



HL Bill 22 of 2024–25

Home School Education Registration and Support Bill [HL]

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Lord Storey (Liberal Democrat) introduced his private member's bill, the [Home School Education Registration and Support Bill \[HL\]](#), in the House of Lords on 5 September 2024. It is due to receive its second reading on 15 November 2024. The bill's main provisions would require local authorities to maintain a register of children in its area who are of compulsory school age but are not in school. It would also require the parents of such children to provide certain information to their local authority in relation to the register.

In February 2024, the Department for Education published experimental statistics on the number of children missing education, as well as the number of children home schooled in England. It estimated that during the 2022/23 academic year, there were 117,100 children missing education and 126,100 receiving elective home education at any point. The department said that both figures represent an increase from the previous year.

Concerns have been raised about the quality of education some of the children who are home schooled receive. Currently, there is no mandatory system of registration for children who are not in school. The Conservative government under Theresa May consulted on proposals to establish a local authority registration system for children who do not attend state-funded or registered independent schools. Boris Johnson's government subsequently said it would introduce legislation to take forward the plans. However, no such legislation was enacted in the previous parliament, despite several bills containing related provisions being introduced.

The current government has said it would create a duty on local authorities to maintain registers for children not in school and provide support for home educating parents. It set out these plans in its July 2024 King's Speech, stating the proposals would be part of a new Children's Wellbeing Bill. This bill has not yet been introduced in the current parliamentary session.





I. What is the background to the bill?

I.1 Data on children not in school

There is no definitive figure for the number of children who are not in school. However, in February 2024 the Department for Education (DfE) published experimental statistics on the number of children missing education, as well as the number of children home schooled in England.¹

I.1.1 Children missing education

The DfE defined children missing education (CME) as children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school.² It reported that, as at census date in autumn 2023, there were an estimated 33,000 CME. This is an increase from an estimated 24,700 in the previous autumn term. The department also said that during the 2022/23 academic year there were an estimated 117,100 CME at any point. This was also an increase from an estimated 94,900 in 2021/22. The department noted that it had adjusted the figures for non-responses. In addition, in cases where a child was missing education more than once during the year, they were only recorded once.

I.1.2 Children receiving elective home education

The Department for Education explained that elective home education (EHE) is a term used to describe when parents choose to provide education for their children at home instead of sending them to school full-time.³ The department estimated that, at the census date in autumn 2023, 92,000 children were in EHE. This was an increase from an estimated 80,900 in the previous autumn term. During the 2022/23 academic year, the government said an estimated 126,100 children were in EHE at any point. This was an increase from an estimated

¹ Department for Education, '[Academic year 2023/24: Children missing education](#)', 29 February 2024.

² As above. Commenting further on its definition of CME, the department said that it included children who are awaiting a school place, children in receipt of unsuitable education and those local authorities are supporting to place into suitable education. An elective home education (EHE) child whose education is deemed unsuitable would be classified as CME.

³ Department for Education, '[Academic year 2023/24: Elective home education](#)', 29 February 2024. This is different from education provided by a local authority otherwise than at a school (EOTAS) which for example could see tuition provided for children who are too ill to attend school.



116,300 in 2021/22. Where a child was EHE more than once during the year they were only recorded once. The department again highlighted that the estimates had been adjusted for non-responses.

1.2 Current legislation

In England, education is compulsory, but schooling is not. [Section 7 of the Education Act 1996](#) requires the parent of every child of compulsory school age to ensure they receive a full-time education suitable to their age, ability and aptitude which also considers any special educational needs they may have. This can be through regular attendance at school or otherwise. The responsibility for children's education therefore rests with their parents or guardians who have the right to register them with a school or educate them at home if they wish. Section 7 of the 1996 act applies to children who are educated at home, but there is no other legislation that deals with home education as a specific approach.⁴

Currently, there is no mandatory system of registration for children who are not in school.⁵ Local authorities have no formal powers or duties to monitor the provision of home education in their area.⁶ However, they do have a duty under [section 436A of the Education Act 1996](#) to identify those who are not registered pupils at a school and who are not receiving suitable education.

