Home education in England

By Robert Long, Shadi Danechi
10 January 2022

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Summary

It is not known how many children and young people are home educated in England, but there is evidence of an increase in recent years and that this has accelerated during the pandemic.

The Association of Directors of Children’s Services (ADCS) estimated that as of October 2021 there may have been around 81,200 registered home educated children in England. This estimate is very likely to underestimate the number because registration is voluntary.

In 2019, all local authorities responded to the Office of the Schools Adjudicator (OSA) survey, which found that there were 60,500 registered home educated children in England as of March 2019. However, this was before the Covid-19 pandemic.

Responsibilities of those home schooling

Parents and guardians 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 role of local authorities

Local authorities have no formal powers or duty to monitor the provision of home education. However, they do have duties to identify children not receiving a suitable education, and to intervene. As part of this, the Department for Education (DfE) recommends that authorities should contact people home educating on at least an annual basis, so they are aware of the suitability of the education being provided.

If it appears that 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.
Guidance on home education

Updated guidance on home education was published in April 2019, following a consultation launched in April 2018. Two guidance documents were published by the DfE, one for local authorities (689KB, PDF) and one for parents (458KB, PDF).

Government consultation


The consultation sought views on proposals 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 attended by children on the register, as part of or in conjunction with their home schooling, to respond to enquiries from local authorities about the education provided to individual children.
4. A duty on local authorities to support home educated families, if the families request it.

Education is a devolved issue; this briefing covers the position in England only.
1 Current position on homeschooling

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. 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’.

Children who are educated at home are not usually registered at mainstream schools or special schools.

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)](#).

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1 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.
2 Department for Education, [Elective home education Departmental guidance for parents](#), April 2019, p6.
4 Department for Education, [Elective Home Education guidance](#), April 2019.
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’.  
- Familial reasons which have nothing to do with schools or education (eg, using older children educated at home as carers)
- As a stop-gap while waiting for a place at a school

The Department for Education does not collect data on the reasons children are home educated.

The 2021 survey by the Association of Directors of Children’s Services, asked upper tier local authorities in England (LAs) to select the top three reasons parents give for choosing to home educate their child. 125 out of 152 LAs responded to this question, so responses may not be representative.

The most common reason in 2021 was due to Covid related concerns, and for philosophical or lifestyle reasons (both were selected by 19% of responding LAs). The chart below gives a full breakdown of the responses.

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5 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.”

6 Department for Education, Elective Home Education: Departmental guidance for local authorities, April 2019, p7.

7 ADCS, ADCS Home Education Survey 2021, November 2021, p5.
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.\(^8\) 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 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.\(^9\)

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\(^8\) PQ 47136, 1 November 2016.
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 suitable to the child’s age, ability and aptitude. Parents can choose to employ private tutors, or online tuition, to assist them, but there is no

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11 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.
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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.15

The DfE guidance for parents on home education provides more information on what constitutes an efficient, full-time, and suitable education.16

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

Efficient education

There is no definition of efficient education in statute law. The DfE guidance states that it can be interpreted as meaning education which “achieves what it is intended to achieve.”17 It notes that 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 that 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.18

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 that 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.”

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 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.

16 Ibid.
17 Ibid., p7
18 Ibid.
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 (eg, 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.19

There are no legal requirements for parents home educating children to follow the National Curriculum, aim for the child to acquire specific qualifications, or to provide a broad and balanced curriculum.20

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 2010.21

**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.”22 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.

**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

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19 Ibid., p8
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.²⁴

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.²⁵

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 contact with home educating parents on at least **an annual basis**, so it is reasonably informed of the suitability of the education provided.²⁶

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.”²⁷

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²⁶ As above, pp14-15.
²⁷ As above, p10.
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.28

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.29

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.

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.30

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28 Ibid., pp10-11.
29 Department for Education, Elective Home Education: Departmental guidance for local authorities, April 2019, p17.
30 Ibid., p20
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.\(^{31}\)

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.\(^{32}\)

**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.\(^{33}\)

**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.\(^{34}\)

The home education guidance for local authorities notes that “there is no proven correlation between home education and safeguarding risk”. It adds,

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\(^{31}\) Ibid.

\(^{32}\) Ibid., pp17-21.

