local authorities in this legislation (i.e. name, address, parent details etc.) if not already held.

The costs and benefits to business calculations section has a full explanation of assumptions used and sensitivity analysis conducted. The ranges presented here account for those sensitivity checks. Low estimates incorporate all “best case” (lowest cost) scenarios, whilst high estimates incorporate all “worst case” (highest cost) scenarios.

(2) Expected impacts on businesses

(iii) Non-monetised impacts	As some providers may incur extra costs in needing to collect data that they do not already hold, the new duties may encourage providers to keep better data from the outset of taking on a new child to their setting. This could have a side-effect of improving health and safety in those settings, for example being able to contact a parent in the event of an emergency.	Neutral²⁴
(iv) Any significant or adverse distributional impacts?	No	Neutral

(3) Expected impacts on households

(i) Description of overall household impact	Parents who electively home educate are most likely to be impacted, where the children eligible to be registered on local authority CNIS registers will namely include children of compulsory school age who are not registered at a school. Costs incurred by parents will be in relation to their new duty to provide information to local authority CNIS registers if their child is eligible to be included on them, where currently no such obligation exists. Parents will be required to provide the following information if they hold it: child's name, date of birth, and address and the previous address if they have moved in the last 12 months; parents' names and addresses; names of parents educating the child and overall estimates of time spent being educated by parents and other persons or organisations, and in relation to any out-of-school education providers that the child is using that meet the threshold to be prescribed in regulations – the name, address, type of provider and estimate of amount of time the child is spending being educated there. Some parents may also supply voluntary information, for example on reasons for choosing to home educate. The main impact for these households will be the cost (in terms of time spent, rather than a direct monetary cost) of compiling this information and relaying it to the local authority for inclusion on their registers. Information would need to be provided: • Upon becoming eligible for registration on a local authority CNIS register • Upon request from the LA • Upon a change of circumstances e.g. move to another local authority area/change of address/change in parent providing the education (parents must update the local authority proactively of these changes), change in time spent in education and change in the out-of-school education providers that the child is using where they meet the threshold	Negative
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²⁴ These impacts, whilst positive, are expected to occur in a small number of settings.

(3) Expected impacts on households

- prescribed in regulations (parents must update the local authority of these changes upon request)
- When the child is no longer eligible to be registered

As the only required information is basic and should be known to the parents already, we do not envisage that this should take a great amount of time to communicate to their LA. In most cases, simple online correspondence will be used, with paper-based alternatives being used if needed.

We believe that this small burden is justified to ensure children are safe and receiving a suitable education; and in particular to support the identification of CME and enable local authorities to take the necessary action to address these cases. It would also bring EHE into line with school provision, where pupils are registered with the school, ensuring all children are registered in one form or the other.

The benefit of registration to parents will take the form of a duty on local authorities to provide support to those parents of children on CNIS registers who request it. If a registered parent/child requests support, the local authority will be obliged to provide advice and information relating to the education of the child.

For parents whose children are currently in school but who wish to withdraw them for home education, they may be impacted if they are in-scope of the consent requirement or live in a mandatory meeting pilot area.

For parents in-scope of the consent requirement, they will be required to make an application to the local authority for permission to remove their child from school for home education. This will include providing the local authority with evidence to support that the home education would be suitable and in the child's best interest.

For parents whose children attend schools in pilot areas, they will be required to attend a mandatory meeting with their local authority to discuss the reasons for removing their child from school, before their child can be withdrawn for home education. This could have a potential negative impact on households; while waiting for this meeting, parents may wish to keep their child from attending school. However, as the child's name will still be on the school roll, if a parent decided not to send their child to school, they could run the risk of school attendance fines. However, this risk will be mitigated by the fact that we intend to set out within the regulations that local authorities must hold the meeting without undue delay. Similarly, there may be a negative impact on parents who require local authority permission to remove their children from school, who keep their child out of school while awaiting the decision.

As with the registration duties, we believe that the potential negative impacts on parents are outweighed by the benefits of ensuring that children are in safe, suitable education that is in their best interests.

(3) Expected impacts on households

(ii) Monetised impacts	EANDCH: £1.7m in England (estimated range of £0.4m to £6.8m). This includes impacts in Wales, which are estimated to be £0m (£0m to £0.2m), or approximately 6% of the identified costs in England, based on the latest EHE learner numbers in England and Wales. We have estimated costs to households through three different strands of the policy. Those are: • The mandatory meetings pilot • The requirement for consent before some children are able to be removed from schools • The introduction of CNIS registers We have monetised two types of costs for parents linked to the <u>mandatory meetings pilot</u>: 1. Familiarisation time: All parents whose children attend schools in piloting LAs who wish to home educate them, will need to familiarise themselves with additional guidance related to the need for mandatory meetings. We estimate this guidance will be an additional 3 pages for parents. 2. Attendance of the mandatory meetings: Parents will be required to attend the mandatory meeting. Meetings will be organised for the most suitable time for all parties but will likely take place at the school (unless there are extenuating circumstances preventing this) during school teaching hours. As such, it's likely that impacted parents may need to take time off work to travel to and attend the meetings. They may also incur some transport costs to attend. We have monetised three types of cost for parents linked to the <u>consent requirements</u> portion of the legislation: 1. Familiarisation time: All parents considering deregistering their child from schools to electively home educate them will need to familiarise themselves with additional guidance related to the additional consent requirements. We estimate this guidance will be an additional 4 pages for parents. 2. Data collection time: Parents who are in-scope of the consent requirement and wish to make an application will be asked to provide information to the local authority to help them make their decision. The local authority must grant consent if home education would be suitable and in the child's best interests. Therefore, parents may choose to submit a high-level education plan to the local authority for example, and some additional information as to why they believe home education would be in the child's best interests. As parents who home educate are required to provide their child with a suitable education from the beginning, we would expect that parents should already have the information necessary to set out to the local authority that they can provide a suitable education to their child. However, we have made the assumption that collecting and formatting this information in a way that is digestible to the local authority, plus providing some additional information on best interests could range from 30 minutes – one hour.	Negative Based on likely household £NPV
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(3) Expected impacts on households

