# Graphical user interface, application, TeamsA black and white signElective Home Education Policy

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## Key Information and Version History

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|  1.0 |  May 2016 | Policy prepared for first use |  S Berryman  |
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**Approval**

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## Introduction

This policy document applies to children of statutory school age whose parents / carers have chosen to educate their children at home. It does not refer to children who are unable to attend school because of illness or exclusion.

Throughout this policy, parents should be taken to include all those with parental responsibility, including guardians and care givers. The [Working together to improve school attendance guidance](https://assets.publishing.service.gov.uk/media/66bf300da44f1c4c23e5bd1b/Working_together_to_improve_school_attendance_-_August_2024.pdf), published by the Department for Education (DfE) advises that, the school and/or local authority will need to decide which adult is most appropriate to work with. Generally, parents include:

* all natural parents, whether they are married or not
* all those who have parental responsibility for a child or young person
* those who have day to day responsibility for the child (i.e. lives with and looks after

the child)

Elective Home Education (EHE) is a term used to describe a choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time.

This document explains:

1. The parents’ rights and responsibilities
2. The duties and responsibilities of schools and headteachers
3. The legal duties and responsibilities of the local authority
4. Bolton Children’s Services and Elective Home Education

## Parents’ rights and responsibilities

[Section 7 of the Education Act 1996](https://www.legislation.gov.uk/ukpga/1996/56/section/7) provides that:

‘The parent of every child of compulsory school age shall cause him to receive **efficient,** **full-time** education **suitable** –

1. to his age, ability, and aptitude, and
2. to any special educational needs, he may have, either by regular attendance at school or otherwise’

### Compulsory school age

By law children start school in the term following their fifth birthday, but not later than the start of the last term.

The dates they must start by are:

* 31 December if their date of birth is between 1 September and 31 December
* 31 March if their date of birth is between 1 January and 31 August

Compulsory school aged continues until the last Friday of June in the school year that they reach the age of sixteen.

### Efficient education

Although the type and level of education is not defined within the Education Act 1996, there is a legal case.

In the case of R v Secretary of State for Education and Science, (ex parte Talmud Torah Machzikei Hadass School Trust 1986), education is described as an activity that ‘achieves that which it sets out to achieve’ and ‘primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child’s options in later life to adopt some other form of life if he wishes to do so.’

### Suitable education

There is no legal definition of 'suitable' education. The law says education must be suitable to the child's age, ability, aptitudes, and any special educational needs they may have.

The [DfE guidance for parents (2019)](https://assets.publishing.service.gov.uk/media/5ca21e22e5274a77d9d26feb/EHE_guidance_for_parentsafterconsultationv2.2.pdf) states: "This means that it must be age-appropriate, enable the child to make progress according to his or her particular level of ability, and should take account of any specific aptitudes (for example if a child is very good at mathematics, it might focus more on that than some other subjects)."

The [DfE guidance for parents (2019)](https://assets.publishing.service.gov.uk/media/5ca21e22e5274a77d9d26feb/EHE_guidance_for_parentsafterconsultationv2.2.pdf) also states: "even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard which is aimed at, and the education should aim at enabling the child, when grown-up, to function as an independent citizen in the UK – and furthermore, beyond the community in which he or she was brought up, if that is the choice made in later life by the child".

In addition, the DfE guidance for parents (2019) states: "education at home should not directly conflict with the Fundamental British Values as defined in government guidance".

The [DfE guidance for parents (2019)](https://assets.publishing.service.gov.uk/media/5ca21e22e5274a77d9d26feb/EHE_guidance_for_parentsafterconsultationv2.2.pdf), also advises that:

* education may not be ‘suitable’ even if it is satisfactory in terms of content and

teaching, if it is delivered in circumstances which make it very difficult to work (for

example in very noisy premises). This might also affect whether it is ‘efficient’ and

indeed, whether it is ‘received’ at all for the purposes of section 7.

* education may also not deemed suitable if it leads to excessive isolation from the child’s peers, and thus impedes social development.

### Choosing Home Education

Some parents make the carefully considered decision to home educate long before their child reaches compulsory school age. Other families send their children to school but later decide they would prefer to educate them from home.

