

[NOTE: The words marked in bold type were inserted by the Lords to avoid questions of privilege.]

Home Education (Duty of Local Authorities) Bill

[HL]

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TO

Make provision for local authorities to assess the educational development of children receiving elective home education; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty of local authorities to assess children receiving elective home education

- (1) The Education Act 1996 is amended as follows.
- (2) After section 436A (duty to make arrangements to identify children not receiving education), insert—

“436B Duty of local authorities to assess children receiving elective home education 5

- (1) Local authorities have a duty to assess the educational development of children receiving elective home education in their area.
- (2) Local authorities have a duty to provide advice and information to a parent of a child receiving elective home education if that parent requests such advice or information in relation to their obligations under this section. 10
- (3) A parent of a child receiving elective home education must register the child as such with their local authority.
- (4) Local authorities must assess annually each child receiving elective home education in their area (hereafter referred to as “the assessment”). 15
- (5) The assessment set out in subsection (4) must assess the educational development of each child.
- (6) The assessment may include— 20
- (a) a visit to the child’s home;
 - (b) an interview with the child;
 - (c) seeing the child’s work; and
 - (d) an interview with the child’s parent.

- (7) A parent of a child receiving elective home education must provide information relevant to the assessment to their local authority when requested.
- (8) The Secretary of State must by regulations made by statutory instrument specify – 5
- (a) the arrangements for parents to register a child with their local authority under subsection (3); and
 - (b) the methodology of the assessment.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament. 10
- (10) In this section “elective home education” refers to education given to a child at home following a decision by their parent to educate them outside the school system.”
- 2 Guidance relating to elective home education** 15
- (1) The Secretary of State must update the guidance for elective home education for local authorities and parents to account for section 436B of the Education Act 1996 by the end of the period of one year, beginning with the day on which this Act comes into force.
- (2) In updating the guidance in subsection (1), the Secretary of State must have regard to – 20
- (a) the expectation that elective home education must include provision of supervised instruction in reading, writing and numeracy, which takes into account the child’s age, ability, aptitude and any special educational needs and disabilities, and 25
 - (b) the views of children and parents who elect home education.
- (3) The Secretary of State may carry out a public consultation to inform the guidance set out in subsection (1).
- 3 Interpretation**
- In this Act – 30
- “elective home education” refers to education given to a child at home following a decision by their parent to educate them outside the school system; and
 - “local authority” means –
- (a) in relation to England, the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly; 35
 - (b) in relation to Wales, the council of a county or county borough.
- 4 Extent, commencement and short title**
- (1) This Act extends to England and Wales only. 40
- (2) This Act comes into force at the end of the period of two months, beginning with the day on which this Act is passed.

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- (3) This Act may be cited as the Home Education (Duty of Local Authorities) Act 2018.
- (4) **Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.**

Home Education (Duty of Local Authorities) Bill

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To make provision for local authorities to assess the educational development of children receiving elective home education; and for connected purposes.

Brought from the Lords, 24 July 2018

*Ordered, by the House of Commons, to
be Printed, 24 July 2018.*

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