

By Robert Long,  
Shadi Danechi  
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# Home education in England



## Summary

- 1 Current position on home education
- 2 Home education statistics
- 3 Plans for a register of children not in school
- 4 Issues and reports

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## Summary

### How many children are home-educated?

It is not known how many children are home educated in England. However, there are estimates of the number of pupils registered as home educated. As registration with local authorities is voluntary, these estimates are likely to underestimate the total number.

In the autumn 2022 school census the Department for Education (DfE) collected information from local authorities about registered home educated pupils for the first time. After adjusting for non-responses there were [an estimated 80,900 home educated pupils known to local authorities in England in October 2022](#), and around 86,200 in January 2023.

As this is the first time this data has been collected, we do not know whether this increase is due to seasonal variation or other reasons.

Third party surveys of registered home educated pupils are now several years out of date ([October 2021 for the Association of Directors of Children's Services](#), and [March 2019 for the Office of the Schools Adjudicator](#)). These estimates suggest that the number of pupils registered as home educated has increased.

Education is a devolved issue and this briefing covers the position in England only.

### Responsibilities of those home schooling

Under the [Education Act 1996](#), parents and guardians, including those who choose to home-educate their children, are responsible for ensuring that the education provided is efficient, full-time and suitable to the child's age, ability, aptitude and any special educational needs they may have. They are not required to provide a broad and balanced curriculum and do not have to follow the National Curriculum. Home educating parents must be prepared to assume full financial responsibility, including the cost of any public examinations.

The DfE has published [departmental guidance for parents](#) (PDF) on home education.

## The role of local authorities

The DfE has also published [guidance for local authorities](#) (PDF). Local authorities have no formal powers or duty to monitor home education. However, they do have duties to identify children not receiving a suitable education, and to intervene. As part of this, the DfE recommends that authorities should contact people home educating on at least an annual basis, to enquire about the suitability of the education being provided.

If it appears a child is not receiving a suitable education, intervention could include issuing a school attendance order, although the Government encourages authorities to address the issue informally before serving a notice.

Local authorities also have powers relating to safeguarding, which may be used if it appears that a lack of suitable education is likely to impair a child's development.

## Plans for a register of children educated outside of school

In April 2019, the Government published [consulted on proposed legislation concerning children not in school](#). The consultation closed on 24 June 2019.

The Government proposed to create four new legal duties effecting schools, local authorities, parents and guardians:

1. A duty on local authorities to keep a register of children of compulsory school age who are not registered at a state-funded or registered independent school.
2. A duty on parents to provide information to their local authority if their child should be on the register.
3. A duty on education settings to respond to enquiries from local authorities about the education provided to individual children who attend school alongside being home educated.
4. A duty on local authorities to support home educated families if the families request it.

In its [February 2022 response to the consultation](#), the Government said it intended to legislate for a register of children not in school, and that it would engage further with local authorities and the home educating sector in developing its proposals.

In May 2022, the Government published a Schools Bill which included provisions for a home-schooling register. These provisions, and others in the Bill, proved controversial. The wide-ranging Bill was abandoned in December 2022, although the Education Secretary has said [legislating for a register remains a priority](#).

## Guidance on home educating children

In October 2023, the Department for Education published revised [draft home education guidance for local authorities and opened a consultation](#).

The draft guidance recommends that local authorities should operate a voluntary registration scheme for children receiving elective home education. The consultation is open until 18 January 2024.

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# 1 Current position on home education

## 1.1 The right of parents to educate their children at home

In England, education is compulsory but schooling is not. Section 7 of the Education Act 1996 states:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

- (a) to his age, ability and aptitude, and
- (b) to any special educational needs he may have,

either by regular attendance at school or otherwise.

The responsibility for children's education therefore rests with the parents or guardians, and they have the right to choose to educate their children at home.

'Elective home education' or 'home schooling' are terms used in this briefing to describe home education for children of compulsory school age.<sup>1</sup> There is currently no legislation that deals with home education as a specific approach, but it is covered by section 7 of the 1996 Act as 'education otherwise than at school'.<sup>2</sup>

Children who are educated at home are not usually registered at mainstream schools or special schools.<sup>3</sup>

Updated guidance on home education was published by the Department for Education (DfE) in April 2019, following a consultation in April 2018. [Two guidance documents](#) were published, [one for local authorities \(PDF, 689KB\)](#) and [one for parents \(PDF, 458KB\)](#).<sup>4</sup>

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<sup>1</sup> Children must start full-time education once they reach compulsory school age. This is on 31 December, 31 March or 31 August following their fifth birthday - whichever comes first. Compulsory education finishes on the last Friday in June when a child will turn 16 by the end of the academic year.

<sup>2</sup> Department for Education, [Elective home education Departmental guidance for parents](#), April 2019, p6.

<sup>3</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), April 2019, p6.

<sup>4</sup> Department for Education, [Elective Home Education guidance](#), April 2019

In October 2023, the Department for Education published revised [draft home education guidance for consultation](#). The consultation is open until 18 January 2024.

## 1.2 Why parents may choose to home educate

The guidance for local authorities notes that parents may choose home education for several reasons, including:

- Ideological or philosophical views
- Religious or cultural beliefs
- Dissatisfaction with the school system, or the school which the child attends
- Bullying of the child at school
- Health reasons, particularly mental health of the child
- As a short-term intervention for a particular reason
- A child's unwillingness or inability to go to school
- Special educational needs, or a perceived lack of suitable provision in the school system for those needs
- Disputes with a school over the education, special needs or behaviour of the child, in some cases resulting in 'off-rolling'.<sup>5</sup>
- Familial reasons which have nothing to do with schools or education (for example, using older children educated at home as carers)
- As a stop-gap while waiting for a place at a school<sup>6</sup>

### Department for Education estimates: registered home educated pupils

The Department for Education (DfE) collected data from local authorities on registered home educated children for the first time in the [Autumn 2022 school census](#) and the same data was collected in the [Spring 2023 school census](#). Not all local authorities responded, so the DfE made adjustments to

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<sup>5</sup> Defined in the guidance as instances “where a child is withdrawn from a school by the parent as a result of pressure from the school rather than it being a purely voluntary decision.”

<sup>6</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), April 2019, p7.

account for the non-responses. This means the figures presented below are **estimates**.

The DfE also estimated the primary reason children were in home education. Children with no known reason for being home educated are excluded from the summary below.<sup>7</sup>

In both October 2022 and January 2023 the five most common reasons provided for choosing to home educate were:

- philosophical or preferential reasons (24% of home educated children with a known reason in October 2022 and 23% in January 2023),
- dissatisfaction for any reason with the school (16% of known reasons provided in October 2022 and 18% in January 2023),<sup>8</sup>
- mental health reasons (14% of known reasons provided in October 2022 and 15% in January 2023),
- lifestyle choice (12% of known reasons provided in October 2022 and 10% in January 2023),
- health concerns relating to Covid-19 (7% of known reasons provided in October 2022 and 5% in January 2023).

## 1.3

## Parental responsibilities

### Informing the local authority

Although some local authorities run voluntary registration schemes, there is currently no legal obligation for a parent to register or inform a local authority that their child is being home educated.<sup>9</sup> However, the Government is consulting on proposals to change this (see section 3.3 below).

Although parents and guardians are not required to inform the school a child is being withdrawn for home education, DfE guidance recommends it is sensible to do so. Schools, however, are obliged to inform the local authority of children removed from its admission register and will give home education as the reason, if notified of this by the parent.

These points apply equally to children with an Education, Health and Care (EHC) Plan attending mainstream schools. However, if the child attends a

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<sup>7</sup> Department for Education, [Elective home education](#), 18 May 2023; Children whose parents did not give a reason for home educating their child, or where the reason was unknown have been excluded.

<sup>8</sup> Includes general dissatisfaction with the school, dissatisfaction due to special educational needs related reasons, and due to bullying related reasons.

<sup>9</sup> PQ 47136, [on [Home Education](#)], 1 November 2016

special school and this was arranged by the local authority, then the permission of the local authority is required before they can be removed from the admission register.<sup>10</sup>

### Box 1: Removing pupils from admissions registers

Under the Education (Pupil Registration) (England) Regulations 2006, schools can lawfully delete a pupil's name from the register under fifteen grounds. This includes if the child has stopped attending and the school has received written notification from the parent that they are "receiving education otherwise than at school."<sup>11</sup>

In July 2015, Michael Wilshaw, then Chief Inspector of Schools, raised concerns with the Secretary of State for Education that "potentially high numbers of pupils" were having their name deleted from school admissions registers "without either the schools or the local authorities having an accurate understanding of where those pupils have gone." He stated this made it "difficult, if not impossible, for schools and local authorities to distinguish the minority of children who may be at risk from the majority who will be safe and receiving a suitable education in mainstream schools, registered independent schools or in their home."<sup>12</sup>

In response, the Government launched a consultation in January 2016 on [amending the pupil registration regulations](#) to require schools to inform the local authority whenever they are about to delete a pupil's name from the admission register. Schools would also be required to record the pupil's residence and the name of the person they will reside with.<sup>13</sup>

These changes were implemented by the Education (Pupil Registration) (England) (Amendment) Regulations 2016 and came into force at the start of the 2016-17 academic year. Further information is included in [statutory guidance from the DfE on children missing education](#).<sup>14</sup>

## Providing an efficient, full-time and suitable education

Parents who choose home education are responsible, under the Education Act 1996, for ensuring that the education provided is efficient, full-time and

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<sup>10</sup> Department for Education, [Elective home education: Departmental guidance for parents](#), April 2019, p13.

<sup>11</sup> Education (Pupil Registration) (England) Regulations 2006, regulation 8.

<sup>12</sup> Ofsted, [Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, on the latest position with schools in Birmingham and Tower Hamlets](#), 14 July 2015.

<sup>13</sup> Department for Education, [Improving information in identifying children missing education: Government consultation](#), January 2016.

<sup>14</sup> Department for Education, [Children missing education: Statutory guidance for local authorities](#), September 2016.

suitable to the child's age, ability and aptitude.<sup>15</sup> Parents can choose to employ private tutors, or online tuition, to assist them, but there is no requirement for them to do so. Learning may also take place in different locations and does not have to be limited to the child's home.<sup>16</sup>

The DfE [guidance for parents on home education](#) (PDF) provides more information on what constitutes an efficient, full-time, and suitable education.<sup>17</sup>

## What constitutes efficient, full-time, and suitable education?

### Efficient education

There is no definition of efficient education in statute law. The DfE guidance states it can be interpreted as meaning education which “achieves what it is intended to achieve.”<sup>18</sup> It notes this is not the same as the education being suitable.

