

Frequently Asked Questions

Legal references on this page apply to England.
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Consultation Launched New Home Education Guidance

April 10th 2018: The Department for Education has published revised draft home education guidance for consultation, together with a "call for evidence" on other possible changes. The deadline for responding is July 2nd 2018. Read more [here](#).

Is the law in England changing?

Not as far as we know. Since January 2018 in response to Lord Soley's bill, the Department for Education has been saying it will publish updated draft home education guidance for consultation shortly. This was reiterated in the latest [House of Commons Library Briefing](#), dated February 2018. Read more [here](#)

How many children are home educated in England?

I have not researched this since 2014 when I went into considerable detail. In July 2014 local authorities in England recorded 27,292 home educated children. [General Article Bar Charts Alphabetical by LA](#)

How do I find out who is responsible for home education at my local council?

Not all council websites have contact details. Put "name of your council" + "home education" into an internet search box. The job of overseeing home education may be passed to someone who is working in Education Welfare, School Improvement, Inclusion, Alternative Provision, Special Needs or Traveller Education. [Article Alphabetical by LA Council Web Pages](#).

Do you have an example of an LA where you think there is good practice?

Yes, I've blogged [here](#) about the Lancashire Model of Good Practice. MP Graham Stuart has also highlighted [Cambridgeshire's new support model](#)

Can I home educate for a short time if I don't get the right school place? Yes. You will need to let the school (and anyone else) know that you don't require the place. Your local council may contact you to find out what arrangements you are making for your child's education. Your council should publish statistics on how many school appeals were successful in the previous year.

Do parents need to ask permission to home educate?

No, not in England unless the child is a registered pupil at a special school, in which case the consent of the local authority is required before the child's name can be taken off the school roll. [Taking a Child out of School](#) and [Deregistration](#)

Does anyone check up on home educating families?

Local authorities have no statutory duty to monitor parents' home education provision. At the same time, section 436A Education Act 1996 gives local authorities the duty to make arrangements to identify children outside school who are not receiving suitable education. [Government Guidelines](#) indicate that the authority should address the situation informally unless and until it appears that there is a problem. Paragraph 3.4 of the Guidelines says "***If it appears that a suitable education is not being provided, the local authority should seek to gather any relevant information that will assist them in reaching a properly informed judgement.***" The crucial part of this is "***if it appears***". In other words, the LA should **only** be gathering further information in order to make a judgement **after** there appears to be a problem or failure in some way. The Guidelines also direct the LA to bear in mind that "*learning takes place in a wide variety of environments*" and also that parents are "*not required to teach the National Curriculum, provide a broad and balanced education, have a timetable, have premises equipped to any particular standard, set hours during which education will take place, have any specific qualifications, make detailed plans in advance, observe school hours, days or terms, give formal lessons, mark work done by their child, formally assess progress or set development objectives, reproduce school type peer group socialisation, or match school-based, age-specific standards.*" Paragraph 3.16 of the Government Guidelines says that "*If the authority is not satisfied that a suitable education is being provided, and the parents, having been given a reasonable opportunity to address the identified concerns and report back to the authority have not done so, the authority should consider sending a formal notice to the parents under section 437 (see paragraph 2.7) before moving on, if needed, to the issuing of a school attendance order.*"

Can my child be sent back to school?

Yes, but there is a formal legal process which has to be followed and there has to be a successful prosecution in the magistrates court first. The Council has a duty to intervene where a child is not in school and it appears that the child is not receiving education. The process begins with the Council asking for more information, moves through to the service of a formal notice under section 437 (1) and may eventually culminate in the Council issuing a School Attendance Order. [Article](#)

Does the LA have a duty to satisfy itself about home education provision?

No. This is frequently misunderstood. The authority **only** has a duty to act **if it appears** that a child is not receiving education. See [Home Education Law](#). In June 2013 [the Minister said](#) "*there is no duty on local authorities to assure themselves that the provision being made by parents for home educated children is suitable*".

Do parents have to supply evidence about home education provision?

No. This is frequently misunderstood. "Evidence" only becomes an issue when the authority has sent a formal legal notice under section 437 of the Education Act 1996. If the LA asks for some information, this is **not** the same as a formal request for evidence.

[Home Education Law](#) and [Educational Philosophies](#)

What has Ofsted got to do with home education?

In the course of inspecting local authority children's services, Ofsted inspectors ask LAs about children missing education and also ask for the number of home educated children and how LAs deal with home education. In the past they have praised some bad practice eg breaching Pupil Registration Regulations. However, at the beginning of April 2015 Ofsted provided the inspectorate with guidance about home education which can be read [here](#).

Is there any financial help for home educating families?

Essentially, no. There is no specific duty to provide help home educators even where the child has a [statement of SEN](#) or [an EHCP](#), although some LAs [do help with exams](#). [Funding](#)

How do home educated children take exams?