If the child is attending a school, then parents must notify the headteacher, in writing, that they are withdrawing their child. They do not have to give a reason, and they do not need to ask for permission to home educate. However, in accordance with [The School Attendance (Pupil Registration) (England) Regulations 2024](https://www.legislation.gov.uk/uksi/2024/208/regulation/9/made), headteachers are only able to remove the child from the school roll if the following terms are met:

Regulation 9 (f) - a parent of the pupil has told the proprietor in writing that the pupil will no longer attend the school after a certain day and will receive education otherwise than at school

The [DfE guidance for parents (2019)](https://assets.publishing.service.gov.uk/media/5ca21e22e5274a77d9d26feb/EHE_guidance_for_parentsafterconsultationv2.2.pdf) advises that it is strongly recommended that a parent notify their local authority of the fact that the child is being home educated before they start home education. It also advises if the child is currently on the roll of a school, it is sensible to inform school that the child is being withdrawn for home education.

Parents seeking to home educate a child registered at a special school must obtain the consent of the local authority. The purpose of giving consent is so that a smooth transition can be achieved for children with complex needs. The child will be removed from the register once confirmation of contact details and educational provision has been received by the Elective Home Education Officer and agreed. The child does not have to attend school whilst waiting for consent.

Parents who home educate assume the full financial responsibility for their child’s education. This includes the costs of resources, private tuition, courses and public examinations. There are no funds available from Central Government or from Bolton Council for parents who elect to home educate.

### Demonstrating education is suitable

Many home-educating families choose to do some of the following to demonstrate that the education being provided is suitable:

* acquire specific qualifications for the task
* have premises equipped to any particular standard
* aim for the child to acquire specific qualifications
* the National Curriculum
* provide a ‘broad and balanced’ curriculum
* make detailed lesson plans in advance
* give formal lessons
* mark work done by the child
* formally assess progress, or set development objectives
* reproduce school type peer group socialisation
* match school-based, age-specific standards

Parents can choose to engage private tutors or other adults to assist them in providing a suitable education and learning may take place in a variety of settings, not just the family home.

It is strongly recommended that parents ensure that they make appropriate checks on

any settings that they use, as there may be no external assurance that they comply

with basic standards such as vetting of staff and safeguarding children. Similarly, it is

recommended that parents ensure that any tutors they employ are qualified and

suitable, including whether they have a clear Disclosure and Barring Service (DBS)

check.

Government guidelines on home education go on to say the local authority may reasonably expect the education provision to include things like:

* Consistent involvement of parents or other significant carers
* Recognition of the child's needs, attitudes and aspirations
* Opportunities for the child to be stimulated by their learning experiences
* Access to resources or materials required to provide home education for the child. For example, paper and pens, books and libraries, arts and crafts materials, physical activity and ICT
* The opportunity for appropriate interaction with other children and adults

The local authority has a statutory responsibility regarding home education. Under section [436A of the Education Act 1996](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiq5sP2m4-NAxUmW0EAHZUXIhgQFnoECAkQAQ&url=https%3A%2F%2Fwww.legislation.gov.uk%2Fukpga%2F1996%2F56%2Fsection%2F436A&usg=AOvVaw10HuK8wEJ-RtNdVfoY5hkd&opi=89978449) the local authority has a statutory duty to identify, as far as it is possible to do so, any child living in the area who is not receiving suitable education.  If a child is not attending school full-time, the law does not assume that a child is not being suitably educated. However, it does require the local authority to enquire what education is being provided.

The local authority must consider the response, if any, to decide whether the child is receiving an education which meets a parent’s responsibilities under section 7. If parents make no response at all, then the local authority is entitled to conclude that the child is not receiving a suitable education.

## Duties and responsibilities of schools and headteachers

The [DfE guidance for local authorities (2019)](https://assets.publishing.service.gov.uk/media/66bf6d2bdcb0757928e5bd47/Elective_home_education_departmental_guidance_for_local_authorities.pdf) states that “Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.”

Headteachers must inform the local authority under Regulation 13 [of The School Attendance (Pupil Registration) (England) Regulation 2024](https://www.legislation.gov.uk/uksi/2024/208/regulation/9/made) of any pupil who is going to be removed from the admissions register where the child will be home educated.

The Council requires schools to complete the Elective Home Education referral form and send it Bolton with the notification from parent to electivehomeeducation@bolton.gov.uk.

This is available on the school extranet or can be requested from: electivehomeeducation@bolton.gov.uk.