### 'Full-time' education

There is no legal definition of “full-time” in terms of education at home, or at school. The guidance notes children attending school normally have about five hours teaching a day for 190 days, spread over about 38 weeks. It states, however, that home education doesn't have to mirror this and that the question of whether an education is full-time will depend on the facts of each case. It adds that “education which clearly is not occupying a significant proportion of a child's life...” will probably not count as full-time.<sup>19</sup>

### Suitable education

There is no definition of suitable education in statute law. Under section 7 of the Education Act 1996, the education **must be suitable to the age, ability and aptitude of the child, and any special educational needs**. The guidance explains this means the education “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.”<sup>20</sup>

It also sets out some more general points that should be considered, including:

- Even if there is no specific link with the National Curriculum, there should be an appropriate minimum standard aimed at, and the education

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<sup>15</sup> [Education Act 1996](#) s7

<sup>16</sup> Department for Education, [Elective home education: Departmental guidance for parents](#), April 2019, pp7-9

<sup>17</sup> As above

<sup>18</sup> As above, p7

<sup>19</sup> As above

<sup>20</sup> As above

should enable the child, when grown up, to function as an independent citizen in the UK, including beyond the community they grew up in.

- The education should not directly conflict with the fundamental British values as defined in government guidance, although there is no requirement to teach these.
- Local authorities may use minimum expectations for literacy and numeracy in assessing suitability.
- Education may not be suitable even if it is satisfactory in terms of content but is delivered in circumstances which make it difficult to work (such as in very noisy buildings).
- Education may not be suitable if it leads to excessive isolation from the children's peers and so impedes social development.<sup>21</sup>

There are no legal requirements for parents who are home educating children to follow the National Curriculum, aim for the child to acquire specific qualifications, or to provide a broad and balanced curriculum.<sup>22</sup>

The home education guidance for local authorities emphasises that the parents home schooling may adopt a variety of approaches, and one is not necessarily more effective than another. Local authorities should not, it says, specify an approach that parents must follow. It also highlights that authorities must not assume that home education is less likely to be successful when carried out by somebody with a protected characteristic under the Equality Act 2010.<sup>23</sup>

## Flexi-schooling

As well as educating their child at home full time, parents can also choose to arrange for them to receive part of their education at school. The purpose of this may, for example, be to provide education in specific subjects more easily than is possible at home. These arrangements are sometimes known as 'flexi-schooling'.

The current guidance for local authorities on home education notes that "schools are under no obligation to agree to [flexi-schooling arrangements], but some are happy to do so."<sup>24</sup> If a child is absent from school when they are supposed to be there under flexi-school arrangements, parents must get this authorised by the school.

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<sup>21</sup> Department for Education, [Elective home education: Departmental guidance for parents](#), April 2019, p8

<sup>22</sup> As above pp7-9

<sup>23</sup> As above, p36

<sup>24</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), April 2019, p6

## Box 2: Home education and the participation age

Following the raising of the participation age in (2015), young people must do one of the following until they are 18:

1. Stay in full-time education;
2. Start an apprenticeship or traineeship; or
3. Spend 20 hours or more a week working or volunteering, while in part-time education or training.

Young people may be educated at home to meet these requirements. Statutory guidance published by the DfE explains that for young people attending education outside of a school (for example at a sixth form college or further education college), the [definition of full-time education is usually at least 540 hours of planned learning](#) (341KB, PDF). This is around 18 hours a week. For young people who are home educated, however, there is no hourly requirement and the amount and content of the education is determined by the home educator.<sup>25</sup>

## 1.4

## Responsibilities of local authorities

Local authorities have no formal powers or duty to monitor the provision of home education. However, under section 436A of the Education Act 1996 they do have a duty to identify children in their area who are not receiving a suitable education.<sup>26</sup>

The DfE's guidance for local authorities explains that, while the law does not assume that a child is not being suitably educated if they are not attending school full-time, it does require local authorities to find out what education is being provided.<sup>27</sup>

There are no detailed requirements as to how a local authority's oversight system should work, and it is for each local authority to decide its approach. However, the guidance says a proportional approach needs to be taken and local authorities should not exert more oversight than is needed if parents are providing a suitable education. It recommends that an authority should make

<sup>25</sup> Department for Education, [Participation of young people in education, employment or training: Statutory guidance for local authorities](#), September 2016, p17

<sup>26</sup> Department for Education, [Elective home education: Departmental guidance for parents](#), April 2019, p14

<sup>27</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), April 2019, pp9-10

contact with home educating parents on at least an annual basis, so it is reasonably informed of the suitability of the education provided.<sup>28</sup>

Depending on the results of the enquiries, the guidance states that the law may require further action, and the DfE “believes this is the case for an increasing number of children.”<sup>29</sup>

The guidance also recommends, among other things, that local authorities should, as a minimum:

- Have a written policy statement on home education which sets out how the authority will seek to engage and communicate with parents.
- Offer guidance to home educating families about their rights and obligations, and provide advice on good practice to parents who request it.
- Provide details of its complaints procedure and deal with all complaints in a sensitive and timely manner.

The guidance also notes that authorities may choose to go further than this by operating a voluntary registration scheme and encourages authorities to do so.<sup>30</sup>

Further information on local authorities’ role in identifying children not receiving a suitable education is provided in DfE guidance: [Children missing education](#).

## If a child is not receiving a suitable education

If it’s unclear whether a child is receiving a suitable education, the guidance recommends the local authority should initially attempt to find out through informal contact and enquiries. This could, for example, involve asking the parents for detailed information about the education they are providing, and can include a request to see the child. While parents have no legal obligation to respond to such enquiries, the guidance states that if they do not, the local authority is entitled to conclude that the child is not receiving a suitable education.<sup>31</sup>

If it appears that a child is not receiving a suitable education then, under section 437 of the Education Act 1996, the local authority must serve a notice on the parents requiring them to satisfy the local authority that the child is receiving a suitable education.

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<sup>28</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), April 2019, pp14-15.

<sup>29</sup> As above, p10

<sup>30</sup> As above, pp10-11

<sup>31</sup> As above, p17.

If a notice is served and the parents fail to satisfy the local authority that the child is receiving a suitable education, and the authority believes that it's expedient that the child attends school, then the authority will serve a school attendance order requiring the child to become a registered pupil at a named school. This is explained in section 437(3) of the Education Act 1996.

The parents can be prosecuted if they do not comply with the order, and the home education guidance states that local authorities should proceed with prosecution unless there is good reason not to do so.<sup>32</sup>

At any stage following the issuing of the order, the child's parents can give evidence to the local authority that the child is now receiving a suitable education and apply to have the order revoked. If the local authority refuses, parents can refer the matter to the Secretary of State for Education. If a local authority prosecutes a child's parents for failing to comply with a school attendance order, the courts will decide whether the education being provided is suitable and efficient.<sup>33</sup>

The guidance notes that if a parent is convicted and fined but still fails to send their child to school, then another notice must be served. A parent willing and able to be fined repeatedly can, therefore, potentially continue the unsatisfactory provision indefinitely. In such cases, the guidance states, local authorities will need to consider using other powers – for example, those relating to safeguarding.

If a person is found guilty of breaching a school attendance order, the court can make a parenting order, requiring the parent to attend up to three months of counselling or guidance. It can also include other requirements aimed at preventing the parent committing the same offence again. Breach of a parenting order can result in a substantial fine.<sup>34</sup>

### Box 3: Number of school attendance orders

The 2019 survey by the Association of Directors of Children's Services asked local authorities in England how many school attendance orders (SAOs) they had issued relating to the suitability of home schooling. This question was not repeated in the survey in more recent years.

Of the 120 LAs that answered this question, 59 LAs (49%) reported not issuing any notices in the 2018/19 academic year. 1,400 SAOs were issued by the other 61 LAs. 902 children returned to school once the process started or once an SAO had been issued.<sup>35</sup>

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<sup>32</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), p20

<sup>33</sup> As above

<sup>34</sup> As above, pp17-21.

<sup>35</sup> ADCS, [ADCS Home Education Survey 2019](#), November 2019, p7

## Local authorities' safeguarding duties

Situations where a child is not receiving a suitable education are dealt with under education law as outlined above. However, local authorities also have general duties to safeguard and promote the welfare of children in their areas. These duties apply equally to all children, whether educated at home or at school.<sup>36</sup>

The home education guidance for local authorities notes that “there is no proven correlation between home education and safeguarding risk”. It adds, however, that a child being home educated is not necessarily regularly seen by professionals such as teachers, which “logically increases the chances that parents who set out to use home education to avoid independent oversight may be more successful by doing so.”<sup>37</sup>

Local authorities should, the guidance states, approach cases where the suitability of education is in doubt using powers under the Education Act 1996. It adds, however, that they should also be ready to “fully exercise their safeguarding powers and duties to protect the child’s well being,” if a lack of suitable education appears likely to impair a child’s development.<sup>38</sup>

The guidance emphasises that a failure to provide suitable education is capable of satisfying the threshold that a child is suffering, or is likely to suffer, significant harm, but whether this is the case will depend on the particular circumstances of the case.

If this is the case, a local authority could apply to the court for an education supervision order (giving the authority a formal supervisory role in the education of the child) or a care order under the Children Act 1989. Both give the local authority the right to contact with a child. The guidance emphasises that care orders must only be used as a last resort “in the most egregious cases of a failure to provide a suitable education, and a persistent refusal by parents to co-operate with the local authority.”<sup>39</sup>

To obtain information in preparation for either type of order, the local authority may also initiate an investigation under section 47 of the Children Act 1989. If this does not result in the information needed, the authority may ask the court for an order for a child assessment to be made to gather further information to determine if the significant harm threshold is met.<sup>40</sup>

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<sup>36</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), p22

<sup>37</sup> As above

<sup>38</sup> As above

<sup>39</sup> As above, p25

<sup>40</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), pp22-25; Department for Education, [Elective home education: Departmental guidance for parents](#), p16-17

## Oversight of local authorities

Ofsted inspects local authorities, including a review of the way the authority carries out its duties to vulnerable children. While the home education guidance states that home educated children are not automatically vulnerable children, such reviews will include children missing education and so will cover “the ways in which [a local authority] identifies children who are not receiving a suitable education and what steps the local authority takes to deal with that.”<sup>41</sup>

Ofsted has no role in the oversight of education received by individual children who are educated at home.<sup>42</sup>

## 1.5 Funding and support

Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including the cost of any public examinations.

The DfE’s home education guidance notes that some local authorities may provide financial or other assistance to home educating families, but this is discretionary. Some authorities also may also run support groups or forums for home-educating families but, again, these are discretionary.