Home educated young people who wish to take exams do so outside the state school system as private candidates. This involves selecting an examination board with suitable courses and finding an exam centre which accepts external candidates. Home educated young people have a restricted range of options for exams and generally take IGCSEs rather than GCSEs. [Article](#)
[Council Support FAQ](#) See [Survey](#) and [Case Studies A Levels From Home](#)

What do local authorities think about autonomous education?

We don't have sufficient data to be able to generalise about LAs' attitude to autonomous education. Many authorities simply use template letters and forms which can be sent out by administrative staff. [Leaflet](#) and here [Article](#)

How do I get in touch with other home educating families?

Click [here](#) for a map showing local home education support groups and internet lists throughout the country.

Where is a good place for educational links and resources?

This is a social network and forum for parents and carers who use a structured or semi structured approach to home education
[More](#)

Can children with special needs be home educated?

Yes. Some parents turn to home education when they have been unable to get their child's needs met in the school system. Other families decide when their children are very young that school is unlikely to meet their needs. Children with special educational needs have an equal right to be educated at home. [Article Website](#)

Does it make a difference if children have a statement of special needs or EHCP?

Having a statement of SEN or Education Health and Care Plan does not prevent a child from being educated at home. Read more [here](#) [SEN FAQ](#) [Leaflet](#) [New SEN System](#) including EHCPs.

If the LA names a school in the statement/EHCP is my child a truant if he doesn't attend?

It is only the parent who can register the child at a school, not the authority. If the parent has **not** agreed that the child should attend that particular school and has **not** notified the school that the child will start attending on a particular day, then in legal terms there is no "**expected first day of attendance**" (although the school and/or the LA might be expecting the child to attend, this is not the same thing) The child has **not** become a registered pupil and there can be no offence in law of failing to ensure regular attendance. There is a parallel with the child not attending the school named in a School Attendance Order. [Article](#) [SEN FAQ](#) [SEN](#)

If the LA names a school in the school attendance order is my child a truant if he doesn't attend?

It is only the parent who can register the child at a school, not the authority. If the parent has **not** agreed that the child should attend that particular school and has **not** notified the school that the child will start attending on a particular day, then in legal terms there is no "**expected first day of attendance**" (although the school and/or the LA might be expecting the child to attend, this is not the same thing) In this situation the child has not become a registered pupil and there can be no offence of failing to ensure regular attendance. There is a parallel with the child not attending the school named in the statement of SEN or the EHCP.
[More](#)

Can the council insist on seeing home educated children?

No, families do not have to agree to meet with the council. [Government Guidelines say](#) that "*where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made.*" [Social Services](#)

DfE told one LA "*As you will be aware from DfE's guidelines on Elective Home Education, there is no legal provision for a home visit for this purpose unless there is a safeguarding concern...*" [More](#)

The Government also confirmed in 2010 that it was not mandatory to see the child or the home as part of the SEN annual statement review. [More](#)

Do parents have to comply with requests without being told specific grounds for concern?

No, parents are not under any duty to respond to requests at any stage, but there may be consequences if they refuse. Paragraph 3.5 of the [Government Guidelines](#) sets out the recommended procedure, ie "**if it appears to a local authority that a child is not**

receiving a suitable education it may wish to contact the parents to discuss their ongoing home education provision. Contact should normally be made in writing to the parents to request further information. A written report should be made after such contact...stating whether the authority has any concerns about the education provision and specifying what these are...

Paragraph 3.16 of [the Guidelines](#) goes on to say that **if a local authority considers that a suitable education is not being provided and the parents, having been given a reasonable opportunity to address the identified concerns and report back to the authority have not done so, the authority should consider sending a formal notice under section 437 before moving on if needed, to the issuing of a School Attendance Order.**"

Paragraph 3.5 - **which only applies after it seems there may be a problem, and not from the outset** - does **not** say that the authority **"must"** contact parents or even that it **"should"**, rather that it **"may wish"** to do so.

On the other hand, 3.5 does not place any restrictions on the circumstances in which LAs **"may"** request further information, and neither 3.5 nor 3.16 say the authority **"must"** make specify or itemise its concerns, only that it **"should."**

In other words, the Guidelines don't tell LAs that they have to keep going back to parents asking for more and more information until they are "satisfied", but nor do they say that LAs have to provide parents with a detailed list of "concerns".

What about flexischooling?

[More](#)

How do children get back into the school system if they have been home educated?

Some children are home educated for years and then go into the school system for example to take exams. Other children may only be home educated for a short time for example while waiting for a place at a particular school. Local authorities should be able to advise on the school application process. In-year admissions can be problematic, read more [here](#)

Can home educated children go to college pre-16?