\(^{33}\) ADCS, [ADCS Home Education Survey 2019](https://www.adcs.org.uk/?p=11646), November 2019, p7

\(^{34}\) As above, p22.
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.”

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.

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.”

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.

**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.”

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36 Ibid.
37 Ibid., p25
Ofsted has no role in the oversight of education received by individual children who are educated at home.40

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.41

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](https://www.gov.uk/home-education-get-information-from-your-council).

Data on spending for home education

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

The 2021 [ADCS Home Education Survey](https://www.adcs.org.uk/resources/home-education) 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).42

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42 [ADCS Home Education Survey 2021](https://www.adcs.org.uk/resources/home-education), November 2021, p8
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.”

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.

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.

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 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.”

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

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43 Department for Education and Department of Health, Special educational needs and disability code of practice: 0 to 25 years, January 2015, p214.
44 As above, p214.
46 Department for Education and Department of Health, Special educational needs and disability code of practice: 0 to 25 years, January 2015, p214.
register. The SEND Code of Practice states that this “should not be a lengthy or complex process.”

**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.

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.

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.”

### 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:

- 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.

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47  As above, p215.
48  Revised funding guidance for local authorities on home educated children, para 2, last accessed 10 January 2017.
49  Department for Education and Department of Health, Special educational needs and disability code of practice: 0 to 25 years, January 2015, pp214-5.
• Safeguarding and the use of private tutors by home educating parents.
• Work experience and home educated children.\textsuperscript{51}

2 Home education statistics

2.1 How many children are home educated?

Data on the number of children educated at home is not collected centrally and is therefore not published by the Department for Education (DfE).\(^52\) This is because it is voluntary for parents to register home educated children with the local authority (although schools must inform the local authority when children are removed from admission registers).\(^53\) This means any current estimates of the number of home educated children are very likely to be underestimates. The Government response to the 2019 consultation (which sought views on legislating to make registration compulsory) has not been published.

There is evidence that suggests the number of home educated children in England has increased since the covid-19 pandemic.\(^54\) However, there is no single definitive official source to quantify this.\(^55\)

In a 2019 survey carried out for Channel 4 Dispatches, 93% of responding local authorities reported that they “don’t feel confident they’re aware of all the home educated children living in their area”.\(^56\)

In recent years, several third-parties, media organisations, and central Government have surveyed local authorities in order to collate the data available and try find out the number of registered home educated children in England.

The Office of the Schools Adjudicator (OSA) received responses from every authority, however data has not been published since the outbreak of the covid-19 pandemic. In 2019 this survey found that there were 60,544 registered home educated children in England. This is an increase of around 15% compared to 2018.

A more recent estimate is available from the Association of Directors of Children’s Services (ADCS), but this is based on partial responses from LAs and so may not be representative. As of October 2021 the ADCS estimated

\(^{52}\) PQ 4749 [On Home Education] 18 July 2017
\(^{53}\) Department for Education, Elective home education: Departmental guidance for parents, April 2019
\(^{54}\) Education Select Committee, Strengthening home education, July 2021, p17; Local Government Association, LGA: More than a million young people in England could be missing full-time education, 16 November 2020; May 2021; BBC, Covid: Home-education numbers rise by 75%, July 2021
\(^{55}\) Education Select Committee, Strengthening home education, July 2021, p13-14
\(^{56}\) Children’s Commissioner, Skipping school invisible children, Feb 2019, p14
that there were around **81,200 registered home educated children** in England.  

These snapshot estimates do not capture the high level of variation in the number of registered home educated children within a year.  

**Office of the Schools Adjudicator survey**

In 2020 “in light of the Covid-19 pandemic” the Office of the Schools Adjudicator (OSA) reduced the scope of their survey and so local authorities (LAs) were not asked about registered home educated children. 

In 2019, all LAs responded to the survey. However, this was before the Covid-19 pandemic.

As of March 2019, there were **60,544 children registered** as home educated in England (an annual increase of around 15%). This represented less than 1% of the January 2019 school population.

This was the second year this question was asked, in 2018 all LAs also responded to this question (when there were 52,770 registered home educated children).

**Other estimates**

The following estimates are based on incomplete survey data (excluding Education Otherwise). This means that 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**

The Government’s April 2018 call for evidence on home education (see section 3.2 for more information) asked the 152 upper tier LAs in England for the number of children in their areas known to be home educated. Only 82 LEAs responded, but the available data was extrapolated to estimate that around 57,600 children in England were known to be home educated.