The home education guidance for local authorities recommends that “all local authorities should adopt a consistent, reasonable and flexible approach” with respect to the level and type of support they offer, “particularly where there are minimal resource implications”. At a minimum, the guidance states, authorities should provide written information on home education that sets out the legal position.<sup>43</sup>

The GOV.uk website allows people to search for information about home educating from their local council by inputting their postcode at: [Home education: get information from your council](#).

### Data on spending for home education

The DfE does not publish data on spending on home education.

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<sup>41</sup> Department for Education, [Elective Home Education](#): Departmental guidance for local authorities, April 2019, p11

<sup>42</sup> Department for Education, [Elective Home Education](#): Departmental guidance for local authorities, April 2019, p11; Department for Education, [Elective home education: Departmental guidance for parents](#), April, p19.

<sup>43</sup> Department for Education, [Elective Home Education](#): Departmental guidance for local authorities, April 2019, pp37-38; Department for Education, [Elective home education: Departmental guidance for parents](#), April, p11.

The 2021 [ADCS Home Education Survey](#) asked upper tier local authorities how much they spent coordinating home education. 113 out of 152 authorities responded to this question, so the findings may not be representative.

The average budget reported for the 2020/21 academic year was £46,000. However, the average reported spend was around £86,200. This means the average reported overspend was around £40,200.

On average, local authorities reported they employed 2.2 full time equivalent staff members to co-ordinate and monitor home education (these staff members could also have additional duties).<sup>44</sup>

## 1.6 Children with special educational needs

Parents' right to educate their child at home applies equally where a child has special educational needs (SEN), including if they have an Education, Health and Care (EHC) Plan, but the education provided must be “suitable to the child’s age, ability, aptitude and SEN.”<sup>45</sup>

The [Special Educational Needs and Disability \(SEND\) Code of Practice](#) notes that local authorities do not have a duty to assess every home educated child to see whether they have SEN. The guidance states, however, that local authorities should “work in partnership with, and support, parents” to ensure that the SEN of home educated children are met where:

- the local authority already knows that a child has SEN; or
- the parents have drawn the child’s needs to the attention of the authority.<sup>46</sup>

If a child has an EHC Plan, the local authority has a duty to ensure that the education specified in the plan is provided. But this only applies if the parents have not arranged for the child to receive suitable education in some other way. This means, if the home education is suitable, the local authority has no duty to arrange any special educational provision for the child – the plan should just set out the type of education the child needs and note that the parents have made their own arrangements. If at any point the authority considers the home education is unsuitable, it must ensure that the provision set out in the plan is made available.<sup>47</sup>

If a child’s EHC plan names a school and the parents decide to educate them at home, the local authority does not have to make the special educational

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<sup>44</sup> [ADCS Home Education Survey 2021](#), November 2021, p8

<sup>45</sup> Department for Education and Department of Health, [Special educational needs and disability code of practice: 0 to 25 years](#), January 2015, p214

<sup>46</sup> As above, p214

<sup>47</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), April 2019, pp26-7

needs provision set out in the plan, if it is satisfied that the parents' arrangements are suitable.

Even if a parent is making suitable alternative arrangements by home educating a child with an EHC plan, the local authority is still under an obligation to review the plan annually "to assure itself that the provision set out in it continues to be appropriate and that the child's SEN continue to be met."<sup>48</sup>

If a child is being removed from a special school to be home educated, the local authority must give consent for their name to be removed from the register. The SEND Code of Practice states that this "should not be a lengthy or complex process."<sup>49</sup>

## Funding

As set out above, DfE guidance notes that home educating parents assume financial responsibility for their child's education but encourages local authorities to take a flexible approach.<sup>50</sup>

[The SEND Code of Practice](#) states that local authorities should fund the SEN needs of home educated children where it is "appropriate to do so", based on supporting parents:

Local authorities do not have a duty under section 22 of the Children and Families Act 2014 to assess every home educated child to see whether or not they have SEN. The high needs block of the Dedicated Schools Grant is intended to fund provision for all relevant children and young people in the authority's area, including home educated children. Local authorities should fund the SEN needs of home educated children where it is appropriate to do so. Guidance is available to local authorities from the Department for Education on funding provision for home educated children.<sup>51</sup>

The home education guidance for local authorities emphasises that local authorities do not have a duty to assist parents with the costs they incur but they should give reasonable consideration for any request for assistance. It adds that any direct support to parents, if given at all, "should relate only to costs incurred by parents as a result of the special needs of the child, insofar as these can reasonably be identified."<sup>52</sup>

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<sup>48</sup> Department for Education and Department of Health, [Special educational needs and disability code of practice: 0 to 25 years](#), January 2015, p214.

<sup>49</sup> As above, p215.

<sup>50</sup> Department for Education, [Revised funding guidance for local authorities on home educated children](#), para 2

<sup>51</sup> Department for Education and Department of Health, [Special educational needs and disability code of practice: 0 to 25 years](#), January 2015, pp214-5.

<sup>52</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), April 2019, p28.

## 1.7

### Further information

The home education guidance for local authorities provides information on several other areas related to home education. Some of these are discussed in more detail in section 3 of the briefing. They include:

- Children’s views of home education and the United Kingdom Convention on the Rights of the Child.
- Disputes between parents regarding home education.
- Schools ‘off-rolling’ pupils by pressuring parents to educate them at home.
- Unregistered settings providing most, if not all, of the education received by a home educated child.
- Safeguarding and the use of private tutors by home educating parents.
- Work experience and home educated children.<sup>53</sup>

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<sup>53</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), April 2019, pp33-9.

## 2 Home education statistics

### 2.1 How many children are home educated?

It is not known how many children are home educated in England. However, estimates are available for the number of registered home educated pupils. These estimates are likely to underestimate the total number of home educated pupils because registration with the local authority is voluntary (although schools must inform the local authority when children are removed from admission registers)<sup>54</sup>.

In the Autumn 2022 school census the Department for Education (DfE) collected information from local authorities about registered home educated pupils for the first time. This was repeated in the Spring 2023 school census. After adjusting for non-responses [there were an estimated 80,900 home educated pupils known to local authorities in England in October 2022, and around 86,200 in January 2023](#).<sup>55</sup>

Third party surveys of registered home educated children are now either several years out of date or do not have complete responses from local authorities.

#### Department for Education estimates: registered home educated pupils

In the [Autumn 2022 school census](#) the DfE collected data about home educated children from local authorities for the first time. The DfE has committed to collecting this information on a termly basis for the academic years 2022/23 and 2023/24.<sup>56</sup>

After adjusting for non-responses there were an estimated 80,900 home educated children known to local authorities in England in October 2022 (93% of local authorities responded), and around 86,200 in January 2023 (95% of local authorities responded). This was around a 7% increase over the period.

<sup>57</sup>

As this is the first time this data has been collected, it is not known whether this increase is due to seasonal variation or other reasons.

<sup>54</sup> Department for Education, [Elective home education: Departmental guidance for parents](#), April 2019

<sup>55</sup> Department for Education, [Elective home education](#), 18 May 2023

<sup>56</sup> Department for Education, [Elective home education](#), 18 May 2023

<sup>57</sup> Department for Education, [Elective home education](#), 18 May 2023

The DfE also publishes the number of state-funded pupils in reception to year 11 on an annual basis.<sup>58</sup> Using this data we can estimate that around 1.0% of pupils were known to be home educated in England at the time of the 2023 Spring school census (January 2023).<sup>59</sup>

The estimated regional rate in January 2023 varied from 0.8% in both the North East and the North West, to 1.3% in the South West and the East of England.

As outlined in the previous section, these are likely to be underestimates of the total number of home educated children as they only include those who are known to the local authority.<sup>60</sup>

## Office of the Schools Adjudicator survey: registered home educated pupils

The last Office of the Schools Adjudicator (OSA) survey that included questions about home education took place in 2019. The OSA explained that home education questions were not included in the 2020 survey due to the Covid-19 pandemic.<sup>61</sup> In the 2022 survey the OSA suggested that the home education questions would not be reinstated as they expected the introduction of statutory local authority registers for children not in school to provide this information.<sup>62</sup>

In the 2019 survey, all local authorities (LAs) responded to the question about the number of registered home educated children. However, this was before the Covid-19 pandemic. There is some evidence to suggest that home education rates increased due to the pandemic.<sup>63</sup>

The OSA found in March 2019 there were 60,544 children registered as home educated in England (an increase of around 15% compared to 2018). This represented less than 1% of the January 2019 school population.<sup>64</sup>

In 2018 there were 52,770 registered home educated children. The OSA did not collect this information prior to 2018.<sup>65</sup>

In 2020 “in light of the Covid-19 pandemic” the OSA reduced the scope of their survey and so LAs were not asked about registered home educated children. The rationale for this is not explained in detail but one possible reason could

<sup>58</sup> The home education estimates only cover reception to year 11 pupils so the state-funded pupil population has been restricted to these year groups for comparability. Department for Education, [Schools, pupils and their characteristics: 2022/23](#), 8 June 2023 [[custom table](#) created 10 July 2023]

<sup>59</sup> Department for Education, [Schools, pupils and their characteristics: 2022/23](#), 8 June 2023; Department for Education, [Elective home education](#), 18 May 2023

<sup>60</sup> Department for Education, [Elective home education: Departmental guidance for parents](#), April 2019

<sup>61</sup> OSA, [2019/20 Annual Report](#), May 2021 (p3); OSA

<sup>62</sup> OSA, [2022 Annual Report](#), April 2023 (p32)

<sup>63</sup> OSA, [2018/19 Annual Report](#), February 2020

<sup>64</sup> OSA, [2018/19 Annual Report](#), February 2020; [Schools pupils and their characteristics: 2021. DfE](#)

<sup>65</sup> OSA, [2018/19 Annual Report](#), February 2020

be to reduce the administrative burden on LAs.<sup>66</sup> However, figures for registered home educated children were not included in the 2021 or 2022 report either.

## Other estimates: registered home educated pupils

The following estimates are based on incomplete survey data (excluding Education Otherwise). This means if the characteristics of the responding authorities differ from those that did not, the estimates these bodies have produced by extrapolation may not be very accurate. It also means that survey findings cannot be reliably compared over time.

