



House of Commons

Children, Schools and Families
Committee

The Review of Elective Home Education

Second Report of Session 2009–10

Report, together with formal minutes

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The Children, Schools and Families Committee

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

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Summary

Parents have a duty to provide their child with an education suitable to the child's age and ability. One way in which parents can fulfil this duty is to home educate their child. Estimates suggest that there are now somewhere between 45,000 and 150,000 home educated children in England.

The question of if and how home education should be regulated has been the subject of a series of consultations and research studies commissioned by the Department, which has culminated in the Badman review.

Debate has centred on the tension between, on the one hand, the absence of prescription in relation to home education and the ability of home educating families to refuse contact with their local authority, and, on the other, the duty on local authorities to ensure that every child in their area is receiving a suitable education.

Much of the controversy surrounding the Badman Report concerns its recommendation that registration and monitoring be introduced for home educating families, recommendations that the Department has taken forward through the Children, Schools and Families Bill.

What has been striking about the Badman review is the dearth of information on home educated children in England, not least basic data about the number of these children. Research to establish baseline data for home educated children, especially regarding the outcomes of home education, is much needed. This work should plug the gap in the existing research evidence, which has not reflected fully the profile of home educating families.

We suggest that local authorities need improved means of identifying and differentiating between the children in their area who are in school, who are being home educated, and who are otherwise not in school. We also take the view that parental responsibility in relation to the provision of home education should be strengthened.

We therefore support the proposals to introduce annual registration for home educating families. In view of the concerns expressed by home educators about compulsory registration, we suggest that registration should be voluntary. Any registration system should be accompanied by better information sharing between local authorities, Her Majesty's Revenue and Customs and other agencies—including NHS trusts and police forces—to help identify which children are in school, which are being educated at home, and which are in neither category. The success of a voluntary registration system and improved information sharing should be reviewed after two years. If it has not met expectations, we believe that a system of compulsory registration would need to be introduced. Much of the Badman Report was about dramatically improving the help and support local authorities provide to home educated children, and we welcome this emphasis on the benefits of registering as home educators.

We also believe that home educating families should provide some form of statement of their intended approach to their child's education. We believe that these requirements

should be supplemented by meetings between home educating families and local authority officers on at least an annual basis. These measures also need to be underpinned by a more precise definition of what constitutes a “suitable” education. The definition should not undermine the flexibility that home education currently offers, but, in combination with these other measures, must better equip local authority officers to address instances of home education where there is little prospect of the child in question gaining basic skills efficiently or getting a broader education.

Where we believe that the Badman Report and the proposals in the Children, Schools and Families Bill run into difficulty is in their conflation of education and safeguarding matters.

We are disappointed at the less than robust evidence base that the Badman Report and the Department have presented with regard to the relative safeguarding risk to school and home educated children. Furthermore, we suggest that existing safeguarding legislation is the appropriate mechanism for the purpose of safeguarding and promoting the welfare of home educated children, and that the proposed addition of annual visits would offer little direct safeguarding benefit over and above this. In our recommendations we have strongly discouraged the notion that local authority home education teams should be given a more overt safeguarding role.

Key to local authorities being able to work more effectively with home educating families will be the ability to offer suitably resourced support and services. The effectiveness of more robust arrangements for monitoring home education provision will rest on the knowledge and skills of local authority officers. We do not believe that the Department has paid sufficient attention to these areas, and we question the estimates that it has put forward regarding the cost of the registration and monitoring and support-related recommendations contained in the Badman Report. In particular, we fear that the Department underestimates the training needs of local authority officers.

The way in which the Department has handled the Badman review has been unfortunate—from the way in which it framed the review, through to its drafting of legislation prior to publication of the related consultation findings. We trust that the Department will learn from this episode as it takes forward other such reviews in future.

1 Introduction

1. In England, education is compulsory, schooling is not. Parents have a duty to educate their child in a manner appropriate to the child's age, ability and aptitude and to any special educational needs that the child may have, either through regular attendance at school or otherwise.¹ Within this framework one option open to families is to home educate their child.

2. There are currently no definitive data on the number of children who are home educated in England. The lower estimate is 45,000; higher estimates are 80,000 and 150,000.² This compares to the 7.3 million children currently attending maintained primary, secondary and special schools in England,³ though the number of home educated children is believed to be growing steadily.⁴ The 80,000 estimate already represents the equivalent of 1% of the school-age population.

3. On the basis of international comparisons, the current legislative framework for home education in England is relatively permissive.⁵ The case law definitions of a suitable education cited in the Department's 2007 guidelines on home education are only loosely worded, while those same guidelines emphasise the freedoms that home educators have in designing their education provision. Home educating parents are not required to, for example, teach the National Curriculum or otherwise provide a broad and balanced education. They need not set hours during which education will take place, or give formal lessons. They are not obliged to assess formally their child's progress or set development objectives for them. They are similarly not obliged to reproduce school-type peer group socialisation for their child.⁶

4. It is also the case that home educating families are not required to have any ongoing contact with their local authority in relation to their child's education.