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

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57  ADCS Home Education Survey 2021, November 2021, p3
58  OSA, 2018/19 Annual Report, February 2020, p35; ADCS Home Education Survey 2021, November 2021, p4-5
59  OSA, 2019/20 Annual Report, May 2021, p3
60  Schools pupils and their characteristics: 2021, DfE
61  Department for Education, Elective Home Education: Call for Evidence 2018 Government consultation response, April 2019, p4
0.5% of the relevant age group – and moreover, appears to be increasing by over 20% per annum.”

The Association of Directors of Children’s Services

The Association of Directors of Children’s Services (ADCS) produced a more recent estimate of around 81,200 registered home educated children in England as of October 2021. This was produced by extrapolating survey responses from 124 out of 152 LAs and so may not be representative.

The ADCS estimated that around 115,500 pupils in England were known to be home educated at some point during the academic year 2020/21. This high level of in year variation suggests that home education can be a fluid status for many pupils.

The report also noted that there was some evidence that the covid-19 pandemic had impacted home education rates:

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 in September 2020 and March 2021 when schools fully reopened.

BBC

BBC survey data found that in 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 local authorities (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 Scotland and Northern Ireland respectively.

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%).

Education Otherwise found that the number of home educated children known to local authorities was around 78,200 in October 2021.

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64 ADCS Home Education Survey 2021, November 2021, p2
65 Same as above.
66 Same as above.
67 ADCS Home Education Survey 2021, November 2021, p4
68 Homeschooling in the UK increases 40% over three years, BBC News, 26 April 2018.
69 Home Education Trends: Post Lockdown, Education Otherwise, December 2021, p5-6
70 Home Education Trends: Post Lockdown, Education Otherwise, December 2021, p8
2.2 Characteristics of home educated children

Special Educational Needs

The DfE does not routinely collect data on the characteristics of home educated pupils in England. However, the DfE data on pupils with special educational needs, includes the number of pupils with education, health and care (EHC) plans or statements that are known to be home educated, in previous years the number of pupils taken out of school by their parents to be home educated was also published. Children and young people with EHC plans can be between 0-25 years of age and so not all with EHC plans are of compulsory school age.

In 2021, 3,660 children and young people with EHC plans were recorded as receiving elective home education. This was an increase of 23% from 2020 (when 2,983 were recorded). In both 2020 and 2021 0.8% of children and young people were recorded as receiving elective home education. Further time series data is not available. 71

In 2018 (the most recent data available as the DfE has stopped publishing this information), 694 pupils with EHC plans were taken out of school to be home educated. This was a 52% increase from 2014 with increases driven mainly by mainstream schools. 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 has also increased over the period from 0.20% in 2014 to 0.24% in 2018. 72

Other characteristics

In previous years the ADCS Home Education Survey asked all upper tier local authorities (LAs) in England the number of registered home educated people broken down by key stage. Not all LAs responded, meaning that the following averages may not be representative. Data for 2021 is not available.

In 2020, 131 out of 152 LAs responded, based on the available data, the most common key stage for home educated children was Key Stage 3 (Year 7-9).

Due to different LAs answering this question in previous surveys, the absolute number of home educated pupils by Key Stage cannot be compared.

However, it is possible to compare the proportion of registered home educated pupils broken down by key stage to have an idea of the trend over time. This relies on the assumption that the composition of year groups is not materially different between the LAs which were included in various years.

71 DfE, Statements of SEN and EHC plans: 2021, May 2021 (Table created December 2021)
72 DfE, Statements of SEN and EHC plans: 2019, May 2018 (Tables 1-2)
Without controlling for this possible variability, the data shows that in 2020 the highest proportion of reported home educated children was in key stage 3 (30% of reported home educated children). 73

Between 2017 and 2020, the proportion of reported home educated children rose the most in absolute terms in Key Stage 2 (from around 26% of reported home educated children to 28%), and rose the most in relative terms in the early years (from 0.8% to 1.3%). 74 A full breakdown by key stage is provided in the chart below.