### UK Government

In April 2018, the Government asked the 152 upper tier LAs in England for the number of children in their areas known to be home educated as part of its call for evidence on home education (see section 3.3 for more information). Only 82 LAs responded,<sup>67</sup> but the available data was extrapolated to estimate that around 57,600 children in England were known to be home educated.<sup>68</sup>

The Government's response to the call for evidence noted uncertainty around its estimate and said the number of home educated children "poses a significant policy challenge, given that [the] estimated total is now well over 0.5% of the relevant age group – and moreover, appears to be increasing by over 20% per annum."<sup>69</sup>

### Schools Week

In March 2023, the online news publication Schools Week published estimates for the number of home educated pupils in England that were known to local authorities. This was based on freedom of information requests to the 152 upper tier local authorities in England, of which 94 responded.

After adjusting for non-responses, Schools Week estimated that around 125,000 children in England (1.4% of pupils) were home educated at some point in the 2021/22 academic year compared with 118,000 the year before (an increase of around 6%).<sup>70</sup>

### The Association of Directors of Children's Services

The Association of Directors of Children's Services (ADCS) estimated in October 2021 there were around 81,200 registered home educated children in England (an increase of around 7% from the previous year).<sup>71</sup> This was

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<sup>66</sup> OSA, [2019/20 Annual Report](#), May 2021, p3

<sup>67</sup> Department for Education, [Elective Home Education: Call for Evidence 2018 Government consultation response](#), April 2019, p4

<sup>68</sup> As above, p5

<sup>69</sup> Department for Education, [Elective Home Education: Call for Evidence 2018 Government consultation response](#), April 2019, p5

<sup>70</sup> Schools Week, [Home education soars in the wake of the pandemic](#), March 2023

<sup>71</sup> [ADCS Home Education Survey 2021](#), November 2021, p2

produced by extrapolating survey responses from 124 out of 152 LAs and so may not be representative.<sup>72</sup>

The ADCS estimated around 115,500 pupils in England were known to be home educated at some point during the academic year 2020/21 (an increase of around 34% from the previous year).<sup>73</sup> This high level of in year variation suggests home education can be a fluid status for many pupils.

The report also noted that there was some evidence the Covid-19 pandemic had impacted home education rates:<sup>74</sup>

Feedback from respondents showed that the impact of Covid-19 was still a common factor in parents choosing to home educate their children. This was particularly evident in the noticeable concentration of notifications for EHE [elective home education] in September 2020 and March 2021 when schools fully reopened.

### Education Otherwise

The home education charity, [Education Otherwise](#), sent freedom of information requests to local authorities in England to find out the number of home educated children known to local authorities and collated the responses (the response rate was 100%).<sup>75</sup>

Education Otherwise found the number of home educated children known to local authorities was around 78,200 in October 2021.<sup>76</sup>

### BBC

BBC survey data found that in the academic year 2016/17 there were around 48,000 pupils known to be home educated in the UK in the 177 (out of the then 217) upper tier LAs that responded. This represented an increase of around 40% in these responding LAs since 2014/15.

The BBC extrapolated these survey figures to estimate that in 2016/17, 0.5% of pupils in England and Wales were home educated compared to 0.1% in both Scotland and Northern Ireland respectively.<sup>77</sup>

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<sup>72</sup> [ADCS Home Education Survey 2021](#), November 2021, p2.

<sup>73</sup> Same as above.

<sup>74</sup> [ADCS Home Education Survey 2021](#), November 2021, p4

<sup>75</sup> [Home Education Trends: Post Lockdown](#), Education Otherwise, December 2021, p5-6

<sup>76</sup> [Home Education Trends: Post Lockdown](#), Education Otherwise, December 2021, p8

<sup>77</sup> [Homeschooling in the UK increases 40% over three years](#), BBC News, 26 April 2018.

## 2.2

## Characteristics of registered home educated pupils

[The DfE estimates for registered home educated pupils](#) outlined in the previous section, also collected some characteristics data. In January 2023 the DfE estimated:

- 51% of registered home educated children were female and 49% were male,
- Registered home educated children tended to be older. Only 3% were in year 1 compared with 17% in year 11. Around a third of registered home educated children were in year 10 or 11,
- 14% of registered home educated children had SEN support and 5% had Education, Health and Care plans. This is broadly in line with the national average of 13% and 4% respectively,
- 2% of registered home educated children were children in need compared with the national average of 3%.<sup>78</sup>

The DfE made similar estimates based on the data collected in October 2022.

### Special Educational Needs

Since 2020 the DfE has published the number of pupils with education, health and care plans ([EHC plans](#)) that are known to be home educated. Children and young people with EHC plans have more complex special educational needs (SEN) than those with SEN support.

In 2023, 4,256 children and young people with EHC plans were recorded as receiving home education. This was an increase of 4% from 2022 (when 4,098 were recorded). This was the lowest recorded annual increase since this data was first collected in 2020 (in 2022 there was a 12% increase and in 2021 there was a 23% increase). The proportion of children and young people with EHC plans receiving elective home education in 2023 was around 0.8% which is the same rate as in 2020 but slightly lower than the 0.9% peak recorded in 2022.<sup>79</sup>

In previous years the number of pupils taken out of school by their parents to be home educated was also published.

In 2018 (the most recent data available), 694 pupils with EHC plans were taken out of school to be home educated. This was a 52% increase from 2014

<sup>78</sup> Department for Education, [Elective home education](#), 18 May 2023

<sup>79</sup> Children and young people with EHC plans can be between 0-25 years of age and so not all people with EHC plans are of compulsory school age. DfE, [EHC plans: England 2023](#), May 2022 [[custom table created 7 July 2023](#)]

with increases driven mainly by pupils that were previously in mainstream schools.

However, the number of pupils with EHC plans that were taken out of school to be home educated, as a proportion of pupils with EHC plans was around 0.2% in both 2014 and in 2018.<sup>80</sup>

## Other characteristics

The 2020 [ADCS Home Education Survey](#) asked LAs what proportion of registered home educated children were known to children's social care<sup>81</sup>, both historically and currently. Not all LAs responded, meaning the following averages may not be representative. More recent data is not available.

The 126 LEAs who responded to this question (out of 152 LAs) reported an average of 9% of registered home educated children were known to children's social care as of October 2020.<sup>82</sup>

This exact statistic is not published on a national level. However, in 2019/20, around 3% of school age children in England were in need of social services.<sup>83</sup>

## School characteristics survey data

[The Children's Commissioner's Office submitted written evidence to the Education Select Committee](#) in November 2020. However, the data published is based on survey data from academic year 2017/18. It is not clear whether or not this survey was based on a representative sample of schools.

Some of the key findings of this survey were that in the academic year 2017/18:

- The majority of children being taken off the roll into home education came from a small minority of schools:
  - 1% of schools accounted for 15% of the total number of children withdrawn into home education, despite only accounting for 3% of the school population.
  - 5% of schools accounted for over 40% of children withdrawn into home education.
- Children attending pupil referral units (PRUs) were much more likely to be taken out of school for home education compared to others (23 children per 1,000 on roll). The next highest rate was in state-funded secondary schools (4 children per 1,000 on roll).
- Schools rated inadequate had the highest rate of children being taken out of school for home education (around six children per 1,000 on

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<sup>80</sup> DfE, [Statements of SEN and EHC plans: 2019](#), May 2018 (Tables 1-2)

<sup>81</sup> The majority of children known to children's social care are children in care. Also includes children on child in need plans, and child protection plans.

<sup>82</sup> ADCS, [ADCS Home Education Survey 2020](#), November 2020, p5-6

<sup>83</sup> DfE, [Characteristics of children in need: 2020](#), November 2020

roll), followed by those rated requires improvement (five children per 1,000), those rated good (three referrals per 1,000), and those rated outstanding (two children per 1,000).

- Schools with lower relative attainment (as measured by Progress 8) had higher rates of pupils withdrawn for home education:

Schools with negative Progress 8 scores (ie where children make less progress than anticipated on the basis of their prior attainment) had roughly double the rate of children being withdrawn, compared to those with average scores of 0 or higher.”<sup>84</sup>

## Attainment and outcomes of Home educated children

The DfE does not collect data on the educational attainment of home educated children in England. This means no assessment can be made of the impact on educational attainment of being home schooled.

In July 2021, the Education Select Committee published an inquiry into elective home education and noted the “lack of robust data” and research evidence on attainment and outcomes of home educated children.<sup>85</sup>

In December 2009, the Children, Schools and Families Committee published an inquiry into elective home education. The inquiry found out of the 74 LAs which provides data (around 50% response rate), 22% of known to be home educated 16-18-year-olds were not in education, employment or training (NEETs). For comparison, the national average at this time was around 5%.<sup>86</sup>

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<sup>84</sup> Children’s Commissioner for England, [Evidence from the Children’s Commissioner’s Office to the Education Committee’s inquiry into home education](#), November 2020 (HED0970)

<sup>85</sup> Education Select Committee, [Strengthening home education](#), July 2021, p31

<sup>86</sup> Children, Schools and Families Committee, [The Review of Elective Home Education](#), December 2009 (Volume II, Ev 25, Q19)

## 3 Plans for a register of children not in school

This section discusses the recent legislative proposals for a register of children not in school, and previous proposals for reforms of this kind.

Sections 3.1 cover the Schools Bill 2022 and subsequent consultations. Sections 3.3 to 3.6 cover developments before the 2022 Bill, and earlier proposals for a register.

### 3.1 The Schools Bill 2022

#### Legislative plans for a register of children not in school

In May 2022, the Government published a wide-ranging [Schools Bill](#), which included provisions to place a duty on local authorities in England to establish and maintain ‘children not in school (CNIS) registers’, and to provide support to home educators. The Bill was scrapped later in 2022 (see below).

Had it passed, the Bill would have required parents and certain providers of out-of-school education (meeting a threshold to be set out in regulations) to provide information for the register. When parents failed to comply with certain duties to provide information for a local authority’s register, local authorities would be required to start the School Attendance Order process, and require children to attend school.

The Department for Education’s (DfE) [policy statement on children not in school \[PDF\]](#) set out the Government’s view on why legislation was needed, including to safeguard children:

While we know many parents who choose to home educate are very committed and do so in the best interests of their child, in some cases the reasons for home educating are not for the best education of the child and the education being provided is unsuitable. [...]