5. At the same time, local authorities are under a duty to act where it appears that a child is not receiving a suitable education. Home education remains an anomaly as regards the safeguarding duties of local authorities (see pages 16 and 22–24 of this report).

6. It is within this context that some local authorities and others have raised concerns about the ability of local authorities to fulfil what they understand to be their responsibilities in relation to home educated children. They claim that, as there are no specific requirements on home education provision, and as contact with the local authority is voluntary, they have no real means of assuring themselves as to the education or welfare of home educated children, or, indeed, of identifying those children in the first place. Some home educators

¹ Section 7, Education Act 1996.

² e.g. see Hopwood et al, *The Prevalence of Home Education in England: a feasibility study*, DCSF Research Report, 2007, paragraph 1.8.

³ DCSF, *Pupil Characteristics and Class Sizes in Maintained Schools in England: January 2008 (Provisional)*, April 2008.

⁴ Monk, D., 'Problematising home education: challenging 'parental rights' and 'socialisation'', *Legal Studies*, 2004.

⁵ e.g. INCA (International Review of Curriculum and Assessment Frameworks Internet Archive), country profiles, www.inca.org.uk. See also, Ev 4–5, paragraphs 31–34 (DCSF)

⁶ DCSF, *Elective Home Education Guidelines for Local Authorities*, 2007, paragraphs 2.3, 3.13.

have, in addition, continued to point out the poor levels of support that they receive from their local authority in terms of access to services.⁷ These concerns persist despite the Department having initiated a series of consultations and research linked to home education, including in relation to the aforementioned guidelines.⁸

7. This prompted the Department to commission an independent review of elective home education in England, which was undertaken by Mr Graham Badman, former Managing Director of the Children, Families and Education Directorate for Kent County Council. The review was announced in January 2009. It was asked to investigate:

- the barriers to local authorities/other public agencies in carrying out their responsibilities for safeguarding home educated children;
- the extent to which claims of home education could be used as a ‘cover’ for child abuse such as neglect, forced marriage, sexual exploitation or domestic servitude;
- whether local authorities are providing the right type, level and balance of support to home educating families; and
- whether any changes to the current regime for monitoring the standard of home education are needed to support the work of parents, local authorities and other partners in ensuring that all children achieve the Every Child Matters outcomes.⁹

The review gathered evidence through a literature review, consideration of existing law and guidance, and interviews and consultations with key stakeholders.

8. The review Report—*Report to the Secretary of State on the Review of Elective Home Education in England* (the Badman Report)—was published in June 2009. While its recommendations have been broadly welcomed by some, including local authorities and children’s organisations, they have been subject to strong criticism in other quarters, including from home educators and academics. The most controversial recommendations are those concerned with registration and monitoring. These include the call to introduce: compulsory annual registration; annual home visits by local authority officers; a right for local authority officers to interview a child away from the child’s parents where this was deemed appropriate; a right for local authorities to refuse or revoke registration on safeguarding grounds; a requirement on home educating families to submit each year a statement of educational approach, intent and desired/planned outcomes; and a revised definition of what constitutes a “suitable” education.

9. Many home educating families regard these recommendations as unnecessary given existing safeguarding legislation. They believe that the recommendations undermine the principle of innocent until proven guilty, and allow the state an unprecedented intrusion

⁷ See, Ev 2, paragraphs 6–9 (DCSF)

⁸ In 2004 the DfES consulted on the draft *Elective Home Education Guidelines*. These were then shelved and then re-issued in 2005 for full public consultation once again. The guidelines were published in 2007. In 2006 the DfES commissioned the research report *The Prevalence of Home Education in England: a feasibility study*. The aims of the study were to assess the possibility of determining the prevalence of home education in England, and to gather information on the characteristics of home educated children, the reasons why parents elect to home educate, and the methods they use. In 2008 the DCSF consulted on the draft *Guidance on Identifying Children Missing an Education*, published 2009.

⁹ Badman Report, Annex A.

into family life, blurring who has ultimate responsibility for a child—the parent or the state. They fear that the recommendations could undermine ‘autonomous education’, a popular educational approach among home educators, whereby a child learns by following his or her interests and enthusiasms.

10. As well as raising concerns about the robustness of the evidence base presented by the review team for its recommendations, some home educators feel that they have been maligned by what they see as an insinuation in the Report and related comments in the media of a link between home education and children being at risk of harm.

11. The Badman Report also makes a number of recommendations that are intended to improve the support and services that local authorities are able to make available to home educating families, and to facilitate communication between the two parties to this end.

12. Our inquiry considered both the conduct of the review and the recommendations contained in its Report.

13. The Secretary of State announced, on publication of the Badman Report, his intention to take forward the Report’s registration and monitoring recommendations.¹⁰ The Department’s consultation on its proposals closed on 19 October. The Children, Schools and Families Bill, which includes registration and monitoring proposals that are largely in line with the Department’s original plans, was introduced to the House on 19 November. It is not acceptable that the Bill was published before the Department’s analysis of the response to its consultation. The Department still had not completed that analysis when we came to publish our report.