	3. Reporting time: The reporting time for parents for consent decisions may depend on the complexity of the situation. For some parents, an email to the local authority with the aforementioned information will be enough for the local authority to make a decision. If the child's circumstances are very complex then the local authority may request for the parent to have a call or meeting²⁵ with them. On this basis, we have made the assumption that reporting time could range between 10 minutes and 45 minutes. We have monetised three types of costs to parents associated with the <u>CNIS registers</u>: 1. Familiarisation time: All parents of home educated children and parents that are considering withdrawing their children from school for home education will need to familiarise themselves with the new legislation, to check whether any actions apply to them or not. This will be achieved through review of the relevant sections of the Children Not in School statutory guidance. We estimate that the guidance on Children Not in School registers for parents will be approximately 15 pages. 2. Reporting time: All parents who provide home education will be required to send necessary information to their LA. 3. Data collection time: Collating information for relay to the LA. While it's likely that parents will already hold all information on their child, we have included this cost as a conservative measure to incorporate time collating data on their specific learning patterns and rationale for home learning. The ranges presented here account for sensitivity checks. Low estimates incorporate all "best case" (lowest cost) scenarios, whilst high estimates incorporate all "worst case" (highest cost) scenarios. We do not believe that any costs will be passed on to households from business. We have not been able to monetise any benefits to households associated with this legislation.	
(iii) Non-monetised impacts	All expected costs have been monetised. Some parents may benefit from the duty on local authorities to provide support to those who request it. If a parent of a registered child requests support, the local authority will be obliged to provide advice and information. Another key benefit to this policy is through the potential attainment benefit to children. Specifically, any learner who is found to be missing education, or not gaining adequate education, who, as a result of this legislation, is instead able to get a proper education, will receive	Positive

²⁵ We will make clear via regulations how the pilots of mandatory meetings will work alongside the consent requirement

(3) Expected impacts on households

	significant attainment benefits. We know that attainment is directly linked to potential future earnings.	
(iv) Any significant or adverse distributional impacts?	No	Neutral

Part B: Impacts on wider government priorities

Category	Description of impact	Directional rating
Business environment: Does the measure impact on the ease of doing business in the UK?	The measures will only impact out-of-school education providers in England and Wales that have children attending their settings for more than a prescribed amount of time. As highlighted above costs are expected to be minimal where the duty to provide information to local authorities is reactive and the information requested should be information which providers already collect to support the safeguarding of children. There may be some additional costs where a provider has to obtain data that they do not already have but these costs ought to be minimal as information is acquired through correspondence or a phone call as necessary. The mandatory meetings pilot and consent requirement provision also introduce additional burdens to business (limited to independent fee-paying schools), which may marginally reduce the ease of doing business.	May work against
International Considerations: Does the measure support international trade and investment?	Not applicable – only impacts providers in England and Wales.	Neutral
Natural capital and Decarbonisation: Does the measure support commitments to improve the environment and decarbonise?	N/A – we would anticipate a neutral impact where the main implication of the CNIS measure is the supply of information to local authorities (the majority of which we would anticipate taking place via electronic means). The new power for local authorities to request to visit the child in their home(s) may result in increased travel for Elective Home Education officers, but we believe that the potential minor negative impact of this is acceptable given the potential benefits in terms of promoting and protecting a child's education and wellbeing. The mandatory meetings pilot may result in additional travel by parties attending the meetings, but the scale is not expected to be sufficiently large to affect any decarbonisation commitments.	Neutral

7. Monitoring and evaluation of preferred option

- We aim to undertake the first post-implementation review once the first years' worth of data from the CNIS registers has been returned to the department by local authorities and analysed. Information from Wales will be returned separately but will also inform the review. This assessment will take place on a yearly basis thereafter using each year's data as a comparator.
- We will pilot in certain local authorities, mandatory meetings for parents wishing to withdraw their child from school for home education. We will review the findings of these pilots at least two years after they begin running. Findings from these pilots alongside a public consultation will inform decisions on whether to discontinue or expand the initiative at a national level.

