



House of Commons  
Education Committee

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# Strengthening Home Education

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**Third Report of Session 2021–22**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
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## The Education Committee

The Education Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Education and its associated public bodies.

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# Contents

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<b>Summary</b>	<b>3</b>
A statutory register for children out of school	4
Supporting children with SEND and home education	4
Assessment of a 'suitable' education	4
Better data on outcomes	5
A level playing field on access to examinations	6
<b>1 Introduction</b>	<b>7</b>
The Committee's inquiry	7
The legal framework for Elective Home Education (EHE) in England	8
Why do parents choose to home educate?	10
<b>2 What do we know about children who are home-educated?</b>	<b>12</b>
Elective Home Education: what data do we have?	12
Increasing numbers of children receiving EHE	12
The "covid increase"	13
Special educational needs and disabilities (SEND)	14
A statutory register for children in EHE	14
Arguments against a statutory register	15
Arguments for a statutory register	15
The Government's position	16
Inclusion, off-rolling and unregistered schools	17
Special educational needs and disabilities (SEND)	18
Unregistered schools	19
<b>3 Elective Home Education: Local Authorities and support</b>	<b>22</b>
Local Authority powers	22
Government consultation and guidance	24
Visibility of EHE in wider guidance	25
The potential role for inspection	25
More consistent support from local authorities, including for children with SEND	29
<b>4 Outcomes, assessment and exams for children receiving EHE</b>	<b>31</b>
What do we know about outcomes?	31
Assessment	32
Exams	33

<b>Conclusions and recommendations</b>	<b>37</b>
<b>Appendix 1: Letter to the Secretary of State for Education, 3 December 2020</b>	<b>44</b>
<b>Appendix 2: Fundamental British Values, as defined in Government guidance</b>	<b>47</b>
<b>Formal minutes</b>	<b>49</b>
<b>Witnesses</b>	<b>50</b>
<b>Published written evidence</b>	<b>51</b>
<b>List of Reports from the Committee during the current Parliament</b>	<b>65</b>

## Summary

Under the law, parents have a duty to ensure that their children receive a suitable education, whether that be in school or ‘otherwise.’ This report focusses on elective home education (EHE), where families choose to discharge that duty by educating their children at home. EHE is distinct from the remote schooling which many children have received during the covid-19 pandemic. We know that when schools partially closed during the pandemic, many parents found the process of supporting their children with remote learning extremely challenging.

Nine years on from our predecessor Committee’s report on *Support for Home Education*, and in the context of increasing numbers of families choosing EHE, we needed to update that work. The Department for Education does not collect national figures on the number of children in EHE. The Association of Directors of Children’s Services projected that as of October 2020 more than 75,000 children were being educated at home, an increase of 38 per cent from the previous year. It is simply not good enough that we are only able to make a best guess at the number of children receiving EHE, especially when the Department for Education itself acknowledges that there is “considerable evidence” that many children may not be receiving a suitable education. As it currently stands, the Committee is of the view that the status quo does not allow the Government to say with confidence that a suitable education is being provided to every child in the country.

The Committee remains 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 Centre for Social Justice recently calculated that 93,514 school pupils missed more than 50 per cent of their sessions in Autumn 2020.<sup>1</sup> This is deeply worrying, and a topic which the Committee is likely to return to in the future. We recognise that these 93,514 children are not the same as children who have formally left the school roll to pursue EHE, or who have never been on a school roll. However, the very fact that we have these figures contrasts strikingly with what we know about children who are electively home educated. Because these 93,514 children have been marked absent from school, we at least know that they exist, and have a starting point from which to make further inquiries. Without a national register for EHE, we have no equivalent intelligence about the impact of covid-19 on the participation in educational activities of the full range of children receiving EHE.

During the inquiry hundreds of parents that home educate their children told us about the benefits they see from EHE. Their view was that children were receiving high-quality education and achieving impressive outcomes as they moved into work or further study. Nevertheless, it does not follow that just because these home educators are providing children with a good education, all home educators must be. Indeed, without data, we cannot know how many children in EHE are receiving a suitable education. Our report therefore makes the following key recommendations.

1 The Centre for Social Justice, [Kids can’t catch up if they don’t show up: driving school attendance through the National Tutoring Programme](#), accessed 29 June 2021

### **A statutory register for children out of school**

We are convinced that a statutory register of children who do not receive their principal education in a mainstream school, including home-educated children, is essential. We expect the Government to reaffirm its commitment to a register shortly—possibly even before this report is published. We call on the Government to implement this as soon as possible, and note that compared to many other European countries our approach is relatively permissive. During our inquiry, we were concerned to hear that there is a lack of reliable data on EHE. We do not even know for certain how many children are being electively home educated at present. Without this data, we cannot be sure that all children are receiving a suitable education, despite the assurances we received from the EHE community. Neither can we know that support is getting to all those who need it. As a consequence, we believe that a statutory register of children outside of school is necessary. Once the register is up and running, we expect the Department to collate, analyse and publish anonymised annual data on the number of children out of school so that stakeholders are better able to understand trends and create effective policy in response to them.

### **Supporting children with SEND and home education**

We do know that for some families EHE is not truly ‘elective’, especially those where children have special educational needs and disabilities (SEND) and do not get the support they need from the school system. No-one should be forced into educating at home through lack of support—instead the Government must act to ensure that schools are able to provide proper support for SEND in the first place. To ensure that families who are considering EHE receive the right information at the right time to make the best decision for their children, we call for the Department to reconsider the creation of an independent, neutral advocate which has the responsibility for co-ordinating all statutory SEND processes and could support families where a choice about EHE is being made. Our predecessor Committee also recommended the use of independent advocates in cases where a pupil is excluded from school for more than five non-consecutive days in a school year. Again, we call on the Department to reconsider this recommendation, which could guard against coercive off-rolling and provide families considering EHE with neutral guidance.

With regards to children with SEND in particular, we expect the long-anticipated SEND Review to address the need for consistent and sufficient support for children with SEND, no matter where they are educated.

### **Assessment of a ‘suitable’ education**

Local authorities must be able to assess the educational progress of children who are home educated at least once a year, in order to take reasonable steps to reassure themselves that EHE is providing a ‘suitable’ education. Her Majesty’s Chief Inspector

of Education, Children’s Services and Skills (HMCI) Amanda Spielman told the Committee that some level of assurance that children were being educated was “a real national priority” in her opinion.<sup>2</sup>

We recognise that assessment is potentially more challenging territory than simply understanding who is being home-educated and why, and we heard from many home educators that formal assessment was inappropriate for families who have chosen to home educate precisely because the formal school system does not work for them. However, as a minimum, home-educated children must have equity of access to the next stage of their education, work or training with their schooled peers. This means attaining essential standards of literacy and numeracy, while also taking into account the different paths that children with SEND might follow.

The Department should provide local authorities with a set of clear criteria against which the suitability of education can be assessed, taking into account the full range of pedagogical approaches taken in EHE, as well as the age, ability and aptitude of individual children, including where they may have SEND. Without clear guidance and effective training for local authority staff, relationships between local authorities and parents are doomed to fail. At the moment the Department’s guidance states that local authorities should ordinarily make “contact” with home educating parents on “at least an annual basis”. While we know that a number of local authorities do more than the bare minimum, local authorities must have the ability to see children (at a venue of the family’s choosing) and evidence of their progress as appropriate, even where educational content and style varies widely from the school curriculum. The Department must also take responsibility for collating and analysing data about children receiving EHE so we can better understand the diversity of their needs and achievements.

### **Better data on outcomes**

In law, the duty is to secure “efficient full-time education suitable” to age, ability, aptitude and any SEND.<sup>3</sup> Without large-scale, objective data, our understanding of the educational attainment and outcomes achieved by EHE children remains largely anecdotal. We cannot know whether their education has been ‘suitable’ in terms of giving them equal access with their schooled peers to the next stage of education, training or employment. We heard that children’s voices were missing from research, and that the vocal home education community “tends to be led by people from White and/or middle class backgrounds” meaning that “the voices of people with lower levels of literacy or education tend not to feature in public debates”, and preventing “proper analysis of the structural issues and barriers that lead to more marginalised people opting for elective home education.” Greater collection and analysis of data is needed about a whole range of issues, such as the reasons why parents electively home educate—including whether or not racism, bullying and differences of opinion about special educational needs between parents and authorities play a role in that decision.

We therefore recommend that the Department urgently commissions and publishes longitudinal research on the life chances and social outcomes of EHE children in

2 Oral evidence taken on 10 November 2020, HC (2019–21) 262, [Q464](#) [Amanda Spielman, Her Majesty’s Chief Inspector, Ofsted]

3 Education Act 1996, [section 7](#)

England, working in partnership with the full range of EHE communities and measuring ‘hard’ outcomes such as literacy and numeracy as well as ‘soft’ outcomes. These ‘soft’ outcomes could include less quantifiable factors such as mental wellbeing.

### **A level playing field on access to examinations**

We heard that lack of provision for home-educated children to receive examination grades in Summer 2020 caused huge challenges for children and families. It also served to highlight pre-existing inequity in access to examinations. We want to see a level playing field for EHE children and young people when it comes to public examinations, with those in EHE extended the same access to further educational and work opportunities as their schooled peers. For that reason, we repeat our predecessor Committee’s recommendation that the Government must place a duty on every local authority to ensure that home-educated children and young people have fair access to centres where they can sit accredited public examinations, with the Government meeting the entry costs for those exams. The Department for Education must work to establish the appropriate level of entitlement, to which examinations the entitlement will apply, and the additional funding the Department will commit to support this, in order to help EHE children gain the qualifications needed for the future education, training and employment that will allow them to play active roles in society.

# 1 Introduction

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1. This report is a short follow-up to the 2010–15 Education Committee’s report on support for Elective Home Education (EHE).<sup>4</sup> We decided to look again at home education given the apparent rise in the numbers of home-educated children since 2012, and the impact of covid-19 on those had been due to take public examinations in Summer 2020.

2. Our predecessor Committee’s report acknowledged in 2012 that parents should have the right to home educate their children, but that quality and consistency of support for home educators needed to improve.<sup>5</sup> The Government published a response to the report which largely rejected calls for it to take a more proactive role.<sup>6</sup> Nine years on, our inquiry’s written submission from Education Otherwise, a charity supporting EHE, described a lack of progress, including a “postcode lottery” of Local Authority online policies.<sup>7</sup> Other organisations and individuals shared similar frustrations.<sup>8</sup>

## The Committee’s inquiry

3. Our inquiry focussed on EHE rather than the ‘home schooling’ or ‘remote learning’ that many children who usually attend a school have received during the covid-19 pandemic. We know that when schools partially closed during the pandemic, many parents found the process of supporting their children with remote learning while also working themselves extremely challenging. The inquiry sought not to debate the desirability of EHE, but rather to explore the extent to which current arrangements provide sufficient support for home-educated children to access efficient, full-time and suitable education, and to establish what further measures may be necessary in order to facilitate this. It also examined the impact of covid-19 on EHE, and any needs arising from the pandemic that need to be addressed.

4. Our inquiry received over 900 submissions, many of which were from parents who passionately and eloquently set out the benefits that children can gain from being educated at home. We held oral evidence sessions in November 2020 and March 2021 and took oral evidence from the Minister (Baroness Berridge, Parliamentary Under Secretary of State for the School System) in April 2021.

5. The option to EHE can be particularly important for children with special educational needs and disabilities (SEND). While we would hope that children with SEND will be given the support they need in school, we recognise that some children thrive in their home environment. However, no family should be forced into EHE for lack of the right support in the school system, and children with SEND should have the equity of access to assessments, support and Education, Health and Care Plans (EHCPs) along with their schooled peers.

6. The State should not view those who make the perfectly legitimate choice to home educate with automatic suspicion, nor should it put unreasonable barriers in their way. However, as a society we must seek to balance the right of families to make the best

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4 Education Committee, Fifth Report of Session 2012–13, [Support for Home Education](#), HC 559-I

5 Education Committee, Fifth Report of Session 2012–13, [Support for Home Education](#), HC 559-I, para 59

6 Education Committee, Fifth Special Report of Session 2012–13, [Support for Home Education: Government Response to the Committee’s Fifth Report of Session 2012–13](#), HC 1013

7 Education Otherwise ([HED0063](#))

8 Home Education Advisory Service ([HED0727](#))

choices for themselves with the responsibility to promote good outcomes for all children and young people, whether or not they go to school. It is not unreasonable to seek some reassurance about the suitability of the education received by children who are electively home-educated.

7. The Committee’s primary concerns centre on those children who are currently missing education. Indeed, our understanding is that children receiving an efficient, full-time and suitable education at home would not fall under the Department’s definition of that category.<sup>9</sup> We believe that a more consistent approach to EHE would allow us to more easily identify those children who are at risk of missing education. With a clearer picture of who is receiving EHE, local authorities should be better able to target resources at those who need the most support. This is preferable to the current situation whereby home educators feel unfairly targeted as a wider group. The Committee wrote to the Secretary of State with our emerging conclusions in December 2020 (Appendix 1).<sup>10</sup>

### The legal framework for Elective Home Education (EHE) in England

8. Parents in England have a legal duty to secure the education of their compulsory school age children “either by regular attendance at school or otherwise”.<sup>11</sup> Those who choose to home educate 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 (SEN).<sup>12</sup> According to Government guidance, parents are not required to provide a broad and balanced curriculum, follow the National Curriculum, or aim for children to acquire specific qualifications.<sup>13</sup> However, the education should aim at:

enabling the child, when grown-up, to function as an independent citizen in the UK—and furthermore, beyond the community in which he or she was brought up, if that is the choice made in later life by the child.<sup>14</sup>

9. We agree that any suitable education should enable children to function, as far as possible, as independent citizens. However, we are concerned that the current guidance is not specific enough about what this means in practice, limiting its usefulness. As of 2016, the Organisation for Economic Co-operation and Development (OECD) estimated that there were around nine million working aged adults in England with low literacy skills, numeracy skills, or both.<sup>15</sup> The OECD stated that “weak basic skills reduce productivity and employability, damage citizenship” and are “profoundly implicated in challenges of equity and social exclusion”—pointing to the challenges facing young adults who have not attained the literacy and numeracy skills which are essential to play a full part in social and economic life.

9 ‘Children missing education are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school’, Department for Education, [Children missing education: Statutory guidance for local authorities](#), September 2016

10 Education Committee, [Letter to the Secretary of State for Education](#), 3 December 2020

11 Education Act 1996, [section 7, HL15415](#) [on pupil exclusions], 10 May 2019

12 Education Act 1996, [section 7](#)

13 Department for Education, [Elective home education: Departmental guidance for parents](#), April 2019

14 Department for Education, [Elective home education: Departmental guidance for parents](#), April 2019

15 OECD Skills Studies, [Building skills for all: a review of England policy insights from the Survey of Adult Skills](#), accessed 7 July 2021

10. When the Department’s guidance is next revisited, it must indicate what level of numeracy and literacy is sufficient, in its view, to enable an adult who received EHE as a child to “function as an independent citizen in the UK.”

11. Guidance for local authorities specifies that approaches such as autonomous and self-directed learning should be “judged by outcomes, not on the basis that a different way of educating children must be wrong”.<sup>16</sup> Education at home should also not directly conflict with Fundamental British Values, as defined in government guidance (appendix 2).<sup>17</sup> Parents must be prepared to bear full financial responsibility, including the cost of any public examinations, although local authorities may make discretionary support available.