14. In October the Department also published its full response to the Badman Report, where it confirmed that it would take action to improve support for and access to services on the part of home educating families.¹¹

15. We announced our call for evidence on 22 July 2009. By the end of the inquiry we had received nearly 200 written memoranda. We held two oral evidence sessions in October, through which we took evidence from Mr Badman, the Department, current and former home educators (some of whom were involved with local home education groups or national home education charities), local authority representatives, and national children’s organisations. A list of those who submitted written evidence and those who gave oral evidence appears at the end of this report. In addition, as part of the inquiry we held an informal meeting with a number of home educating parents and their children, and another with a group of local authority officers, each of which also informed our report. A note of these meetings can be found at the end of the report.

¹⁰ Secretary of State’s letter to Graham Badman (the Government’s initial response), 11 June 2009. See also, www.hmg.gov.uk/buildingbritainsfuture.aspx.

¹¹ DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

2 Profile of the home educating population

Motivations for home educating

16. The Department’s guidelines on home education note the many and varied reasons why a family might choose to home educate their child. It lists the following “common reasons”:

- distance or access to a local school;
- religious or cultural beliefs;
- philosophical or ideological views;
- dissatisfaction with the system;
- bullying;
- as a short term intervention for a particular reason;
- a child’s unwillingness or inability to go to school;
- special educational needs; and
- parents’ desire for a closer relationship with their children.¹²

We elaborate on this list below.

17. Those home educating families with whom we met as part of our inquiry and those who submitted written evidence gave broadly similar reasons to one another for home educating. A common motivation was concern about the nature of schooling, including the impact of testing on children and children’s learning. These home educators were also attracted to home education as a lifestyle choice and by the flexibility that it offered in terms of educational approaches. Some parents referred to their wish to educate their child in accordance with their family’s religious faith. There were also references to instances where children had been so badly bullied and traumatised by their time at school that they did not feel able to return to a school environment.¹³ The failure of local authorities and schools to meet the needs of children with special educational needs (SEN) is well known to this Committee, and home educating parents frequently raised this issue in their evidence to us.¹⁴ Research suggests that home educated children are twice as likely as school educated children to have statemented SEN—5% as opposed to 2.9%.¹⁵

¹² DCSF, *Elective Home Education Guidelines for Local Authorities*, 2007, paragraph 1.4.

¹³ See, for example, Annex 1.

¹⁴ See, for example, Ev 36–38 (Autism in Mind), Ev 59–61 (Carole Rutherford); EHE 155 (National Autistic Society); Education and Skills Committee, Third Report of Session 2005–06, *Special Educational Needs*, HC 478; Education and Skills Committee, Tenth Report of Session 2006–07, *Special Educational Needs: assessment and funding*, HC 1077.

¹⁵ Hopwood et al, *The Prevalence of Home Education in England: a feasibility study*, 2007, DCSF Research Report, paragraphs 3.22–3.23.

18. The comments of some of the local authority officers with whom we met as part of our inquiry suggested that the failure to obtain a place for the child at the family's preferred school was another reason for a family to choose to home educate. Equally, the decision to home educate might sometimes be taken 'on the spur of the moment', often as a response to difficulties in relation to the child's schooling, difficulties that might or might not be resolvable.¹⁶

19. The officers, along with some home educators, also noted a very different section of the home educating population—those children whose parents were encouraged to de-register them from school by their local authority or school. This was referred to elsewhere as "coerced de-registration".¹⁷ Where local authorities and schools encourage parents to de-register their child from school it is typically as a result of a child's poor school attendance, poor behaviour and/or poor attainment. That schools are held accountable on all three is no doubt part of the explanation for this practice.¹⁸ Local authority officers noted how it was often only once the child had been de-registered that they learnt that the family had previously had no intention to home educate.¹⁹

20. The local authority officers, in addition, discussed the particular implications that home education could have for different sections of the population. For example, two officers noted instances within the Gypsy and Traveller population whereby home educated girls were not being provided with an education after Key Stage 2 (Year 6, age 11).²⁰

Relevant recommendations in the Badman Report

21. Pertinent to those instances where the decision to home educate is taken 'on the spur of the moment', the Badman Report recommends that:

When parents are thinking of deregistering their child/children from school to home educate, schools should retain such pupils on roll for a period of 20 school days so that should there be a change in circumstances, the child could be readmitted to the school (recommendation 1).

At present, a school is required to delete the child's name from its admissions register upon receipt of written notification from the parent that the pupil is receiving education otherwise than at school.²¹ The Department has stated that, in order to meet the above recommendation it intends to make the necessary amendments to the Education (Pupil Registration) (England) Regulations 2006.²²

¹⁶ Q 94 (Ellie Evans); Annex 2

¹⁷ EHE 100, paragraph 1.2.1 (Home Education Research Association)

¹⁸ Q 96 (Ellie Evans)

¹⁹ Annex 2

²⁰ See also, Home Affairs Committee, Sixth Report of Session 2007–08, *Domestic Violence, Forced Marriage and "Honour"-Based Violence*, HC 263, paragraphs 163, 169.