73 ADCS, ADCS Home Education Survey 2018, November 2018, p3
74 ADCS, ADCS Home Education Survey 2018, November 2018, p3
The 2020 [ADCS Home Education Survey](https://www.adcs.org.uk/publications/ADCS%20Home%20Education%20Survey%202020.pdf) asked LAs what proportion of registered home educated children were known to children’s social care, both historically and currently. Not all LAs responded, meaning that the following averages may not be representative. Average responses for 2021 is not available.
The 126 LEAs who responded to this question (out of 152 LAs) reported an average of 9% as of October 2020. 75

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.76

**School level data and home education referrals**

The Children’s Commissioner’s Office submitted written evidence to the Education Select Committee in November 2020. The data published is based on a 2019 survey to all schools in England. It appears that all schools responded to the survey. However, the survey precedes the Covid-19 pandemic.

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 home education referrals (around six referrals per 1,000 on roll), followed by those rated requires improvement (five referrals per 1,000), those rated good (three referrals per 1,000), and those rated outstanding (two referrals per 1,00).

- “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.”77

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75 ADCS, ADCS Home Education Survey 2020, November 2020, p5-6
76 DfE, Characteristics of children in need: 2020, November 2020
77 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)
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. 78

In December 2009, the Children, Schools and Families Committee published an inquiry into elective home education. The inquiry found that 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%. 79

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78 Education Select Committee, Strengthening home education, July 2021, p31
3 Proposals for reform

3.1 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 section 3.2-3.3).

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.
- Requiring local authorities to assess annually 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 would be required to make regulations to specify 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.80

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.”

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.81

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

Lords stages

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”. So, 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.82

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 explained that 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.83

80 House of Lords Library, Home Education (Duty of Local Authorities) Bill [HL]: Briefing for Lords Stages, 20 November 2017
82 HL Deb 27 April 2018, c1787.
83 As above, cc1787-8.
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 being done currently 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 to them that they have a legal right to home educate, which he recognised. 84

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.” 85

The Minister argued that what was needed initially 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). 86

**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 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.87

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 (see box 1). 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.”88

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.”89

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. 90

3.2 Call for evidence and consultation on draft guidance

After responding to The Home Education (Duty of Local Authorities) Bill and publishing its Integrated Communities Strategy Green Paper (see box 4 above), on 10 April 2018 the Government published a call for evidence on issues connected with home education. The call for evidence 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.

88 HL Deb 24 January 2018, cc1013-5.
89 HL Deb 24 January 2018, cc1013-5.
90 HL Deb 27 April 2018, cc1785-6.
The consultation sought views on, among other things, how effective current voluntary registration schemes are, and the advantages and disadvantages of mandatory registration.

- **The monitoring of 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 families**: the 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 closed on 2 July 2018.91

**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 responses. 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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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.92

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 (eg, 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 was published on 2 April 2019 at the same time as the response to the call for evidence (see section 3.3 below for further information on the consultation).93

Draft guidance

Alongside the call for evidence, the Government published draft versions of two guidance documents about home education for consultation, one intended for local authorities (344KB, PDF) and the other for parents (251KB, PDF).

The final guidance was published on 2 April 2019. Further information on the contents of the guidance is provided in section 1.


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 and the Government is yet to respond. The Government, has, however, said it intends to publish a response before the end of 2021.\textsuperscript{94}

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”.

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.\textsuperscript{95}

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. This would be in primary legislation but the operational details of how local authorities should maintain the register would be set out in regulations, to allow for changes in the light of experience. If the proposal is taken forward, the draft regulations would be available alongside the draft bill that will be published before being introduced to Parliament. The consultation states that the register would not change local authorities’ powers that relate to how suitable education is, or their safeguarding duties.

- To introduce a duty on parents to provide information to their local authority if their child should be on the register. The consultation states this would help to ensure the register maintained by a local authority is as complete as possible. As with the register, the basic duty would be provided for in primary legislation but the more detailed aspects would be in regulations. The Government said it does not want to create a

\textsuperscript{94} PQ HL3408 [Home Education], 29 October 2021.

\textsuperscript{95} Department for Education, Children not in school: proposed legislation Government consultation, April 2019, pp8-9.
criminal offence for non-compliance or to introduce financial penalties. Rather, it proposes that failure of a parent to register would trigger schools to start the attendance order process (see section 1.3 above).