12. While home-educated children are not usually registered at any school, parents are able to make arrangements for them to receive some of their provision at a school, sometimes known as ‘flexi-schooling’.<sup>18</sup>

13. Local authorities do not have formal powers or duties to monitor the provision of education at home. They must make arrangements, however, to identify children not receiving a suitable education and intervene if this is the case.<sup>19</sup> Following a consultation on home education, in 2019 the Department for Education launched guidance on EHE for both parents<sup>20</sup> and local authorities.<sup>21</sup>

14. Compared with our European neighbours, the English model is relatively permissive. A 2018 survey of systems participating in the Eurydice network found that “home education at the request of families is possible in a majority of educational systems.” However, in a dozen countries—including Germany—“it is possible only in exceptional circumstances” and “in many cases, parents have to ask for authorisation from top level or local authorities.” Furthermore, students’ progress was “monitored and assessed everywhere except in the Netherlands and the United Kingdom”.<sup>22</sup>

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16 Department for Education, [Home education: Departmental guidance for local authorities](#), April 2019

17 Department for Education, [Promoting fundamental British values as part of SMSC in schools: Departmental advice for maintained schools](#), November 2014

18 Department for Education, [Home education: Departmental guidance for local authorities](#), April 2019

19 Home education in England, Standard Note [SN5108](#), House of Commons Library, July 2019

20 Department for Education, [Elective home education: Departmental guidance for parents](#), April 2019

21 Department for Education, [Home education: Departmental guidance for local authorities](#), April 2019

22 European Commission/EACEA/Eurydice, [Home Education Policies in Europe: Primary and Lower Secondary Education](#), October 2018

**Table 1: Top level criteria defined for home education in primary and lower secondary education in a selection of countries, 2018/19**

Country	Exceptional circumstances	Students must pass examinations /tests	Educational supervision and assessment of child's progress	Minimum level of education is required for those providing education	Formal teaching qualification for those providing education	Authorisation: local authority/ school level	Authorisation request: top level/ top level authorities/ regional authority
England							
Scotland							
Wales							
Northern Ireland							
France		X	X				
Germany	X	X	X		X		X
Spain	X	X	X		X		X
Italy		X	X	X		X	
Norway			X	X		X	

Source: [Eurydice](#)

## Why do parents choose to home educate?

15. Parents choose to home educate for a variety of reasons, including ideological or philosophical views which favour home education, dissatisfaction with the school system, and perceived lack of provision for special educational needs in school.<sup>23</sup> We heard from parents that EHE was a “really positive choice for the vast majority of families, with children thriving, and growing up to be successful, contributing members of society”.<sup>24</sup>

16. Dr Amber Fensham-Smith, Lecturer in Childhood and Youth Studies at the Open University, told the Committee that home educators are “a highly heterogeneous group” and that “push and pull factors” may change depending on the length of time for which the child is home-educated.<sup>25</sup> Victor Shafiee, Deputy Director, Unregistered and Independent Schools at Ofsted, agreed that:

23 Department for Education, [Home education: Departmental guidance for local authorities](#), April 2019

24 Member of the public ([HED0655](#)) (and see, for example, Member of the public ([HED0712](#)), Member of the public ([HED0681](#)), Member of the public ([HED0690](#)))

25 [Q73](#)

The spectrum is far too wide for us to think about just one type of home educator and a couple of reasons why parents take their children out of school. We need proper data to make proper analyses and make proper policy as a result of that.<sup>26</sup>

17. Wendy Charles-Warner, a Trustee of Education Otherwise, said she had observed over the years that parents variously believed home education was “better than school, they are dissatisfied with the school system and, worryingly, [...] their child’s special needs are not met in school”.<sup>27</sup>

18. Submissions from home educating parents and the organisations that support them told us that EHE could deliver a more personalised, individual education which moved at the pace of the child. We heard from parents who had observed huge improvements in their children’s mental health after being removed from schools where they were not kept safe from bullying, and from those who relished the opportunity to spend time together as a family, providing their children with a wealth of experiences outside the relatively narrow school curriculum:

I voiced my concerns several times with the school, but the issues were never resolved [...] My child now has been able to heal mentally and over time has regained confidence in their own learning abilities.<sup>28</sup>

**19. The Committee unanimously supports the right of families to opt for EHE, provided it is in the best interests of the child and the education provided is of a suitable standard to meet the needs of the child. In the eyes of the law, the duty to secure an education for a child rests with parents. It follows that the choice to home educate should be afforded the same respect as the choice for children to attend a state or private school. However, without data on outcomes we cannot know how many children receiving EHE are getting a suitable education. For that reason, it is reasonable that local authorities have the ability to assess the suitability of education.**

***20. The next iteration of the Government’s guidance for local authorities and parents must set out a clearer vision for a ‘suitable’ education - including the levels of numeracy and literacy which it would usually expect students to have achieved before they move on to later education, training or employment. This vision should take into account the different paths that children with SEND might take.***

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26 [Q73](#)

27 [Q71](#)

28 Member of the public ([HED0633](#))

## 2 What do we know about children who are home-educated?

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### Elective Home Education: what data do we have?

21. In a written answer to a Parliamentary Question on 23 September 2020, Nick Gibb MP, the Minister for School Standards at the Department for Education, confirmed that “the Department does not collect statistics on the number of children in home education”.<sup>29</sup> We find the lack of data on this group of children astonishing. Numbers are likely to be under-reported as parents do not have to register their children with the local authority as home-educated (although schools are obliged to inform the local authority of children removed from their admission registers).<sup>30</sup>

### *Increasing numbers of children receiving EHE*

22. Departmental guidance issued to local authorities in 2019 noted a “very significant increase in the number of children being educated at home” with “considerable evidence that many of these children are not receiving a suitable education”.<sup>31</sup> The former Children’s Commissioner for England’s written submission to our inquiry suggested that in the 2017–18 academic year, nearly 25,000 children were withdrawn from schools in England to be home-educated—the equivalent of three children per 1,000 pupils.<sup>32</sup> The majority of children being taken off the roll into home education came from a minority of schools, with five per cent of schools accounting for over 40 per cent of children withdrawn into home education. In some individual schools the number of children who came off roll into home education was “extremely high”, with seven schools having more than 30 children leave in this way—“the equivalent of an entire class”.<sup>33</sup> In the Commissioner’s view, this “raises questions about the circumstances under which they left”.<sup>34</sup> Although the data suggested that schools were a “key factor” in the process, it could not explain whether dissatisfied parents were sharing their knowledge about home education as an alternative option, or whether schools were “somehow encouraging, or perhaps even pressuring parents into making the decision to home educate”.<sup>35</sup>

23. The Association of Directors of Children’s Services (ADCS) conducts an annual survey with local authorities on home education.<sup>36</sup> In 2020, 133 of 151 local authorities responded. Based on those responses, ADCS projected that there were 75,668 children and young people being home-educated across England on 1 October 2020, an increase of approximately 38 per cent from 3 October 2019. ADCS estimated that approximately 25 per cent of those children became electively home-educated after 1 September 2020.

24. There are limitations to the available data. Dr Amber Fensham-Smith highlighted “issues and consistencies associated with self-reported studies” such as the ADCS annual

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29 UIN [90119](#), [on Home Education: Coronavirus], 23 September 2020

30 Department for Education, [Elective home education: Departmental guidance for parents](#), April 2019

31 Department for Education, [Home education: Departmental guidance for local authorities](#), April 2019

32 Children’s Commissioner for England ([HED0970](#))

33 Children’s Commissioner for England ([HED0970](#))

34 Children’s Commissioner for England ([HED0970](#))

35 Children’s Commissioner for England ([HED0970](#))

36 ADCS, [Elective Home Education Survey 2020](#), November 2020

survey, which is based on Freedom of Information responses.<sup>37</sup> The survey is also reliant on the maintenance of accurate and up-to-date local authority records.<sup>38</sup> The fact that parents are not required to register their choice to EHE with the local authority is also a factor that affects its accuracy. Unless they are required to register, we will not have reliable figures. Greater collection and analysis of data is needed about a whole range of issues, such as the reasons why parents electively home educate—including whether or not racism, bullying and differences of opinion about special educational needs between parents and authorities play a role in that decision.

25. As of March 2019, local authorities reported to the Office of the Schools Adjudicator (OSA) that 60,544 children were being electively home-educated in England.<sup>39</sup> In 2020, the OSA opted not to ask local authorities about home education in their annual survey, given the need to minimise burdens in light of the covid-19 pandemic. However, 12 local authorities did opt to comment on the topic. They suggested that numbers of electively home-educated children continued to rise, and some felt that the covid-19 pandemic would contribute to further rises.<sup>40</sup> It is vital that the OSA returns to home education as a topic in future surveys.

### *The “covid increase”*

26. The Local Government Association has set out the apparent impact of covid-19 on choices to pursue home education.<sup>41</sup> For example, in Kent, there were 588 new EHE registrations in September 2020, up 180 per cent from 210 in the same month in 2019. Leeds City Council received 78 EHE registrations in the first three weeks of September, up from 32 in the same period last year—a rise of 144 per cent.<sup>42</sup> Without more robust data, commentators such as Fraser Nelson have raised concerns about a possible 20,000 pupils who “seem to have vanished from the school roll”.<sup>43</sup> In her speech to the Association of Directors of Children’s Services conference in July 2021, HMCI Amanda Spielman noted that “many parents have gladly stepped back from teaching duties” as children returned to schools after lockdown.<sup>44</sup> However, she added that some had chosen to keep their children at home, and that “not every parent is equipped to be a teacher”—an issue which could “seriously derail the catch-up effort,” especially as children who had not yet returned to school were “disproportionately” those with “various kinds of problem or need”.<sup>45</sup>

27. These concerns reflect a wider context of anxiety over absence from educational activities during the pandemic and its potential impact on children and young people—a topic in which our Committee takes an ongoing interest. For example, the Centre for Social Justice has calculated that 93,514 school pupils missed more than 50 per cent of

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37 Dr Amber Fensham-Smith (Lecturer in Childhood and Youth Studies at The Open University) ([HED0917](#))

38 Dr Amber Fensham-Smith (Lecturer in Childhood and Youth Studies at The Open University) ([HED0917](#))

39 Office of the Schools Adjudicator, [Office of the Schools Adjudicator Annual Report September 2018 to August 2019](#), January 2020

40 Office of the Schools Adjudicator ([HED0129](#))

41 Local Government Association, [LGA: More than a million young people in England could be missing full-time education](#), 16 November 2020

42 Local Government Association, [LGA: More than a million young people in England could be missing full-time education](#), 16 November 2020

43 [“There’s a conspiracy of silence about the many hidden victims of lockdown”](#), The Telegraph, 23 April 2021

44 Ofsted, [Amanda Spielman at the 2021 ADCS conference](#), 9 July 2021

45 Ofsted, [Amanda Spielman at the 2021 ADCS conference](#), 9 July 2021

their sessions in Autumn 2020.<sup>46</sup> We recognise that these 93,514 children are not the same as children who have formally left the school roll to pursue EHE, or who have never been on a school roll. However, we at least know that these 93,514 children exist, because they have been marked absent from school, which gives us a starting point from which to make further inquiries. Without a national register for EHE, we have no equivalent intelligence about the impact of covid-19 on the participation in educational activities of the full range of children receiving EHE.

### **Special educational needs and disabilities (SEND)**

28. Mrunal Sisodia of the National Network of Parent Carer Forums (NNPCF) told us that while the “fear of the virus” had played a role in the “covid increase” in EHE numbers, families - especially those with SEND - also felt “disgust and frustration” at their treatment in lockdown.<sup>47</sup> Other families believed that they could “opt out” for a period with the school place retained, and that some children had thrived on being educated at home during lockdown.<sup>48</sup> Wendy Charles-Warner of Education Otherwise cited growing awareness of home education as a “viable, legal and equal” option - with parents responding to “negative reporting by the press” by investigating the option and deciding that it was the best option for them.<sup>49</sup>

### **A statutory register for children in EHE**

29. The “covid increase” has highlighted the fact that, nine years on from our predecessor Committee’s report, **we can only make an educated guess at the number of children receiving EHE. That is not good enough.** The external context has changed since 2012, and the rise in numbers encouraged us to look at the option of a statutory register again. The Department’s own guidance states that there is “considerable evidence” that many of those children are not receiving a suitable education, and “increasing concern that some children educated at home may not be in safe environments.”<sup>50</sup> We cannot turn away from the possibility that some children might be at risk.

30. Recently, a number of organisations—including the former Children’s Commissioner for England, the Local Government Association, ADCS and Ofsted—have recommended a statutory register.<sup>51</sup> Ofsted would support the creation of a “locally administered” national dataset.<sup>52</sup> Parents could also be asked for additional information on a voluntary basis—such as the child’s gender and ethnicity, reason(s) for home educating, any SEND, and information about the intended programme of education.<sup>53</sup> Victor Shafiee, Deputy Director, Unregistered and Independent Schools at Ofsted, told us that a register should be “national”, with a “consistent system designed by the Department and administered

46 The Centre for Social Justice, [Kids can’t catch up if they don’t show up: driving school attendance through the National Tutoring Programme](#), accessed 29 June 2021

47 [Q20](#)

48 [Q20](#)

49 [Q72](#)

50 Department for Education, [Home education: Departmental guidance for local authorities](#), April 2019

51 The Association of Directors of Children’s Services ([HED0956](#)), Local Government Association ([HED0330](#)), Ofsted ([HED0703](#)), Children’s Commissioner for England ([HED0970](#))

52 Ofsted ([HED0703](#))

53 Ofsted ([HED0703](#))

locally by local authorities”.<sup>54</sup> The Committee understands that some local authorities run their own voluntary registers. This is not enough. Furthermore, we do not believe that the costs of national register would be prohibitive, should technology be deployed effectively.

### **Arguments against a statutory register**

31. Many written submissions to the inquiry from home educating families and the organisations that support them rejected the idea of a register. For example, the Home Education Advisory Service (HEAS) told us that it would:

Have no benefit for home-educated children with regard to their safety and welfare; it would be a wasteful and hugely expensive exercise which has been considered and discarded several times in the past; indeed, it has the potential to put children at risk.<sup>55</sup>

32. HEAS raised concerns about the risks that could be posed to privacy, with many people having access to personal information about children. In addition, HEAS believed that information would likely change “on a daily basis”, undermining the accuracy of a register.<sup>56</sup> Its submission noted that home education was accorded equal status in law with state and independent education, so “should be treated with the same respect as the other two systems” (i.e. public and private schooling). It was therefore not logical for home educating parents to face the additional task of registration.<sup>57</sup> Jane Lowe, a Trustee of HEAS, told us that the introduction of a register could result in “the collapse of the home education movement because it would put enormous pressure on parents”.<sup>58</sup>

33. Jane Lowe added that there was no need for a register:

Local authorities already know of the children about whom there are concerns. Those are the ones that could be followed up. [...] Somebody said recently that if you are looking for a needle in a haystack then it is not sensible to increase the size of the haystack. That seems to me an image for what we are talking about here.<sup>59</sup>

### **Arguments for a statutory register**

34. Councillor Lucy Nethsingha of the Local Government Association denied that local authorities already knew where all children are. If children had never entered school there would be no record of them having left, and there was no obligation on parents to register with their new local authority if they moved.<sup>60</sup> Jenny Coles, President of the ADCS, pointed to the fact that rising numbers of families electing to home educate brought with it a greater need for data in order that local authorities and others could support those children effectively.<sup>61</sup>

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54 [Q90](#)

55 Home Education Advisory Service ([HED0727](#))

56 Home Education Advisory Service ([HED0727](#))

57 Home Education Advisory Service ([HED0727](#))

58 [Q8](#)

59 [Q14](#)

60 [Q2](#)

61 [Q3](#)

35. Councillor Nethsingha agreed that registering children alone would not necessarily flag up “the difficult ones”. Instead, a register would help to “rule out all those children that you don’t need to have worries about”. However, she refuted the suggestion that local authorities, with “incredibly stretched” resources, would make “intrusive visits” unless they were necessary. But local authorities did need to contact a “tiny minority of children” to check that they were safe.<sup>62</sup> A register would also give councils a reason to be in contact with children to identify any safeguarding concerns. Councillor Nethsingha concluded that, at present, there was a “gap in the legislation” which meant that it was difficult to evidence a safeguarding issue. Without that evidence, it was hard for councils to act.<sup>63</sup>

36. Following the Committee’s oral evidence session in November 2020, the Chair wrote to the Secretary of State expressing the Committee’s view that “a statutory register serving to more consistently identify children outside of school is absolutely necessary”.<sup>64</sup>

### **The Government’s position**

37. On 8 June 2021, Baroness Berridge, Parliamentary Under Secretary of State at the Department for Education, responded to a Parliamentary Question that the Government’s guidance to local authorities on EHE would be “reviewed again in due course”. She added that:

We remain committed to a registration system for children who are not in school. Further details on a proposed registration system will be in the government response to the Children Not in School consultation, which we intend to publish in due course.<sup>65</sup>

On 23 June 2021, Gavin Williamson MP, the Secretary of State for Education, confirmed to the Committee that the Government had an “absolute commitment to a register”<sup>66</sup> and that more news on it was “very, very imminent”.<sup>67</sup>

**38. The Committee heard from home educators that home-educated children are not ‘invisible’, and that safeguarding has failed children who were already known to local authorities. However, the relevant authorities cannot begin to reach any children who may be at risk without a consistent and accurate method of knowing who they are. The context has changed dramatically in the last decade, as the number of children receiving EHE has grown. At present, local authorities may only know about home-educated children who have been withdrawn from school, and may lose touch with these children when families move.**

**39. *The Committee’s view remains that a statutory register, serving to more consistently identify children outside of school, is absolutely necessary. This would aim not to remove freedoms from those who are providing an effective education for their families, but to better target support to those who need it. The register should have a national reach but be administered locally. Rather than only targeting EHE children, it must cover***

62 [Q15](#)

63 [Q17](#)

64 Education Committee, [Letter to the Secretary of State for Education](#), 3 December 2020

65 [UINHL560](#) [on Home Education], 8 June 2021

66 Oral evidence taken on 23 June 2021, HC (2021–22) 82, [Q849](#) [Rt Hon Gavin Williamson, Secretary of State, Department for Education]

67 Oral evidence taken on 23 June 2021, HC (2021–22) 82, [Q850](#) [Rt Hon Gavin Williamson, Secretary of State, Department for Education]

*all those who do not receive their principal education in a mainstream school. It may well be that the Government announces a statutory register ahead of this report being published. In any case, it must adhere to the principles we outline.*

40. There is no single definitive figure for the number of children and young people being educated at home. The numbers that are available are likely to under-report as parents do not have a duty to tell local authorities that they have chosen EHE, and studies often rely on Freedom of Information responses, which raise questions about data accuracy. This situation is unacceptable and must change. We also believe that collecting more data about children receiving EHE would give the Department a true picture of the level of SEND resourcing needed by local authorities. There is also general consensus that the number of children in EHE has increased dramatically since the 2010–15 Education Committee’s report.