²¹ DCSF, *Elective Home Education Guidelines for Local Authorities*, 2007, paragraph 3.8.

²² DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

22. Some home educating parents interpreted the recommendation as intended to pressurise families *away from* home education. They also pointed to the unease it might cause in the minds of children who were desperate to be removed from school for reasons of bullying.²³ Several of the local authority officers indicated their support for such a ‘cooling-off period’, suggesting that it would help in instances where the problem that prompted the parent to de-register his or her child from school was resolvable—from both the school’s and the parent’s point of view.²⁴

23. We believe that a child who is de-registered from school to be home educated should be nominally kept on his or her school’s roll for 20 school days. This would offer much greater scope for resolving problems where parents had any unease about the prospect of home educating their child. We ask the Department to confirm that the child’s absence from school during the 20 days would be treated as authorised absence.

24. In other respects the Badman Report addresses the issues raised by the highly segmented nature of the home educating population by requiring local authorities to improve existing practice. For example, the Report calls on local authorities to analyse the reasons why families in their area choose to home educate and to use that information to inform the development of their Children and Young People’s Plans (recommendation 3).²⁵ The Department has signalled its intention to take forward this recommendation.²⁶ The Badman Report explicitly calls on the Department to take such action as necessary to prevent local authorities or schools from encouraging parents to de-register their child from school as a means of dealing with behavioural or educational issues (recommendation 15). The aforementioned guidelines already state that schools should not use home education as a means of addressing poor attendance on the part of a child.²⁷ The Department has stated that it will strengthen its guidance on exclusions when that guidance is next revised in 2010.²⁸

25. We welcome the Badman Report’s emphasis on local authorities examining the reasons why families in their area choose to home educate. The Badman Report suggests that local authorities address any issues that this process reveals through their Children and Young People’s Plans. We suggest that this recommendation should be strengthened: where a parent takes the view that a school has failed his or her child and that his or her only option is to withdraw the child from the school there should be an independent assessment of why this was so, with the school asked to respond to the findings of that assessment.

26. The Badman Report is right to recommend that the Department take action to prevent local authorities and schools from encouraging parents of ‘difficult’ pupils to

²³ e.g. see, EHE 20, paragraph 2.4.4. (Bristol Home Educators)

²⁴ Annex 2

²⁵ A Children and Young People’s Plan is a single, statutory, strategic, overarching plan for all services which directly affect children and young people in the area, showing how the local authority and all relevant partners will integrate provision to improve well-being in relation to the Every Child Matters agenda and focus on specific challenges and priorities.

²⁶ DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

²⁷ DCSF, *Elective Home Education Guidelines for Local Authorities*, 2007, paragraphs 3,12.

²⁸ DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

de-register their child from school, practice that represents a failure of duty towards the child in question. However, we are not convinced that the Department's proposed response of simply strengthening existing guidance on exclusions is sufficient; the Department should investigate what is driving this practice on the part of local authorities and schools, bearing in mind some of the findings of this Committee's recent inquiry into school accountability.

The home educators who contacted us

27. There are a small number of national home education organisations in England, several of which submitted evidence to our inquiry. They do not, however, claim to be representative organisations.²⁹ The same could be said of the many local home education groups in England, a number of which also submitted evidence to us.

28. While there are no representative organisations, there are a number of internet-based home education networks, some of which have been used to campaign against the Badman Report. It is difficult to determine how representative these home educators are of the home educating population as a whole.

29. All but one of the home educators and home education organisations who contacted us were highly critical of the Badman Report and were very resistant to the idea that local authorities should be given new powers in relation to the regulation and monitoring of home education. This viewpoint has dominated debate surrounding the Badman Report more generally. On this matter we would note our unease at the reluctance of some to speak publicly on the Badman Report due to fear of harassment from sections of the home educating population.

30. A number of local authority officers suggested to us that, in their experience, the majority of known home educating families welcomed the contact that they had with their local authority.³⁰ Several of the officers described the very good relations that they had with these families, which in one case had built up over a number of years. Unfortunately, many of the home educators who contacted us were of the view that publication alone of the Badman Report had undermined any goodwill previously in place between home educating families and local authorities. Some referred to families who had ceased contact with their local authority simply because of publication of the Report.³¹

²⁹ Education Otherwise is the largest national home education organisation, with around 4,000 members.

³⁰ Annex 2

³¹ EHE 24, paragraph 8.1 (Marie Stafford); EHE 90, paragraph 5 (Home Education Tyne and Wear); EHE 106, section 6 (Local home education contact in Cumbria). See also, EHE 18, paragraph 2 (Louise Thorn); EHE 42, paragraph 38 (Carol Gray); EHE 69 (Stephen Quinton); EHE 100, paragraph 7.2 (HERA—Home Education Research Association)

3 Evidence base for the registration and monitoring recommendations

31. Much of the controversy surrounding the Badman Report—or certainly the challenge made to it—has been rooted in the perceived deficiencies in its evidence base, not least its statistical analysis. Home educators have also been highly critical of the way in which the review was conducted, which is where we start.

