

EDUCATION AND CHILDREN

**2.2. Home education –
Enforcement powers under Education Act 2001**

The Hon. Member for Onchan (Mr Callister) to ask the Minister for Education and Children:

How the enforcement powers of his Department under sections 25 to 30 of the Education Act 2001 relate to home education?

The Minister for Education and Children (Mr Cregeen): Sections 25 to 30 of the Education Act 2001 contain enforcement provisions that can be taken by the Department in relation to a parent's duty to ensure their children receive a suitable education, whether that is by attendance at school or through home education.

5 Under section 25 if it appears to the Department that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, it can issue a notice in writing to the parent of a child requiring him to satisfy within a specified time, that the child is receiving a suitable education. If a parent who is served with a notice fails to satisfy the Department that their child is receiving a suitable education, the Department can make a school
10 attendance order under section 26.

Sections 27-30 detail sanctions that can be made against parents if they fail to adhere to the school attendance order, or fail to secure regular attendance at school of a child of compulsory school age.

15 Section 25 could be used in relation to parents who home educate, but only if the Department knows that a suitable education is not being received by a child of compulsory school age.

Sections 25-30 rely on the Department being made aware that a suitable education is not being received by a child before any action can be taken against the parents, which is the same issue the Department faces in relation to section 24 of the Education Act 2001, which contains
20 the duty of the Department to enforce parents, whom home educate or otherwise, to ensure their children receive a suitable education. For parents who choose to home educate, the Department at present do not know what education, if any, is being provided, as home educators are only required to register with the Department their intention to home educate their children.

25 The Department is proposing to put an additional clause in the new Education Bill to enable the Department to be informed of the education being provided to children who are being home educated, to ensure a child's right to a suitable education is ensured wherever they are educated.