41. Covid-19 appears to have driven a further rise in EHE numbers, the long-term impact of which is not yet known. During the covid-19 pandemic, some may have found that educating at home worked better for them. However, some parents may have chosen EHE without a full understanding of the responsibilities it involves, risking a negative impact on their children. This highlights the ongoing need for parents to have the right support when making the decision to EHE—or to transition back into school, should they wish. In 2018, our predecessor Committee’s report *Forgotten children* recommended that “when a pupil is excluded from school for more than five non-consecutive days in a school year, the pupil and their parents or carers should be given access to an independent advocate” to help them navigate the process. (Education Committee, Fifth Report of Session 2017–19, *Forgotten children*, HC 342, para 47). We believe that such advocates could also play an invaluable role in supporting families who are considering EHE, and ensuring that they make an informed choice that is best for their families.

42. *Once the statutory register of children outside of school is up and running, the Department for Education must make use of it to collate, analyse and publish anonymised annual data on the number of children out of school so that the Department, local authorities and others are better able to understand trends and create effective policy in response to them.*

43. *When a pupil is excluded from school for more than five non-consecutive days in a school year, the pupil and their parents or carers should be given access to an independent advocate to help them navigate the process. Families considering EHE should also have access to these advocates, to ensure that they have the information and support they need to make an informed choice for them and their child.*

## **Inclusion, off-rolling and unregistered schools**

44. During our inquiry, a number of stakeholders questioned the extent to which all home education is truly “elective”.<sup>68</sup> LGA-commissioned research found that there had been a 67 per cent increase in the number of children permanently excluded from school between 2014 and 2018,<sup>69</sup> and NNPCF’s submission stated that home education was

68 [Q2](#), Children’s Commissioner for England ([HED0970](#)), The Association of Directors of Children’s Services ([HED0956](#))

69 Local Government Association ([HED0330](#)),

“not elective for many or even a majority of home educated children and young people with SEND”.<sup>70</sup> As Mrunal Sisodia of NNPCF told us, “there are a lot of children that are home-educated but they are not *electively* home educated. It is not a positive choice by the parents; they have been forced into that situation”.<sup>71</sup> Mr Sisodia added that “we just do not have the data” to know how many families are pushed into home education by off-rolling or exclusion.<sup>72</sup> It is vitally important that we understand where EHE has been a free choice and where it has been effectively forced upon families. In 2018 our predecessor Committee recommended that schools should publish their permanent and fixed term exclusion rates by year group every term, including providing information about pupils with SEND and looked-after children, along with data on the number of children who have left the school.<sup>73</sup> The Department should consider this recommendation again.

45. In February 2019, the former Children’s Commissioner published *Skipping School: Invisible Children*.<sup>74</sup> The Report noted how many families had made the choice to remove their children from school rolls and move into home education as a result of their children’s needs going unmet at schools. The Report found that when parents and families made the decision without knowing what home education entails, and received little support to make a success of it, they were put under intense strain and children risked missing out on education.<sup>75</sup> During our inquiry, we were particularly concerned to hear of the hard choices faced by parents of children with SEND who were not getting the support they needed within the schools system. As one parent told us:

Many parents home educate specifically because [...] support for their child with special needs of any sort was inadequate. Many of these children within the school system were neglected, abused and dismissed, leaving parents little choice but to home educate to protect them.<sup>76</sup>

### **Special educational needs and disabilities (SEND)**

46. Since the publication of the 2017–19 Education Committee’s report on *Special educational needs and disabilities* in October 2019,<sup>77</sup> we have taken an active interest in this area. That report drew attention to the off-rolling of children with SEND<sup>78</sup> and the fact that children moving into EHE often had complex needs.<sup>79</sup> When the responsible Minister, Vicky Ford MP, appeared before the Committee in February 2021, she told us that she intended to publish the Government’s SEND Review “in the spring”.<sup>80</sup> We expect the long-awaited Review to address a number of the concerns that we have raised. The Review has already been delayed enough—we call on the Government to publish it as soon as possible.

70 National Network of Parent Carer Forums ([HED0968](#))

71 [Q2](#), and, for example National Autistic Society ([HED0378](#)) who told us “there is a substantial difference between parents choosing [EHE] because they believe it is the best option for their child and family, and parents ending up home-schooling as a last resort because their child is having such a miserable experience at school.”

72 [Q48](#)

73 Education Committee, Fifth Report of Session 2017–19, [Forgotten children: alternative provision and the scandal of ever increasing exclusions](#), HC 342, para 64

74 Children’s Commissioner, [Skipping School: Invisible Children](#), February 2019

75 Children’s Commissioner for England ([HED0970](#))

76 Member of the public ([HED0655](#))

77 Education Committee, First Report of Session 2019, [Special educational needs and disabilities](#), HC 20

78 Education Committee, First Report of Session 2019, [Special educational needs and disabilities](#), HC 20, para 80

79 Education Committee, First Report of Session 2019, [Special educational needs and disabilities](#), HC 20, para 14

80 Oral evidence taken on 9 February 2021, HC (2019–21) 262, [Q518](#) [Vicky Ford MP]

## Unregistered schools

47. The terms of reference for this inquiry included the practice of off-rolling. ‘Off-rolling’ happens when students are removed from the school roll without a formal, permanent exclusion, or by encouraging parents to remove a child, where the removal is primarily in the interests of the school rather than the child.<sup>81</sup> We were also interested in the role of unregistered schools. Victor Shafiee, Deputy Director, Unregistered and Independent Schools at Ofsted, explained that settings that met the Department for Education’s definition of an independent school but did not register with the Department were operating illegally:

an independent school is where there are five or more children receiving most of their education, where there is a child with an education, health and care plan or where there is at least one looked-after child. There is a very tight legal definition of what is an independent school. Of course, an unregistered school is one that meets all those requirements but doesn’t register with the Department for Education, which is the regulator in this space. There are lots of unregulated, part-time, alternative provision settings that operate within the law, in that they have fewer than five children or they are part time, which means they are unregulated but are not illegal.<sup>82</sup>

48. Throughout the inquiry, home educators and the organisations that support them told us that the problems of off-rolling, exclusion and illegal schools were not problems of EHE.<sup>83</sup> Indeed, we were told that EHE was “a casualty and not a cause of these unacceptable practices”.<sup>84</sup> However, we also heard that illegal schools provision had an impact on nominally home-educated children. Victor Shafiee told us:

I do not agree that there is no link between home education and unregistered schools, but I want to make the point that we are talking about sham home education here. We are not talking about well-intentioned parents who are doing a good job for their children. We are talking about situations where parents are duped by settings and told to sign letters saying their children are being home educated when, in fact, they are attending illegal schools on a full-time basis.<sup>85</sup>

49. Leicester City Council’s written submission described a “historical issue” whereby education providers had presented to EHE families as schools, with the council having to step in and explain to parents that there would be no inspection or guarantee of appropriate safeguarding.<sup>86</sup>

50. To inspect unregistered schools, Ofsted needs “reasonable cause to believe that unregistered schools are operating”,<sup>87</sup> which Victor Shafiee described as a “very high bar”.<sup>88</sup> He told the Committee that when Ofsted began its work on unregistered schools in 2016, he was told there might be around 24 to be investigated. So far, Ofsted had looked at about 700—with referrals continuing to come in during the pandemic.

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81 Ofsted, [Exploring the issue of off-rolling](#), 10 May 2019

82 [Q89](#)

83 See, for example, Education Otherwise ([HED0063](#))

84 Home Education Advisory Service ([HED0727](#))

85 [Q81](#)

86 Leicester City Council ([HED0295](#))

87 [Q81](#)

88 [Q81](#)

51. During the inquiry, we heard very strongly from home educators that illegally-operating unregistered schools were not a problem of home education. However, Mr Shafiee told us that about a quarter of those unregistered settings inspected told Ofsted that the children attending were being home-educated.<sup>89</sup> As a solution, Wendy Charles-Warner, a Trustee of Education Otherwise, suggested that Ofsted should create a register of all registered education providers, which would “allow parents to check and not be duped”.<sup>90</sup>

52. Ofsted raised concerns that some children are receiving almost all their education in unregistered schools. Ofsted told us that children attending unregistered schools were at risk because there was “no oversight of their education or safety” – with many of these settings being “badly maintained, unsafe and even squalid”.<sup>91</sup> Furthermore, it found safeguarding or health and safety concerns in almost 40% of settings. As a result of this, Ofsted has called on Government to introduce three legislative changes:

- To close the loophole that allows settings providing a very narrow curriculum to avoid registration;
- Strengthened investigative powers for Ofsted to seize evidence and search premises; and
- Powers for Ofsted to close down settings that have been found guilty of operating illegally.<sup>92</sup>

53. In December 2018, the Department launched a consultation on a voluntary code for out-of-school education,<sup>93</sup> publishing its voluntary code in October 2020.<sup>94</sup> In October 2020, the Department also published a consultation on *Regulating Independent Educational Institutions*, seeking views on proposals for legislation including:

- Expanding on the categories of full-time institutions that will be regulated in the same way that independent schools are currently regulated, and defining what is “full-time”;
- Changing the basis for how some appeals against enforcement action, under the Education and Skills Act 2008, are determined by the court; and
- Revision of the system for making changes to the registered details of independent educational institutions.<sup>95</sup>

At the time we published this Report, the Government’s response has not been published.

**54. There is clearly a distinction between those families who make a free choice to EHE, and those for whom it is not truly ‘elective.’ We understand that many home educators do not see off-rolling, exclusion or illegal schools as a problem of EHE. However, the fact remains that some families—especially those where children have SEND—feel forced into what should be a free and informed choice. We therefore**

89 [Q81](#)

90 [Q83](#)

91 Ofsted ([HED0703](#))

92 Ofsted ([HED0703](#))

93 Department for Education, [Out-of-school settings: voluntary safeguarding code of practice](#), 21 October 2020

94 Department for Education, [Keeping children safe in out-of-school settings: code of practice](#), 21 October 2020

95 Department for Education, [Regulating Independent Educational Institutions](#), accessed 21 June 2021

repeat the following recommendation from our predecessor Committee's Report on alternative provision and exclusions. (Education Committee, Fifth Report of Session 2017–19, *Forgotten children*, HC 342, para 64).

55. *Schools should publish their permanent and fixed term exclusion rates by year group every term, including providing information about pupils with SEND and looked-after children. Schools should also publish data on the number of pupils who have left the school.*

56. Some children in those illegal schools prosecuted so far have been nominally home educated, with families misled by providers. Without the consistent and robust data on children outside school that a register could provide, we cannot know the true impact of off-rolling and illegal schools on children nominally receiving EHE. We welcome the Government and Ofsted's efforts to clamp down on unregistered schools and await the outcome of the consultation on independent educational institutions with interest. It cannot be right that settings where children receive their principal education escape regulatory scrutiny by exploiting loopholes in the law.

57. Many children with SEND may be happiest educated at home, but this should absolutely not be a choice that parents are forced to make for lack of the right support. We accept that what begins as a negative choice can become positive over time, but support must be in place so that families do not have to make that forced choice in the first place. Our predecessor Committee's report on *Special educational needs and disabilities* recommended "that the Department for Education explores the potential for creating a neutral role, allocated to every parent or carer with a child when a request is made for a needs assessment, which has the responsibility for co-ordinating all statutory SEND processes including the annual review, similar to the role of the Independent Reviewing Officer for looked-after children." (Education Committee, First Report of Session 2019, *Special educational needs and disabilities*, HC 20, para 52). We believe that an independent, neutral role such as this would also be invaluable in ensuring that children with SEND are not forced into home education for lack of adequate school support, and that families who do choose EHE for children with SEND receive the support and information they need to make that choice.

58. *In light of the evidence we heard on children with SEND, the Department must reconsider the potential for creating an independent, neutral role, allocated to every parent or carer with a child when a request is made for a needs assessment, which has the responsibility for co-ordinating all statutory SEND processes including the annual review, similar to the role of the Independent Reviewing Officer for looked-after children. This role would support families with the choice to EHE, and help ensure that any such choice was made in a truly informed way, and in the best interests of the child and their family.*

59. We urge the Government to publish its SEND Review without further delay, and will look forward to scrutinising any proposals it makes.

60. *The SEND Review must address the need for consistent and sufficient support for children with SEND, no matter how they are educated. Access to Education, Health and Care Plans and the support they offer should not depend on being on roll at a school.*

### 3 Elective Home Education: Local Authorities and support

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#### Local Authority powers

61. The Department for Education recommends that authorities should ordinarily contact home educating parents on at least an annual basis, in order to reasonably inform themselves about the suitability of the education being provided.<sup>96</sup>

62. Intervention can include the issuing of a School Attendance Order (SAO), but the Government encourages authorities to address most issues informally before taking this step.<sup>97</sup> **In 2019, the Association of Directors of Children’s Services reported that a combined total of 1,400 SAOs had been issued across 61 local authorities relating to the suitability of home education—an increase of 171 per cent from 2018.**<sup>98</sup> If a lack of suitable education is a risk to a child’s development, local authorities may also deploy their safeguarding powers. Wendy Charles-Warner, a Trustee of Education Otherwise, argued that some local authorities were acting ultra vires, issuing section 437 notices<sup>99</sup> and SAOs “without having a proper basis”, for example where a parent did not supply information in a preferred format.<sup>100</sup>

63. The Department for Education’s guidance issued to local authorities makes clear that “there is no proven correlation between home education and safeguarding risk”.<sup>101</sup> The Centre for Personalised Education (a charity which specialises in academic research into alternative education - including elective home education) stated that the conflation of safeguarding and quality of home education “has, in the past, led to widespread misunderstanding and made relationships between home educators and authorities far more difficult than need be the case”.<sup>102</sup>

64. We note that the Child Safeguarding Practice Review Panel plans to carry out some work on EHE, focussing specifically on children who are vulnerable to safeguarding risks if they are not at school, and analysing “the extent to which elective home education has been a factor in the serious harm or death of a child.”<sup>103</sup> We hope that this work will serve to better inform policymakers, and inject some light into a heated debate.

65. Submissions to our inquiry differed in their views on whether the duties and powers of local authorities were sufficient in relation to elective home education. The Local Government Association told us there was “no mechanism” for a council to insist on speaking to a home-educated child without a specific safeguarding concern.<sup>104</sup> On the

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96 Department for Education, [Home education: Departmental guidance for local authorities](#), April 2019

97 Department for Education, [School attendance and absence](#), accessed 13 June 2021

98 ADCS, [Elective Home Education Survey 2019](#), November 2019

99 If, after informal enquiries, a child does not appear to be receiving a suitable education at home, a local authority shall serve a section 437(1) notice on parents, requiring them to give information about the child’s education. If the local authority is not satisfied the education is suitable and believes the child should attend school, it serves a SAO, Department for Education, [Home education: Departmental guidance for local authorities](#), April 2019

100 [Q66](#)

101 Department for Education, [Home education: Departmental guidance for local authorities](#), April 2019

102 The Centre for Personalised Education ([HED0643](#))

103 The Child Safeguarding Practice Review Panel, [Annual Report 2020](#), accessed 21 June 2021

104 Local Government Association ([HED0330](#))

other hand, HEAS found that the present legal framework provided the “correct balance between [sic] the rights of home educators and the duties of the authorities.”<sup>105</sup> We believe there should be a mechanism for local authorities to speak with a child receiving EHE in order to assess whether the duty to provide a suitable education is being met.

66. Ofsted welcomed the 2019 guidance from the Department, which had “helped to clarify” local authority usage of existing powers around home education.<sup>106</sup> It also believed that SAOs could be used as a “disproportionate sanction and may not be in the best interests of the child” in some cases. Instead, where there are concerns about a child’s education, it would often be more effective for the local authority to make assessments and offer support “so that the home education can be improved, rather than ordering the child to attend school against their and/or their parents’ wishes.” In Ofsted’s view, local authorities should have powers to visit the child’s home to make assessments of home education but that those powers should be limited to ensure that they can only be used when there are “reasonable concerns” about the suitability of the home education, and not used “routinely.”<sup>107</sup> Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (HMCI) Amanda Spielman told the Committee that “some level of assurance that children are getting educated, is a real national priority from my point of view.”<sup>108</sup>

67. We heard that there was “some ambiguity” in relation to the duties of local authorities beyond the “bare minimum”, with wide variations across local authorities in terms of the resources available to them.<sup>109</sup> Leicester City Council said that there were areas of law and guidance that need further clarification. For example, there was “significant reluctance” to supply photographs of children’s work among some parents. Leicester City Council told us that it would be helpful if guidance stated that “where requested by the LA, this is [a] reasonable request.”<sup>110</sup> Similarly, guidance could be “worded in a clearer way” on responsibilities over SEND, where the recent Departmental blog refers to “support being at the discretion of the LA.” Leicester City Council noted that this uncertainty had the potential to “create a level of mistrust.”<sup>111</sup>

68. Mrunal Sisodia of NNPCF told the Committee that, although there was a great deal of focus on the statutory powers of Local Authorities:

There is also a really strong case to be made for softer outreach from local authorities and local areas. [...]in the sense that you can either force parents to engage with the local authority or you can make it very attractive for them to engage with local areas if they are home-educating.<sup>112</sup>

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105 Home Education Advisory Service ([HED0727](#))

106 Ofsted ([HED0703](#))

107 Ofsted ([HED0703](#))

108 Oral evidence taken on 10 November 2020, HC (2019–21) 262, [Q464](#) [Amanda Spielman, Her Majesty’s Chief Inspector, Ofsted]

109 [Q34](#)

110 Leicester City Council ([HED0295](#))

111 Leicester City Council ([HED0295](#))

112 [Q5](#)

## Government consultation and guidance

69. In April 2019, the Government published a consultation on proposed legislation concerning children not in school.<sup>113</sup> It sought views to establish whether any of the following might be required:

- A duty on local authorities to maintain a register of children of compulsory school age who are not registered at schools of a specified type.
- A duty on parents to provide information to their local authority if their child is within scope of the register.
- A duty on education settings attended by children on the register to respond to enquiries from local authorities about the education provided to individual children.
- A duty on local authorities to provide support to home-educated families if requested by such families.