- 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. The purpose would be to enable local authorities to get better information about where a child’s education takes place. The consultation states the proposals do not seek to extend existing monitoring or assessment powers of local authorities. It adds that the proposal would not create a scheme for regulating these 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 home educated families if they requested it. The consultation notes that some may view this duty as providing an excuse for increased interference from local authorities. It states that the Government does not accept this view and that support should be provided only if requested.

The proposals do not, the DfE states, include any new powers for local authorities to monitor how suitable education is, or a more detailed definition of what constitutes a suitable education.⁹⁶

The consultation document states that 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 can be given and “full roll-out might be two to three years away.”⁹⁷

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:


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3.4 Past proposal for the registration of home educators

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 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.98

The report, Review of Elective Home Education, was published on 11 June 2009.99 It made 28 recommendations, including that a compulsory annual registration scheme for home educators should 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.100

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;101 and
- that the Government should review the current statutory definition of what constitutes a ‘suitable’ and ‘efficient’ education.102

The report received a hostile response from some home educators, who believed that the proposals were unnecessary and would allow the state an “unprecedented intrusion into family life”.103

Government response

In a written ministerial statement on 11 June 2009 the then Secretary of State for Children, Schools and Families, Ed Balls, announced a public consultation

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100 As above, pp38 & 40.
101 As above, p41.
102 As above, p39.
103 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 p9.
on proposals to establish a registration scheme for home educators so that they could be introduced to Parliament at the earliest opportunity. The consultation closed on 19 October 2009.

In its full response to the Badman Review, published on 9 October 2009, the Government additionally stated that it would commission a review in early 2010 to clarify what constituted a suitable and efficient education. In the event, the review had not started when Parliament was dissolved for the 2010 general election.

In its response, 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 stated that local authority staff supporting home educators would need to work with schools to see how such services could be provided.

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).

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 Review 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 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.

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.

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104 HC Deb 31 June 2009 c44-SWS.
106 Children Schools and Families Bill, Bill 8 of Session 2009-2010
107 HC Deb 19 November 2009 cc175-6
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 and stated that 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, and that 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.109

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.110 They were therefore not included in the Bill that became the Children, Schools and Families Act 2010.

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109 As above.
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.”

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 coordinating 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.

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 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.

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111 House of Commons Education Committee, Strengthening Home Education, Third Report of Session 2021-22, HC 84, July 2021
112 Ibid.
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.113

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.

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

113 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
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.”

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).

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. 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.

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 children and the growth of unregistered schools. 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

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114 Letter from Amanda Spielman to Meg Hiller MP, Chair of the Public Accounts Committee, 30 October 2018.
115 Department for Education, Elective Home Education: Departmental guidance for local authorities, April 2019, p35.
116 ADCS Home Education Survey 2020, November 2020, p6
117 ADCS Home Education Survey 2021, November 2021, p7
118 Ofsted, Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, on unregistered schools, 11 December 2015
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.119

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”120 (419KB, 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.121

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.122

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.123


119  Ofsted, Advice letter from Sir Michael Wilshaw, Her Majesty’s Chief Inspector, in respect of suspected illegal schools, 16 May 2016.
120  Letter from Amanda Spielman to Meg Hiller MP, Chair of the Public Accounts Committee, 30 October 2018.
121  New data shows illegal schools are a huge nationwide problem, Ofsted, 12 April 2019.
122  Department for Education, Elective Home Education: Departmental guidance for local authorities, April 2019, p35.
123  Department for Education, Keeping children safe in out-of-school settings: code of practice, October 2020
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. However, in its response, published in April 2018, the Government stated that it did not intend to proceed with the proposals.

Further information is available in Library Briefing 7345, Counter-extremism policy in English schools.

4.4 Wood report

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 protection and safeguarding issues in respect of unregistered school settings, independent schools and home education.

The Government published its response to the Wood Report in May 2016. The response did not explicitly refer to home education.¹²⁸

4.5 Casey Review

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.¹²⁹

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.¹³⁰
- 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 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.”¹³¹

¹³⁰ As above, pp118-20.
¹³¹ As above, p120.
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.\(^\text{132}\)

**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.”\(^\text{133}\)

### 4.6 Children Commissioner report


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 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

\(^{132}\) As above, p120.

\(^{133}\) [HCWS319](https://publications.parliament.uk/pubs/publication/HCWS319), 5 December 2016.
(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.134

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