The Elective Home Education Officer will make necessary checks and then confirm to school that they are able to delete the child from roll and also request that school informs their school nurse. [Guidance for Schools on Removing a Pupil from the School Register](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjLoevo-Y6NAxVVV0EAHVeRM-IQFnoECBEQAQ&url=https%3A%2F%2Fwww.bolton.gov.uk%2Fdownloads%2Ffile%2F5142%2Fguidance-for-schools-on-removing-a-pupil-from-the-school-roll&usg=AOvVaw2IR09wBIsXiOSU0Wq8spzF&opi=89978449) is available on the Council’s website.

The school must then notify the local authority of **all deletions from the schools admissions register** as per the [School Attendance (Pupil Registration) (England) Regulations 2024](https://www.legislation.gov.uk/uksi/2024/208/contents/made).

This can be done on the Council’s website: <http://www.bolton.gov.uk/schoolsadminremove>.

### Parents considering home education

If a parent informs school that they are considering elective home education, school should:

* Share the link to the Bolton Council Elective Home Education webpage.
* Offer a meeting with parents to ensure they are making an informed choice
* Refer parents to the Bolton Council Elective Home Education Officer prior to deregistering the child

If the child is attending school because of a school attendance order, the parent must email electivehomeeducation@bolton.gov.uk to get permission from the local authority before they can remove the child from the school register and start home education. The email must state that arrangements have been made for the child to receive suitable education otherwise than at school.

## The legal duties and responsibilities of the local authority

Bolton Council has a duty under section [436A of the Education Act 1996](https://www.legislation.gov.uk/ukpga/1996/56/section/436A) to make arrangements to establish the identities of children who are not registered pupils at a school and are not receiving suitable education otherwise. This duty relates only to children of compulsory school age.

Bolton Council has no legal power to monitor home education on a routine basis, but it has a duty under section [437(1) of the Education Act 1996](https://www.legislation.gov.uk/ukpga/1996/56/section/437) to intervene if it appears that a parent is not providing a suitable education to the age, ability, aptitude and special educational needs of the child. This section states that:

"If it appears to a local authority that a child of compulsory school age in their area is not receiving a suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him (the parent) to satisfy them within the period specified in the notice that the child is receiving such education." If evidence of a suitable education is not received, the local authority may then commence statutory action, including the issuing of a School Attendance Order (SAO), penalty notices and fines.

[Section 175 (1) of the Education Act 2002](https://www.legislation.gov.uk/ukpga/2002/32/section/175#:~:text=175%20Duties%20F1...%20in%20relation%20to%20welfare%20of%20children&text=(1)A%20%5BF2local,promoting%20the%20welfare%20of%20children.) provides that the local authority will work in

partnership with other agencies, including social care and health, to safeguard and promote

the welfare of all children resident in Bolton. The Council will also follow statutory guidance

on multi-agency working to help, protect and promote the welfare of children contained in

[Working Together to Safeguard Children (2023).](https://assets.publishing.service.gov.uk/media/669e7501ab418ab055592a7b/Working_together_to_safeguard_children_2023.pdf)

## Bolton Children’s Services and Elective Home Education

Bolton Children’s Services believe that all children and young people should be encouraged to achieve their full potential so that they can take advantage of the opportunities offered to them in later life, becoming equal, valued, and responsible members of the community. Bolton Children’s Services believes in the value of education and respects the right of parent to choose to educate at home.

It is essential that Bolton Children’s Services and parents, work together with mutual respect for the benefit of the children. This is done through openness, honesty, respect, and a regular sharing of views and opinions. This is the most important partnership.

## GCSEs

It is a parental choice, not a requirement, for children to sit GCSE examinations. If a parent wants their child to take exams, such as GCSEs, they will need to be familiar with the details of the correct syllabus to follow. Many subjects also have coursework, which will need to be marked by someone the exam board has approved. The parent will also need to contact an exam centre directly and register their child for the exams. The parent will be responsible for all the fees. Whilst it is the parents’ responsibility, the Elective Home Education Officer can advise parents about this process.

## Health

Families who educate their children at home still have the same access to school nurse services. When a child leaves school to become home educated, the school will inform their named school nurse as well as the team’s clinical administrator. This ensures that children who are home educated receive the same health offer as children on a school roll. Children who are home educated are offered an annual health check. The Elective Home Education Officer also sends monthly updates to the school nursing team to ensure that no child gets missed.