70. At the time of writing, the Government has not published its response. In October 2020, the Department published a blog aimed at parents who might be considering EHE, pointing to the guidance published in April 2019.<sup>114</sup>

**71. Local authorities told us that they lack sufficient powers. It seems to us that the grey area in the Departmental guidance—where there is no legal duty for parents to respond to enquiries about EHE, but the local authority is entitled to conclude that education may not be suitable should those parents not respond—cannot be conducive to constructive relationships between EHE parents and local authorities.**

**72. Without a clearer definition of what a ‘suitable’ education is and what the threshold might be for intervention, local authorities have to rely on their safeguarding powers. We understand that, where powers are seen to be used inappropriately, there is a negative impact both on individuals and on relationships with the wider EHE community. It may be that the current ‘grey area’ is encouraging the use of School Attendance Orders where more informal approaches could be more beneficial for all concerned—or it could be that councils now have better understanding of the options available to them and are using their powers effectively and appropriately. Without better data, we cannot know whether the growth in SAOs reflects concerns about provision of education in the home, increased activism on the part of councils or a combination of both. The Committee is not opposed to SAOs per se, but we do need better information regarding the growth in their use and whether they are being used appropriately.**

**73. *When the Department responds to the 2019 consultation, it must clearly set out the expectations on LAs, other parts of the public sector (including health and social care) and parents with regards to EHE. It should supply case study examples so that EHE families and local authorities have a clear and shared understanding of what may***

113 Department for Education, [Children not in school](#), accessed 13 June 2021

114 Department for Education, [All you need to know about home-schooling and elective home education \(EHE\)](#), 20 October 2020

*constitute a 'suitable education', and what the thresholds for intervention should be—including for the serving of SAOs. The Department for Education should also track, publish and analyse data on SAOs at a national level on an annual basis.*

## Visibility of EHE in wider guidance

74. We heard that EHE was invisible in key guidance on keeping children and young people safe. For example, *Working Together to Safeguard Children*, the statutory guidance on inter-agency working to safeguard and promote the welfare of children, does not mention home education. Victor Shafiee of Ofsted told us that “this should be reviewed.”<sup>115</sup> Currently, the guidance is “silent on home educating children” and “predicated on children who are being educated in school.” In his view, while *Keeping Children Safe in Education (KCSIE)* provides detailed guidance on what should happen to protect children when they are in school, something similar is needed for children who are not in school.<sup>116</sup> In July 2021, the Department released an updated version of KCSIE, to apply from September. This version does mention EHE, recommending that where a parent/carers has expressed an intention to remove a child from school for EHE, “LAs, schools, and other key professionals work together to coordinate a meeting with parents/carers where possible”, ideally before a final decision is made, “to ensure the parents/carers have considered what is in the best interests of each child.”<sup>117</sup>

**75. Although we were pleased to see that Keeping Children Safe in Education was updated during the inquiry, we heard that key guidance documents on safeguarding did not recognise EHE. It is therefore hardly surprising that that local authorities and others vary hugely in their approach to EHE families. EHE is a legally recognised choice, and as such must be recognised in guidance so that professionals across education, health and other services understand what it is, and how to respond appropriately when they come into contact with EHE families. Guidance must be consistent so that both families and local authorities know where they stand with regards to sanctions like SAOs but also the processes which professionals and parents will need to follow.**

*76. The Department must revisit and revise key statutory guidance such as Working Together to Safeguard Children as soon as possible, so that they explicitly contain EHE within their scope, and contain clear and consistent messages for families, local authorities and others.*

## The potential role for inspection

77. The inquiry’s terms of reference also invited views on “the role that inspection should play in future regulation of home education.” During the inquiry it seemed that that terms such as inspection, assessment and monitoring were sometimes being used interchangeably.<sup>118</sup> Here, we focus on inspection in terms of scrutinizing the suitability of the education offered to a child. In the later section on outcomes and assessment, we focus on the assessment of an individual child’s educational achievements and outcomes.

115 [Q77](#)

116 [Q77](#)

117 Department for Education, [Keeping children safe in education 2021: statutory guidance for schools and colleges](#), updated 6 July 2021

118 One local authority told made the distinction that ‘without legislation, setting out standards and measures, it is impossible to carry out inspection, only make an assessment’, Staffordshire County Council ([HED0425](#))

78. Currently, Ofsted’s periodic inspections of local authorities will include children missing from education.<sup>119</sup> Ofsted has no role in the oversight of education received by individual children who are educated at home.

79. Of the hundreds of written submissions that we received from home educating families and the organisations that support them, many strongly rejected the inspection of individual families.<sup>120</sup> In addition, those submissions expressed the view that singling out home educating families would be unfair, with families “entitled to the presumption that they will feed and clothe their children and nurture all other aspects of their development without having to demonstrate competence in these areas to government inspectors”.<sup>121</sup> Furthermore, it was argued that local authority officers whose training was rooted in the school system were “not well equipped to make judgements about the individualised learning which occurs in home education”.<sup>122</sup>

80. We heard from local authorities and the organisations representing them that although “inspection may be too strong a word” for what is required, the system did need to change.<sup>123</sup> The LGA told us that there was “a clear need for greater oversight of children being educated at home” and that Ofsted did not have the capacity or local knowledge to regulate EHE.<sup>124</sup> It called for Government to give powers to councils to enter the homes of, or otherwise see, children in order to establish whether they are receiving a suitable education and meet their duties to safeguard and promote the welfare of children. Any new duties would need to be fully funded—and that any “regulation” of home education should be “only to ensure the safety and holistic wellbeing of children”.<sup>125</sup>

81. ADCS believed that local authorities should be funded “to fulfil an assurance role or monitoring visit and parents should be required to engage with this process on an annual basis.” Its submission noted that currently councils “have a duty to establish whether a suitable education is being provided but do not have a role in assurance of this.” While in practice a home visit is offered, “which may or may not be accepted by the family [...] local approaches do vary across the country.”<sup>126</sup> Given the increase in the number of children known to be home-educated, the ADCS told us that current level of monitoring was “unsustainable” and needed funding and commitment from Government.<sup>127</sup>

82. Anne Longfield, the former Children’s Commissioner, called for “termly visits by council staff to each home educated child to assess the suitability of their education and welfare”.<sup>128</sup> She told us that there should be stronger inspection of children who are home-educated, recommending that there should be “at least a once a year, if not once a term, inspection.”<sup>129</sup> UNICEF also called for changed guidance that would encourage local authorities to “undertake six-monthly inspections of education delivered in the home”.<sup>130</sup>

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119 Ofsted, [Inspecting local authority children’s services](#), 26 March 2021

120 Home Education Advisory Service ([HED0727](#))

121 Home Education Advisory Service ([HED0727](#))

122 Home Education Advisory Service ([HED0727](#))

123 Leicester City Council ([HED0295](#))

124 Local Government Association ([HED0330](#))

125 Local Government Association ([HED0330](#))

126 The Association of Directors of Children’s Services ([HED00956](#))

127 The Association of Directors of Children’s Services ([HED0956](#))

128 Children’s Commissioner for England ([HED0970](#))

129 Oral evidence taken on 6 October 2020, HC (2019–21) 262, [Q242](#) [Anne Longfield OBE, Children’s Commissioner for England]

130 UNICEF UK ([HED0434](#))

83. While a number of submissions called for more effective tools for oversight of EHE, “formal routine inspection” was largely rejected, in the words of Ofsted, as not “proportionate”.<sup>131</sup> Accordingly, in the Committee’s accountability session on 10 November, HMCI Amanda Spielman stopped short of recommending formal inspection as such, but made clear that in a context of growing numbers it was important to seek assurance that children were being educated.<sup>132</sup> In June 2021, she told the Committee that “it would be good to have some clear minimum expectations”, and that “as a nation, we should be concerned about having children who no one ever sees”.<sup>133</sup> She noted that local authorities were largely responsible for monitoring, but that:

For me, one of the strangest things in the system at the moment is that children who are already known to children’s services, even children on a child protection plan and experiencing harm, can legally be withdrawn by their parents for home education. I find it very un-joined up that we can, on the one hand, say we have very good reason to think that this child needs protecting, but also let the parents take them out of one of the main protective mechanisms. I would also like to see some kind of gateway threshold for accepting withdrawals of children from school.<sup>134</sup>

84. While Ofsted did not believe that they should inspect individual home educators, they could support improvement indirectly—for example through increasing the focus on home-educated children and young people with SEND in area SEND inspections. Furthermore, Ofsted said it would be “open to considering additional ways Ofsted could support the oversight of home education”.<sup>135</sup>

85. Councillor Nethsingha of the LGA told the Committee that monitoring the standard of education would be “really tricky”.<sup>136</sup> Looking at outcomes would mean that scrutiny took place “quite late in the system.” However, it was preferable to ongoing tracking which would “be extremely difficult” and “very intrusive to parents.” It would also present a huge resource issue for councils not currently equipped to carry out this role.<sup>137</sup> Dr Amber Fensham-Smith, Lecturer in Childhood and Youth Studies at the Open University, agreed that monitoring was a “sticking point”, with the potential to “hinder the freedoms parents have to pursue a forms of education and a pedagogic approach that suits the interests of their family”.<sup>138</sup>

86. Leicester City Council’s noted that guidance would “serve children better” if parents were required to meet a Local Authority representative either in the family home or “another venue” where requested, and when there was a reason to ask.<sup>139</sup>

**87. We heard that there is a lack of consistency in the approach local authorities take to support EHE. Departmental guidance is ambiguous and does not provide the**

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131 Ofsted ([HED0703](#))

132 Oral evidence taken on 10 November 2020, HC (2019–21) 262, [Q464](#) [Amanda Spielman, Her Majesty’s Chief Inspector, Ofsted]

133 Oral evidence taken on 15 June 2021, HC (2021–22) 82, [Q839](#) [Amanda Spielman, HMCI, Ofsted]

134 Oral evidence taken on 15 June 2021, HC (2021–22) 82, [Q840](#) [Amanda Spielman, HMCI, Ofsted]

135 Ofsted ([HED0703](#))

136 [Q8](#)

137 [Q28](#)

138 [Q86](#)

139 Leicester City Council ([HED0295](#))

necessary clarity on what is expected of them. Ofsted told us that for it to inspect home educating parents would be disproportionate. However, Ofsted did say it would be open to considering additional ways it could support EHE oversight.

88. *The Department must assign Ofsted a role in quality assuring the delivery of local authority support for EHE and adherence to EHE guidance. This will require the creation of an inspection framework, based on the clarified guidance for local authorities and EHE families that we also expect the Department to produce.*

89. On the whole, local authorities did not see themselves as potential ‘inspectors’ in the Ofsted mould—even though the former Children’s Commissioner called for “at least a once a year, if not once a term” inspection. However, some local authorities would like more powers to see children and to establish whether they are receiving a suitable education. We heard that local authorities would not make “intrusive visits if we don’t feel they are necessary,” and that children would not have to be seen in the home. By contrast, home educators emphasised to us that the fact of being home-educated did not constitute a safeguarding risk. However, we conclude that it is reasonable for local authorities to seek reassurance that EHE is suitable, and that they must have clear abilities to do so. The former Children’s Commissioner and the Local Government Association were among those calling for more oversight of EHE.

90. HMCI Amanda Spielman told us it was “very un-joined up” that children who were on a child protection plan and experiencing harm could be withdrawn into home education. We share HMCI’s concerns and call on the Department to ensure that children subject to a child protection plan are educated in a suitable setting to ensure that they are properly protected.

91. *The Department must clarify and strengthen the expectation in its 2019 guidance that local authorities make contact with parents on at least an annual basis, so that local authorities have the ability to see a child in person (at a venue of the family’s choosing) in situations where this is necessary to establish the suitability of the education they are receiving. The Department must make any necessary statutory changes to enable this, and make clear that:*

- *annual contact with an EHE family is a minimum expectation;*
- *local authorities should be asking to see examples of children’s work and parents should not reasonably refuse this;*
- *local authorities should be assessing children’s progress from one year to the next, especially in areas such as literacy and numeracy which are essential to access future educational opportunities and employment. By the time children are at the age when they would leave compulsory schooling, they should be able to demonstrate the same baseline numeracy and literacy skills that we expect from their schooled peers. While children with SEND may follow different paths, it is vital that they too have the right support provided so that they can flourish.*

92. *The Department should provide local authorities with a set of clear criteria against which suitability of education can be assessed, taking into account the full range of pedagogical approaches taken in EHE, as well as the age, ability and aptitude of individual children, including where they may have SEND.*

### More consistent support from local authorities, including for children with SEND

93. During the inquiry, we heard that support from local authorities was highly variable, resulting in a “postcode lottery”.<sup>140</sup> Education Otherwise told us it was “common practice” for home educating parents to be refused assessment for SEN solely on the basis that the child is home-educated.<sup>141</sup>

94. Jane Lowe of HEAS noted the primary importance of support from home educating peers as opposed to local authorities, who often fail to provide it.<sup>142</sup> Overall, home educators appeared confident that the most of their peers had access to this kind of informal support. Wendy Charles-Warner of Education Otherwise told us that the “number of families not involved in networks is very small” and “those very few families who are not known to a local authority are certainly known to support networks.” She felt that local authorities should be actively promoting support networks.<sup>143</sup> However, without definitive data on the number of children receiving EHE, the Committee remains unclear as to how we can be sure that isolated families are not slipping through the net.

95. We heard that views from parents about the extent to which they expected support from councils were mixed, with some surmising that increased support might come with strings attached.<sup>144</sup> One submission stated that:

If the Government want to put in place hoops for us to jump through and targets to aim for, then we should have the same services as schooled children [...]<sup>145</sup>

96. A number of submissions highlighted the need to move from a situation where “local authorities appear to be in conflict with parents” to a position “where local authorities are seen by home-educating parents as being a service provider, to help them and support them”.<sup>146</sup> As Victor Shafiee put it, we need to “move away from the debate of home education good/home education bad towards an accommodation that we can all agree on”.<sup>147</sup>

97. A number of submissions also made the point that local authorities did not provide adequate training for education officers, and that very few have any experience of, or training in home education.<sup>148</sup> For Dr Fensham-Smith, Lecturer in Childhood and Youth Studies at the Open University, an absence of public facing resources showcasing different approaches and effective local authority partnerships was a “barrier” to developing

140 [Q74](#)

141 Education Otherwise ([HED0063](#))

142 [Q35](#)

143 [Q80](#)

144 Home Education Advisory Service ([HED0727](#)), Member of the public ([HED0835](#)), Member of the public ([HED0421](#))

145 Home Education Advisory Service ([HED0727](#))

146 [Q67](#), Nathalie Huegler ([HED0964](#)), Home Education UK ([HED0922](#))

147 [Q67](#)

148 Education Otherwise ([HED0063](#)), Home Education UK ([HED0922](#)), Centre for Social Mobility ([HED0743](#))

support services with and alongside home educating families. She felt that a “nationally funded information support hub and an annual conference” might support sharing of best practice. In her written submission she suggested a Massive Open Online Course (MOOC) could help improve understanding.<sup>149</sup> She suggested an engagement project working with local authorities, key organisations, parents, children and young people to produce training via the Open University.<sup>150</sup> The Association of Elective Home Education Professionals told us in their submission that from Autumn 2021 Birkbeck College would be offering essential training for local authority EHE professionals.<sup>151</sup> During the inquiry we heard that there was precedent for offers at a national level to support EHE—even where this had not been their intended purpose. For example, some home educators welcomed Oak National Academy, created for remote learning in response to the pandemic, as a “fantastic” resource.<sup>152</sup> There may well be scope for the Oak National Academy to acknowledge home educators more explicitly in its offering, especially given the Government funding behind it.