Conduct of the review

32. Home educators questioned whether, as a former local authority Director of Children’s Services, Graham Badman was a suitable choice to lead a review into elective home education. His expertise and impartiality in this respect were both queried. The membership of the review’s ‘expert reference group’ was also criticised for its lack of expertise in relation to home education—members were generally from an early years, schools or safeguarding background.³²

33. The review was required to report in a short timeframe—just five months. Even members of the expert reference group said that they would have welcomed more time to address such a “complex area”.³³ On this matter Professor James Conroy, a late addition to the review’s expert reference group, commented that:

The final report was somewhat rushed and there was little enough time to digest or reflect on either the report or the recommendations. ... In my 30 odd years of professional life in education I have rarely encountered a process, the entirety of which was so slapdash, panic riven, and nakedly and naively populist.³⁴

Philip Noyes of the NSPCC pointed out that the pace of the review was no different from that of other of the Department’s consultations.³⁵

34. There was criticism of the disparity in the size of the questionnaire sent to home educators and others and those sent to local authorities. Similarly, there was criticism of the content of the questionnaires, with the suggestion that they contained leading questions or questions that misrepresented current law and guidelines.³⁶ There were similar accusations

³² EHE 6, paragraph 6 (Epsom and Sutton Home Education Group); EHE 10, paragraph 4 (Steve Keen); EHE 20, paragraph 1.6.1 (Bristol Home Educators’ Forum); EHE 21, paragraph 3.2.1 (Professor Bruce Stafford); EHE 25, paragraph 4 (Louise Walters); EHE 27, paragraph 2 (Roy and Jackie Thurley); EHE 33, paragraph 1.3 (Home Service); EHE 34, paragraph 4 (Christine Anne Eastwood); EHE 38, paragraphs 2, 8 (Andrew and Janet Shrimpton); EHE 39, paragraph 1h (Stockport Home Education Partnership); EHE 46, paragraph 4.1 (Stephen Tarlton); EHE 49, paragraph 2.5 (Sarah Conyers); EHE 60, paragraphs 1.1–1.2 (members of a Christian home educating group); EHE 64, paragraph 3.1 (Isle of Wight Learning Zone); EHE 70, paragraphs 7–8 (Schoolhouse Home Education Association); EHE 71, section 8 (Tina Robbins); EHE 79, paragraphs 1.1–1.2 (David Watson); EHE 84 (Dr K E Patrick); EHE 137, paragraph 1.1.1.2 (group of Bristol home educators). See also, Ev 35 (DCSF)

³³ Ev 86, paragraph 4.2 (National Children’s Bureau)

³⁴ EHE 62, paragraphs 1–2. See also, for example, EHE 124, paragraph 1 (Kirsty Alexander)

³⁵ Q 87

³⁶ Ev 44, paragraphs 3.7–3.8 (Home Education Advisory Service); EHE 21, paragraph 3.2.4 (Professor Bruce Stafford); EHE 44, sections 3.3–3.5 (Dani Ahrens); EHE 53, paragraphs 13–17, 21–23 (group of home educating families in Yorkshire); EHE 60, paragraph 1.4 (members of a Christian home educating group); EHE 64, paragraph 3.2 (Isle of Wight Learning Zone); EHE 79, paragraphs 1.3, 1.5 (David Watson); EHE 88, paragraphs 2–5 (Peter Trevelyan); EHE

concerning meetings between the review team and home educators and others.³⁷ It should be noted, though, that those local authority officers who commented on the conduct of the review emphasised the professionalism and impartiality of the review team.³⁸

35. On the review's Report many home educators pointed to its selective use of quotes, and use of quotes taken out of context. Of particular concern was the Report's use of a submission by the Church of England Education Division (CEED).³⁹ CEED officers themselves stated to us that they "...were disappointed with the impression left by the selective use of our submission".⁴⁰

36. Many criticised the review for not engaging more fully with some of the research literature on home education. Some were also aggrieved that the Report did not consider legislative arrangements for home education in Scotland or the United States.⁴¹ It is the case, however, that while Scottish practice is close to current relatively permissive arrangements in England, practice in the United States varies significantly across states and in some cases involves a similar or greater level of regulation than is recommended in the Badman Report.⁴² Some home educators were disappointed that the full literature review supporting the Report was not published alongside it. Home educators later obtained a copy of the literature review through Freedom of Information requests.