- The CNIS legislative proposals include powers to require local authorities to provide information from their CNIS registers to the department or Welsh government. Using this power, we will collect and analyse the following information from local authority registers to determine how successfully the proposals have met our policy objectives:
 - a. Number of children registered on CNIS registers
 - b. Number of children recorded as CME
 - c. Number of SAOs issued
 - d. Number of children with EHCPs in England (or IDPs in Wales) who are in special schools and number of children who are on CPPs (or were in the last five years)/s47 enquiries given consent to be EHE/declined consent
- To identify the impact of the proposals on households and businesses, we will also request data from local authorities on:
 - a. Number of fines (and amounts) issued to out-of-school education providers
 - b. Support provided to home educating families under the local authority support duty
 - c. Number of SAOs that resulted in a conviction and then fine
- In the first year, we will compare this data against the data we hold as part of the voluntary data EHE/CME data collection that we undertake termly with local authorities. Comparison of this element in Wales would be done via direct requests to the 22 local authorities in Wales.
- To complement the analysis of this data, we will also undertake engagement with key stakeholders post-implementation through forums and roundtables. By providing forums for local authorities, parents, and out-of-school education providers to air their views on the impact of the legislation, we should be able to capture information on whether there have been any unintended consequences or disproportionate burden on households or businesses.

8. Minimising administrative and compliance costs for preferred option

- In relation to the duty on out-of-school education providers, we do not anticipate that the administrative and compliance costs will be high to begin with, as the information required will be information such providers should be holding as part of their wider business and safeguarding responsibilities. The legislation will provide for the Secretary of State and Welsh ministers to issue guidance to local authorities on the exercise of their duties. This will include guidance on how requests for information should be in a similar and consistent form and manner, including on how information could be provided electronically to save on time and administrative costs. Local authorities will be advised on the use of discretion regarding when to issue a penalty notice for failure to ensure that businesses are not overly burdened with costs when more patience or understanding could be applied, depending on the circumstances.

- Some funding will be made available to local authorities in the initial stages of implementation to assist with any increased costs relating to register set-up or maintenance, but we anticipate these costs will be minimal. A full New Burdens Assessment (NBA) will be completed and will consider a one-off familiarisation cost and annual funding. The NBA will also consider the impact of the new duty to provide support and determine the most appropriate level of financial assistance to be provided to all local authorities and on what basis funding levels are to be allocated (e.g. size of local authority, number of EHE children in each area, existing financial pressures, ring-fenced funding etc). Wales already provides funding to local authorities to enhance existing capacity to enable LAs to determine that learners are in receipt of a suitable education and an amount of funding based on EHE numbers to enable the LA to develop a local offer for families.

Declaration

Department:

Department for Education

Contact details for enquiries:

Legislation.division@education.gov.uk

Minister responsible:

Minister Bailey

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed:

A handwritten signature in blue ink that reads "Nia Bailey". The signature is written in a cursive style with a long horizontal stroke at the bottom.

Date:

06/07/2026

Summary: Analysis and evidence

For Final Stage Impact Assessment, please finalise these sections including the full evidence base.

Price base year: 2026/27

PV base year: 2026/27

All figures presented in 2025-26 prices across a 10-year appraisal period

	Business as usual (baseline)	Option 1: Preferred way forward	Option 2: legislation with no provider duty	Option 3: update non-stat guidance
Net present social value	£0m	-£57.9m (-£147.2m to -£33.7m) This figure includes our estimates for costs to households and business, alongside some of the costs to LAs in England. Costs for Wales are also included and are anticipated to be approximately 6% of costs displayed for England.	-£12.6m (-£50.3m to -£9.1m) This figure only includes our estimates for costs to households and business. Costs for Wales are anticipated to be lower than 6% of costs displayed for England.	-£4.1m (-£16.6m to -£3.0m) As we have not been able to quantify benefits, this figure only includes our estimates for costs to households and business. Costs for Wales are anticipated to be lower than 6% of costs displayed for England.

	Business as usual (baseline)	Option 1: Preferred way forward	Option 2: legislation with no provider duty	Option 3: update non-stat guidance
Public sector financial costs	£0m	£32.8m ²⁶ We have monetised the costs to LAs for the mandatory meetings pilot and consent requirements. These costs largely represent time commitments for EHE officers and social workers – we describe the costs in more details in the evidence base section. There will likely be some additional administrative cost associated with establishing and managing CNIS registers, including data collection and retention. These have not been estimated at this stage.	£0.0m We have not monetised any public sector costs. However, there will likely be some additional administrative cost associated with data collection and storage for LAs.	£0.0m We have not monetised any public sector costs. However, there will likely be some additional administrative cost associated with data collection and storage for LAs.
Significant un-quantified benefits and costs (description, with scale where possible)	No additional costs or benefits.	By having better data on CNIS, providing consent prior to certain groups of children becoming EHE, and piloting mandatory meetings with parents prior to EHE, LAs and DfE/WG will be able to identify children needing support or alternative provision to ensure they receive an appropriate education and are safeguarded. This option offers the most complete data collection.	Excluding certain providers will result in a less complete data collection that also reduces the LAs and national government's ability to support children to receive an appropriate education and improve safeguarding, significantly reducing the expected benefits. Not implementing pilots of mandatory meetings or consent requirements will mean expected benefits on safeguarding and ensuring home education is suitable are further reduced relative to the preferred option.	The voluntary nature of the data collection in this option means the expected benefits will be significantly smaller in scale than the preferred option. Not implementing pilots of mandatory meetings or consent requirements will mean expected benefits on safeguarding and ensuring home education is suitable are further reduced relative to the preferred option.

²⁶ Discounted total over a 10-year appraisal period.