**98. We heard that parents receive more support from networks than they do from local authorities, but without the robust data that a register would provide we cannot know for certain whether everyone who needs support is able to access it. Furthermore, the evidence we received indicated a lack of mutual understanding between home educators and local authorities, and a lack of consistent training in local authorities that encompassed the full range of EHE approaches. This undermined the support that local authorities could and should provide. More consistent and informed training would address the problem of local authorities acting beyond their powers. Better mutual understanding is in everyone’s interests - not least those of home-educated children themselves, who should at all times be our focus.**

***99. Given the rise in EHE numbers and lack of consistent support from local authorities, the Department should commission and roll out a national training package for all local authority officers with responsibility for EHE—developed with a wide range of stakeholders—so that those officers have a thorough and consistent understanding of the duties of and guidance for local authorities. That package should explain the various EHE approaches—possibly in the form of a Massive Open Online Course (MOOC). All local authority officers with responsibility for EHE must be expected to complete that training as part of their job.***

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149 Dr Amber Fensham-Smith (Lecturer in Childhood and Youth Studies at The Open University) ([HED0917](#))

150 [Q115](#)

151 Association of Elective Home Education Professionals ([HED0994](#))

152 Member of the public ([HED0512](#))

## 4 Outcomes, assessment and exams for children receiving EHE

100. In this chapter we consider outcomes, assessments and exams for children receiving EHE. During the inquiry, we heard about a lack of robust data on the outcomes for them as a group. Witnesses told us that assessing the quality of education provided at home brought challenges. The difficulties faced by private exam candidates during the covid-19 pandemic shone a light on the pre-existing inequity they face in accessing public examinations.

101. Mrunal Sisodia of NNPCF told us that “moving into the sphere of starting to gauge success, what a successful home education is, and assessing attainment” was heading into “slightly rockier territory”<sup>153</sup> than a register, not least because many children receiving EHE would be doing so precisely because their family had decided that “the very narrow rigours of an academic education is not right for them”—especially those with SEND.<sup>154</sup>

### What do we know about outcomes?

102. The lack of robust, independent data on the number of children receiving EHE and their academic and social outcomes limits opportunities for constructive conversations about what good outcomes might be. Dr Fensham-Smith highlighted the gaps in empirical research studies of UK home education. She noted that the research had on the whole “not sufficiently represented or addressed the needs, voices and experiences of EHE children”, and that “family-based” interviews tended to “prioritise the perspectives of parents.”<sup>155</sup> Dr Fensham-Smith also said there was no “single, systematic and longitudinal study in the UK that has mapped the long-term experiences and transitions of previously EHE young people”, capturing the needs, voices and experiences of EHE children and young people from different socio-economic and minority ethnic backgrounds. Instead, individual success stories were primarily self-reported and found in discussions of community groups. Dr Fensham-Smith concluded that it was important to develop a “more comprehensive representation of home education,” working with EHE young people to “shape the policies and decision-making that is likely to affect them”.<sup>156</sup>

103. With the literature on children’s experiences “sparse” according to Dr Fensham-Smith, longitudinal research that “looks over time at how those children and young people have experienced life in a variety of different ways” was needed.<sup>157</sup> The Traveller Movement’s submission noted that:

The home education community is a vocal one and tends to be led by people from White and/or middle class backgrounds. Consequently, the voices of people with lower levels of literacy or education tend not to feature in public debates. This is an unfortunate omission which obfuscates the lived realities of people with less social, political, or educational capital. This in turn prevents a proper analysis of the structural issues and barriers that lead to more marginalised people opting for elective home education.<sup>158</sup>

153 [Q6](#)

154 [Q6](#)

155 Dr Amber Fensham-Smith (Lecturer in Childhood and Youth Studies at The Open University) ([HED0917](#))

156 Dr Amber Fensham-Smith (Lecturer in Childhood and Youth Studies at The Open University) ([HED0917](#))

157 [Q77](#)

158 The Traveller Movement ([HED0380](#))

104. Dr Fensham-Smith's noted that there was not enough evidence to determine how EHE affected children's life-chances:

Overall, there is no sound empirical evidence to substantiate the claims that children who receive EHE in the UK as a short-, medium- or long-term intervention have 'better' or 'worse' life chances and social outcomes in comparison to children who have received a formal schooled education throughout the ages of compulsory education. Any future attempts to measure the relative benefits and/or potential disadvantages of EHE should be broad and encompass a range of short-, medium-and long-term self-report experiences and 'hard' and 'soft' outcomes' [...] Longitudinal projects (co-produced with and for the EHE communities) will serve to better inform the current and future needs of EHE children and young people.<sup>159</sup>

105. Home-educated young people, and those who had been home-educated in their own youth, told us that home education had been an extremely positive experience for them, and that they were grateful for their education. In some families, EHE had been the choice for consecutive generations.<sup>160</sup>

### Assessment

106. Little is known about the educational or other outcomes for the EHE cohort. Despite this, there was resistance to the idea of applying the kinds of standardised assessment used in schools to EHE. A number of home educators believed that standardised assessments were an accountability measure designed to understand how well schools, having been delegated the role of providing education by parents and taxpayers, were "providing an education".<sup>161</sup> Wendy Charles-Warner told us that it was "disproportionate" to apply the same level of accountability to individual families that were applied to schools. She said that "the whole point of home education is it is home education; it is not school."<sup>162</sup>

107. There was broad agreement that a one size fits all approach to assessment would not be appropriate for the EHE cohort. Exams were not appropriate for some of them, particularly for those with "really quite serious health, mental health or other sorts of disabilities."<sup>163</sup> We were told that what mattered was that children had equity of access to jobs and further or higher education alongside their school-educated peers.<sup>164</sup> As HMCI Amanda Spielman put it to us in June 2021:

We do not attempt to impose uniformity within the school system, let alone outside, but there is a very clear default that the expectations for home schoolers should be the same as if those children were in school.<sup>165</sup>

108. In Ms Spielman's opinion, "simply saying they should be getting national average numbers of GCSEs or whatever it might happen to be might not be the right expectation for the individual child", but that the "same principle" should apply. Her colleague, Victor

159 Dr Amber Fensham-Smith (Lecturer in Childhood and Youth Studies at The Open University) ([HED0917](#))

160 Mr & Mrs Randall & Mary Hardy (Retired at None) ([HED0717](#))

161 [Q100](#), [Q24](#)

162 [Q111](#)

163 [Q57](#)

164 [Q20](#)

165 Oral evidence taken on 15 June 2021, HC (2021–22) 82, [Q841](#) [Amanda Spielman]

Shafiee also told us that EHE children should “absolutely” have some kind of assessment but that “the frequency of that, how it is done and whether it looks at progress, these are issues for the Department.”<sup>166</sup>

109. Baroness Berridge, Parliamentary Under Secretary of State for the School System, told us that there was currently no proposal to introduce formal assessments for home-educated students “outside of the requirement for a suitable education or the delivery of education that is in accordance with an EHCP plan.”<sup>167</sup>

**110. Without large-scale, objective data, our understanding of the attainment and outcomes achieved by EHE children remains largely anecdotal. Despite assurances from the EHE community, we therefore cannot be sure that all EHE children get an education ‘suitable’ to prepare them for the next stage of their lives. Children’s voices are lacking from research. We understand that assessment is more challenging territory than simply understanding who is being home-educated and why. Home educators told us that assessment was stressful for some children, especially those who have come to EHE precisely because a formal system does not work for them. We heard that EHE children might take exams such as GCSEs on a different timetable to their schooled peers, and that some who initially struggled with reading or writing went on to excel when allowed to go at their own pace. Furthermore, exams are not the only measure of positive educational or life outcomes. However, we expect that, as a minimum, home-educated children must have equity of access to the next stage of their education, work or training. All EHE children should have the opportunity to take GCSEs, A-Levels and vocational exams as appropriate.**

*111. The Department must urgently commission and publish longitudinal research examining the life chances and social outcomes of EHE children in England (as a short-, medium- or long-term intervention), compared with those who have received a formal schooled education. This will need to include a range of short-, medium- and long-term self-reported experiences, ‘hard’ and ‘soft’ outcomes’, and work in partnership with the full range of EHE communities. ‘Hard’ outcomes to be measured will include ability to demonstrate the skills in literacy and numeracy that are essential to future work or training. Soft outcomes could include less quantifiable factors such as mental wellbeing.*

## Exams

112. Throughout the covid-19 pandemic, we have been concerned about the considerable impact that the cancellation of exams has had on all children. The pandemic has thrown into sharp relief the inequitable access that home-educated children have to public examinations. The lack of provision for those who did not have an existing relationship with an exam centre to be awarded grades in Summer 2020 has meant that the impact on those who are home-educated has been particularly acute.<sup>168</sup> Our inquiry has highlighted examples of young people who had rung a helpline “in tears” because they had lost college opportunities and job opportunities, including one young man who had deferred for a year as a result of being hospitalised and was told by his college that they could not hold his place any longer.<sup>169</sup>

166 [Q105](#)

167 Oral evidence taken on 29 April 2021, HC (2019–21) 262, [Q710](#) [Baroness Berridge]

168 Department for Education, [Taking exams during the coronavirus \(COVID-19\) outbreak](#), 27 August 2020

169 [Q111](#)

113. Jenny Coles of ADCS told us that:

there needs to be an equal opportunity for those children who are home-educated to have the same standards and qualifications. How you put that in place is more complex. All children should have access to the same qualifications and career pathways, whether they are home-educated or in school.<sup>170</sup>

114. Dr Fensham-Smith agreed with this assessment. She said that the status quo was “highly unfair”, with some local authorities providing subsidy towards GCSE costs but not others and that this “really disadvantages single-parent children and children from families from lower socioeconomic backgrounds.”<sup>171</sup> In addition, we heard from Jane Lowe that the provision of funding for examinations had the potential to “improve relations between the local authorities and families”.<sup>172</sup>

115. With no independent assessment on which to base a grade in summer 2020, many home-educated children would have to take exams in the autumn or delay until 2021—unless they were tutored by a qualified teacher who was able to submit evidence to the exam board on behalf of the student.<sup>173</sup> HEAS expressed the hope that “the needs of private candidates studying alone who don’t have teacher assessments on record will be recognised” as planning for exams in 2021 moved forward.<sup>174</sup> On a more positive note, we heard that bodies representing home educators had “developed much stronger relationships with Ofqual, with the exam boards and with members of the DfE dealing with exams”, helping ‘achieve greater engagement and greater understanding’.<sup>175</sup>

116. Julie Swan, Executive Director for General Qualifications at Ofqual, told us that it was difficult to know precisely how many private candidates receiving EHE had been impacted, “because private candidates come in many different shapes and forms and have different experiences behind them”.<sup>176</sup> Nevertheless, the best data available to Ofqual suggested that about 3,300 private candidates got an A-level grade that year – fewer than in a normal year.<sup>177</sup> Jenny Coles of ADCS suggested to us that one purpose of a register would be to provide data when young people are coming to sit exams.<sup>178</sup>

117. Simon Lebus, acting Chief Regulator at Ofqual, was asked about Summer 2021 arrangements for private candidates who might not have the same bank of evidence as their schooled peers. He responded that they would have to “work with centres to come up with something that will allow them to demonstrate what they have learned and what they are capable of so that they can be awarded a grade.”<sup>179</sup> Ian Bauckham, Acting Chair at Ofqual, added that the challenge was “making sure that every candidate can find a centre through which to work, and work is in hand to make sure that is achieved as far as it possibly can be at the moment”.<sup>180</sup>

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170 [Q58](#)

171 [Q111](#)

172 [Q21](#)

173 National Network of Parent Carer Forums ([HED0968](#))

174 Home Education Advisory Service ([HED0727](#))

175 [Q113](#)

176 Oral evidence taken on 2 September 2020, HC (2019–21) 254, [Q999](#) [Julie Swan, Executive Director, General Qualifications, Ofqual]

177 Oral evidence taken on 2 September 2020, HC (2019–21) 254, [Q999](#) [Julie Swan, Executive Director, General Qualifications, Ofqual]

178 [Q16](#)

179 Oral evidence taken on 9 March 2021, HC (2019–21) 254, [Q1311](#) [Simon Lebus, Acting Chief Regulator, Ofqual]

180 Oral evidence taken on 9 March 2021, HC (2019–21) 254, [Q1310](#) [Ian Bauckham, Acting Chair, Ofqual]

118. On 10 March 2021, in a response to a written Parliamentary Question Nick Gibb, Minister for School Standards, said that recent proposals to fairly award all pupils a grade in Summer 2021 would:

include a clear and accessible route for private candidates to work with a centre to receive a grade this year, at the same time as other candidates. Exam boards will provide centres with clear guidance on the evidence they can use to assess a private candidate. A list of available centres will be published shortly, and we are working with the sector to ensure there are sufficient centres available and at a similar cost to a normal year.<sup>181</sup>

119. In April 2021, the Joint Council for Qualifications, a membership organisation including eight UK qualifications providers, published guidance on the determination of grades for A/AS Levels and GCSEs for Summer 2021.<sup>182</sup> That guidance stated that “Private Candidates will be assessed this year on a range of evidence, in a similar way to other students” and with “considerable flexibility to determine the appropriate range of evidence” in order to reflect students’ “particular circumstances.” Centres would need to understand how the private candidate has studied, what evidence they have already generated, and how much of the specification content they have covered.

120. That assessment could be made through a “short interview”, possibly remotely, or a short questionnaire so that the centre could determine “what types of assessment might be most appropriate [...] whether pre-existing evidence is available and whether any reasonable adjustments or access arrangements are required.” No additional charges should be made where a centre has agreed to provide reasonable adjustments, and centres should “clearly” communicate their assessment approach to potential private candidates before agreeing to make their entry. If the centre did not teach the subject, “it may wish to consider engaging third party subject expertise to conduct the assessment process”.<sup>183</sup>

121. We welcome the Government’s announcement on 15 March 2021 that a private candidate support grant would be made available to support approved exam centres to meet costs associated with the additional demands of assessment for private candidates this year, and avoid those extra costs being passed on to candidates.<sup>184</sup> Yet while the Government has offered funding to assist exam centres in their support of private candidates this year, this does not change the fact that many children receiving EHE pay for their public examinations, contrary to the recommendation made by our predecessor Committee in 2012.<sup>185</sup> When asked how the Department could justify this unequal access to exams, Baroness Berridge, Parliamentary Under Secretary of State for the School System, said that in choosing EHE, “parents take on the responsibility for educating their children”.<sup>186</sup> However, cost is not the only barrier that private candidates face in taking their exams, with some students living long distances from centres that would accept them.<sup>187</sup>

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181 UIN [154845](#) [on Home Education: Coronavirus], 10 March 2021

182 Joint Council for Qualifications, [Guidance on the determination of grades for A/AS Levels and GCSEs for Summer 2021](#), 19 April 2021

183 Joint Council for Qualifications, [Guidance on the determination of grades for A/AS Levels and GCSEs for Summer 2021](#), 19 April 2021

184 Department for Education, [Private candidate support grant](#), 19 April 2021

185 Education Committee, Fifth Report of Session 2012–13, [Support for Home Education](#), HC 559-I, para 44

186 Oral evidence taken on 29 April 2021, HC (2019–21) 262, [Q707](#) [Baroness Berridge]

187 Member of the public ([HED0504](#))

122. The Government needs to act on the longstanding issue of inequitable access to exams for those children receiving EHE. The cancellation of exams in 2020 has had a massive impact on all students, but a particularly acute impact on those receiving EHE. With a register in place, it may well have been easier to identify those children who would have been affected. If better relationships between home educators and local authorities are to be developed, it makes sense to provide ‘carrots’ as well as ‘sticks’. Removing barriers of cost and distance to exam entry for EHE children would put them on a level playing field with their schooled peers and improve our knowledge about their educational outcomes.

123. For that reason, we repeat our predecessor Committee’s recommendations with regards to public examinations. This seems reasonable in order to help EHE children gain the qualifications needed for future education, training and employment.