Registers, and the new accompanying duties (such as the duty to provide support to those home educating families who request it) will ensure consistency across local authorities; and will provide local authorities with valuable tools to support them with their existing duties, including ensuring all children receive a suitable education and are safeguarded.<sup>87</sup>

<sup>87</sup> Department for Education, [Children not in School: Schools Bill Factsheet \[PDF\]](#), May 2022, p5

The Bill as introduced included provisions to:

- require local authorities to maintain registers of children not in school, and to support home educating parents
- require local authorities to issue School Attendance Orders
- create a revised offence for non-compliance with a School Attendance Order

### Initial reaction to the Bill

The Children’s Commissioner for England welcomed the home education provisions in the Bill. She said: “the register will allow for children who have fallen through the gaps in our education system to be identified and provided with the right support.”<sup>88</sup>

The Local Government Association has also long supported a home education register, and welcomed the proposals in the Bill.<sup>89</sup>

The home schooling charity Education Otherwise published a briefing in May 2022 that was [strongly critical of the Bill](#). In particular, it objected to a register and to the extent of proposed local authority powers:

By introducing a compulsory register of all home educated children, the Bill gives Local Authorities near enough unlimited powers to demand any and all information with threats of substantial fines and year-long imprisonment. Experience tells us that whilst some LAs will act reasonably, a sizeable number have demonstrated a continued propensity to abuse their existing powers, causing long lasting distress and harassment to children and parents. With no oversight the extent of abuse of power will only increase.<sup>90</sup>

Writing in Conservative Home, Jeremy Yallop, a trustee of the Home Educators’ Qualifications Association also [criticised the measures](#), raising concerns about stigmatising home schooling families, and the extent of the ministerial powers in the Bill.<sup>91</sup>

### Debate in Parliament

The Bill, which began in the House of Lords, proved controversial, and Lords’ criticisms echoed the above concerns. The plans for a register of children not in school were criticised both in principle and for the powers that the Bill proposed to give local authorities to require information from parents.

The Government responded to some of the concerns raised with amendments to the Bill during report stage, for example by replacing a broad power to

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<sup>88</sup> Children’s Commissioner for England, [The Children’s Commissioner’s response to the Queen’s Speech](#), 10 May 2022

<sup>89</sup> Local Government Association, [LGA statement on Queen’s Speech: Schools Bill](#), 10 May 2022

<sup>90</sup> Education Otherwise, [The Schools Bill: Briefing Paper](#), May 2022, p1

<sup>91</sup> Conservative Home, [Home education has been a basic freedom for most of English history. Why is this Government placing it under threat?](#), 30 May 2022

prescribe information that must be contained in the register with a more targeted power.<sup>92</sup>

### Bill abandoned but register remains a “priority”

The Bill was due to have its third reading in the House of Lords in September 2022, but this was delayed after Liz Truss took office as Prime Minister for the new Government to assess its plans. It was reported shortly before Liz Truss’s resignation that the Government intended to abandon the Bill, perhaps to return to some of its provisions in smaller bills in another parliamentary session.<sup>93</sup>

The Bill did not proceed after Rishi Sunak became Prime Minister, and in December 2022 the Education Secretary, Gillian Keegan, confirmed in oral evidence to the Education Committee that it would not progress. She emphasised political pressures outside education, such as the cost of living and the war in Ukraine, as dominating the Government’s focus.<sup>94</sup>

The Education Secretary said that legislating for a register remained a “priority”, but did not commit to when legislation might be brought forward:

We definitely remain committed to legislating for children who are not on the school register, and we will continue to work until we make sure that they are all receiving a safe and suitable education. I cannot commit to dates or times because there is a process that has to be gone through and I do not have full control of it, but this is as much of a commitment and a priority for me as it is for the Committee.<sup>95</sup>

## 3.2

## 2023 consultations following the abandonment of the Schools Bill

### May 2023 consultation: Children missing education

In May 2023, the Department for Education published a [consultation on improving support for children missing education](#). The consultation focused on children not being appropriately educated either at school or at home, but included questions on how local authorities identify unsuitable home education, and how local authorities could do this more effectively.<sup>96</sup>

The consultation closed on 20 July 2023. The government has not yet responded to the report.

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<sup>92</sup> [HL Deb 18 Jul 2022 c1783-1785](#)

<sup>93</sup> Schools Week, [DfE scrambles to save key policies as schools bill set for axe](#), 19 October 2022

<sup>94</sup> Education Committee, [Oral evidence: Accountability hearings](#), 7 December 2022, HC 58, Q237

<sup>95</sup> Education Committee, [Oral evidence: Accountability hearings](#), 7 December 2022, HC 58, Q246

<sup>96</sup> Department for Education, [Improving support for children missing education](#), May 2023, p28-29

## Ten Minute Rule Bill

In May 2023, Flick Drummond (Con) introduced the [Children not in school \(register\) Bill](#) to the Commons, which would create a register of children not in school. The Bill did not advance beyond its first reading.

## October 2023 consultation: Review of guidance

In October 2023, the Department for Education published revised [draft home education guidance for local authorities and opened a consultation](#).

The guidance recommends that local authorities should operate a voluntary registration scheme for children in receipt of elective home education.<sup>97</sup>

The consultation is open until 18 January 2024.

### 3.3

## Call for evidence and consultation on draft guidance (2018)

In April 2018 the Government published a [call for evidence on issues connected with home education](#). This followed a Labour bill introduced in the Lords – the Home Education (Duty of Local Authorities) Bill – which would have required home-educating parents to register their children with local authorities. The Government responded to the Bill (see section 3.5) and also published the Integrated Communities Strategy Green Paper (see box 4, page 41).

The call for evidence on home education asked for the views of parents and local authorities on several areas, including:

### Registering home educated children

The call for evidence cited the argument that it is not possible to have effective oversight and to monitor home-education, unless there is mandatory registration of home-educated children.

It also noted, however, that the Government was aware of views that compulsory registration may set back efforts made by local authorities to build relationships with home educators. The consultation sought views on, among other things, how effective current voluntary registration schemes are, and the advantages and disadvantages of mandatory registration.

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<sup>97</sup> Department for Education, [Elective home education: Draft departmental guidance for local authorities](#), October 2023, p16

## Monitoring home education provision

The call for evidence noted there is “no clear legal framework for local authorities to monitor home education.” It said a registration scheme on its own may not be very effective without some system of oversight and monitoring.

However, it emphasised, the need for any monitoring to be proportionate. The consultation sought views on the effectiveness of current arrangements and on what changes might be necessary to ensure that monitoring was satisfactory and proportionate.

Support for home-educating familiesThe call for evidence noted complaints that it can be difficult for home educated children to enter public exams.

It also set out the Government’s view that families who want to home educate should be able to get advice and support from their local authority. The consultation sought views on how access to public exams may be improved and whether there should be a duty on local authorities to provide advice and support.

Other areas the call for evidence also sought views on included:

- Whether there should be financial consequences for schools if a parent withdraws their child to educate them at home.
- Whether there should be any change to the requirement that local authority consent is needed to remove a child’s name from the roll at a maintained special school, if they were placed there by the authority.

The call for evidence ran until 2 July 2018.<sup>98</sup>

## General response to the call for evidence

The Government published a response to the call for evidence on 2 April 2019, which had received 3,441 submissions. At the same time it launched a consultation on children not in school (see section 3.3).

The DfE reported that responses to the call for evidence largely reflected existing debates on home education and fitted into three broad themes:

- Local authorities and other organisations were strongly in favour of a legally regulated system of registering children deemed to be educated at home, whereas most individuals responding were against this.
- Local authorities and other organisations were strongly in favour of an enhanced and statutory framework to allow authorities to monitor and assess the suitability of the home education for individual children. Most

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<sup>98</sup> Department for Education, [Flexible home education: call for evidence: Government consultation](#), April 2018.

individuals responding were opposed to any formal monitoring powers, and often viewed local authorities as already too intrusive.

- More diverse views about support for home educators. Many people and some local authorities said there was a need for more support, but there was no unanimity on what changes were required. Difficulty in accessing exams was identified as in need of improvement.

A detailed summary of the analysis of the responses was set out in an annex to the response document.<sup>99</sup>

## The Government's response

In its response, the Government said it had no wish to alter the basic right of parents to educate their children at home and noted that many who take this approach produce very good results. It added, however, that it did not believe recent growth in the number of home educated children is due to any significant growth in people believing in the virtues of home education in its own right.

It said the factors are often more negative (for example, disagreements with the school) and that, while parents may try their best, this does not mean that the education provided is suitable in all cases. It also highlighted the use of unregulated settings (such as part-time alternative provision or unregistered independent schools) which, although sometimes legitimate, could give rise to an absence of suitable education and potential safeguarding risks.

The Government said that, although there wasn't consensus on changing the general framework for home education, it believed there was a "basis for changing the landscape" for the children involved. This, it said, would be a step to ensuring every child gets a good education. It further stated that proportionality, parental choice and respect and recognition of the diversity of education settings would be "at the heart of any change."

The Government said it intended to consult on possible legislation to this end. The consultation on legislation was published on 2 April 2019 at the same time as the response to the call for evidence (see section 3.4 below for further information on the consultation).<sup>100</sup>

## Draft guidance

Alongside the call for evidence, the Government published draft versions of two guidance documents about home education for consultation:

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<sup>99</sup> Department for Education, [Elective Home Education: Call for Evidence 2018: Government consultation response](#), April 2019, pp6-7

<sup>100</sup> Department for Education, [Elective Home Education: Call for Evidence 2018: Government consultation response](#), April 2019, pp8-10

- [Elective home education: draft guidance for parents](#) [PDF]
- [Elective home education: draft guidance for local authorities](#) [PDF]

The final [guidance on elective home education](#) was published on 2 April 2019. More information on its contents is provided in section 1.

## 3.4 Further Government consultations: Plans for a register of home-schooled children (2019-22)

Following the call for evidence on home education, on 2 April 2019 the DfE published a [consultation on proposed legislation concerning children not in school](#). The consultation closed on 24 June 2019.

The consultation noted that increasing numbers of children are receiving their main education outside of mainstream schools. Some of these, it said, are being educated very well at home by parents, but others are being educated in “unsuitable settings such as unregistered independent schools or multiple part-time settings”.<sup>101</sup>

There are also likely to be some children, it added, who are receiving an unsuitable education because their parents cannot educate them effectively at home. The consultation said it was mainly because of these children that the Government was proposing new legal duties.

The consultation sought views on creating four new duties in primary legislation. It also asked for views on how the system would operate, which would be set out in secondary legislation. The four proposals were:

- To introduce a **new duty on local authorities** to maintain a register of children of compulsory school age who are not registered at a state-funded or registered independent school.
- To introduce a **duty on parents** to provide information to their local authority if their child should be on the register.
- To introduce a **duty on education settings** with children on the register to respond to enquiries from local authorities about the education provided to individual children. settings, and the duty would not extend to settings providing supplementary education outside normal school hours.
- To introduce a **duty on local authorities** to support families who are educating at home if they requested it.

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<sup>101</sup> Department for Education, [Children not in school: proposed legislation Government consultation](#), April 2019, pp8-9.