## Elective home education suitability

For most Bolton families elective home education is suitable, and they continue to home

educate for as long as they feel it meets the needs of their child. The child’s name remains on the Elective Home Education database and the Elective Home Education Officer is the main contact for the family.

Bolton Council will gather any relevant information to assist in reaching a properly informed view that education is suitable. This includes any information from parents that explains how they are providing suitable education. This could include a written report, telephone conversations, the child's views, samples of the child's work, a home visit or a meeting outside of the home.

Under the safeguarding duties held by the local authority, the Elective Home Education Officer may wish to see the child. This meeting should ideally take place in the home as this is usually the main setting where education is taking place. Elective Home Education may not be considered suitable if this is refused and if there is any reasonable cause for concern.

On receipt of notification of elective home education, the Elective Home Education Officer will email parents with useful information and resources. The email also provides the opportunity to provide details to the Elective Home Education Officer about the education being provided. If parents provide information which demonstrates that a suitable and efficient, full-time education is being provided, the Elective Home Education Officer will arrange to follow up after 6 months initially, then annually.

If further information is required following the response to the email, or if there is no response to the email, the Elective Home Education Officer will call parents within 6 weeks of the initial notification.

If attempts to contact the family are not successful, or if the information provided suggests that the education may not be suitable, efficient or full-time, a further letter will be sent to the parents to give them the opportunity to provide further information about the education being provided.

In the absence of a satisfactory response to the letter, Bolton Council will exercise its duties to identify children who are not on a school roll and not receiving a suitable education (under ssection [437(1) of the Education Act 1996](https://www.legislation.gov.uk/ukpga/1996/56/section/437)), and to intervene if it appears that a parent is not providing a suitable education.This may include the Elective Home Education Officer visiting the home and also gathering information from other agencies involved with the family.

At any point in the process, if the family demonstrate that a suitable and efficient education is being provided a follow-up appointment will be offered 6 months later, then annually.

## Elective home education unsuitable

If, after this, the education is still not considered suitable, a [Section 437 of the Education Act](https://www.legislation.gov.uk/ukpga/1996/56/section/437) notice will be issued. This required the parent to satisfy the local authority that a child of compulsory school age is receiving a suitable education.

Parents have 15 school days to respond to this letter. If, after this, the education is still not considered suitable, the Elective Home Education Officer will liaise with the Early Intervention Service to agree next best steps, which may include a school attendance order being issued to the parents, which will require them to register the child at a named school within a certain period of time.

## Children with Special Educational Needs and Disability (SEND)

Parents' right to educate their child at home applies equally where a child has special educational needs and disability. It does not matter whether the child has an education health and care (EHC) plan or not. Home education must be suitable for the child’s age, ability, aptitude and SEND.

### Child attends a mainstream school

If the child is attending a mainstream school, then parents must notify the headteacher, in writing, that they are withdrawing their child. They do not have to give a reason, and they do not need to ask for permission to home educate. However, in accordance with [The School Attendance (Pupil Registration) (England) Regulations 2024](https://www.legislation.gov.uk/uksi/2024/208/regulation/9/made), Headteachers are only able to remove the child from the school roll if the following terms are met:

Regulation 9 (f) - a parent of the pupil has told the proprietor in writing that the pupil will no longer attend the school after a certain day and will receive education otherwise than at school

### Child attends a special school

Parents seeking to home educate a child registered at a special school must obtain the consent of the local authority. The purpose of giving consent is so that a smooth transition can be achieved for children with complex needs. The child will be removed from the register confirmation of contact details and educational provision has been received by the Elective Home Education Officer. The child does not have to attend school whilst waiting for consent.

On receipt of this notification, the school should complete and submit an online referral to the Elective Home Education Team (by emailing electivehomeeducation@bolton.gov.uk). However, the school will not remove the child from roll at this point as consent must obtain from the local authority before doing so.

Where the EHC plan gives the name of a school or type of school where the child will be educated and the parents decide to educate at home, the local authority is not under a duty to make the special educational provision set out in the plan provided it is satisfied that the arrangements made by the parents are suitable ([SEND Code of Practice 10.32](https://assets.publishing.service.gov.uk/media/5a7dcb85ed915d2ac884d995/SEND_Code_of_Practice_January_2015.pdf)). However, the local authority must still ensure that the child's special educational needs are met and must hold annual reviews of the EHC plan. The local authority may name the type of school that would be suitable for the child, but state that the parents have made their own arrangements under [section 7 of the Education Act 1996](https://www.legislation.gov.uk/ukpga/1996/56/section/7).