	Business as usual (baseline)	Option 1: Preferred way forward	Option 2: legislation with no provider duty	Option 3: update non-stat guidance
Key risks (and risk costs, and optimism bias, where relevant)	N/A	Many assumptions are highly uncertain. The risks associated have been mitigated by conducting thorough sensitivity analysis, explained in detail in the calculations sections.	Alternative options have been costed based on an expected proportion of costs compared to the preferred option, based on the proportion of take up we expect from businesses and households. Therefore, these costs are implicitly uncertain. Crucially, the alternative options are likely to offer significantly fewer benefits than the preferred option.	
Results of sensitivity analysis	N/A	Thorough sensitivity analysis conducted. Full explanations of sensitivity testing in calculations sections.	Ranges presented, based on a proportion of costs compared to the preferred option.	

Evidence base

NPSV: monetised and non-monetised costs and benefits of each shortlist option (including administrative burden)

Costs

Monetised costs of our preferred option are broken down in more detail in the following sections.

We have monetised some of the additional burdens faced by LAs. Notably through the mandatory meetings pilot, and the consent requirements duty.

For the mandatory meetings pilot, which is still in development, we have assumed:

- Between 12 and 15 LAs will take part in the pilot. Numbers are based on a representative sample of the country, and not any specific LAs (i.e. 8%-10% of the national equivalent figures). The pilot will aim to include a diverse set of LAs along the dimensions of region, rurality, size of EHE population, and other factors to ensure the evaluation of the pilot produces robust and generalisable findings.
- An LA EHE officer will prepare for and attend the meeting. We have assumed 1 hour of preparation time, and 1 hour of meeting time. Time is valued based on their equivalent hourly wages, inclusive of a 30% uplift for non-wage labour costs.
- The LA EHE officer will need to travel to the school for the meeting, incurring both travel time costs and transport costs. We have assumed a c.40-minute drive each way, based on the average travel time for business in the UK²⁷.
- In cases where the child is also eligible for consent requirements, we have included an additional cost for a social worker to attend the meeting. We have assumed the same time costs as those for an EHE officer, accounting for the higher average hourly wage of a social worker.

For the consent requirements duty, we have assumed:

- Each deregistration request will require an administrative assistant to check whether the child requires additional consent. We have estimated that this will take 3 FTE hours. As above, their time is valued based on their equivalent hourly wages, inclusive of a 30% uplift for non-wage labour costs.
- For children who require additional consent, we assume 1.0 FTE days of social worker time to investigate the individual case.

We have not included any monetised cost burden for LAs to establish and manage CNIS registers. These costs could be significant, especially if new administrative systems are required, but are very uncertain.

Costs for alternative options are more uncertain. They are based on proportions of the costs in our preferred option – proportions are based on estimated rates of compliance amongst businesses and households. For both option 3, and option 4, the estimated rate of additional compliance amongst businesses is 0%, meaning no additional costs to business, this is because there is no duty placed on businesses in either option.

Option 3 has an estimated 100% additional compliance rate amongst households, as parents will have a duty to report data to their local authority. Consequently, option 3 carries the full additional cost burden of option 1 on households.

²⁷ [DfT travel survey. England business travel time.](#)

Option 4 has an estimated 33% additional compliance rate amongst households. This is based on an estimate of additional compliance based solely on additional guidance. There is no statutory duty placed upon parents in this option, and consequently no potential cost of fines.

Benefits

One of the key benefits to this regulatory change is enabling the reduction of safeguarding risks. The NSPCC found that the discounted lifetime costs per victim of non-fatal child maltreatment is estimated to be c.£126k^{28,29}. This figure is likely to be on the conservative side as the definition of maltreatment used is broad but presents a good sense of scale to the potential benefits of the policy.

For both shortlisted alternative options, the benefits would be significantly lower than our preferred option. This is because there would be large evidence gaps on EHE children and their learning environments. This would also greatly limit our ability to understand the attainment and employment outcomes of EHE children, which is another key benefit. It's also likely that, due to the non-statutory nature of these options, the evidence gaps are more likely to contain the children that could benefit most from intervention.

Costs and benefits to business calculations

Business Net present value: -£10.7m

We have estimated costs to business through three different strands of the policy. Those are:

- The mandatory meetings pilot
- The requirement for consent before some children are able to be removed from schools
- The introduction of CNIS registers

We assume that there are potentially two types of costs, specifically for independent schools, linked to the mandatory meetings pilot:

1. **Familiarisation time:** All independent schools located in piloting LAs will need to familiarise themselves with additional guidance related to the need for mandatory meetings. We estimate this guidance will be an additional 2 pages for schools.
2. **Preparation for, and attendance of, the mandatory meetings:** Independent schools will need to have an appropriate representative attend the meetings. This representative will also need to do some preparation work before the meeting to ensure they understand the case.

The Keeping Children Safe in Education statutory guidance already recommends schools have meetings with parents prior to EHE, although we do not collect data on how many schools currently do. Nonetheless, this means the cost to business identified here might not be entirely additional.

We assume that there are potentially two types of costs, specifically for independent schools, linked to the consent requirements portion of the legislation:

1. **Familiarisation time:** All independent schools will need to familiarise themselves with additional guidance related to the additional consent requirements. We estimate this guidance will be an additional 2 pages for schools.
2. **Deregistration admin:** When independent schools receive a request for a pupil to be deregistered to become electively home educated, they will need to make the LA aware. They will also need to do some initial checks on whether the child will require consent before

²⁸ [The economic costs of child maltreatment in the UK: a preliminary study \(nspcc.org.uk\)](https://www.nspcc.org.uk)

²⁹ Inflated to 26-27 prices.

being allowed to be de-registered, and make the LA aware of any other useful information related to the case. This is likely to involve input from multiple staff members.