Evidence base

37. In calling for the registration and monitoring of home educating families to be put on a more formal footing the Badman Report and the Department cite safeguarding as a, if not the, key driver.⁴³ This relates in large part to the suggestion in the Badman Report that home educated children are at a greater risk of harm than other children. Paragraph 8.12 of the Badman Report states:

...on the basis of local authority evidence and case studies presented, and even acknowledging the variation between authorities, the number of children known to children's social care in some local authorities is disproportionately high relative to the size of their home educating population. ...despite the small number of serious case reviews where home education was a feature, the consideration of these reviews

100, section 4 (HERA—Home Education Research Association); EHE 135 (Rebekah Fox); EHE 139, sections 4–5 (Elizabeth Scully and Michael Fell); EHE 157, paragraphs 3.1–3.3 (Oxon Home Educators)

³⁷ See, for example, EHE 47 (Herts Home Education Action Group)

³⁸ EHE 163, paragraph 2.3; Annex 2

³⁹ Ev 41, paragraphs 17–18 (Education Otherwise); Ev 42, section 1 (Home Education Advisory Service); EHE 20, paragraph 1.5.2 (Bristol Home Educators' Forum); EHE 21, paragraphs 4.1–4.3 (Professor Bruce Stafford); EHE 25, paragraph 3 (Louise Walters); EHE 49, paragraph 2.2 (Sarah Conyers); EHE 52, paragraph 2 (a home educating parent); EHE 124, paragraph 3 (Kirsty Alexander)

⁴⁰ EHE 59, paragraphs 24–29 (Church of England Education Division)

⁴¹ EHE 44, section 3.2 (Dani Ahrens); EHE 16 (Dr Alan Thomas and Harriet Pattison); EHE 57 (Dr Paula Rothermel); EHE 67, paragraph 1d (Greater Manchester Home Educating Network); EHE 70, paragraph 6 (Schoolhouse Home Education Association); EHE 100, section 2 (HERA—Home Education Research Association)

⁴² For example, in Kentucky parents who wish to home educate must establish a bona fide school for their child to attend. Education should be offered in English, in the branches of study that are taught in public schools, and for a minimum of 1,050 instructional hours. Scholarship reports of each child's progress should be completed at the same interval as in the local public school, with grading for all subjects taught. All schools, including home schools, should be open to inspection by the Education Department. Source: INCA (International Review of Curriculum and Assessment Frameworks Internet Archive).

⁴³ e.g. DCSF consultation, Home Education—registration and monitoring proposals, 11 June 2009.

and the data outlined above, suggests that those engaged in the support and monitoring of home education should be alert to the potential additional risk to children.

The Badman Report itself does not include any actual figures in relation to this statement. The data on which it was based was subsequently accessed by home educators through Freedom of Information requests.⁴⁴

38. Home educators' observations on the data were that:

- the assertion is based on extrapolation from estimates provided by a potentially unrepresentative sample of 25 local authorities;
- the data may be further skewed due to the review team using the phrase 'known to social care' as opposed to official reporting categories, potentially leading to differences in how local authorities interpreted their data;
- home educated children may be 'known to social care' for reasons other than safeguarding concerns (e.g. having been reported by a neighbour who was unaware that home education is legal; or in relation to the child's special educational needs); and
- the figures are artificially inflated as each referral to social care, rather than each child, is counted.⁴⁵

39. The highly sensitive nature of the claim in the Badman Report led some home educators to remark on the "shameful" way in which a "poorly evidenced" suggestion that home educated children were at greater risk of harm had been communicated to the public.⁴⁶ A comment by Baroness Delyth Morgan, Parliamentary Under Secretary of State for Children, Young People and Families, when announcing the review that: "...in some extreme cases home education could be used as a cover for abuse",⁴⁷ caused similar outrage—one home educator suggesting that it had "promoted mistrust of home educating families..." and "smeared" her decision to home educate her child.⁴⁸

40. The review team subsequently contacted local authorities once again in order to gather "more extensive and statistically robust" data in advance of giving evidence to our inquiry.⁴⁹ Many home educators criticised this request, regarding it as an admission that the original data was inadequate. They were equally critical of the decision by the Secretary

⁴⁴ Independent Review of Home Education—safeguarding evidence. Working paper, available at: www.whatdotheyknow.com (request 14543; response 41308).

⁴⁵ Ev 48, paragraph 5.5. (Home Education Centre, Somerset); EHE 9, paragraph 1 (Alexandra Barnes); EHE 18, (Louise Thorn); EHE 21, paragraphs 3.2.7 (Professor Bruce Stafford); EHE 33, paragraph 4.3 (Home Service); EHE 34, paragraph 3 (Christina Anne Eastwood); EHE 44, section 4.3 (Dani Ahrens); EHE 64, paragraph 3.9 (Isle of Wight Learning Zone); EHE 73, paragraph 3.3.3 (James and Michaela Turpin); EHE 100, paragraph 1.1.6 (HERA—Home Education Research Association); EHE 153, section 3 (Professor C G Mundell and Dr D L Shone). A more detailed critique is provided by EHE 91 (William Wallace). See also, EHE 75, annex 1 (Randall and Mary Hardy)

⁴⁶ EHE 128, section 6 (Stop the UK Government Stigmatising Home Educators Facebook Group)

⁴⁷ "Morgan: Action to ensure children's education and welfare", DCSF Press Notice, 19 January 2009.