1.3 Concerns about home education

Concerns have been raised about the quality of education received by some children. In 2019, the then children's commissioner for England, Anne Longfield, published the report 'Skipping school: Invisible children'.⁷ The report argued that while many parents who make the choice to educate their children at home do an "excellent job, this is not always the case".⁸ Ms Longfield said that there are tens of thousands of children receiving no education and that many of them were invisible to local authorities. She also noted that the number of children being home schooled was increasing and that some schools may be putting pressure

⁴ House of Commons Library, '[Children Not in School \(Registers, Support and Orders\) Bill 2023–24](#)', 19 April 2024, p 8.

⁵ Prime Minister's Office, '[The King's Speech 2024: Background briefing notes](#)', 17 July 2024, p 65.

⁶ House of Commons Library, '[Children Not in School \(Registers, Support and Orders\) Bill 2023–24](#)', 19 April 2024, p 8.

⁷ Children's Commissioner, '[Skipping school: Invisible children](#)', February 2019.

⁸ Children's Commissioner, '[Children's commissioner for England calls for a compulsory register of "off the grid" children](#)', 4 February 2019.



on parents to withdraw their children. In addition, some parents who have been educating their children at home were found to be struggling to cope. To help address these issues, Ms Longfield called for the government to introduce a compulsory register for all home educated children.

The House of Commons Education Committee also raised similar concerns. In its July 2021 report, 'Strengthening home education', the committee argued that the lack of data on the number of children being home schooled was "simply not good enough".⁹ It said that this was especially the case when the DfE "acknowledges itself that there is 'considerable evidence' that many children may not be receiving a suitable education". As part of its recommendations, the committee also called for a statutory register of children who do not receive their education in a mainstream school.¹⁰

1.4 Recent proposals for change

1.4.1 Conservative governments 2019–2022

In 2019, the then Conservative government led by Theresa May consulted on legislative plans to establish a local authority registration system for children who do not attend state-funded or registered independent schools.¹¹ This followed on from a previous consultation in 2018 on elective home education. Under the proposals, the government said it would introduce duties on:¹²

- local authorities to maintain a register of children of compulsory school age who were not registered at schools of a specified type
- parents to provide information to their local authority if their children were within scope of such a register
- education settings attended by children on the register to respond to enquiries from local authorities about the education provided to the children
- local authorities to provide support to home educated families if it was requested by the families

⁹ House of Commons Education Committee, '[Strengthening home education](#)', 26 July 2021, HC 84 of session 2021–22, p 3.

¹⁰ As above, p 4.

¹¹ Department for Education, '[Children not in school: Feedback](#)', updated 6 May 2022.

¹² Department for Education, '[Children not in school: Proposed legislation](#)', 2 April 2019.



Boris Johnson's Conservative government published a response to the consultation in February 2022, stating that it would legislate to enact the proposals "at the earliest opportunity".¹³ Following this, in the May 2022 Queen's Speech, Mr Johnson's government set out plans for a Schools Bill.¹⁴ It said that the bill would include provisions to establish 'children not in school' registers and to create a duty on local authorities to provide support to home educating families. The bill was introduced in the House of Lords in May 2022; however, it did not progress beyond report stage.¹⁵ In December 2022, then Education Secretary Gillian Keegan confirmed that the bill would not progress, stating that parliamentary time would be "reprioritised" towards tackling the rising cost of living and the war in Ukraine.¹⁶

No further government bills containing these measures were brought forward in the 2019–2024 parliament. However, in the 2023–24 session, the then government produced the explanatory notes for Flick Drummond's (then Conservative MP for Meon Valley) [Children Not in School \(Registers, Support and Orders\) Bill](#). This private member's bill would have introduced a duty on local authorities in England to maintain registers of children of compulsory school age who were not educated full-time in schools.¹⁷ The bill would have also required local authorities to provide support to home educating families should they request it. The bill received its second reading without debate on 15 March 2024, but did not progress any further.¹⁸

1.4.2 Reaction to the proposals

The proposals in the Schools Bill relating to children not in school were supported by some stakeholders. For example, the children's commissioner for England, Rachel de Souza, welcomed the government's plans to introduce a register of children not in school.¹⁹ Ms de Souza said that the commissioner's office had previously called for this measure and argued that it would "allow for children who have fallen through the gaps in our education system to be identified and provided with the right support". The Local Government Association also gave its support to the plans:

We are pleased [the] government will introduce a compulsory register for children

¹³ Department for Education, '[Children not in school: Government consultation response](#)', February 2022.

