



**Baroness Barran**

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Lord Soley  
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Dear Clive

Thank you for your thoughtful email regarding the issue of appeals processes for parents in relation to the measures on the Children Not in School registers in the Schools Bill.

As mentioned during the debate, there are a number of existing routes through which parents may raise their concerns about how their local authority has carried out its obligations to ensure that their child is receiving a suitable education. For example, parents aggrieved by the decision of a local authority may pursue that grievance through the authority's internal complaints procedures; and if unsatisfied by this may also raise their concerns with the Local Government and Social Care Ombudsman, who may investigate the authority's decision and make recommendations on how the issue may be resolved. This would for instance cover situations where the local authorities' policies and practices may be flawed, and thereby placing unreasonable demands on parents.

In addition, with both the situations you have outlined, we would expect issues of this nature to be resolved through the School Attendance Order (SAO) processes already set out in the Bill. In accordance with public law, local authorities must act reasonably, and in seeking to determine whether the education being provided is suitable must have regard to relevant factors and assess each case individually based on each child's needs. Provided a parent can demonstrate, either through the process of informal enquiries or in response to a preliminary notice for a SAO, that they are providing an efficient, full-time education, suitable to the child's age,

ability and aptitude and to any special educational needs they may have, it should not lead to a local authority issuing a SAO.

In the event of a SAO being issued, the parent may also apply to the local authority to have this revoked if they believe they are able to demonstrate that the education being provided at home is suitable; and again, in line with public law, the local authority is required to act reasonably in making such decisions.

Should a local authority refuse to revoke an order, however, the parent does have recourse to the Secretary of State. As set out in new section 436P (to be inserted into the Education Act 1996 by clause 49, which in committee was clause 48), parents may apply to the Secretary of State for a direction regarding a local authority's refusal to revoke a SAO. The Secretary of State considers each request individually, and will make a balanced judgment based on the information available; and in cases where there is sufficient evidence that parents can provide a suitable education outside school, the Secretary of State will use his power to direct the local authority to revoke a SAO relating to that child's education.

As a last resort, parents may also be able to bring judicial review proceedings against the local authority's decision; and the Secretary of State may also use his powers under the Education Act 1996 to intervene where concerns are raised that a local authority has acted unreasonably in the exercise of its duties, including those under the Children Not in School measures.

However, as I highlighted during Committee, I believe it is incredibly important that we have a system which builds trust and confidence between parents and local authorities. As part of the implementation of the Bill, we will therefore be updating our existing guidance for home educating parents to clearly outline these various routes of complaint and redress; and will also create, in close collaboration with local authorities and home educating parents, new statutory guidance for local authorities, which will include advice on how local authorities can promote positive engagement with the home education community.

I hope this provides some reassurance that there are existing mechanisms already available that can be used by parents in the situations you describe; and that through our statutory guidance we will be looking at further ways we can support parents with these.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Diana Barran".

**BARONESS BARRAN**

**PARLIAMENTARY UNDER-SECRETARY OF STATE**