The proposals did not, the DfE said, include any new powers for local authorities to monitor how suitable education is, or a more detailed definition of what constitutes a ‘suitable education’.<sup>102</sup>

The consultation document said the proposals depend on gaining suitable parliamentary time to pass primary legislation and there would need to be an implementation period for local authorities. As a result, it says, no detailed timetable for implementation could be given and “full roll-out might be two to three years away.”<sup>103</sup>

A DfE equalities log, a United Nations Convention on the Rights of the Child (UNCRC) assessment and family impact document were published alongside the consultation document and can be accessed via the links below:

- Department for Education, [UNCRC assessment: Children Not In School Consultation \(PDF\)](#).
- Department for Education, [Family Test: Children Not In School consultation proposals \(PDF\)](#).
- Department for Education, [Equalities log \(PDF\)](#).

## Government response and next steps

The Department for Education published its [response to the consultation on Children Not in School](#) in February 2022. It said the Government remained “committed to a registration system for children not in school” and would be engaging with local authorities and the home educating sector as well as undertaking further work on the “practical aspects of delivery.”<sup>104</sup>

On the key proposal for a register of children not in school, the Government said there had been widely differing responses to the proposal – with 96% of local authority respondents in favour, but 82% of parents and young people who responded to the consultation opposed, as shown in the chart below.<sup>105</sup>

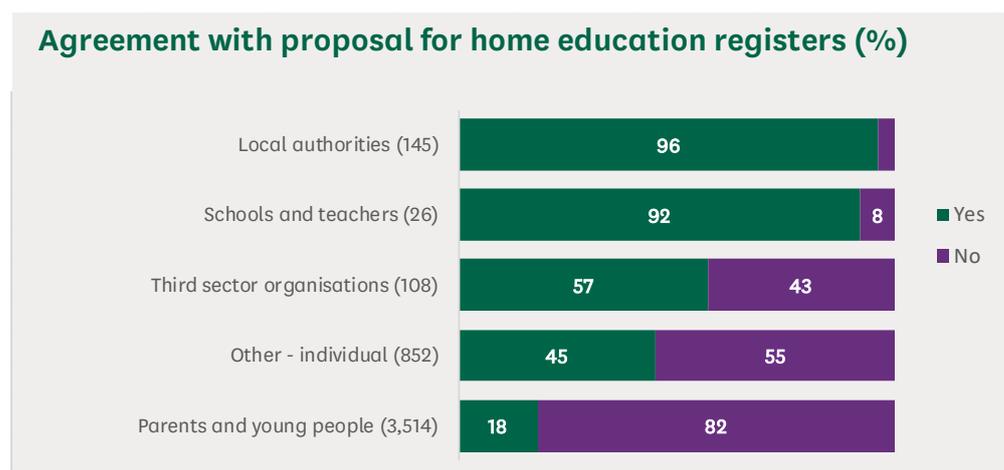
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<sup>102</sup> Department for Education, [Elective Home Education: Call for Evidence 2018: Government consultation response](#), April 2019, pp9-10

<sup>103</sup> Department for Education, [Children not in school: proposed legislation Government consultation](#), April 2019, p9

<sup>104</sup> Department for Education, [Children not in school: Government consultation response](#), February 2022, p27

<sup>105</sup> As above, p10



Source: DfE, [Children not in school: Government consultation response](#), February 2022

In the consultation response, the Government emphasised the role of safeguarding in its decision to proceed with legislating for a register, stating that this would “help safeguard some EHE [Elective Home Educated] children who require support, but who are currently not visible to those services that are there to keep children safe and supported.”<sup>106</sup>

The Government included proposals for a register in the later abandoned Schools Bill published in May 2022 – see section 3.1.

## 3.5

### The Home Education (Duty of Local Authorities) Bill 2017-19

In June 2017, Lord Soley introduced the [Home Education \(Duty of Local Authorities\) Bill \[HL\] 2017-19](#). The Bill did not become law but was followed by reviewed Government guidance and proposed legislation (see following sections 3.2 to 3.3).

Clause 1 of the Bill would have inserted a new section into the Education Act 1996, making the following provisions regarding home education:

- Placing local authorities under a duty to “monitor the educational, physical and emotional development of children receiving elective home education in their area.”
- Requiring parents of home educated children to register the child with the local authority.

<sup>106</sup> Department for Education, [Children not in school: Government consultation response](#), February 2022, p11

- Requiring local authorities to annually assess each child receiving home education in their area. The assessment would have to monitor the educational, physical and emotional development of the child. It could include a visit to the child's home, an interview with the child, seeing the child's work, and an interview with the child's parent. Parents of home educated children would have to provide relevant information for the assessment to their local authority when requested.
- The Secretary of State for Education would be required to make regulations specifying how parents register a home educated child with their local authority, and the methodology of the assessment.

Clause 2 of the Bill stated the Secretary of State would be required to update the home education guidance to account for the new provisions, within one year of the Act coming into force. In updating the guidance, the Secretary of State would be required to consider:

- The expectation that “home education must include provision of supervised instruction in reading, writing and numeracy, which takes into account the child's age, ability, aptitude and any special educational needs and disabilities, and the views of children and parents who elect home education.”

Further information on the Bill is available in a [briefing produced by the Lords Library](#) ahead of its second reading.<sup>107</sup>

## Second reading

The [Lords second reading debate](#) on the Bill took place on 24 November 2017. Introducing the Bill, Lord Soley expressed his support for home education, but raised concerns that the lack of a requirement to register home-educated children could potentially be exploited by parents seeking to abuse their children.

Lord Soley said that the Bill “tries to strike a delicate balance between the rights of parents and the rights of the child” and that what he really wanted was “a system where the majority of parents who home educate very well and want to be left alone are not caused any hassle by the Bill.”<sup>108</sup>

Lord Soley also outlined his intention to seek to amend the Bill in committee stage, including to remove the references to local authorities checking a child's physical and emotional development, as he did not believe this could not realistically be monitored.

The Lords agreed without a vote to give the Bill a second reading.

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<sup>107</sup> House of Lords Library, [Home Education \(Duty of Local Authorities\) Bill \[HL\]: Briefing for Lords Stages](#), 20 November 2017

<sup>108</sup> HL Deb 24 November 2017, [cc435-440](#).

## Lords committee stage

Eight amendments were made to the Bill during its Lords committee stage, all of which were proposed by the Bill's sponsor, Lord Soley.

Three substantive changes were made by the amendments. First, references to “monitor” were changed to “assess”. Meaning the duty of local authorities to monitor the development of children was changed to a duty to assess their development. Lord Soley said that legal experts had advised him there was not much difference between the two words, but he had proposed the change because of concerns raised by home educators that “monitor” was too strong.<sup>109</sup>

The second substantive change was to remove the reference to local authorities having to monitor the “physical and emotional” development of children along with their educational development. Lord Soley said he had originally put the requirement in because of his concerns about radicalisation and abuse, but he now thought it would be difficult to do without additional resources. He added that expert bodies said that a teacher or welfare officer assessing in the normal way would be able to spot if there was “serious abuse”.<sup>110</sup>

Thirdly, an amendment was agreed putting local authorities under a duty to provide advice and information to home educating parents, if requested. Lord Soley said that the amendment addressed the issue of not enough currently being done to support home educators.

Lord Soley added that an additional reason for the amendment was to reassure concerned home educators that he did not want to “destroy the family”, and to say that they have a legal right to home educate, which he recognised.<sup>111</sup>

The Bill completed its Lords stages on 24 July 2018, when it was introduced to the Commons. The Bill never received its second reading in the Commons and fell before at the end of the parliamentary session.

## Government response to the Bill

Responding to the second reading debate on the Bill, the Minister, Lord Agnew, noted a “significant increase” in the number of home educated children in recent years and said this “raises questions about the adequacy of the current arrangements for ensuring that these children receive a suitable education.” The Government was persuaded, he said, “that the changing landscape of home education gives sufficient cause to look at the possibility of reform.”<sup>112</sup>

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<sup>109</sup> HL Deb 27 April 2018, [c1787](#).

<sup>110</sup> As above, [cc1787-8](#).

<sup>111</sup> HL Deb 27 April 2018, [c1790](#).

<sup>112</sup> HL Deb 24 November 2017, [cc465](#).

The Minister argued that what was initially needed was “a concerted effort to make the existing legal arrangements work better in the interests of parents, of local authorities and most of all the children themselves.”

Referring to local authorities being able to act in cases where children are not being well educated at home, he said the Government believed they “already have the tools for the job.” He did announce, however, that the Government would consult on revised guidance on home education for parents and local authorities (see section 3.2 below).<sup>113</sup>

#### **Box 4: Integrated Communities Green Paper and home education**

Plans to look at revising the guidance around home education were also outlined in the Government’s [Integrated Communities Strategy Green Paper](#), published in March 2018.

The strategy noted the Government’s concerns about cases where home-educated children are not receiving a suitable education, and cases where children are said to be home educated but are in fact attending an unregistered educational setting. It is essential, the strategy said, that local authorities can identify children who are missing education or are being neglected, but many local authorities currently feel that they lack the necessary powers.

The strategy stated that the Government would update its non-statutory guidance on home education so that it clearly explains the rights and obligations of parents and local authorities, and that it would invite views on revising guidance on home education.<sup>114</sup>

In response to parliamentary questions in January 2018, Lord Agnew highlighted evidence that 80 to 90% of home educated children had previously been in school and so were known to local authorities.

He added that legal advice received by the Government since November 2017 indicated that “local authorities’ powers in relation to home education often go further than is appreciated.” The Government would, he said, reflect this in the updated guidance on home education, the drafts of which he expected to be produced for consultation “in the next few weeks.”<sup>115</sup> (The consultation was published in April 2018 – see section 3.3.)

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<sup>113</sup> HL Deb 24 November 2017, [cc464-467](#).

<sup>114</sup> HM Government, [Integrated Communities Strategy Green Paper](#), March 2018, pp27 & 34.

<sup>115</sup> HL Deb 24 January 2018, [cc1013-5](#).