¹⁴ Prime Minister's Office, '[The Queen's Speech 2022: Background briefing notes](#)', 10 May 2022, p 28.

¹⁵ UK Parliament, '[Parliamentary bills: Schools Bill \[HL\]](#)', accessed 28 October 2024.

¹⁶ BBC News, '[Schools Bill scrapped, education secretary says](#)', 7 December 2022.

¹⁷ [Explanatory notes to the Children Not in School \(Registers, Support and Orders\) Bill](#).

¹⁸ [HC Hansard, 15 March 2024, col 626](#).

¹⁹ Children's Commissioner, '[The children's commissioner's response to the Queen's Speech](#)', 10 May 2022.



not in school. While for some children home schooling can be a positive experience, we have long called for a register for all home educators to ensure children are receiving a suitable education in a safe environment, as well as the tools and flexibilities for councils to check a child's home schooling.²⁰

However, there was also criticism of the measures. In a briefing in May 2022, the home schooling charity Education Otherwise objected to the register and the extent of the proposed powers for local authorities.²¹ It argued that the bill would give local authorities “near enough unlimited powers to demand any and all information”, with “threats of substantial fines and year-long imprisonment”. It also argued that “a sizeable number” of local authorities had previously “demonstrated a continued propensity to abuse their existing powers”. The charity said that this had caused “long lasting distress and harassment to children and parents”. Jeremy Yallop, a trustee of the Home Educators' Qualifications Association, also criticised the plans.²² Mr Yallop argued that the measures would stigmatise families who home school. He also raised concerns about the ministerial powers contained in the bill and the severity of the penalties for families who do not provide the information required by the legislation.

Some peers raised similar concerns when the Schools Bill was debated in the House of Lords. Objections related both to the registers as a matter of principle, but also to the powers that the bill would give to local authorities to require information from parents.²³ However, other members expressed their support for the plans to create the registers.²⁴ To address some of the concerns raised, the government tabled amendments to the bill during report stage. For example, it replaced a broad power to prescribe information that must be contained in the register with a more targeted power.²⁵

1.5 Current government position

In its 2024 King's Speech, the government set out plans for a Children's Wellbeing Bill.²⁶ As part of this, the government explained that it would create a duty on local authorities to establish and maintain children not in school registers, and to provide support to home

²⁰ Local Government Association, '[LGA statement on Queen's Speech: Schools Bill](#)', 10 May 2022.

²¹ Education Otherwise, '[The Schools Bill: Briefing paper](#)', 18 May 2022.

²² Jeremy Yallop, '[Home education has been a basic freedom for most of English history. Why is this government placing it under threat?](#)', Conservative Home, 30 May 2022.

²³ [HL Hansard, 18 July 2022, col 1769.](#)

²⁴ [HL Hansard, 18 July 2022, col 1777.](#)

²⁵ [HL Hansard, 18 July 2022, col 1781.](#)

²⁶ Prime Minister's Office, '[The King's Speech 2024: Background briefing notes](#)', 17 July 2024, p 63.



educating parents. It argued that these measures were needed to ensure children “do not fall through the gaps, particularly when moving between different types of education or across local authority boundaries”.²⁷ The government also said that the UK was a “clear outlier” in comparison to Europe, Canada, Australia and New Zealand in relation to “the lack of oversight of electively home educated children”.

Stephen Morgan, minister for early education, confirmed the government’s plans in answer to a written question in July 2024.²⁸ Mr Morgan said that the current Labour government was “committed to making it a statutory duty for local authorities to maintain children not in school registers”. He also said that from autumn 2024 the government would mandate the collection of aggregate data on elective home education and children missing education from local authorities in the 2023/24 academic year.²⁹ He said that this would increase the amount and detail of information available to government on a local and national level and allow them to “identify outlying local data and improve understanding of the drives”. In addition, Mr Morgan said the government would seek to tackle the drivers of children not being in school. This would include a requirement for schools to cooperate with their local authority on school admissions, special educational needs and disabilities inclusion and place planning.

2. What would the bill do?

2.1 Member’s explanatory comments

Explaining his rationale for the bill, Lord Storey said:

Home education is totally unregulated. Any parent can take their child out of school and say that they are going to be home educated. There is no need for the parent to register this, so there is no record of which children are being home educated or were. There are no safeguards to ensure that the child is being educated at home. This private member’s bill will make it a legal duty for parents who decide to home educate to have to register with their local authority.³⁰

²⁷ As above, p 65.