We assume there are potentially three types of costs to non-school education settings associated with the CNIS registers:

1. **Familiarisation time:** All providers of out-of-school education will need to familiarise themselves with the new legislation, to check whether any actions apply to them or not. This will be achieved through review of the section of statutory guidance relating to the provider duty, which we estimate will run to around 2 pages.
2. **Reporting time:** Providers of out-of-school education, with children, that are attending the setting for a substantive proportion of their education, will be required to send necessary information to LA.
3. **Data collection time:** Sourcing information internally held for relay to the local authority, or where providers of out-of-school education voluntarily seek to collect the data required by local authorities in this legislation (i.e. name, address, parent details etc.) if not already held.

The impact on business from the consent requirement and the pilot of mandatory meetings falling on independent schools are calculated in proportion to the overall number of independent schools relative to all schools. This could mean the presented impacts overestimate the cost to business, as it is possible that the rates at which children are removed from independent school for home education would be lower than for other types of schools, given the high cost to parents of independent schools (either directly in fees or indirectly through obtaining LA support for attendance). However, we do not have evidence on differential probability of EHE to quantify this at this stage.

Whilst all providers of out-of-school education will incur a familiarisation time cost, only those who provide a substantive proportion of a child's education will incur reporting and any data collection time costs. We are uncertain over how many providers already collect the required data; as such, we have considered the overall cost of the legislation both with and without a new data collection time burden for all providers of out-of-school education (where we acknowledge that some providers may proactively decide to collect the relevant information following implementation of the duty).

In order to quantify time costs across the system, we assume the following time demands from the new legislation:

- Based on average reading times³⁰, the additional 2 pages of guidance for out-of-school education providers will take c.5 minutes for an administrative assistant to read. Likewise, the additional 2 pages of guidance for mandatory meeting piloting independent schools, and the additional 2 pages of guidance on required consent will require less than 10 minutes of SLT time to read.
- 2 hours of SLT time in independent schools to prepare for and attend each mandatory meeting.
- 1 hour of SLT time per deregistration request in independent schools linked to the administrative burden of consent requirements.
- Out-of-school education providers will face 10 minutes data collection time per student for CNIS registers. This is an annual cost. We expect that all settings should hold the information required as part of their responsibilities around safeguarding and child welfare but cannot definitively rely on this due to the lack of regulation of the sector and unknown data protection practices or standards.
- Likewise, out-of-school education providers will face 5 minutes reporting time per student for CNIS registers. This is an annual cost, and is thought to be a conservative estimate, as reporting will take place via emails or letters.

³⁰ [How many words do we read per minute? A review and meta-analysis of reading rate - ScienceDirect](#)

We assume that all time commitments will face a cost equivalent to the individual completing the task's hourly wage (inclusive of an uplift for employer NICs and pensions). The outcome of these assumptions is shown in the Monetised Impacts table in section (2) of Part A of Section 7 above. The assumptions set out above represent our best estimates on time demands associated with the new legislation. We have conducted sensitivity testing on the following assumptions due to their uncertainty. The ranges presented (both in this section, as the total business NPV, and the EANDBC figure in section 7a2) represent the results from all sensitivity tests combined. The maximum figures show the 'worst case' scenarios, while minimum figures show the 'best case':

- **The total number of providers of out-of-school education.** Our best estimate is 100,000 providers in England, but this is highly uncertain. Estimates for Wales are not available.
 - We believe that many of these providers will not be impacted by these regulations as i) many of them will not support any students that are home-educated, and ii) many that do support students will already collect their data. As such, we have estimated results with a low estimate of 25,000 impacted businesses.
 - It is also possible that there are more providers that we do not know about. To present a full sense of scale, we have also shown results in the event that there are 200,000 providers impacted.
- **The number of EHE children.** DfE's published estimate on EHE children as of October 2025 is 126,000 (not including just over 7,000 for Wales).
 - It's possible that there are more EHE children not counted, however this is incredibly uncertain, therefore, we have completed sensitivity tests with double the number of EHE children (252,000 for England only).
 - We also do not have estimates for the number of children who are deregistered from school to become EHE each year. Our analysis has assumed that c.0.55% of all school children will be deregistered to become EHE each year, which is based on the average annual year-year growth rate in EHE, in addition to the average annual in-year growth rate in EHE. 0.55% is likely to represent an underestimate for this figure, and as such, we have conducted a sensitivity test where this figure is 1.5%, which represents the proportion of children (either in school, or EHE, but excluding 'Children Missing Education' and unknowns) who were EHE on census day 2025.
- **The proportion of EHE children learning at non-school providers.** Our best estimate for this figure is 10%, this is based on our engagement with local authorities and home-educator stakeholders which has informed our understanding of the cohort's use of non-school education facilities; however it is very uncertain due to the lack of data available.
 - This assumption is very uncertain. To show the 'worst case' scenario, we have tested this assumption by assuming 100% of EHE children are learning in these settings.
- **The mandatory meetings pilot scale.** The pilot is still in development. We have assumed that between 12 and 15 LAs (equivalent to 8%-10% of LAs) will take part, and these LAs will contain a representative sample of the EHE population. Our central estimate assumes a mid-point of the low and high (12 and 15 LAs respectively).
- **The increased administrative burden for deregistration requests linked to consent requirements.** This assumption is very uncertain. Our central estimate is that each deregistration request will require c.1 FTE hour for a member of SLT at independent schools. We have tested this assumption by i) reducing the time to 30 minutes, and ii) increasing the number of deregistration requests per year to 1.5% of children attending school (c.150k).
- **The familiarisation time for businesses.** We believe that the relevant guidance will be 2 pages long for out-of-school education providers, which will take the average reader c.5 minutes to read. We believe the additional 5 pages of guidance for independent schools will take c.10 minutes for a member of SLT.
 - We have conducted sensitivity testing doubling the time spent reading to 10 minutes for out-of-school education providers, c.10 minutes for independent schools involved in the pilot, and c.20 minutes for all independent schools for guidance related to consent requirements.