The Minister also said he would like to look at making it easier for home-educated children to access places to take exams. He finished by saying that the Government was “keeping an open mind on the Bill.”<sup>116</sup>

Contributing to the committee stage debate, Lord Agnew said it remained the Government’s position that they “understood the concerns” that had led to the Bill’s introduction. The Government, he said, was interested in the Bill but would not “formally” support it.<sup>117</sup>

## 3.6

### Earlier proposal for the registration of home educators (2009)

#### The 2009 Badman Report

In January 2009, Graham Badman, the former Director of Children’s Services at Kent County Council, was asked by the then Secretary of State for Children, Schools and Families, Ed Balls, to review whether the right systems were in place to allow local authorities to ensure that concerns about the safety, welfare or education of home educated children were addressed quickly and effectively.<sup>118</sup>

The report, *Review of Elective Home Education*, was published on 11 June 2009.<sup>119</sup> It made 28 recommendations, including for a compulsory annual registration scheme for home educators to be established. Under the proposed registration scheme, all parents planning to home educate their children would have to inform the local authority; the authority could refuse registration if there was clear evidence of safeguarding concerns.

The review further recommended that parents should be asked to submit a statement of their intended approach to the child’s education, including what they aimed to achieve over the following 12 months. Local authority officials would have the right to access the home to check that the child was safe and well and making progress against their learning statement.<sup>120</sup>

Among the report’s other recommendations were:

- that local authorities should provide more support to home educating families, for example through helping provide access to the national examinations system, sports facilities, libraries and music tuition;<sup>121</sup> and

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<sup>116</sup> HL Deb 24 January 2018, [cc1013-5](#).

<sup>117</sup> HL Deb 27 April 2018, [cc1785-6](#).

<sup>118</sup> “Morgan: Action to ensure children’s education and welfare”, DCSF Press Notice 19 January 2009.

<sup>119</sup> Graham Badman, [The Report to the Secretary of State on the Review of Elective Home Education in England](#) [PDF], HC 610, June 2009.

<sup>120</sup> Graham Badman, [The Report to the Secretary of State on the Review of Elective Home Education in England](#) [PDF], HC 610, June 2009. pp38 & 40.

<sup>121</sup> As above, p41.

- that the Government should review the current statutory definition of what constitutes a ‘suitable’ and ‘efficient’ education.<sup>122</sup>

The report received a negative response from some home educators, who believed that the proposals were unnecessary and would allow the state an “unprecedented intrusion into family life”.<sup>123</sup>

### Government response to Badman Report

In a [written ministerial statement on 11 June 2009](#) Ed Balls announced a public consultation on proposals to establish a registration scheme for home educators so that they could be introduced to Parliament at the earliest opportunity.<sup>124</sup> The consultation closed on 19 October 2009.

In its [full response to the Badman Report \[PDF\]](#), published on 9 October 2009, the Government additionally said it would commission a review in early 2010 to clarify what constituted a suitable and efficient education. The review had not started when Parliament was dissolved for the 2010 general election.

The Government also agreed that home educators should have access to educational facilities and services such as work experience, libraries, and specialist music tuition. It said that local authority staff supporting home educators would need to work with schools to see how such services could be provided.<sup>125</sup>

### Children Schools and Families Bill

The [Children Schools and Families Bill](#) was introduced in the House of Commons on 19 November 2009. It sought to implement the recommendations of a number of independent reviews, including Graham Badman’s [Review of Elective Home Education in England \(PDF, 535KB\)](#).<sup>126</sup>

The Bill (as it was introduced) included a new requirement for local authorities in England to keep a register of all children of compulsory school age in their area who were entirely educated at home. Authorities would be required to monitor those children to ensure that they were safe and well and receiving a suitable education.

The Bill also included powers to allow the procedural detail of the new registration scheme, and how it would operate, to be set out in regulations.

The Badman Report had recommended that local authority officers should have the right to speak to a home-educated child alone, if deemed appropriate. There were strong representations against this, and the

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<sup>122</sup> As above, p39.

<sup>123</sup> For example, see [“Get tough on home tuition to weed out abuse, says review”](#), *Guardian*, 5 June 2009 and “No place like home”, *Sunday Times*, 14 June 2009

<sup>124</sup> [HC Deb 11 June 2009 c44-5WS](#).

<sup>125</sup> Department for Children Schools and Families, [DCSF response to the Badman Review of Elective Home Education in England](#), October 2009.

<sup>126</sup> [Children, Schools and Families Bill](#), Bill 8 of Session 2009-2010

Government stressed that under the provisions in the Bill, the right to see the child alone would only be with the permission and agreement of the parent.<sup>127</sup>

### Children, Schools and Families Committee inquiry

Following a short inquiry, the Children, Schools and Families Committee published a [report on home education](#) on 16 December 2009, shortly after the publication of the Children, Schools and Families Bill.<sup>128</sup>

The report supported proposals to introduce annual registration for home educating families. However, in view of the concerns expressed by home educators, the report suggested that registration should be voluntary. It further recommended that the voluntary registration system should be reviewed after two years and that if the arrangements did not meet expectations, then a system of compulsory registration should be introduced.

The report also supported the requirement for home educating families to provide some form of statement of their intended approach to their child's education. It said this should be supplemented by meetings between home educating families and local authority officers on at least an annual basis.

The committee suggested that existing safeguarding legislation was the appropriate mechanism for the purpose of safeguarding and promoting the welfare of home-educated children. It said the proposed annual visits would offer little direct safeguarding benefit over and above this. The committee strongly discouraged the notion that local authority home education teams should be given a more overt safeguarding role.<sup>129</sup>

### Removal of the home education provisions from the Bill

The Children, Schools and Families Bill provided for the registration system to come into effect from April 2011. However, the relevant provisions were removed from the Bill on 8 April 2010 because no agreement on them could be reached between the Government and opposition parties before the dissolution of Parliament for the 2010 general election.<sup>130</sup> They were therefore not included in the Bill that became the Children, Schools and Families Act 2010.

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<sup>127</sup> [HC Deb 19 November 2009 cc175-176](#)

<sup>128</sup> Children, Schools and Families Committee, [The Review of Elective Home Education \[PDF\]](#), 16 December 2009, HC 39-I.

<sup>129</sup> Children, Schools and Families Committee, [The Review of Elective Home Education \[PDF\]](#), 16 December 2009, HC 39-I.

<sup>130</sup> DCSF, [Statement on the Children, Schools and Families Bill](#), 7 April 2010.

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## 4 Issues and reports

### 4.1 Education Committee report (2021)

The Education Committee published a report on [Strengthening Home Education](#) in July 2021. The Committee raised concerns about the lack of reliable information about the numbers of children being home educated, saying that it is “simply not good enough that we are only able to make a best guess at the number of children receiving [Elective Home Education].”

The impact of the Covid-19 pandemic had increased concerns in this area, and the Committee said they were “deeply concerned that we cannot support children who may have been ‘left behind’ during the pandemic without knowing who they are and how many of them there are.”<sup>131</sup>

The Committee made several main recommendations to the Government:

- That the creation of a **statutory register of children** who are not educated in school is “essential”
- That an independent, **neutral advocate with responsibility for co-ordinating all statutory SEND processes**, and who could advise on home education choices, should be created
- The SEND Review should address the need for **consistent and sufficient support for children with SEND**, “no matter where they are educated”
- The Department for Education should provide local authorities with a set of **clear criteria on the suitability of home education**
- That the DfE should also commission and publish longitudinal **research on the life chances and social outcomes** of EHE children in England

That a duty should be created for local authority to ensure that home-educated children and young people have **fair access to exam centres**, with the **Government meeting the entry costs** for those exams<sup>132</sup>

### Government response

The [Government response to the report](#) was published in November 2021. The response stated that the Government remained committed to a form of local

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<sup>131</sup> House of Commons Education Committee, [Strengthening Home Education](#), Third Report of Session 2021-22, HC 84, July 2021

<sup>132</sup> As above

authority administered statutory registration to identify children not in school, and that this would be part of the response to the [consultation on children not in school](#).

The response also noted that the consultation proposed a duty on local authorities to provide support to home educating families, should they want it, which could in theory be used for examination support, but again that details of proposals would be included in the consultation response.

The Government did not accept several of the Committee's other recommendations, including for a neutral advocate with responsibility for co-ordinating statutory SEND processes:

The SEND system already provides mechanisms for ensuring that families have access to support. Local authorities are bound by statute (by section 19 of the Children and Families Act 2014) to consider the views, wishes and feelings of children and young people with SEND, and their parents/carers, when making decisions that affect them. They also have a duty to have in place a local information, advice and support service. These services, usually known as SENDIASS (SEND Information and Advice Support Service) offer children and young people with SEND and parents free, impartial advice and support. [...] We therefore do not consider it necessary to create an additional role in this area.<sup>133</sup>

The Government stated that the forthcoming [SEND review](#) would address consistent and sufficient report for children with SEND.

Additionally, the Government stated that existing guidance should be sufficient for local authorities in determining whether children are receiving a suitable education. It further stated that while potentially valuable, longitudinal research into the outcomes of home educated children was a challenge due to a lack of available data; however, given the potential value of this research, the Government states that it would review potential approaches following the publication of the Children Not In School consultation response.

## 4.2

### Off-rolling and home education

In recent years there have been concerns about schools removing pupils from their roll without a formal permanent exclusion, or by encouraging parents to remove their child, when the removal is primarily in the interests of the school (eg, to relieve financial pressure or 'game' the school performance system). This practice is referred to as 'off-rolling'. Exclusion for non-disciplinary reasons is illegal and the DfE has made it clear that it considers off-rolling unacceptable.

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<sup>133</sup> House of Commons Education Committee, [Strengthening Home Education: Government Response to the Committee's Third Report](#), First Special Report of Session 2021-22, HC 823, November 2021

Concerns include schools off-rolling pupils by pressurising their parents to educate them at home. For example, in a [letter \(PDF, 419KB\)](#) to the Public Accounts Committee in October 2018, the Chief Inspector of Schools, Amanda Spielman, stated that Ofsted had anecdotal evidence that suggests “[parents are home-educating their children under duress \(PDF, 419KB\)](#), to prevent exclusion” (419KB, PDF). She added that, while Ofsted accepts that home education is a legitimate choice and is often done well, often the parents of off-rolled children “do not have the capacity to provide a good standard of education.”<sup>134</sup>

Similar concerns have been raised by others, including the Schools Adjudicator and the Children’s Commissioner in a February 2019 report (see section 4.5 below).

Further information is available in Library briefing, [Off-rolling in English schools](#).

## 4.3 Unregistered schools

There has been an increased focus in recent years on the potential safeguarding risks posed by unregistered schools. The home education guidance for local authorities states that some children said to be educated at home may in practice spend large amounts of time at various such unregistered settings, including unregistered independent schools. (these are distinct from part-time settings, which are genuinely supplementary to home education).<sup>135</sup>

The [ADCS Home Education Survey](#) found that as of October 2020, 12% of responding LAs were aware of any unregistered or illegal schools operating in their area.<sup>136</sup> Not all LAs responded to this question (129 out of 152) and so the responses may not be representative of England.