*124. The Government must place a duty on every local authority to ensure that home-educated children and young people have fair access to centres where they can sit accredited public examinations, with the Government meeting the entry costs for those exams. The Department for Education must also work to establish the appropriate level of entitlement, to which examinations the entitlement will apply, and the additional funding the Department will commit to support this.*

# Conclusions and recommendations

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## Introduction

1. The Committee unanimously supports the right of families to opt for EHE, provided it is in the best interests of the child and the education provided is of a suitable standard to meet the needs of the child. In the eyes of the law, the duty to secure an education for a child rests with parents. It follows that the choice to home educate should be afforded the same respect as the choice for children to attend a state or private school. However, without data on outcomes we cannot know how many children receiving EHE are getting a suitable education. For that reason, it is reasonable that local authorities have the ability to assess the suitability of education. (Paragraph 19)
2. *The next iteration of the Government's guidance for local authorities and parents must set out a clearer vision for a 'suitable' education - including the levels of numeracy and literacy which it would usually expect students to have achieved before they move on to later education, training or employment. This vision should take into account the different paths that children with SEND might take.* (Paragraph 20)

## What do we know about children who are home-educated?

3. The Committee heard from home educators that home-educated children are not 'invisible', and that safeguarding has failed children who were already known to local authorities. However, the relevant authorities cannot begin to reach any children who may be at risk without a consistent and accurate method of knowing who they are. The context has changed dramatically in the last decade, as the number of children receiving EHE has grown. At present, local authorities may only know about home-educated children who have been withdrawn from school, and may lose touch with these children when families move. (Paragraph 38)
4. *The Committee's view remains that a statutory register, serving to more consistently identify children outside of school, is absolutely necessary. This would aim not to remove freedoms from those who are providing an effective education for their families, but to better target support to those who need it. The register should have a national reach but be administered locally. Rather than only targeting EHE children, it must cover all those who do not receive their principal education in a mainstream school. It may well be that the Government announces a statutory register ahead of this report being published. In any case, it must adhere to the principles we outline.* (Paragraph 39)
5. There is no single definitive figure for the number of children and young people being educated at home. The numbers that are available are likely to under-report as parents do not have a duty to tell local authorities that they have chosen EHE, and studies often rely on Freedom of Information responses, which raise questions about data accuracy. This situation is unacceptable and must change. We also believe that collecting more data about children receiving EHE would give the Department a true picture of the level of SEND resourcing needed by local authorities. There is also general consensus that the number of children in EHE has increased dramatically since the 2010–15 Education Committee's report. (Paragraph 40)

6. Covid-19 appears to have driven a further rise in EHE numbers, the long-term impact of which is not yet known. During the covid-19 pandemic, some may have found that educating at home worked better for them. However, some parents may have chosen EHE without a full understanding of the responsibilities it involves, risking a negative impact on their children. This highlights the ongoing need for parents to have the right support when making the decision to EHE—or to transition back into school, should they wish. In 2018, our predecessor Committee’s report *Forgotten children* recommended that “when a pupil is excluded from school for more than five non-consecutive days in a school year, the pupil and their parents or carers should be given access to an independent advocate” to help them navigate the process. (Education Committee, Fifth Report of Session 2017–19, *Forgotten children*, HC 342, para 47). We believe that such advocates could also play an invaluable role in supporting families who are considering EHE, and ensuring that they make an informed choice that is best for their families. (Paragraph 41)
7. *Once the statutory register of children outside of school is up and running, the Department for Education must make use of it to collate, analyse and publish anonymised annual data on the number of children out of school so that the Department, local authorities and others are better able to understand trends and create effective policy in response to them.* (Paragraph 42)
8. *When a pupil is excluded from school for more than five non-consecutive days in a school year, the pupil and their parents or carers should be given access to an independent advocate to help them navigate the process. Families considering EHE should also have access to these advocates, to ensure that they have the information and support they need to make an informed choice for them and their child.* (Paragraph 43)
9. There is clearly a distinction between those families who make a free choice to EHE, and those for whom it is not truly ‘elective.’ We understand that many home educators do not see off-rolling, exclusion or illegal schools as a problem of EHE. However, the fact remains that some families—especially those where children have SEND—feel forced into what should be a free and informed choice. We therefore repeat the following recommendation from our predecessor Committee’s Report on alternative provision and exclusions. (Education Committee, Fifth Report of Session 2017–19, *Forgotten children*, HC 342, para 64). (Paragraph 54)
10. *Schools should publish their permanent and fixed term exclusion rates by year group every term, including providing information about pupils with SEND and looked-after children. Schools should also publish data on the number of pupils who have left the school.* (Paragraph 55)
11. Some children in those illegal schools prosecuted so far have been nominally home educated, with families misled by providers. Without the consistent and robust data on children outside school that a register could provide, we cannot know the true impact of off-rolling and illegal schools on children nominally receiving EHE. We welcome the Government and Ofsted’s efforts to clamp down on unregistered schools and await the outcome of the consultation on independent educational institutions with interest. It cannot be right that settings where children receive their principal education escape regulatory scrutiny by exploiting loopholes in the law. (Paragraph 56)

12. Many children with SEND may be happiest educated at home, but this should absolutely not be a choice that parents are forced to make for lack of the right support. We accept that what begins as a negative choice can become positive over time, but support must be in place so that families do not have to make that forced choice in the first place. Our predecessor Committee's report on *Special educational needs and disabilities* recommended "that the Department for Education explores the potential for creating a neutral role, allocated to every parent or carer with a child when a request is made for a needs assessment, which has the responsibility for co-ordinating all statutory SEND processes including the annual review, similar to the role of the Independent Reviewing Officer for looked-after children." (Education Committee, First Report of Session 2019, *Special educational needs and disabilities*, HC 20, para 52). We believe that an independent, neutral role such as this would also be invaluable in ensuring that children with SEND are not forced into home education for lack of adequate school support, and that families who do choose EHE for children with SEND receive the support and information they need to make that choice. (Paragraph 57)
13. *In light of the evidence we heard on children with SEND, the Department must reconsider the potential for creating an independent, neutral role, allocated to every parent or carer with a child when a request is made for a needs assessment, which has the responsibility for co-ordinating all statutory SEND processes including the annual review, similar to the role of the Independent Reviewing Officer for looked-after children. This role would support families with the choice to EHE, and help ensure that any such choice was made in a truly informed way, and in the best interests of the child and their family.* (Paragraph 58)
14. We urge the Government to publish its SEND Review without further delay, and will look forward to scrutinising any proposals it makes. (Paragraph 59)
15. *The SEND Review must address the need for consistent and sufficient support for children with SEND, no matter how they are educated. Access to Education, Health and Care Plans and the support they offer should not depend on being on roll at a school.* (Paragraph 60)

### Elective Home Education: Local Authorities and support

16. Local authorities told us that they lack sufficient powers. It seems to us that the grey area in the Departmental guidance—where there is no legal duty for parents to respond to enquiries about EHE, but the local authority is entitled to conclude that education may not be suitable should those parents not respond—cannot be conducive to constructive relationships between EHE parents and local authorities. (Paragraph 71)
17. Without a clearer definition of what a 'suitable' education is and what the threshold might be for intervention, local authorities have to rely on their safeguarding powers. We understand that, where powers are seen to be used inappropriately, there is a negative impact both on individuals and on relationships with the wider EHE community. It may be that the current 'grey area' is encouraging the use of School Attendance Orders where more informal approaches could be more beneficial for all concerned—or it could be that councils now have better understanding of the

options available to them and are using their powers effectively and appropriately. Without better data, we cannot know whether the growth in SAOs reflects concerns about provision of education in the home, increased activism on the part of councils or a combination of both. The Committee is not opposed to SAOs per se, but we do need better information regarding the growth in their use and whether they are being used appropriately. (Paragraph 72)

18. *When the Department responds to the 2019 consultation, it must clearly set out the expectations on LAs, other parts of the public sector (including health and social care) and parents with regards to EHE. It should supply case study examples so that EHE families and local authorities have a clear and shared understanding of what may constitute a 'suitable education', and what the thresholds for intervention should be—including for the serving of SAOs. The Department for Education should also track, publish and analyse data on SAOs at a national level on an annual basis.* (Paragraph 73)
19. Although we were pleased to see that *Keeping Children Safe in Education* was updated during the inquiry, we heard that key guidance documents on safeguarding did not recognise EHE. It is therefore hardly surprising that local authorities and others vary hugely in their approach to EHE families. EHE is a legally recognised choice, and as such must be recognised in guidance so that professionals across education, health and other services understand what it is, and how to respond appropriately when they come into contact with EHE families. Guidance must be consistent so that both families and local authorities know where they stand with regards to sanctions like SAOs but also the processes which professionals and parents will need to follow. (Paragraph 75)
20. *The Department must revisit and revise key statutory guidance such as Working Together to Safeguard Children as soon as possible, so that they explicitly contain EHE within their scope, and contain clear and consistent messages for families, local authorities and others.* (Paragraph 76)
21. We heard that there is a lack of consistency in the approach local authorities take to support EHE. Departmental guidance is ambiguous and does not provide the necessary clarity on what is expected of them. Ofsted told us that for it to inspect home educating parents would be disproportionate. However, Ofsted did say it would be open to considering additional ways it could support EHE oversight. (Paragraph 87)
22. *The Department must assign Ofsted a role in quality assuring the delivery of local authority support for EHE and adherence to EHE guidance. This will require the creation of an inspection framework, based on the clarified guidance for local authorities and EHE families that we also expect the Department to produce.* (Paragraph 88)
23. On the whole, local authorities did not see themselves as potential 'inspectors' in the Ofsted mould—even though the former Children's Commissioner called for "at least a once a year, if not once a term" inspection. However, some local authorities would like more powers to see children and to establish whether they are receiving a suitable education. We heard that local authorities would not make "intrusive visits

if we don't feel they are necessary," and that children would not have to be seen in the home. By contrast, home educators emphasised to us that the fact of being home-educated did not constitute a safeguarding risk. However, we conclude that it is reasonable for local authorities to seek reassurance that EHE is suitable, and that they must have clear abilities to do so. The former Children's Commissioner and the Local Government Association were among those calling for more oversight of EHE. (Paragraph 89)

24. HMCI Amanda Spielman told us it was "very un-joined up" that children who were on a child protection plan and experiencing harm could be withdrawn into home education. We share HMCI's concerns and call on the Department to ensure that children subject to a child protection plan are educated in a suitable setting to ensure that they are properly protected. (Paragraph 90)
25. *The Department must clarify and strengthen the expectation in its 2019 guidance that local authorities make contact with parents on at least an annual basis, so that local authorities have the ability to see a child in person (at a venue of the family's choosing) in situations where this is necessary to establish the suitability of the education they are receiving. The Department must make any necessary statutory changes to enable this, and make clear that:*
  - *annual contact with an EHE family is a minimum expectation;*
  - *local authorities should be asking to see examples of children's work and parents should not reasonably refuse this;*
  - *local authorities should be assessing children's progress from one year to the next, especially in areas such as literacy and numeracy which are essential to access future educational opportunities and employment. By the time children are at the age when they would leave compulsory schooling, they should be able to demonstrate the same baseline numeracy and literacy skills that we expect from their schooled peers. While children with SEND may follow different paths, it is vital that they too have the right support provided so that they can flourish.* (Paragraph 91)
26. *The Department should provide local authorities with a set of clear criteria against which suitability of education can be assessed, taking into account the full range of pedagogical approaches taken in EHE, as well as the age, ability and aptitude of individual children, including where they may have SEND.* (Paragraph 92)
27. We heard that parents receive more support from networks than they do from local authorities, but without the robust data that a register would provide we cannot know for certain whether everyone who needs support is able to access it. Furthermore, the evidence we received indicated a lack of mutual understanding between home educators and local authorities, and a lack of consistent training in local authorities that encompassed the full range of EHE approaches. This undermined the support that local authorities could and should provide. More consistent and informed training would address the problem of local authorities acting beyond their powers. Better mutual understanding is in everyone's interests—not least those of home-educated children themselves, who should at all times be our focus. (Paragraph 98)

28. *Given the rise in EHE numbers and lack of consistent support from local authorities, the Department should commission and roll out a national training package for all local authority officers with responsibility for EHE—developed with a wide range of stakeholders—so that those officers have a thorough and consistent understanding of the duties of and guidance for local authorities. That package should explain the various EHE approaches—possibly in the form of a Massive Open Online Course (MOOC). All local authority officers with responsibility for EHE must be expected to complete that training as part of their job. (Paragraph 99)*

### Outcomes, assessment and exams for children receiving EHE

29. Without large-scale, objective data, our understanding of the attainment and outcomes achieved by EHE children remains largely anecdotal. Despite assurances from the EHE community, we therefore cannot be sure that all EHE children get an education ‘suitable’ to prepare them for the next stage of their lives. Children’s voices are lacking from research. We understand that assessment is more challenging territory than simply understanding who is being home-educated and why. Home educators told us that assessment was stressful for some children, especially those who have come to EHE precisely because a formal system does not work for them. We heard that EHE children might take exams such as GCSEs on a different timetable to their schooled peers, and that some who initially struggled with reading or writing went on to excel when allowed to go at their own pace. Furthermore, exams are not the only measure of positive educational or life outcomes. However, we expect that, as a minimum, home-educated children must have equity of access to the next stage of their education, work or training. All EHE children should have the opportunity to take GCSEs, A-Levels and vocational exams as appropriate. (Paragraph 110)
30. *The Department must urgently commission and publish longitudinal research examining the life chances and social outcomes of EHE children in England (as a short-, medium- or long-term intervention), compared with those who have received a formal schooled education. This will need to include a range of short-, medium- and long-term self-reported experiences, ‘hard’ and ‘soft’ outcomes’, and work in partnership with the full range of EHE communities. ‘Hard’ outcomes to be measured will include ability to demonstrate the skills in literacy and numeracy that are essential to future work or training. Soft outcomes could include less quantifiable factors such as mental wellbeing. (Paragraph 111)*
31. The Government needs to act on the longstanding issue of inequitable access to exams for those children receiving EHE. The cancellation of exams in 2020 has had a massive impact on all students, but a particularly acute impact on those receiving EHE. With a register in place, it may well have been easier to identify those children who would have been affected. If better relationships between home educators and local authorities are to be developed, it makes sense to provide ‘carrots’ as well as ‘sticks’. Removing barriers of cost and distance to exam entry for EHE children would put them on a level playing field with their schooled peers and improve our knowledge about their educational outcomes. (Paragraph 122)

32. For that reason, we repeat our predecessor Committee's recommendations with regards to public examinations. This seems reasonable in order to help EHE children gain the qualifications needed for future education, training and employment. (Paragraph 123)
33. *The Government must place a duty on every local authority to ensure that home-educated children and young people have fair access to centres where they can sit accredited public examinations, with the Government meeting the entry costs for those exams. The Department for Education must also work to establish the appropriate level of entitlement, to which examinations the entitlement will apply, and the additional funding the Department will commit to support this.* (Paragraph 124)

## Appendix 1: Letter to the Secretary of State for Education, 3 December 2020

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Dear Gavin,

As you will be aware, the Education Select Committee is currently looking into Home Education. The Committee is still analysing the huge number of written submissions we have received for this and is likely to hear further oral evidence in the new year. On that basis, I do not wish to pre-empt any of our final conclusions at this stage.

In the meantime, we do have some emerging findings for your consideration, several of which are linked to pre-existing Committee work on exclusions and children with special educational needs and disabilities (SEND).

Firstly, I want to make it clear that the Committee unanimously supports the right of families to opt for Elective Home Education. As [we heard in the Committee's session on 24 November](#), in the eyes of the law the responsibility to secure an education for a child rests with parents. It follows therefore that the choice to home educate should be afforded the same respect as the choice for children to attend a state or private school.

We have received submissions from individuals and organisations who are clearly passionate about providing a high-quality education at home, and who have formed supportive networks to enable this. We have also listened to voices of home educators who feel that home education has been blamed for what, in their view, have been failures elsewhere in the system.

The Committee's concerns are instead centred on those children who are currently 'missing education.' Indeed, our understanding is that children receiving an efficient, full time and suitable education at home would not fall under the Department's definition of that category.<sup>1</sup>

Our predecessor Committee's (2018) [report on alternative provision](#) raised concerns about exclusions and off-rolling, and their impact on children and young people. We are also concerned about the prevalence of unregistered schools.

As a Committee, we feel that the lack of a mechanism to identify all children of school age who are not in school limits the ability of those with responsibility in this area to understand the extent of any problems and act to resolve them.

We recognise that children can be exposed to risk in any setting. However, we feel that the scale of the apparent increase in numbers of children being educated outside school since the Education Committee's work on home education in 2012 brings with it a duty for the Department and others to better understand what has driven these changes and what policy implications there may be.

The Association of Directors of Children's services estimate that, before the Covid-19 pandemic, [numbers of electively home-educated children had grown by around 20%](#) each year for the previous five years. However, we simply do not know how many children are being educated at home, with the Minister for School Standards confirming that the

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1 Department for Education, [Children Missing Education: statutory guidance for Local Authorities](#)

[‘Department does not collect statistics on the number of children in home education.’](#) Without this data, gaps in our understanding of the attainment and outcomes for the full range of children educated at home remain.

Lack of access to systematic data is likely to limit understanding of the reasons why children are not in school, as well as limiting ability to provide them with adequate support. We are particularly concerned about those children with SEND who may be effectively “[forced](#)” into what should be a positive choice to educate at home. With regards to outcomes, our future work in this area is likely to include the question of what good outcomes for home-educated children might look like. The Department may wish to consider that same question.

We have also heard concerns that some of the families opting for Elective Home Education during the Covid-19 pandemic may have done so without the advice, support and guidance they needed to make a truly informed decision. In our session on 24 November, we heard that [positive interactions between councils, schools and home educating families are possible](#), where there is a genuine attempt to focus on the wellbeing of children rather than enforcement.

We note that in 2019 the Department consulted on a number of potential new legal duties:

- A 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
- A duty on parents to provide information to their local authority if their child is within scope of the register.
- A duty on education settings attended by children on the register to respond to enquiries from local authorities about the education provided to individual children.
- A duty on local authorities to provide support to home educated families if requested by such families.

**The Committee’s view is that a statutory register serving to more consistently identify children outside of school is absolutely necessary. This would aim not to remove freedoms from those who are providing an effective education for their families, but to better target support to those who need it.**

Of course, any interventions in this area must seek to balance the state’s responsibilities with regards to children—as [expressed in the UN Convention on the Rights of the Child](#)—with parents’ right to choose the form of education most appropriate for their child.

