



The Rt Hon Baroness Jacqui Smith

Minister for Skills

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The Lord Harris of Haringey
House of Lords
London
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Thursday 26th June 2025

Dear Toby,

Thank you for writing to me regarding the Children Not in School measures of the Children's Wellbeing and School's Bill and sorry for the delayed response. I am pleased to hear of London Councils' strong support for the proposals and am happy to address their concerns.

The Children Not in School registers will support local authorities to ensure that children do not slip under the radar of services that are there to support them and to take action where children may be unsafe or not in receipt of a suitable education.

Local authorities have an existing duty under Section 436A of the Education Act 1996 to make arrangements to identify children in their areas who are not in school and are not receiving a suitable education. There are no detailed legal requirements as to how this system of oversight should work, though the Department's [Elective Home Education guidance](#) already recommends that each local authority makes contact with home educated parents on at least an annual basis

Regarding the introduction of a duty for local authorities to undertake annual monitoring visits, we think it is right that local authorities continue to have the flexibility to decide what is necessary and proportionate in terms of reassuring itself that children are receiving a suitable education. It could be disproportionate to require a local authority to visit every family on their registers annually – particularly in cases where engagement is constructive, there were no previous concerns about the education provided and the local authority has no reason to think that has changed.

However, I agree that in some circumstances a local authority may see it as useful and even necessary to visit a child as part of their assessment as to whether education is suitable. That is why the Children Not in School measures in the Children's Wellbeing and Schools Bill include a new power for local authorities to request to visit the child inside their home so they can consider the environment in which home education is being provided.

Parents can refuse the request, but local authorities would need to consider this as a relevant factor in their overall decision about suitability of education. This new power will better enable local authorities to support children who are in unsuitable environments, which are a barrier to them receiving the standard of education they deserve.

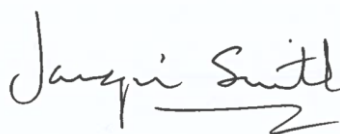
Registers may also support local authorities to identify off-rolling, which we are clear is unacceptable in any form. Local authorities will be required to record reasons for home educating on their Children Not in School registers if they have that information or can reasonably obtain it. Therefore, if parents report feeling coerced into home education by their child's school, we would expect the local authority to support the family and escalate this to the Department for Education and Ofsted.

Finally, on your concerns regarding radicalisation, it is important to mention that as part of the suitability assessments carried out by local authorities, parents and local authorities should keep in mind that suitable education at home should not directly conflict with the Fundamental British Values. Although there is no requirement of parents to teach Fundamental British Values, the Department's elective home education guidance for local authorities is clear that if home education "taught children values or behaviour which was in conflict with 'Fundamental British Values' as defined in government guidance (for example by seeking to promote terrorism, or advocating violence towards people on the basis of their race, religion or sex), then it would not be in accordance with the authority's general duties to regard that education as being 'suitable'".

Local authorities have a duty to safeguard children in their area however they are educated, and in assessing home education, local authorities should consider whether recommended safeguarding practices are being implemented, including considering whether children being educated at home are at risk of being radicalised. Failure to provide suitable education is capable of satisfying the threshold requirement contained in s.31 of the Children Act 1989 that the child is suffering or is likely to suffer significant harm.

Thank you again for taking the time to engage on these matters. I hope these further details have been useful and I will place a copy in the House libraries.

Yours sincerely,

A handwritten signature in black ink, reading 'Jacqui Smith', with a stylized flourish underneath.

The Rt Hon Baroness Jacqui Smith
Minister for Skills