⁴⁸ EHE 18, paragraph 24 (Louise Thorn)

⁴⁹ Graham Badman letter to Directors of Children's Services, 17 September 2009—"Select Committee hearing on the Review of Elective Home Education in England".

of State to accept the Badman Report's recommendations on registration and monitoring on the basis of the original data.⁵⁰

41. When presenting his evidence to us Mr Badman stated that the new data, being concerned only with children subject to a Child Protection Plan, was not skewed by the issues raised regarding his earlier figures. He also stated that the new data confirmed his earlier finding:

Just to be clear, the data sample was from 74 authorities. The percentage of the population of elective home educators from those 74 authorities who are on Child Protection Plans is 0.4%. From the same group of all children, it is 0.2%. So, it is [proportionately] double.⁵¹

Given that the total number of home educated children is not known, making claims about the proportion of these children who are at risk is problematic. Any child who is subject to a Child Protection Plan is known to a local authority. We know how many of these children are home educated. As we do not yet know how many home educated children there are in total it is not possible to come to any conclusions regarding the relative proportion of home educated and school educated children who are subject to a Plan. Mr Badman suggested that those home educated children who are not known to a local authority could be at risk of harm.⁵² However, this could also be said of school educated children, though it is the case that these children are not 'under the radar' in the same way as home educated children not known to the authorities. It should be noted that home educators have anyway questioned the 0.4% figure on the basis of sample size and bias and sampling error.⁵³

42. Between these two data gathering exercises home educators submitted Freedom of Information requests to local authorities in order to obtain their own data. They claim that these data show home educated children to be at less risk of harm than other children.⁵⁴

43. Obviously, the home educators' analysis of their own data also involves making comparisons between populations on the basis of incomplete data. As one home educator did point out, there are further flaws regarding these figures.⁵⁵ There remains, then, no definitive quantitative analysis of the comparative safeguarding risk to home educated and school educated children.

⁵⁰ EHE 39, paragraph 1b (Stockport Home Education Partnership); EHE 44, section 3,6 (Dani Ahrens); EHE 46, section 4 (Stephen Tarlton); EHE 66, paragraph 4.1 (Nicholas Hill); EHE 72, paragraph 3.6 (Mr R Barns); EHE 92, sections 4–5 (C Archer); EHE 168, paragraph 6.1.3.6 (Dr Ben Anderson)

⁵¹ Q 11. See also, Children, Schools and Families Bill—an Impact Assessment prepared by the Department for Children, Schools and Families and the Ministry of Justice, for introduction into the House of Commons, November 2009, pp 83–90.

⁵² Q 17; EHE 186

⁵³ EHE 91(a) (William Wallace); EHE 143(a) (the Sauer Consultancy Limited); EHE 153(a) (Professor C G Mundell and Dr D L Shone)

⁵⁴ See, for example, EHE 24, paragraph 1.4 (Marie Stafford); EHE 66, paragraph 2.2 (Nicholas Hill)

⁵⁵ These concern the way in which the data was gathered through a series of separate Freedom of Information requests, the differences across local authorities in the way they record their data, and the failure to compare like with like. See, EHE 99, footnote 4 (Claire Blades)

44. Home educators have, in addition, commented on the evidence from recent Serious Case Reviews (SCRs), evidence that the Badman review also took into consideration alongside other case studies that were submitted by local authorities to the review. A working paper summarising local authority information returned to the review, again obtained by home educators through Freedom of Information requests, discussed four SCRs where there was “a home education element”. The home educators pointed out that in three instances it was explicitly stated in the SCR documentation that parents complied with local home education monitoring arrangements and that no concerns had been noted. The home educators also pointed out that in two of the cases there had been extensive family contact with various social services departments either immediately prior to the event leading up to the SCR or prior to fostering and adoption arrangements being made.⁵⁶ But, as also outlined in the working paper, each of the SCRs recommended that procedures for monitoring and supporting home educated children be strengthened, whether for all home educated children or for those where there are safeguarding concerns. The working paper also referred to two cases of trafficked children who were said to be home educated.⁵⁷

45. The case studies submitted to the Badman review were not published. We have, though, seen a selection of them, each of which illustrates the difficult task that local authorities currently face in managing instances where home education is taken up inappropriately—factors that cannot be accounted for in debates regarding the statistical risk posed or not posed by home education. As Sir Paul Ennals, Chief Executive of the National Children’s Bureau, remarked: “We could do triple the amount of research...and I don’t think it would highlight any further what’s really a series of individual issues that we find across the country”.⁵⁸

46. This is not to say, however, that the recommendations put forward in the Badman Report would have prevented the SCRs discussed here,⁵⁹ or would assist local authorities in managing other challenging instances of home education.

Conclusions

47. Given the lack of information on the actual numbers of home educated children, we suggest it is unsafe for the Badman review to have reached such a strong conclusion about the relative risks of a child being home educated or school educated. We believe that any intervention should start from the educational needs of the child.