We take on board the point made during the session that a register on its own would not achieve much. It would need adequate resourcing and a clear purpose, along with sensitive and consistent communication. Indeed, one measure of its success would likely be the extent to which more consistency of support is available to home educating families.

As a [witness put it on 24 November](#), ‘one of the roles of a register is to rule out all those children that you don’t need to have worries about.’ The purpose for any register should

not be to intrude into the lives of those choosing the option to home educate, but instead to ensure that the minority of children who might need further support are able to access it.

I do hope you find the Committee's thoughts helpful.

Best wishes

**Robert Halfon MP**

**Chair of the Education Committee**

## Appendix 2: Fundamental British Values, as defined in Government guidance

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### Fundamental British values

Schools should promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.<sup>1</sup> This can help schools to demonstrate how they are meeting the requirements of section 78 of the Education Act 2002, in their provision of SMSC.

Actively promoting the values means challenging opinions or behaviours in school that are contrary to fundamental British values. Attempts to promote systems that undermine fundamental British values would be completely at odds with schools' duty to provide SMSC. The Teachers' Standards expect teachers to uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school. This includes not undermining fundamental British values.

Through their provision of SMSC, schools should:

- enable students to develop their self-knowledge, self-esteem and self-confidence;
- enable students to distinguish right from wrong and to respect the civil and criminal law of England;
- encourage students to accept responsibility for their behaviour, show initiative, and to understand how they can contribute positively to the lives of those living and working in the locality of the school and to society more widely;
- enable students to acquire a broad general knowledge of and respect for public institutions and services in England;
- further tolerance and harmony between different cultural traditions by enabling students to acquire an appreciation of and respect for their own and other cultures;
- encourage respect for other people; and
- encourage respect for democracy and support for participation in the democratic processes, including respect for the basis on which the law is made and applied in England.

The list below describes the understanding and knowledge expected of pupils as a result of schools promoting fundamental British values.

- an understanding of how citizens can influence decision-making through the democratic process;
- an appreciation that living under the rule of law protects individual citizens and is essential for their wellbeing and safety;

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1 The Prevent strategy 2011: <https://www.gov.uk/government/publications/prevent-strategy-2011>

- an understanding that there is a separation of power between the executive and the judiciary, and that while some public bodies such as the police and the army can be held to account through Parliament, others such as the courts maintain independence;
- an understanding that the freedom to choose and hold other faiths and beliefs is protected in law;
- an acceptance that other people having different faiths or beliefs to oneself (or having none) should be accepted and tolerated, and should not be the cause of prejudicial or discriminatory behaviour; and
- an understanding of the importance of identifying and combatting discrimination.

It is not necessary for schools or individuals to ‘promote’ teachings, beliefs or opinions that conflict with their own, but nor is it acceptable for schools to promote discrimination against people or groups on the basis of their belief, opinion or background.

# Formal minutes

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**Wednesday 21 July 2021**

Members present:

Robert Halfon, in the Chair

Tom Hunt	Ian Mearns
Dr Caroline Johnson	Kate Osborne
Kim Johnson	David Simmonds
David Johnston	Christian Wakeford

Draft Report (*Strengthening Home Education*) proposed by the Chair, brought up and read.

*Ordered*, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 124 read and agreed to.

Two papers were appended to the Report.

Summary agreed to.

*Resolved*, That the Report be the Third Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till 7 September 2021 at 9.30 am

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 24 November 2020

**Jenny Coles**, President, Association of Directors of Children's Services; **Clr Lucy Nethsingha**, Deputy Chair of Children and Young People Board, Local Government Association; **Mrunal Sisodia**, Co-Chair, National Network of Parent Carer Forums; **Jane Lowe**, Trustee, Home Education Advisory Service

[Q1-58](#)

### Tuesday 23 March 2021

**Victor Shafiee**, Deputy Director, Unregistered and Independent Schools, Ofsted; **Mrs Wendy Charles-Warner**, Trustee, Education Otherwise; **Dr Amber Fensham-Smith**, Lecturer in Childhood and Youth Studies, The Open University; **Ellen Collier**, Service Manager, Education Welfare Service, Social Care and Education, Leicester City Council

[Q59-115](#)

### Thursday 29 April 2021

**The Baroness Berridge**, Parliamentary Under Secretary of State for the School System, Department for Education; and **Stephanie Brivio**, Director, Safeguarding and Children's Social Care, Department for Education

[Q704-712](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

HED numbers are generated by the evidence processing system and so may not be complete.

- 1 ACERT (Advisory Council for the Education of Romany & other Travellers) ([HED0371](#))
- 2 ADF International (UK) ([HED0866](#))
- 3 Adoption UK ([HED0096](#))
- 4 Allan, Mrs Anna ([HED0611](#))
- 5 Allen FRCS, Mr John ([HED0232](#))
- 6 Ambitious about Autism ([HED0708](#))
- 7 Andreyev, Mrs Kate ([HED0139](#))
- 8 Applewhite, Foster ([HED0631](#))
- 9 Ashby, Mr Greg ([HED0153](#))
- 10 Association for Education Welfare Management ([HED0095](#))
- 11 Association of Elective Home Education Professionals ([HED0994](#))
- 12 Association of School and College Leaders ([HED0723](#))
- 13 Barnard, Kate ([HED0062](#))
- 14 Bas, Mr Pete Le ([HED0649](#))
- 15 Bayes, Dr Jonathan (UK Director, Carey Outreach Ministries) ([HED0115](#))
- 16 Bazlinton, Dr Richard ([HED0475](#))
- 17 Billingham Baptist Church ([HED0319](#))
- 18 Black ([HED0369](#))
- 19 Boere ([HED0082](#))
- 20 Bowie, Mrs Alison ([HED0158](#))
- 21 Brady ([HED0141](#))
- 22 Brown, Dr Rachel (Senior Clinical Psychologist, Second Step) ([HED0353](#))
- 23 Brown, Helen ([HED0978](#))
- 24 Brown, Hollie ([HED0373](#))
- 25 Brown, Mrs Sharon ([HED0323](#))
- 26 Bull, Deborah ([HED0934](#))
- 27 Burrows, Mrs Emma ([HED0073](#))
- 28 Butler, Mrs Ailve (Full time mum and home educator, Home) ([HED0192](#))
- 29 CLOSER (UCL Social Research Institute) ([HED0679](#))
- 30 Cailles, Matthew ([HED0397](#))
- 31 Carson, ([HED0620](#))
- 32 Carter, ([HED0059](#))
- 33 Carter, Mr Simon ([HED0103](#))

- 34 Central Bedfordshire Council ([HED0401](#))
- 35 Centre for Social Justice ([HED0710](#))
- 36 Centre for Social Mobility ([HED0743](#))
- 37 Chalkley, H ([HED0505](#))
- 38 Chalkley, S ([HED0601](#))
- 39 Charles, Ms Ann ([HED0588](#))
- 40 Charles, Rosemary ([HED0086](#))
- 41 Charles-Warner, Mrs Wendy ([HED1000](#))
- 42 Children's Commissioner for England ([HED0970](#))
- 43 Chime, Jenny ([HED0930](#))
- 44 Chin, Mrs Kylie ([HED0983](#))
- 45 Chin, Mrs Kylie ([HED0663](#))
- 46 Christian Concern; and Christian Legal Centre ([HED0384](#))
- 47 Christian Education Europe Ltd ([HED0748](#))
- 48 Christian Home Educators UK ([HED0453](#))
- 49 Christian Peoples Alliance ([HED0120](#))
- 50 Christian Values in Education ([HED0883](#))
- 51 Clarkson, Penny ([HED0081](#))
- 52 Cleasby, Mrs Susan ([HED0843](#))
- 53 Close, Mrs Sarah ([HED0183](#))
- 54 Communication and Learning Enterprises Limited (Candle) ([HED0447](#))
- 55 Contact ([HED0689](#))
- 56 Couch, Mr. Patrick ([HED0104](#))
- 57 Crossley ([HED0774](#))
- 58 Cudmore, Mrs Sarah (Ex Headteacher, Creator of Homeschool App Collage, Homegrown Learning Ltd) ([HED0040](#))
- 59 Department for Education ([HED0987](#))
- 60 Derbyshire County Council ([HED0609](#))
- 61 Devon County Council ([HED0602](#))
- 62 Dobson, Mr Swithun ([HED0053](#))
- 63 Doggrell, Mr James (Senior Tax Manager, EY) ([HED0126](#))
- 64 Donoghue, Mrs Helen ([HED0269](#))
- 65 Double, Mr Steve (Member of Parliament, UK Parliament) ([HED0385](#))
- 66 Dunn ([HED0789](#))
- 67 Dunn, Mrs Joanna ([HED0731](#))
- 68 Dyson, Mr; and Dyson, Mrs ([HED0343](#))
- 69 Ealing Local Authority ([HED0693](#))
- 70 Eastwood, Mrs Christina Anne ([HED0174](#))

- 71 Education Otherwise ([HED0063](#))
- 72 Education and Children's Services Group of Prospect ([HED0441](#))
- 73 Educational Freedom ([HED0050](#)), ([HED0995](#)) and ([HED0999](#))
- 74 Edwards, Rev Joel (Vicar, Church of England) ([HED0138](#))
- 75 Elston, Mr Chris (Retired Teacher, London Borough of Croydon; Subsequent Overseas Posts) ([HED0214](#))
- 76 Emerson, Mrs Clare ([HED0020](#))
- 77 Errington, Mrs Dawn ([HED0177](#))
- 78 Essex County Council ([HED0241](#))
- 79 Evangelical Alliance UK ([HED0686](#))
- 80 Evans ([HED0031](#))
- 81 Family Education Trust ([HED0387](#))
- 82 Faregos Home Education (Exams + Tuition) CIC ([HED0089](#))
- 83 Farmer, Mrs Ann ([HED0184](#))
- 84 Feerick, Mr Patrick ([HED0261](#))
- 85 Fensham-Smith, Dr Amber (Lecturer in Childhood and Youth Studies, The Open University) ([HED0917](#))
- 86 Field, Mr Graham ([HED0123](#))
- 87 Field, Mr Nathan (Manager, Homeschool Global UK) ([HED0828](#))
- 88 Fisher, Mr Richard ([HED0171](#))
- 89 Forster, Catherine ([HED0624](#))
- 90 Foster, Richard (Financial Controller, Centrica Storage Limited); and Foster, Mrs Naomi (Homeschooling Mum, Foster Household) ([HED0110](#))
- 91 Fulford, Aly ([HED0673](#))
- 92 Gardner, Mrs Fiona ([HED0519](#))
- 93 Gateshead Council ([HED0334](#))
- 94 Goddard, Mr Stephen ([HED0230](#))
- 95 Graham, Rachel ([HED0046](#))
- 96 Greer, Ms Morag ([HED0047](#))
- 97 Gregg, Mrs Sarah ([HED0060](#))
- 98 HSLDA ([HED0130](#))
- 99 Hall, Gillian ([HED0267](#))
- 100 Hall, Mrs Rachel ([HED0374](#))
- 101 Hames, Mr Ian (Education Coordinator (Special Further Education), Sense) ([HED0198](#))
- 102 Hampshire County Council ([HED0227](#))
- 103 Harding, Mrs Colette ([HED0229](#))
- 104 Hardy, Mr Randall; and Hardy, Mrs Mary ([HED0717](#))
- 105 Harris ([HED0314](#))
- 106 Harris, Ms Jill ([HED0863](#))

- 107 Haslam, Mrs Claire (Principal Planning Policy Officer, Local government) ([HED0669](#))
- 108 Hawkins, Stephanie ([HED0963](#))
- 109 Hayhow, Rev. Stephen (Minister, Emmanuel Church) ([HED0012](#))
- 110 Head, Rev Philip (Chaplain, Christian Church) ([HED0190](#))
- 111 Herring, Mrs. Ioana (Information Assistant University of York, Home Educator) ([HED0443](#))
- 112 Hien, Mrs ([HED0289](#))
- 113 Hilton, Mrs A ([HED0508](#))
- 114 Hodgson, Mrs Zena (Home Education Consultant at Home Education SW) ([HED0570](#))
- 115 Hollick, Mrs J ([HED0542](#))
- 116 Home Education Advisory Service ([HED0727](#))
- 117 Home Education Hertfordshire ([HED0446](#))
- 118 Home Education Scotland ([HED0704](#))
- 119 Home Education UK (peer support community) ([HED0922](#))
- 120 Home Education and Advocacy Hub ([HED0936](#))
- 121 Home Educators' Qualifications Association ([HED0903](#))
- 122 Horley, Ms Mary-Ann ([HED0071](#))
- 123 Hubert, Mr Jeremy ([HED0202](#))
- 124 Huegler, Nathalie ([HED0694](#))
- 125 Humanists UK ([HED0688](#)) and ([HED0998](#))
- 126 Hurst, Mr Julian (Pastor, Milnrow Evangelical Church) ([HED0111](#))
- 127 Hurst, Mrs. Yinka ([HED0445](#))
- 128 Hussaini, Mr Sam ([HED0861](#))
- 129 Independent Provider of Special Education Advice (known as IPSEA) ([HED0737](#))
- 130 Independent Schools Inspectorate ([HED0375](#))
- 131 Inglis, Melanie (Home educator, Member of Cambridge Home Educating Families) ([HED0687](#))
- 132 Jessiman, Revd Tim (Clerk in Holy Orders, Church of England) ([HED0176](#))
- 133 Jordan, C ([HED0927](#))
- 134 Jordan, Vicki ([HED0636](#))
- 135 Kahn, Dr Peter ([HED0002](#))
- 136 Kent County Council ([HED0776](#))
- 137 Kerbirou, Ms Louise ([HED0049](#))
- 138 Kilner, Gill ([HED0284](#))
- 139 King, Gideon ([HED0706](#))
- 140 King, M ([HED0732](#))
- 141 Kirby, Mrs J ([HED0327](#))
- 142 Knox, Mrs Gill (Retired Headteacher, Governor of Hawkhurst CE Primary School and governor of Cranbrook Grammar School) ([HED0108](#))

- 143 Kobayashi, Mrs ([HED0555](#))
- 144 Kock, Kruger De ([HED0523](#))
- 145 Lakey, K ([HED0097](#))
- 146 Layton-Wood, Joshua (Data Engineer, DeadHappy) ([HED0396](#))
- 147 Lee ([HED0054](#))
- 148 Leicester City Council ([HED0295](#))
- 149 Lepley, Holly ([HED0348](#))
- 150 Ling, May ([HED0606](#))
- 151 Linton-Ford, Mr Chris ([HED0194](#))
- 152 Local Government Association ([HED0330](#))
- 153 London Borough of Hillingdon ([HED0746](#))
- 154 London Borough or Camden ([HED0730](#))
- 155 London Councils ([HED0412](#))
- 156 London, Mrs Hannah ([HED0025](#))
- 157 Longia, Kerry ([HED0030](#))
- 158 Lowther, Sally ([HED0029](#))
- 159 Manwell, Mr Peter (Alumni Administrator , Charis Bible College) ([HED0070](#))
- 160 Markham, Mrs R ([HED0222](#))
- 161 McClinton, Mr. Samuel Ivor (retired umiversity Senior Lecturer, Ulster University (Jordanstown campus)) ([HED0221](#))
- 162 McDougall, Sean ([HED0992](#))
- 163 McKenzie, Dr. ([HED0228](#))
- 164 Mear, Philip ([HED0164](#))
- 165 Member of the public ([HED0444](#))
- 166 Member of the public ([HED0977](#))
- 167 Member of the public ([HED0979](#))
- 168 Member of the public ([HED0981](#))
- 169 Member of the public ([HED0813](#))
- 170 Member of the public ([HED0837](#))
- 171 Member of the public ([HED0576](#))
- 172 Member of the public ([HED0579](#))
- 173 Member of the public ([HED0592](#))
- 174 Member of the public ([HED0597](#))
- 175 Member of the public ([HED0599](#))
- 176 Member of the public ([HED0615](#))
- 177 Member of the public ([HED0644](#))
- 178 Member of the public ([HED0667](#))
- 179 Member of the public ([HED0565](#))

- 180 Member of the public ([HED0563](#))
- 181 Member of the public ([HED0558](#))
- 182 Member of the public ([HED0527](#))
- 183 Member of the public ([HED0497](#))
- 184 Member of the public ([HED0988](#))
- 185 Member of the public ([HED0984](#))
- 186 Member of the public ([HED0965](#))
- 187 Member of the public ([HED0941](#))
- 188 Member of the public ([HED0938](#))
- 189 Member of the public ([HED0926](#))
- 190 Member of the public ([HED0846](#))
- 191 Member of the public ([HED0812](#))
- 192 Member of the public ([HED0657](#))
- 193 Member of the public ([HED0552](#))
- 194 Member of the public ([HED0003](#))
- 195 Member of the public ([HED0005](#))
- 196 Member of the public ([HED0007](#))
- 197 Member of the public ([HED0015](#))
- 198 Member of the public ([HED0016](#))
- 199 Member of the public ([HED0061](#))
- 200 Member of the public ([HED0114](#))
- 201 Member of the public ([HED0124](#))
- 202 Member of the public ([HED0151](#))
- 203 Member of the public ([HED0154](#))
- 204 Member of the public ([HED0168](#))
- 205 Member of the public ([HED0181](#))
- 206 Member of the public ([HED0210](#))
- 207 Member of the public ([HED0213](#))
- 208 Member of the public ([HED0217](#))
- 209 Member of the public ([HED0226](#))
- 210 Member of the public ([HED0235](#))
- 211 Member of the public ([HED0258](#))
- 212 Member of the public ([HED0259](#))
- 213 Member of the public ([HED0265](#))
- 214 Member of the public ([HED0288](#))
- 215 Member of the public ([HED0303](#))
- 216 Member of the public ([HED0044](#))
- 217 Member of the public ([HED0300](#))