²⁸ House of Commons, [‘Written question: Schools: Absenteeism \(HC1289\)’](#), 26 July 2024.

²⁹ In October 2024, the DfE said that it was providing a grant to help with the cost of providing this data (Department for Education, [‘Correspondence: Elective home education and children missing education data collection: Grant determination’](#), 4 October 2024).

³⁰ Text provided by Lord Storey to the House of Lords Library.



2.2 Bill's provisions

The [Home School Education Registration and Support Bill \[HL\]](#) has two clauses.

Clause 1 of the bill would amend the Education Act 1996 by inserting six new sections as well as a new schedule.

New section 436B would require local authorities in England to maintain a register of children not in school. Children would be included on such registers if they met the following conditions:

- Condition A: The child is in the local authority's area.
- Condition B: The child is of compulsory school age.
- Condition C: The child is not a registered pupil at a relevant school. Or the child is a registered pupil at a relevant school, but the school has arranged or agreed that the child will receive education otherwise than at that or any other relevant school, and that the child will be absent for some or all of the time when the child would normally be expected to attend the relevant school.

The new section would allow for regulations to be made relating to condition C.

A 'relevant school' would refer to:

- a school maintained by a local authority;
- a non-maintained special school (within the meaning given by [section 337A of the Education Act 1996](#));
- an academy school or alternative provision academy; or
- a school which is not an academy but is registered under [section 95 of the Education and Skills Act 2008](#) (register of independent educational institutions)

New section 436C would relate to the content and maintenance of the registers for children not in school. It would require them to contain the following information about children:



- name, date of birth and home address
- name and home address of each parent
- details on how the child is being educated

The register would also need to contain further information, as set out in sub-sections 2(a) to 2(k) of the bill, if the local authority holds it or can reasonably obtain it. This would include:

- information on the child's protected characteristics
- any special educational needs, including whether they have an education, health and care (EHC) plan
- if the child is a 'child in need' or a 'looked after child'
- information on any school the child attends or has previously attended
- the reasons why they are not regularly attending a relevant school, including any information provided by a parent or the fact that no parental information has been provided
- any other information about the child's characteristics, circumstances, needs or interactions with the local authority or educational institutions the secretary of state thinks should be included

The register may also contain any other information the local authority considers appropriate.

New section 436D would outline what information parents should give to local authorities. It would require the parent of a child who becomes eligible to be registered by a local authority in England to inform that local authority. It would also require the parents to provide the information they have relevant to section 436C, as well as any relevant updates, including if the child was no longer eligible to be registered by the local authority. A parent would have to meet these requirements within the 'relevant period'. This period differs slightly depending on the subsection it is applicable to but would generally be 15 days. These requirements would not apply for children who are receiving full time education.

New section 436E would relate to education providers. It would apply where a local authority reasonably believed that a person was providing out-of-school education for more



than the prescribed time without a parent being present and where the child was eligible for inclusion in an out of school register. It would provide for definitions of both 'out-of-school education' and 'prescribed amount of time'. Under this new section, the local authority would be able to serve a notice to require the person to confirm if they were providing out-of-school education. If they were, it would require them to provide any relevant information about the child. This information would have to be provided within 15 days, beginning on the day the notice was served, with regulations able to provide exemptions. Where a local authority was satisfied that a person to whom a notice was served under this section had failed to comply or provided incorrect information, it would be able to impose a monetary penalty in accordance with new schedule 31A.

New section 436F would focus on the use of information in the register. It would allow a local authority to provide the secretary of state with information of a "prescribed description" from their register, whether that was about an individual child or aggregated information. The local authority would also be able to share information with a prescribed person for safeguarding or promoting the education, safety or welfare of that child or any other. They would also be required to share information in cases where a child on the register was moving or had moved.

New section 436G would set out provisions relating to local authority support for a child. It would require a local authority to provide or secure support to promote the education and safeguarding of the child when requested by a parent. It would be for the local authority to decide the support with regard to the parents' request and the child's age, ability, aptitude and any special educational needs. It would also provide for exemptions to this duty, including where a child was registered at a relevant school.

Clause 2 of the bill would provide for its territorial extent, commencement and short title. The bill would extend to England and Wales. **New schedule 31A** would provide for further details on the monetary penalties relating to failure to provide information under new section 436E.

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