

# Home Education (Duty of Local Authorities) Bill [HL]

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REVISED  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*[Amendments marked ★ are new or have been altered]*

Amendment  
No.

Clause 1

LORD LUCAS  
LORD ADDINGTON

- 1 Page 1, line 5, at end insert—  
“**436AA Duty of local authorities to collect and share information where the proprietor of a school has received written notification from parents that a pupil is receiving elective home education**”
- (1) A local authority must make a return to the Department for Education in such form and at such intervals as may be specified on children removed from roll at each school in its area where the proprietor has received written notification from parents that one or more pupils are receiving elective home education.
  - (2) A return made under subsection (1) must include information as to whether the children concerned have Education and Health Care Plans.
  - (3) A local authority must record and keep up to date the names and addresses of all such children and of their parents.
  - (4) When so requested by the Department for Education or on their behalf, a local authority must write to some or all of such parents as are specified in subsection (3) in such form as the Department may specify.”

LORD SOLEY

- 2 Page 1, line 6, leave out “monitor” and insert “assess”
- 3 Page 1, line 8, leave out “monitor” and insert “assess”
- 4 Page 1, line 8, leave out “, physical and emotional”

**Clause 1 - continued**

LORD LUCAS

5 Page 1, line 9, after “receiving” insert “full time”

LORD SOLEY  
LORD LUCAS

6 Page 1, line 10, at end insert –

“( ) 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.”

LORD LUCAS

7 Page 1, leave out lines 11 and 12

LORD STOREY

7A★ Page 1, line 11, after “education” insert “including flexi-schooling”

7B★ Page 1, line 12, at end insert “, including the child’s date of birth”

BARONESS WHITAKER

8 Page 1, line 12, at end insert –

“( ) Local authorities must fully inform parents and carers who register a child under subsection (2), via a short standardised film, of –  
 (a) their responsibilities concerning home education;  
 (b) the support available to them; and  
 (c) the circumstances in which home education is suitable or unsuitable.”

LORD LUCAS

9 Page 1, line 14, at end insert –

“( ) An assessment under subsection (3) shall not require or imply a requirement for any particular curriculum, method of teaching or order of educational development.”

LORD SOLEY

10 Page 1, line 15, leave out “monitor” and insert “assess”

11 Page 1, leave out lines 17 and 18

LORD LUCAS

12 Page 1, line 19, at end insert “and the setting or settings where the child receives all or part of their education”

13 Page 1, line 19, at end insert “and the parent’s compliance with their duty under section 7 (duty of parents to secure education of children of compulsory school age)”

**Clause 1 - continued**

- 14 Page 1, line 19, at end insert—  
“( ) Where a child receiving elective home education has an Education Health and Care Plan, which is already subject to annual review, any assessment under this section must seek to avoid duplicating processes for the child or parents.”
- 15 Page 1, line 21, at end insert “and any setting in which the child receives all or part of their education”
- 16 Page 2, line 2, at end insert—  
“( ) A local authority which has undertaken an assessment under this section must comply with data protection legislation, and, if both parents were not involved in the specific assessment, may only share information with the parent who was not involved with the consent of the parent who was involved.”
- LORD STOREY
- 16A★ Page 2, line 5, at end insert “, including information on whether other adults involved in educating the child have been checked by the Disclosure and Barring Service (DBS).”
- LORD LUCAS
- 17 Page 2, line 5, at end insert—  
“( ) A local authority must take such steps as are appropriate to fulfil its duties under subsections (3) to (6)—  
(a) through observations made during activities which the local authority has caused to be provided for electively home educated children;  
(b) in accordance with the advice of medical and psychological professionals, if any such is available to them; and  
(c) in accordance with the parents’ wishes to the extent to which this is feasible and desirable.”
- 18 Page 2, line 5, at end insert—  
“( ) Information under subsection (6) must include details of any setting, other than the child’s home, which the child regularly attends for more than 6 hours per week for the purposes of education.  
( ) In this section, a “setting” refers to a place or places where the education taking place forms part of the same thread of education.  
( ) A local authority has the right to attend a setting on which information is provided under this section at any time and for any length of time for the purpose of observing the education being provided to the child.”

**Clause 1 - continued**

19 Page 2, line 5, at end insert—

“( ) If, as part of an assessment under this section, a local authority wishes to recommend that a child should return to school, it must demonstrate that doing so is likely to result in the child receiving a better education.”

LORD STOREY

19A★ Page 2, line 5, at end insert—

“( ) A parent of a child receiving elective home education undergoing an assessment under this section must declare to their local authority whether their child is attending an unregistered school.”

LORD LUCAS

20 Page 2, line 10, at end insert “, including the role of the parent in agreeing to the final version of any assessment”

21 Page 2, line 13, at end insert—

“( ) If, through complying with the provisions of this section, a local authority is given reason to believe that a child receiving elective home education is being educated by an unregistered school, contrary to section 96 of the Education and Skills Act 2006 (unregistered independent educational institutions: offence), the local authority must report this to Ofsted.”

22 Page 2, line 16, at end insert—

“( ) In this Act “full time” elective home education is provision which in practice precludes the possibility that full time education could be provided by a maintained school within the compass of its ordinary school hours; in normal circumstances, elective home education which occupies more than one fifth of such school hours is full time elective home education.”

**Clause 2**

LORD ADDINGTON

LORD BIRD

23 Page 2, line 22, leave out subsection (2)

LORD LUCAS

24 Page 2, line 25, leave out “supervised instruction in”

25 Page 2, line 28, at end insert “, and

( ) the arrangements in place to provide access to Special Educational Needs and Disability support and facilities, such as laboratories, for children receiving elective home education and the costs associated with taking public examinations.”

**Clause 2 - continued**

- 26 Page 2, line 28, at end insert “, and  
( ) the arrangements in place to support parents who wish a child receiving elective home education to attend a school for a limited number of days in a year (“flexi-schooling”).”

LORD ADDINGTON  
LORD BIRD

*The above named Lords give notice of their intention to oppose the Question that Clause 2 stand part of the Bill.*

**Clause 3**

LORD LUCAS

- 27 Page 2, leave out lines 33 to 35 and insert –  
““a child receiving elective home education” is a child of school age who is not registered with a school, as defined under section 4 of the Education Act 1996, or who is registered with such a school but, regularly and with the school’s permission, does not attend that or another such school on all school days, following a decision by their parent to educate them wholly or partly outside the school system under the terms of section 7 of the Education Act 1996; and”
- 28 Page 2, line 33, leave out from “child” to “; and” in line 35 and insert “whose parent by choice or circumstance is taking direct responsibility for the child’s education instead of sending them to school full-time”

**In the Title**

LORD SOLEY

- 29 Line 1, leave out “monitor” and insert “assess”
- 30 Line 1, leave out “, physical and emotional”

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*26 April 2018*

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