In the [2021 ADCS survey](#) the number of LAs that were aware of any unregistered or illegal schools was not published, however the report states that “the vast majority” were unaware of schools operating illegally.<sup>137</sup>

In a series of letters to the Secretary of State, the former Chief Inspector of Schools, Sir Michael Wilshaw, raised concerns about “the safety of children who are being educated in unregistered schools.” He also expressed a belief that there was a link between an increase in the number of home educated

<sup>134</sup> [Letter from Amanda Spielman to Meg Hillier MP, Chair of the Public Accounts Committee](#), 30 October 2018.

<sup>135</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), April 2019, p35.

<sup>136</sup> [ADCS Home Education Survey 2020](#), November 2020, p6

<sup>137</sup> [ADCS Home Education Survey 2021](#), November 2021, p7

children and the growth of unregistered schools.<sup>138</sup> For example, in [a letter of May 2016 \(PDF, 229KB\)](#), he said:

I have previously voiced concern that many of those operating unregistered schools are unscrupulously using the freedoms that parents have to home educate their children as a cover for their activities. They are exploiting weaknesses in the current legislation to operate on the cusp of the law. Many are charging parents thousands of pounds to send their children to these unregistered schools.

In doing so, many are providing a sub-standard education, placing children at risk and undermining the government's efforts to ensure that all schools are promoting British values, including tolerance and respect for others.<sup>139</sup>

In her [October 2018 letter](#) to the Public Accounts Committee, the current Chief Inspector, Amanda Spielman, similarly stated that in some cases “[parents use home education as a guise to allow them to use illegal schools](#)”<sup>140</sup> (PDF). Similar concerns were raised by the Children's Commissioner in a report in February 2019 (see section 4.6 below). On 12 April 2019, Ofsted published data on unregistered schools and stated that it estimated that as many as 6,000 children are being educated in unregistered settings.<sup>141</sup>

The home education guidance for local authorities notes that unregistered independent schools that meet the criteria for registration are operating illegally. The DfE, it states, works with Ofsted and local authorities to shut them down when they are found, and to bring prosecutions.

The guidance adds that it is not illegal for parents to send their children to such settings simply because the setting is illegal. However, such a setting may not meet required educational standards and so the parent, by sending their child to it, may be failing to ensure that they receive a suitable education.<sup>142</sup>

## Voluntary code for out-of-school education

Non-statutory guidance is published by the DfE on [Keeping children safe in out-of-school settings](#). This voluntary guidance is aimed at organisations or individuals who provide community activities, tuition or after-school clubs for children, also known as out-of-school-settings (OOSS) providers, as well as their staff and volunteers.<sup>143</sup>

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<sup>138</sup> Ofsted, [Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, on unregistered schools](#), 11 December 2015

<sup>139</sup> Ofsted, [Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, in respect of suspected illegal schools](#), 16 May 2016

<sup>140</sup> [Letter from Amanda Spielman to Meg Hillier MP, Chair of the Public Accounts Committee](#), 30 October 2018

<sup>141</sup> Ofsted, [New data shows illegal schools are a huge nationwide problem](#), 12 April 2019

<sup>142</sup> Department for Education, [Elective Home Education: Departmental guidance for local authorities](#), April 2019, p35

<sup>143</sup> Department for Education, [Keeping children safe in out-of-school settings: code of practice](#), October 2020

A consultation on a [voluntary code of practice for out-of-school education](#) ran from December 2018 to February 2019. The Government responded in October 2020.<sup>144</sup>

An earlier [call for evidence](#), published in November 2015, had set out proposals to require the registration of settings providing intensive out-of-school education.<sup>145</sup> However, in its [response](#), published in April 2018, the Government stated that it did not intend to proceed with the proposals.<sup>146</sup>

Further information is available in Library Briefing 7345, [Counter-extremism policy in English schools](#).

## 4.4 Wood report (2016)

In May 2016, the Government published [the report of a review of local children safeguarding boards](#) conducted by Alan Wood.

The report stated that several Directors of Children’s Services and chairs of local children safeguarding boards had raised “the lack of effective statutory provision about children in unregistered school settings or receiving home education”. They pointed, the report said, “to the fact that public agencies do not have the right to gather information on the children in such settings and have no way of assessing the level of risk children face.”

The report argued that the issue of some home educating parents being unwilling to provide information to the local authority needed to be addressed urgently:

The majority of parents who arrange home education for their children work closely with, and share information with, the local authority. However, this is a voluntary act on behalf of the parent and a number of parents are not willing to provide information to the local authority. In both of these cases [unregistered settings and home education] the local authority is not able to assess either the quality of education being received by the child or whether there are any safeguarding issues that require attention.

It concluded that “the current guidance [which has now been updated] with regard to children who are educated at home – which some parents of children who attend unregistered settings will claim – needs urgent review in order to enable local authorities to fulfil their safeguarding responsibilities and ensure the wellbeing of those children.”

The report also recommended that the DfE’s safeguarding guidance, [Keeping Children Safe in Education](#), should be reviewed to ensure it covers child

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<sup>144</sup> Department for Education, [Out-of-school settings \(OOSS\) voluntary safeguarding code of practice: Government consultation response](#), October 2020

<sup>145</sup> Department for Education, [Out-of-school education settings: call for evidence](#), November 2015.

<sup>146</sup> Department for Education, [Out-of-school education settings: Report on the call for evidence conducted November 2015 to January 2016](#), April 2018

protection and safeguarding issues in respect of unregistered school settings, independent schools and home education.<sup>147</sup>

The Government published its [response to the Wood Report](#) in May 2016. The response did not explicitly refer to home education.<sup>148</sup>

## 4.5 Casey Review (2016)

In December 2016, Dame Louise Casey published the [report of her review into opportunity and integration](#) (The Casey Review). In a section on home education, the report noted a number of valid reasons why some parents may choose to home educate their child but stated that:

While there are many proponents of the benefits and strengths of home education, there are a number of difficulties and risks associated with it and little evidence we could find to assess the educational attainment and socio-economic progress made by home educated children.<sup>149</sup>

The report raised a number of issues associated with home education, including:

- The definition of suitable education in existing guidance [the guidance has now been updated], as an education that “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...”, runs counter to efforts “to foster British values in schools across the country and contrary to efforts on integration and building cohesive communities which are based on shared values.”
- The lack of a requirement for parents to notify local authorities that they are home educating their child means that authorities do not “have any sure way of knowing the extent of home education in their locality, nor the quality or ‘suitability’ of education being provided outside of school settings.”
- Some people may be “misusing the right to home educate and its light regulation to place their children in unregistered and illegal schools.”
- The current framework places “serious limitations” on the extent to which local authorities can be aware of any child protection issues arising from the nature of the education provided to a home educated child.<sup>150</sup>
- The report also welcomed the Government’s tightening of regulations on pupil registration (see box 2) but noted that it only had the potential to

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<sup>147</sup> Department for Education, [Wood review of local safeguarding children boards](#), May 2016, pp32-5.

<sup>148</sup> Department for Education, [Wood review of LSCBs: government response](#), May 2016.

<sup>149</sup> Dame Louise Casey, [The Casey Review: A review into opportunity and integration](#), December 2016, p119.

<sup>150</sup> As above, pp118-20.

improve the tracking of children who had been attending school before they are withdrawn. The report stated that “further action is necessary to cover children who are home educated without ever having attended school – otherwise there will always be a cohort of pupils who are not known to local authorities and the opportunity to abuse the system will remain.”<sup>151</sup>

- The report’s section on home education concluded:

Parents should continue to have the right to home educate their children but stronger safeguards are required to ensure the child’s right to a decent and suitable education for life in Britain, and to protect them from harm. The evidence we have seen in this review shows it is too easy for children to be raised in a totally secluded environment that does not provide a suitable education or sufficient protection from harm. One case of this happening is one too many.<sup>152</sup>

## Government response

On the day of its publication, the Secretary of State for Communities and Local Government, Sajid Javid, issued a [written ministerial statement](#) on the Casey Review. He stated that he would “carefully consider the findings in the review, in consultation with my Government colleagues and faith and community leaders, and will bring forward proposals in due course.”<sup>153</sup>

## 4.6

## Children Commissioner report (2019)

In February 2019, the Children’s Commissioner for England, Anne Longfield, published a report: [Skipping School: Invisible Children: How children disappear from England’s schools](#).

The report summarised evidence of “a marked increase” in the number of children being home educated in recent years, and outlined a number of related concerns. These included:

- That “there are clear indications that the growth in home education is related to the rise in children leaving school due to their needs being unmet.” The report stated that the parents of such children “often feel that the school has been insensitive or unsupportive, whether the child has special educational needs, challenging behaviour, mental health issues or is being bullied.”
- That some parents are home educating their children “under duress” because they are being encouraged to do so by the school. Schools may

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<sup>151</sup> Dame Louise Casey, [The Casey Review: A review into opportunity and integration](#), December 2016, p119. p120.

<sup>152</sup> As above, p120.

<sup>153</sup> [HCWS319](#), 5 December 2016.

engage in such off-rolling, the report said, because they are “focused on improving overall exam results and not the individual needs of each child.”

- That home educated children “are completely out of sight of the authorities.” “Worryingly”, it added, there are some parents who are well aware of the light touch regulation around home education and actively use this to their advantage, for example to keep out of sight of social services.”
- That “some parents claim that they are home educating their children, when in reality they are sending them to unregistered and illegal schools (or “tuition centres”) where they receive a substandard education and welfare standards are dubious.” The report noted difficulties for Ofsted in prosecuting such schools, including because “settings are expert at keeping their answers within the legal framework.”

The report concluded that, while many home educating parents provide their children with a high quality education, there are many others who “are struggling to cope.” It stated that:

There needs to be a cultural shift away from pressurised, hot-housing schools, to help stem the tide of children entering home education when it is not in the family’s true interests or wishes.

There is also a pressing need for more immediate measures to improve the experiences, safety and wellbeing of children who do end up being home educated.

It made a number of recommendations, including:

- A requirement for parents to register their children as home educated.
- Strengthened measures to tackle off-rolling, including potentially a financial penalty for schools found to be off-rolling pupils.
- Advice and support for families, including on alternative options, once a decision has been made to withdraw a child from school to home educate them.
- Greater oversight of children, with council officers visiting each home educated child at least once a term to assess the suitability of the education and their welfare.
- A strengthening of the law so that it is easier to prosecute illegal schools.<sup>154</sup>

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<sup>154</sup> Children’s Commissioner, [Skipping School: Invisible Children](#), February 2019.



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