- **The data collection time for businesses.** We have estimated that each business will spend 10 minutes per year, per pupil, collecting necessary data. This is driven by the fact that the data is simple, and collection will likely take place via short phone calls or emails.
 - It is likely that businesses educating children will already hold most (if not all) necessary data, we have tested this assumption with half the time spent collecting data per child (5 minutes).
 - Due to the inherent uncertainty of this assumption, we have also tested it with double the time spent on data collection (20 minutes).
- **The reporting time for businesses.** We have estimated that each business will spend 5 minutes per year, per child, reporting data to local authorities. As above, this is driven by the fact that the data is simple, and reporting will likely take place via emails.
 - Businesses with multiple learners would likely report all learners at once, and as such benefit from economies of scale on this assumption. We have tested this assumption by halving the time taken per child per year to 2 minutes, although it could feasibly be lower.

Due to the inherent uncertainty of this assumption, we have also tested it with double the time spent on reporting (10 minutes per pupil per year).

Impact on small and micro businesses

SMBs may be impacted disproportionately by these changes. It's not clear whether independent schools which are classed as SMBs will be impacted by the mandatory meetings pilot and required consent, since we do not know how many deregistration requests will fall on these schools.

However, we have estimated that costs related to the register, which impact out-of-school education providers, may equate to:

- 85% of business familiarisation costs could be attributable to SMBs, which represents c.£0.9m of costs in the first year (less than £10 per SMB).
- Data collection and reporting costs to businesses each round down to £0.0m in our central estimates. Consequently, even if 100% of businesses were SMBs, the costs would be very small, particularly per SMB.
-

Costs and benefits to households' calculations

We do not anticipate any pass through costs to households from independent schools as the costs are likely to be minimal, particularly per independent school. Likewise, we do not anticipate any pass through costs to households from businesses offering out-of-school education for children – where the cost to businesses, to comply with the new duty to supply certain information on request to local authorities, is expected to be minimal.

Parents who either already electively home educate, or might consider elective home education, are most likely to be impacted. The legislation will place a new obligation on them to inform their local authority of their intention to home educate, where currently no such obligation exists. For current EHE parents, the costs incurred would be in relation to the supply of required information to support accuracy of the Children Not in School Registers (i.e. name, date of birth, and address of child; parents' names and addresses; means by which they are being education, such as the details of settings at which they are receiving part of their education for more than a prescribed threshold of time); and any voluntary information, for example on reasons for electively home educating, that parents wish to provide. For parents considering elective home education who are living in mandatory meetings pilot areas or in-scope of the consent requirement, there is an additional step to take before deregistering their children from schools (e.g. attending a meeting and / or providing

information as to the suitability of their child's education/ information to demonstrate that home education is in their child's best interests to the local authority).

Since introduction of the then Bill, the government has amended the Children Not in School measures with the intention of reducing the burden of providing information for registers for parents. These changes include:

- Parent(s) will no longer be required to inform the LA when their child is no longer of compulsory school age and therefore ineligible for the registers.
- Parent(s) will only need to provide information on education providers that their child is attending above a certain threshold of time (to be prescribed in regulations).
- Parent(s) will no longer have to update information on providers within 15 days of changes. Instead, local authorities will be able to request that a parent provides these updates no more than once every 3 months.
- Parent(s) are not required to provide details of people who are not directly responsible for providing education.
- Parent(s) are required to give an estimate of time that the child spends receiving education from all parents of the child (instead of the exact amount each parent spends each week).
- Parent(s) are required to give an overall estimate of time that child spends receiving education from education providers.

These changes could significantly reduce the burden on parents who are utilising several out-of-school education providers for short periods of time as part of their home education arrangements, particularly if they change these providers often. However, we have not yet updated our original calculations to take this reduction of burden into account because until we consult on the level at which the threshold will be set for parents to give these details, we will not know the proportion of families that are likely to be impacted by these changes and how significantly it will reduce burden.

We have estimated costs to households through three different strands of the policy. Those are:

- The mandatory meetings pilot
- The requirement for consent before some children are able to be removed from schools
- The introduction of CNIS registers

We assume that there are potentially two types of costs for parents linked to the mandatory meetings pilot:

1. **Familiarisation time:** All parents in piloting LAs with children attending schools, but who wish to home educate them, will need to familiarise themselves with additional guidance related to the need for mandatory meetings. We estimate this guidance will be an additional 3 pages for parents.
2. **Attendance of the mandatory meetings:** Parents will be required to attend the mandatory meeting. Meetings will be organised for the most suitable time for all parties but will likely occur during school teaching hours. As such, it's likely that impacted parents may have to take some time off of work to travel to and attend the meetings. They will also likely incur some transport costs to attend.