ENGLAND ONLY. Yes. See 14-16s college FAQ [here](#). From September 2013 further education colleges have been able to admit home educated under-16s olds directly and receive Government funding. This is not dependent on the college setting up a dedicated 14-16 centre. DfE published updated guidance on funding for pre-16 college places 2014. Read more [here](#)

What is the average number of home educated children in each council area?

Numbers vary enormously. There are 152 local authorities. 72% of local authorities have fewer than 200 home educated children. The smallest local authority had just 1 home educated child while the largest had almost 1500. Only 10% of local authorities have more than 500 home educated children. [Prevalence Map](#) [Bar Charts](#) [Alphabetical by LA](#) [Line Graphs 2005-14](#)

What is Alternative Provision Funding?

Alternative Provision Funding is no longer used for home educated children. [2014 Alternative Provision Guidance](#) [DfE Alternative Provision](#). New funding ENGLAND ONLY [College Funding](#) [14-16s college FAQ](#) [SEN Funding](#)

What are the changes to special needs?

New SEN legislation came into force in September 2014 including a new code of practice. More details [here](#) [SEN and Home Education](#)

Will the changes to SEN law mean home educators get more support?

No. New assessments after September 2014 will be for EHC plans. Although parents of children with EHC Plans will have the right to request personal budgets and direct payments, it is up to the council to decide. See [Direct Payments and Personal Budgets](#). [New SEND Code of Practice](#)

What does "referral to Children Missing Education" mean?

Some local authorities tell families that they will be "referred to CME" or "put on the CME list" if they do not co-operate with monitoring procedures. What this may mean is that Education Welfare will take charge of discussions with the family. [More](#)

What is "doorstepping"?

Doorstepping is where a local authority employee turns up unannounced, principally to investigate the reason - in the absence of any other information - why a child is not attending school. Families may also be doorstepped in cases where a child has recently been deregistered from school. The people who carry out the doorstepping will tend to be from "welfare" and may be operating quite independently of the Home Education Team at the Council. The only situation where a social worker is recommended to turn up unannounced is where a child is believed to be at risk of significant harm and alerting the parents ahead of time is believed to be dangerous for the child. [Home Education and Social Services](#)

Is there any funding for home educated children? No. Although in theory the High Needs Block can be used. 14-16 home educated college places are now funded directly by central Government. [College](#).

Link Reference

This article is <http://edyourself.org/articles/FAQ.php>. The following links to other websites are contained in the article, displayed as citations to aid you in printing the document.

1. Alphabetical by LA <http://edyourself.org/articles/numbers.php>
2. Council Web Pages <http://edyourself.org/articles/where.php>
3. Taking a Child out of School <http://edyourself.org/articles/helaw.php#takingchildoutschool>

4. Deregistration <http://edyourself.org/articles/deregistration.php>
5. Government Guidelines <http://edyourself.org/articles/guidelines.php>
6. Article <http://edyourself.org/articles/sao.php>
7. the Minister said <http://edyourself.org/articles/helaw.php#intro>
8. Educational Philosophies <http://edyourself.org/articles/helaw.php#intro>
9. . <http://edyourself.org/articles/socialservices.php#ofstedguidance>
10. Funding <http://ehe-sen.org.uk/>
11. A Levels From Home <http://edyourself.org/articles/examsreport.php>
12. Article <http://edyourself.org/articles/autonomouslocalauthority.pdf>
13. here <http://edyourself.org/groups>
14. More <http://alittlebitofstructure.webs.com/>
15. Website <http://edyourself.org/articles/helaw.php#specialneeds>
16. New SEN System <http://edyourself.org/articles/helaw.php#specialneeds>
17. SEN <http://edyourself.org/articles/expectfirstday.php>
18. More <http://edyourself.org/articles/expectfirstday.php>
19. Social Services <http://edyourself.org/articles/guidelines.php>
20. More <http://edyourself.org/articles/LAletters.php>
21. More <http://edyourself.org/articles/helaw.php#specialneedsstatement>
22. Government Guidelines <http://edyourself.org/articles/guidelines.php>
23. the Guidelines <http://edyourself.org/articles/guidelines.php>
24. More <http://edyourself.org/articles/flexischooling.php>
25. here <http://edyourself.org/articles/where.php>
26. here <http://edyourself.org/articles/14-16collegeFAQ.php>
27. Line Graphs 2005-14 <http://edyourself.org/articles/latotalnumber.php>
28. SEN Funding <http://www.education.gov.uk/researchandstatistics/stats/altprovisioncensus/b00229681/alternative-provision-census/census-documents>
29. SEN and Home Education <http://edyourself.org/articles/newcode.php>
30. New SEND Code of Practice <http://edyourself.org/articles/SENDPs.php>
31. More <http://edyourself.org/articles/cme.php>
32. Home Education and Social Services <http://edyourself.org/articles/socialservices.php>
33. College <http://edyourself.org/articles/FAQ.php#college>