- 218 Member of the public ([HED0347](#))
- 219 Member of the public ([HED0410](#))
- 220 Member of the public ([HED0424](#))
- 221 Member of the public ([HED0448](#))
- 222 Member of the public ([HED0484](#))
- 223 Member of the public ([HED0491](#))
- 224 Member of the public ([HED0745](#))
- 225 Member of the public ([HED0797](#))
- 226 Member of the public ([HED0944](#))
- 227 Member of the public ([HED0945](#))
- 228 Member of the public ([HED0972](#))
- 229 Member of the public ([HED0975](#))
- 230 Member of the public ([HED0974](#))
- 231 Member of the public ([HED0966](#))
- 232 Member of the public ([HED0918](#))
- 233 Member of the public ([HED0915](#))
- 234 Member of the public ([HED0904](#))
- 235 Member of the public ([HED0896](#))
- 236 Member of the public ([HED0876](#))
- 237 Member of the public ([HED0862](#))
- 238 Member of the public ([HED0857](#))
- 239 Member of the public ([HED0830](#))
- 240 Member of the public ([HED0829](#))
- 241 Member of the public ([HED0827](#))
- 242 Member of the public ([HED0826](#))
- 243 Member of the public ([HED0823](#))
- 244 Member of the public ([HED0821](#))
- 245 Member of the public ([HED0816](#))
- 246 Member of the public ([HED0811](#))
- 247 Member of the public ([HED0805](#))
- 248 Member of the public ([HED0804](#))
- 249 Member of the public ([HED0802](#))
- 250 Member of the public ([HED0792](#))
- 251 Member of the public ([HED0786](#))
- 252 Member of the public ([HED0784](#))
- 253 Member of the public ([HED0781](#))
- 254 Member of the public ([HED0777](#))
- 255 Member of the public ([HED0772](#))

- 256 Member of the public ([HED0771](#))
- 257 Member of the public ([HED0769](#))
- 258 Member of the public ([HED0766](#))
- 259 Member of the public ([HED0765](#))
- 260 Member of the public ([HED0763](#))
- 261 Member of the public ([HED0749](#))
- 262 Member of the public ([HED0738](#))
- 263 Member of the public ([HED0246](#))
- 264 Member of the public ([HED0244](#))
- 265 Member of the public ([HED0238](#))
- 266 Member of the public ([HED0211](#))
- 267 Member of the public ([HED0180](#))
- 268 Member of the public ([HED0175](#))
- 269 Member of the public ([HED0159](#))
- 270 Member of the public ([HED0140](#))
- 271 Member of the public ([HED0093](#))
- 272 Member of the public ([HED0088](#))
- 273 Member of the public ([HED0078](#))
- 274 Member of the public ([HED0065](#))
- 275 Member of the public ([HED0045](#))
- 276 Member of the public ([HED0036](#))
- 277 Member of the public ([HED0026](#))
- 278 Member of the public ([HED0024](#))
- 279 Member of the public ([HED0022](#))
- 280 Member of the public ([HED0013](#))
- 281 Member of the public ([HED0835](#))
- 282 Member of the public ([HED0842](#))
- 283 Member of the public ([HED0847](#))
- 284 Member of the public ([HED0849](#))
- 285 Member of the public ([HED0851](#))
- 286 Member of the public ([HED0859](#))
- 287 Member of the public ([HED0873](#))
- 288 Member of the public ([HED0882](#))
- 289 Member of the public ([HED0895](#))
- 290 Member of the public ([HED0901](#))
- 291 Member of the public ([HED0914](#))
- 292 Member of the public ([HED0916](#))
- 293 Member of the public ([HED0923](#))

- 294 Member of the public ([HED0925](#))
- 295 Member of the public ([HED0935](#))
- 296 Member of the public ([HED0942](#))
- 297 Member of the public ([HED0952](#))
- 298 Member of the public ([HED0964](#))
- 299 Member of the public ([HED0982](#))
- 300 Member of the public ([HED0985](#))
- 301 Member of the public ([HED0989](#))
- 302 Member of the public ([HED0254](#))
- 303 Member of the public ([HED0262](#))
- 304 Member of the public ([HED0264](#))
- 305 Member of the public ([HED0266](#))
- 306 Member of the public ([HED0281](#))
- 307 Member of the public ([HED0282](#))
- 308 Member of the public ([HED0283](#))
- 309 Member of the public ([HED0291](#))
- 310 Member of the public ([HED0297](#))
- 311 Member of the public ([HED0304](#))
- 312 Member of the public ([HED0328](#))
- 313 Member of the public ([HED0331](#))
- 314 Member of the public ([HED0335](#))
- 315 Member of the public ([HED0344](#))
- 316 Member of the public ([HED0361](#))
- 317 Member of the public ([HED0366](#))
- 318 Member of the public ([HED0390](#))
- 319 Member of the public ([HED0403](#))
- 320 Member of the public ([HED0408](#))
- 321 Member of the public ([HED0421](#))
- 322 Member of the public ([HED0422](#))
- 323 Member of the public ([HED0440](#))
- 324 Member of the public ([HED0449](#))
- 325 Member of the public ([HED0467](#))
- 326 Member of the public ([HED0474](#))
- 327 Member of the public ([HED0482](#))
- 328 Member of the public ([HED0483](#))
- 329 Member of the public ([HED0485](#))
- 330 Member of the public ([HED0493](#))
- 331 Member of the public ([HED0494](#))

- 332 Member of the public ([HED0498](#))
- 333 Member of the public ([HED0522](#))
- 334 Member of the public ([HED0526](#))
- 335 Member of the public ([HED0529](#))
- 336 Member of the public ([HED0533](#))
- 337 Member of the public ([HED0559](#))
- 338 Member of the public ([HED0574](#))
- 339 Member of the public ([HED0577](#))
- 340 Member of the public ([HED0578](#))
- 341 Member of the public ([HED0581](#))
- 342 Member of the public ([HED0583](#))
- 343 Member of the public ([HED0593](#))
- 344 Member of the public ([HED0608](#))
- 345 Member of the public ([HED0613](#))
- 346 Member of the public ([HED0614](#))
- 347 Member of the public ([HED0630](#))
- 348 Member of the public ([HED0668](#))
- 349 Member of the public ([HED0705](#))
- 350 Member of the public ([HED0712](#))
- 351 Member of the public ([HED0724](#))
- 352 Member of the public ([HED0733](#))
- 353 Member of the public ([HED0690](#))
- 354 Member of the public ([HED0504](#))
- 355 Member of the public ([HED0512](#))
- 356 Member of the public ([HED0633](#))
- 357 Member of the public ([HED0655](#))
- 358 Member of the public ([HED0681](#))
- 359 Mercer, Mr ([HED0625](#))
- 360 Metcalfe, Mr Joshua (Electrician, Josh Metcalfe Electrical) ([HED0249](#))
- 361 Metcalfe, Mrs Sally ([HED0298](#))
- 362 Mitchell, Philippa ([HED0034](#))
- 363 Mohammad, Ms Ozma ([HED0263](#))
- 364 Monk, Professor Daniel (Professor of Law, Birkbeck, University of London) ([HED0286](#))
- 365 Monteiro, Mrs K ([HED0204](#))
- 366 Morrell, Mrs Eleanor ([HED0544](#))
- 367 Morrison ([HED0212](#))
- 368 Murphy, Rev. Christopher Campbell (Associate Minister, Christ Church, Barnston with St. Michael's, Penbsy (Church of England)) ([HED0150](#))

- 369 Mussell, Mr Stephen (Photographer, NiceSmile Ltd) ([HED0187](#))
- 370 NAHT ([HED0399](#))
- 371 Nash, Mrs Gemma ([HED0253](#))
- 372 National Association for Hospital Education ([HED0087](#))
- 373 National Autistic Society ([HED0378](#))
- 374 National Children's Bureau ([HED0729](#))
- 375 National Children's Bureau; NSPCC; Ambitious about Autism; The Children's Society; and The Royal College of Paediatrics and Child Health ([HED0734](#))
- 376 National Network of Designated Healthcare Professionals for Children (NNDHP) ([HED0997](#))
- 377 National Network of Parent Carer Forums ([HED0968](#))
- 378 Neville-Taylor, Miss Sophie ([HED0363](#))
- 379 Newby, Mister Alexander Joseph ([HED0342](#))
- 380 Neylon, Mrs Amy (Nature Friendly Schools Education Officer, The Lancashire Wildlife Trust) ([HED0720](#))
- 381 Nicholls, Mrs Jemma ([HED0322](#))
- 382 Nicholson, Ms Fiona (Home Education Consultant , Edyourselves <http://edyourselves.org/>) ([HED0640](#))
- 383 No More Exclusions ([HED0383](#))
- 384 Norfolk County Council ([HED0431](#))
- 385 Not Fine in School ([HED0714](#))
- 386 Nottingham City Council ([HED0605](#))
- 387 Nottinghamshire County Council ([HED0639](#))
- 388 Oakbrook Community Farm, Stroud, Gloucestershire; and Hawthorn Press ([HED0039](#))
- 389 Office of the Schools Adjudicator ([HED0129](#))
- 390 Ofsted ([HED0703](#))
- 391 Oldfield, Mrs Tracy ([HED0683](#))
- 392 Parentkind ([HED0416](#))
- 393 Peach, Mr. Michael ([HED0109](#))
- 394 Pearce, Kate ([HED0458](#))
- 395 Pearson ([HED0770](#))
- 396 Pietersz, Graeme (Partner, Code and More LLP) ([HED0339](#))
- 397 Pike, Lucy ([HED0598](#))
- 398 Pimlott, Jemma ([HED0961](#))
- 399 Pirrie, Miss Ellie (Policy and Research Assistant, NSPCC) ([HED0960](#))
- 400 Pointon, Yvette ([HED0962](#))
- 401 Portsmouth Home Education Group ([HED0325](#))
- 402 Prentice, Mark (Church of England Minister, Anglican Church) ([HED0116](#))
- 403 Price, Mrs Hope (Registered Nurse, Friends of Fairford & Lechlade Nurses) ([HED0165](#))

- 404 Quail, Dr Michael (Consultant Paediatric Cardiologist, Great Ormond Street Hospital for Children, London.) ([HED0197](#))
- 405 Quintanilla, Sally ([HED0125](#))
- 406 RACKHAM PATHFINDER ([HED0520](#))
- 407 Ratcliffe, Mrs ([HED0398](#))
- 408 Reeves, Mrs Esther ([HED0697](#))
- 409 Richardson, Mrs Jayne ([HED0898](#))
- 410 Robinson, Ben ([HED0132](#))
- 411 Rodgers, Mrs Karen ([HED0676](#)) and ([HED0959](#))
- 412 Roma Support Group ([HED0768](#))
- 413 Rotherham Metropolitan Borough Council ([HED0405](#))
- 414 Rowell, Mr Andrew (Pastor, Grace Evangelical Church) ([HED0105](#))
- 415 Russell, A ([HED0019](#))
- 416 Ryan, Dr ([HED0406](#))
- 417 Salford City Council ([HED0600](#))
- 418 Sansbury, Dr Francis ([HED0617](#))
- 419 Sauer, Mrs Alison (Advocate) ([HED0695](#))
- 420 Schoolhouse SCIO ([HED0564](#))
- 421 Scottish Home Education Forum ([HED0094](#))
- 422 Seidler, Mrs Rowina ([HED0841](#))
- 423 Sharp, Kate ([HED0010](#))
- 424 Sharry, Mrs ([HED0056](#))
- 425 Simister, James ([HED0996](#))
- 426 Simpson Millar ([HED0957](#))
- 427 Skillen, Ms Jennifer (Owner and moderator, he-special.org.uk); and Noone ([HED0759](#))
- 428 Slack, Dr Roger (Chairman (voluntary), Christian Home Education Support Society) ([HED0450](#))
- 429 Smith, Mrs Polly ([HED0075](#))
- 430 Smithee, Mr ([HED0678](#))
- 431 Sonne, Mr Michael ([HED0131](#))
- 432 South Gloucestershire Council ([HED0423](#))
- 433 South Manchester Natural Parenting Group & Sling Library ([HED0313](#))
- 434 Southend borough council ([HED0787](#))
- 435 Special Educational Consortium ([HED0990](#))
- 436 Spencer, Mrs F ([HED0280](#))
- 437 Spriddle, Ms Julie ([HED0368](#))
- 438 SPUC Safe in School ([HED0864](#))
- 439 Staffordshire County Council ([HED0425](#))

- 440 Steward PhD, Alison ([HED0518](#))
- 441 Stockport Council ([HED0468](#))
- 442 Strange, Mrs Fennie ([HED0234](#))
- 443 Sudbury, Ms Gigi ([HED0067](#)) and ([HED0068](#))
- 444 Suitable Education ([HED0780](#))
- 445 Sweetland, Dr Joanna (occupational therapist / co-director of Streams Education, private consultant OT & researcher / Streams Education Ltd) ([HED0349](#))
- 446 Taunton Home Education ([HED0432](#))
- 447 Taylor, Mr ([HED0035](#))
- 448 Taylor, Mrs Fiona ([HED0351](#))
- 449 Taylor, Neil ([HED0433](#))
- 450 Taylor, Professor Stephen (University Professor, University of Liverpool) ([HED0172](#))
- 451 Telford and Wrekin Council ([HED0666](#))
- 452 The Association of Directors of Children's Services ([HED0956](#))
- 453 The Centre for Personalised Education ([HED0643](#))
- 454 The Centre for Personalised Education; and Elective Home Education Association ([HED0993](#))
- 455 The Centre for Self Managed Learning ([HED0037](#))
- 456 The Christian Institute ([HED0761](#))
- 457 The European Academy for Christian Homeschooling ([HED0618](#))
- 458 The Geshereu Support Network (Geshereu) ([HED0163](#))
- 459 The Home Education Hub ([HED0969](#))
- 460 The Open University ([HED0674](#))
- 461 The Otherwise Club ([HED0395](#))
- 462 The Traveller Movement ([HED0380](#))
- 463 Thompson ([HED0320](#))
- 464 Thomson, Mrs Hilary (Housewife/former secondary school teacher, My home and family) ([HED0287](#))
- 465 Thorpe, Mrs ([HED0865](#))
- 466 Trafford, Dr Bernard ([HED0372](#))
- 467 Trump, Mrs Ruth ([HED0638](#))
- 468 Tutors & Exams ([HED0057](#))
- 469 UK Unschooling Network ([HED0415](#))
- 470 UNICEF UK ([HED0434](#))
- 471 Venables, Mr Philip ([HED0127](#))
- 472 Voice for Justice UK; and ParentPower ([HED0169](#))
- 473 Walker, Pastor Jeremy (Pastor, Maidenbower Baptist Church) ([HED0107](#))
- 474 Wallwork, Mrs ([HED0191](#))
- 475 Walsh, Mr Andrew ([HED0407](#))

- 476 Ward, Mrs Jane ([HED0670](#))
- 477 Warwickshire County Council ([HED0426](#))
- 478 Weiss, H ([HED0470](#))
- 479 Wey Education Plc ([HED0278](#))
- 480 Whitehouse ([HED0376](#))
- 481 Whyman, Mrs Nichola ([HED0627](#))
- 482 Wiggett, Mr Graham; and Wiggett, Mrs Pauline ([HED0315](#))
- 483 Williams ([HED0248](#))
- 484 Williams, Ms Willo ([HED0646](#))
- 485 Williamson, ([HED0524](#))
- 486 Windross, Kate ([HED0696](#))
- 487 Woodrow, Mrs ([HED0076](#))
- 488 Youth Justice Board ([HED0976](#))

# List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the publications page of the Committee's website.

## Session 2021–22

Number	Title	Reference
1st Report	The forgotten: how White working-class pupils have been let down, and how to change it	HC 85
2nd Report	Appointment of the Chief Regulator of Ofqual	HC 512

## Session 2019–21

Number	Title	Reference
1st Report	Getting the grades they've earned: Covid-19: the cancellation of exams and 'calculated' grades	HC 617
2nd Report	Appointment of the Children's Commissioner for England	HC 1030
3rd Report	A plan for an adult skills and lifelong learning revolution	HC 278
4th Report	Appointment of the Chair of the Office for Students	HC 1143
1st Special Report	Special Educational Needs and Disabilities: Government Response to the Committee's First Report of Session 2019	HC 668
2nd Special Report	Getting the grades they've earned: COVID-19: the cancellation of exams and 'calculated' grades: Response to the Committee's First Report	HC 812
3rd Special Report	A plan for an adult skills and lifelong learning revolution: Government Response to the Committee's Third Report	HC 1310