We assume that there will be three cost types for parents linked to the consent requirements portion of the legislation:

1. **Familiarisation time:** All parents considering deregistering their child from schools to electively home educate them will need to familiarise themselves with additional guidance related to the additional consent requirements. We estimate this guidance will be an additional 4 pages for parents.

2. **Data collection time:** Parents who are in-scope of the consent requirement and wish to make an application will be asked to provide information to the local authority to help them make their decision. The local authority must grant consent if it appears that home education would be suitable and in the child's best interests. Therefore, parents may choose to submit a high-level education plan to the local authority for example, and some additional information as to why they believe home education would be in the child's best interests. As parents who home educate are required to provide their child with a suitable education from the beginning, we would expect that parents should already have the information necessary to set out to the local authority that they can provide a suitable education to their child. However, we have made the assumption that collecting and formatting this information in a way that is digestible to the local authority, plus providing some additional information on best interests could range from 30 minutes - one hour.
3. **Reporting time:** The reporting time for parents for consent decisions may depend on the complexity of the situation. For some parents, an email to the local authority with the aforementioned information will be enough for the local authority to make a decision. If the child's circumstances are very complex then the local authority may request for the parent to have a call or meeting with them. On this basis, we have made the assumption that reporting time could range between 10 minutes and 45 minutes.

We assume there are potentially three types of costs to parents associated with the CNIS registers:

1. **Familiarisation time:** All parents of home educated children and parents that are considering withdrawing their children from school for home education will need to familiarise themselves with the new legislation, to check whether any actions apply to them or not. This will be achieved through review of the relevant sections of the Children Not in School statutory guidance. We estimate that the guidance on Children Not in School registers for parents will be approximately 15 pages.
2. **Reporting time:** All parents who provide home education will be required to send necessary information to their LA.
3. **Data collection time:** Collating information for relay to the LA. While it's likely that parents will already hold all information on their child, we have included this cost as a conservative measure to incorporate time collating data on their specific learning patterns and rationale for home learning.

In the absence of data on parents who choose to home educate, we assume that the value of their time will equate to that of the average UK parental wage, which results in an hourly rate of £28.82 (inclusive of a 30% uplift for employer NICs and pensions). We assume that one parent will face the costs per household. The outcome of these assumptions is shown in the Monetised Impacts table in section (3) of Part A of Section 7 above.

The assumptions set out above represent our best estimates on time demands associated with the new legislation. We have conducted sensitivity testing on the following assumptions due to their uncertainty. The ranges presented throughout this impact assessment represent the results from all sensitivity tests combined. The maximum figures show the 'worst case' scenarios, while minimum figures show the 'best case':

- **The number of EHE children.** DfE's published estimate on EHE children as of October 2025 is 126,000 (not including just over 7,000 for Wales). We do not have data on the number of households that account for these 126,000 children. As such, we have chosen to assume that each household will account for one child as a conservative assumption (i.e. 126,000 households face familiarisation costs). The equivalent figure in Wales is 7,176 (based on latest published data August 2025).
 - It's highly unlikely that each EHE child will be from a separate household. Parents who choose to home-educate one child are likely to do so for every child. 55% of

families with dependent children have more than one child³¹. To demonstrate the effects of this, we have conducted sensitivity analysis where we assume that any parent with more than one child will only face the familiarisation costs once, resulting in 69,300 parents facing the familiarisation costs, instead of the original 126,000.

- It's possible that there are more EHE children not counted, however the extent to which figures of known EHE children underestimate this is incredibly uncertain, therefore, we have completed sensitivity tests with double the number of EHE children (252,000 for England only).
- We also do not have estimates for the number of children who are deregistered from school to become EHE each year. Our analysis has assumed that c.0.55% of all school children will be deregistered to become EHE each year, which is based on the average annual year-year growth rate in EHE, in addition to the average annual in-year growth rate in EHE. 0.55% is likely to represent an underestimate for this figure, and as such, we have conducted a sensitivity test where this figure is 1.5%, which represents the proportion of children (either in school, or EHE, but excluding CME and unknowns) who were EHE on census day 2025.
- **The mandatory meetings pilot scale.** The pilot is still in development. We have assumed that between 12 and 15 LAs (equivalent to 8%-10% of LAs) will take part, and these LAs will contain a representative sample of the EHE population. Our central estimate assumes a mid-point of the low and high (12 and 15 LAs respectively).
- **Mandatory meetings parental costs.** We have assumed that the meeting will last for one hour per case. We have also assumed that parents will be required to travel for c.15 minutes each way to school and back, facing both time and transport costs to do so.
 - We have conducted sensitivity testing by assuming that parents are able to conduct the meeting in their own time, meaning that only the transport costs are included.
- **The familiarisation time for parents.** We believe that the relevant guidance on CNIS registers, read by EHE parents, will be 15 pages long, which will take the average reader c.30 minutes to read. Additionally, parents considering deregistration for EHE will need to familiarise themselves with 4 pages of guidance on the consent requirements that may impact them, and parents in piloting LAs will need to read additional guidance on mandatory meetings.
 - We have conducted sensitivity testing doubling the time spent reading for each of the familiarisation costs.
- **The data collection time for parents.** Although it's likely that parents will already hold all information on their child, we have included this cost as a conservative measure to incorporate time collating data on their specific learning patterns and rationale for home learning. We have estimated that each household will spend 10 minutes per year, per child, collecting and collating necessary data.
 - As it's highly likely that parents will already hold all necessary data, we have tested this assumption with no time spent collecting data per child.
 - Due to the inherent uncertainty of this assumption, we have also tested it with double the time spent on data collection/collation (20 minutes).
- **The reporting time for households.** We have estimated that each household will spend 10 minutes per year, per pupil, reporting data to local authorities. As above, this is driven by the fact that the data is simple, and reporting will likely take place via emails.
 - As the information required is so simple, we have tested this assumption with half the time spent on reporting (5 minutes per child per year).
 - Due to the inherent uncertainty of this assumption, we have also tested it with double the time spent on reporting (20 minutes per child per year).