## Safeguarding

Home education is not in itself a safeguarding concern. The expectation is that if schools have serious concerns about a child, they will have previously referred to Early Help or to Referral Assessment.

Local authorities also have a general duty to safeguard and promote the welfare of children. This duty allows a local authority to initiate enquiries about a child’s safety and welfare where there are reasonable grounds to suspect that they are suffering or likely to suffer significant harm ([section 47 Children Act 1986](https://www.legislation.gov.uk/ukpga/1989/41/section/47) / [Working Together to Safeguard Children 2023](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjboqzz9pCNAxWSAPsDHbfcCQwQFnoECBgQAQ&url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F669e7501ab418ab055592a7b%2FWorking_together_to_safeguard_children_2023.pdf&usg=AOvVaw2-0aR31xLYDSpYIbY-JAGf&opi=89978449)). Local authorities can execute these duties in several ways including through children’s social care and education services, and when working with their statutory partners in the police and health.

[Section 175 of the Education Act 2002](https://www.legislation.gov.uk/ukpga/2002/32/section/175) requires local authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children’s welfare. Therefore, the general duties of local authorities in relation to safeguarding are the same for all children, however they are educated.

A failure to provide suitable education is capable of satisfying the threshold requirement contained in [section 31 of the Children Act 1989](https://www.legislation.gov.uk/ukpga/1989/41/section/31) that the child is suffering or is likely to suffer significant harm.

## Children on Child Protection (CP) Plans and Child in Need (CiN) Plans

The local authority will consider the parent’s and child’s view on home education and seek advice from social care to determine if home education is suitable and safe for the child. This will consider the level of need or risk of significant harm. The Elective Home Education Officer should form part of the professional network for all children on Child Protection (CP) Plans and Child in Need (CiN) Plans. They should also be invited to Child in Need meetings, Core Groups and Child Protection Conferences in order to understand the concerns and offer advice from an education perspective. This will also offer the opportunity for any professionals entering the home to feedback their observations around the child’s education at home.

Under the safeguarding duties held by the local authority, the Elective Home Education Officer may wish to see the child. This meeting should ideally take place in the home as this is usually the main setting where education is taking place. Elective home education may not be considered suitable if this is refused and if there is any reasonable cause for concern.

## Looked-after children

The [DfE guidance for local authorities (2019)](https://assets.publishing.service.gov.uk/media/66bf6d2bdcb0757928e5bd47/Elective_home_education_departmental_guidance_for_local_authorities.pdf) states that;

‘Local authorities acting as corporate parents of looked-after children should bear in mind that they assume the duties of parents under s.7 of the 1996 Education Act to ensure that the child receives a suitable full-time education; and local authorities in whose areas such children are placed by other authorities should take the same steps to ensure that the child is not missing education as they would for any other child resident in their area. It is legally possible for a looked-after child to be educated at home (for example by foster carers) if the local authority as corporate parent decides this is appropriate after discussion with the carers’

## Appendix 1: Elective Home Education: Universal Process

Parent or carer informs school **in writing** that they are removing from roll to EHE. If the child has EHCP, parent should also notify their SENDAS Officer.

School completes **referral** and sends to ElectiveHomeEducation@bolton.gov.uk along with parent or guardian request in writing

**OR** 12 month review is due.

EHE Officer sends **education information form** to parent or 6

The LA is **satisfied** that the child isreceiving a **suitable education.**

The LA is **not satisfied** that the child is receiving a **suitable education.**

EHE Officer completes initial telephone conversation.

At any point in the process if education is deemed suitable:

EHE Officer sends confirmation of outcome letter to parent.

If it is a new referral, the next review is due in 6 months.

If it is an annual review, the next review is due in 12 months.

Attempts to contact parents have been unsuccessful:

EHE Officer sends **letter one**.

15 school days following letter one:

LA is not satisfied that the child is receiving a suitable education.

EHE Officer issues a **Section 437 Notice** of requirement to satisfy the LA that a child is receiving a suitable education.

15 school days following Section 437 Notice:

LA is not satisfied that the child is receiving a suitable education. EHE Officer refers to EIS for Notice of Intention to Issue a School Attendance Order.

20 school days following issue of Notice of Intention to Issue a School Attendance Order:

EIS issue School Attendance Order. Child will be closed to EHE and recorded as a Child Missing Education.