



Department  
for Education

## **Family Test: Regulating independent education settings: legislation proposals**

This test examines the proposals in the context of the five Questions used for the Family Test. It examines separately each of the three proposals, ie amending the definition of independent educational institution, amending the basis on which certain appeals are heard, and altering the material change regime.

### **1. What kinds of impact might the policy have on family formation?**

Definition of independent educational institution: the chief effect of the proposals is likely to be greater regulation of certain settings which offer faith-based instruction only; and making it easier to identify illegal (because unregistered) independent schools – which tend to be suppliers of alternative provision or serve particular faith/racial communities. Neither is likely to have an effect on the initial formation of families, whether single- parent or dual-parent or on the basis of other models, especially as the settings in question mostly provide for children aged 10 and up.

Amending the way certain appeals are heard: the chief effect will be to increase the likelihood that certain settings will be closed if they fail to make improvements after a long period of regulatory action. Although such settings disproportionately serve certain faith or racial communities it is very unlikely that the initial formation of families would be affected by what is happening to such settings.

Material change regime: the impact of the proposals is mainly to amend legislation to provide more flexibility to deal with school requests for approval of material changes. Although the impact on individual settings may be significant, the impact on individual families is too remote to affect family formation.

## **2. What kind of impact will the policy have on families going through key transitions such as becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibilities or the onset of a long-term health condition?**

Definition of independent educational institution: insofar as the proposals may affect the continued functioning or existence of certain settings, this would result in disruption of the education being provided to children in those settings. Even if to the ultimate benefit of these children such disruption would increase the pressure on families who happen at the same time to be going through key transitions (for example, they might need to find a new education provider or adopt home education).

Amending the way certain appeals are heard: the potential impact is the same as for the definition amendment, eg a possible need to find a new education provider.

Material change regime: being generally a measure which provides more flexibility to deal with school requests for approval of material changes, the impact on families at key transition points ought to be positive, or at worst neutral, in most cases as it would tend to reduce disruption or increase parental choice of schools. However, the impact would be likely to be minor.

## **3. What impacts will the policy have on all family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities?**

Definition of independent educational institution: if the proposals result in settings being closed or at least disrupted the effect might be to put some children into a position where the only alternative acceptable to the parents is home education, at least in the short term and perhaps for longer. This would be likely to have an adverse effect on some family members' ability to play a full role in family life, owing to the time impact of such provision and also reduction in income. This might also affect their ability to undertake other caring responsibilities within the family.

Amending the way certain appeals are heard: the potential impact is the same as for the definition amendment, ie arising from a possible perceived need to provide home education rather than sending the child to another setting.

Material change regime: being generally a measure which provides more flexibility to deal with school requests for approval of material changes, the impact on family members' ability to play a full role in family life ought to be positive, or at worst neutral, in most cases as it would tend to reduce disruption or increase parental choice of schools and thus make family functioning easier to manage. However, again the impact would be likely to be minor.

#### **4. How does the policy impact on families before, during and after couple separation?**

Definition of independent educational institution: given that the potential impact would be disruption of a child's education in terms of changing setting and/or possibly providing home education, such changes are likely to be more difficult to manage during periods of couple separation and might lead to loss of income; and this might arguably also contribute to such separation, through the additional stress caused.

Amending the way certain appeals are heard: the potential impact is the same as for the definition amendment, ie arising from a possible perceived need to provide home education rather than sending the child to another setting, leading to reduced income and/or stress on at least one family member.

Material change regime: being generally a measure which provides more flexibility to deal with school requests for approval of material changes, the impact on family members' ability to play a full role in family life ought to be positive, or at worst neutral, in most cases as it would tend to reduce disruption or increase parental choice of schools and thus make family functioning easier to manage. However, again the impact would be likely to be minor.

#### **5. How does the policy impact on those families most at risk of deterioration of relationship quality and breakdown?**

There is a lack of data to underpin any detailed analysis of this point. In general the faith and race communities served most often by the settings most likely to be affected by the definition of independent educational institution proposals and the proposals for amending the way certain appeals are heard have a low rate of divorce and relationship breakdown. Therefore it could be speculated that the proposals will have a lower than average impact on families most at risk of deterioration breakdown in relationships.

The material change regime proposals are unlikely to have any measurably different impact on such families.