³¹ [Families and households in the UK - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/familiesandhouseholds)

The final potential cost to households is through penalty fines issued due to SAOs. We have excluded estimates on the potential costs of these as they are completely avoidable through compliance.

The benefit of registration to parents will take the form of a duty on local authorities to provide support to those who request it. This duty will not apply to those EHE families who are not registered, who may have a request for support legitimately turned down and receive no assistance.

Business environment

- We do not believe that these measures will affect the business environment. The measures will only impact out-of-school education providers in England and Wales, that have children attending their settings for more than a prescribed amount of time; and as highlighted above costs are expected to be minimal where requests are made for information which they would already be expected to hold to support the safeguarding of children. There may be some additional costs where a provider has to obtain data that they do not already have but these costs ought to be minimal as information is acquired through correspondence or a phone call as necessary. The mandatory meetings pilot and consent requirement provision also introduce additional burdens to business (limited to independent schools), which in theory marginally reduce the ease of doing business, though we do not expect any such effects to materialise in practice.

Trade implications

No identified impacts

Environment: Natural capital impact and decarbonisation

- We have considered the measures and conducted an Environmental Impact Assessment. We anticipate a neutral impact - the main implication of the CNIS measures is the supply of information to local authorities (the majority of which we would anticipate taking place via electronic means). The new power for local authorities to request to visit the child in their home(s) may result in increased travel for Elective Home Education officers, but we believe that the potential minor negative impact of this is acceptable given the potential benefits in terms of promoting and protecting a child's education and wellbeing. The mandatory meetings pilot may result in additional travel by parties attending the meetings, but the scale is not expected to be sufficiently large to affect any decarbonisation commitments.

Other wider impacts (consider the impacts of your proposals)

- Equalities Impact Assessment has been carried out.
- Child's Right Impact Assessment has been carried out.

Risks and assumptions

Evidence base for EHE and CME

We rely on data collections made by the department as our source of information for England. Data on EHE numbers has only been available since 2016 in the form of a voluntary survey of LAs conducted by the Association of Directors of Children's Services. This ran annually until 2021 and achieved a typical response rate of 81%. That survey was replaced from 2022 onwards by the department's voluntary data collection, taking place on a termly (3x a year) basis. The department's

collection has requested more information points from LAs and achieved a response rate of between 91-100%, strengthening our data sources. This data collection also includes CME information, which has only been collected since 2022. The CME data so far has identified a far wider range of practices and interpretations by local authorities of terms and duties, so can be seen to be less reliable though it is clear already that improvements are being made to consistency of approach across local authorities. Reported figures for known EHE children in Wales are captured via the annual EOTAS data release, which has recorded estimated numbers of EHE children in Wales since 2009.

Out of school settings

Out-of-school settings are unregulated in both England and Wales and neither the department nor Welsh government hold data on the numbers or information about who attends them. In England, the department have previously estimated that there could be around 100,000+ out-of-school settings (based on figures available on websites of sports, youth, education and faith sector bodies (but excluding private tutors). Many of these settings would not be in scope of our proposals. We have also estimated that over a million children receive a form of private tuition, through a centre or a tutor. However, there is extensive limitations to this data, which require caution, in part because there is no requirement for any of these types of settings to formally register with anyone e.g. Ofsted /Estyn, another regulatory body or their local authority. Where there is a potential for double counting. It would also not be appropriate to rely on this data to illustrate impact as many settings would be out of scope of our proposal as they would not provide part of the education of a child not in school (e.g. sports clubs, Sunday schools, etc.). Further, we are only concerned with children attending such settings for part of their education who are not on a school roll. The policy is the same for Wales, with many home educated children thought to be attending an out of school provider for part or all of their education. Without mandatory registration requirements on home educating parents and out-of-school settings to provide this information to local authorities, the Welsh Government is unable to provide estimates.

Whilst we are able to cite data provided to the department from local authorities in England on children in elective home education (126,000 on census day October 2025) and CME (34,700 on that same date), that data is somewhat limited, firstly because LAs only have to provide it on a voluntary basis and not all authorities have provided returns (either in part or in full), and secondly as there is no requirement for parents to inform their local authorities that they are home-educating and so reported numbers are of those children known to the local authority only. Finally, it is not currently known how many of those children are attending an out-of-school setting at all, nor of those who do how many are doing so for part of their education. This position is mirrored in Wales; whilst numbers of known home-educated children are reported in the annual EOTAS data return³², these are estimates of the cohort and may not reflect the actual number of children.

³² [Pupils educated other than at school: September 2024 to August 2025 \[HTML\] | GOV.WALES](#)