⁵⁶ EHE 18, paragraphs 22–23 (Louise Thorn); EHE 24, paragraphs 1.2–1.3 (Marie Stafford); EHE 82, section 2 (The Otherwise Club); EHE 99, paragraphs 2.12–2.17 (Claire Blades)

⁵⁷ Independent Review of Home Education—safeguarding evidence. Working paper, available at: www.whatdotheyknow.com (request 14543; response 41308).

⁵⁸ Q 84

⁵⁹ EHE 24, paragraph 1.3 (Marie Stafford); EHE 51, section 3 (Roxane Featherstone); EHE 138, paragraphs 6–7 (North Wilts Home Educators).

4 Registration

Rationale for introducing registration

48. The central recommendation of the Badman Report is that the Department introduce compulsory annual registration for home educating families (recommendation 1). The purpose of this recommendation is twofold: to assist local authorities in identifying home educating families; and to provide a basis for local authority monitoring of home education.⁶⁰

49. In response, the Department has proposed that every home educated child of compulsory school age should be registered with the local authority in which the child is resident. It has indicated that the personal information required for registration would be minimal—for example, the child’s name, date of birth, address, the same information for adults with parental responsibility, and the location where education is conducted if not in the home. Added to this would be the requirement to submit a statement of educational approach. Registration would be for one year.⁶¹ These proposals are reflected in the Children, Schools and Families Bill.

50. Under section 436A of the Education Act 1996 (inserted by section 4 of the Education and Inspections Act 2006) local authorities have a duty to:

...make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—

- (a) are not registered pupils at a school, and
- (b) are not receiving suitable education otherwise than at a school.

This duty does not apply to home educated children who are receiving suitable education. Yet, as the Department’s guidelines on home education outline, under section 437(1) of the Education Act 1996, local authorities have a duty to intervene if it appears that parents are not providing a suitable education for their child.⁶²

51. In order to fulfil the duty under section 437(1) local authorities need to be able to identify home educated children and to assess the education that these children are receiving. At present, however, local authorities do not have a guaranteed means of doing either.⁶³

52. It is the case that in order to home educate a child who was previously on the roll of a school the parent must officially de-register the child from the school, which must then

⁶⁰ Ev 3, paragraph 17 (DCSF)

⁶¹ DCSF consultation, Home Education—registration and monitoring proposals, 11 June 2009; Children, Schools and Families Bill, schedule 1, section 19A [Bill 8 (2009–10)].

⁶² DCSF, *Elective Home Education Guidelines for Local Authorities*, 2007, paragraphs 2.6–2.7. See also, DCSF, *Revised statutory guidance for local authorities in England to identify children not receiving a suitable education*, January 2009, paragraph 87.

⁶³ Ev 2, paragraph 4 (DCSF)

inform the local authority.⁶⁴ Even for these families, though, any subsequent contact that they have with the local authority is entirely at their discretion. Parents of children who have never attended school are not required to inform the local authority if they decide to home educate their child. The same is true when a child leaves the school system at the point of transferring from nursery to primary school or from primary school to secondary school. Accordingly, local authorities are reliant on families making themselves known to the authority or, failing that, on identifying children by cross-referencing various databases and lists, such as those based on health records. Extrapolation from a sample of nine local authorities suggests that there are around 16,000 home educated children known to local authorities—the Department puts the figure at 20,000.⁶⁵ This compares to estimates of the total number of home educated children in England, which range from 45,000, to 80,000, to 150,000.⁶⁶

53. The Children, Schools and Families Bill proposes the following amendments in relation to section 436A of the Education Act 1996:

- (1) A local authority in England must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are—
 - (a) of compulsory school age, and
 - (b) within subsection (2) or (3).
- (2) A child within this subsection is one who is not a home-educated child, but—
 - (a) is not a registered pupil at a school, and
 - (b) is not receiving suitable education otherwise than at a school.
- (3) A child within this subsection is one who—
 - (a) is a home-educated child, but
 - (b) is not registered on the authority’s home education register.⁶⁷

The principle of registration

54. As Sue Berelowitz, Deputy Children’s Commissioner, pointed out, the estimate of 80,000 is the equivalent of the child population of “a fair sized local authority”. In her view it was “not acceptable that the state should not be able to vouch for the education of so many of its citizens”.⁶⁸ The majority of the local authority representatives who we heard

⁶⁴ The Pupil Registration Regulations apply to all schools: maintained; independent; Pupil Referral Units; special schools; City Technology Colleges; and Academies.

⁶⁵ Hopwood et al, *The Prevalence of Home Education in England: a feasibility study*, DCSF Research Report, 2007, pp 21–22; Children, Schools and Families Bill—an Impact Assessment prepared by the Department for Children, Schools and Families and the Ministry of Justice, for introduction into the House of Commons, November 2009, pp 83–90; Badman Report, paragraph 6.1.

⁶⁶ Hopwood et al, *The Prevalence of Home Education in England: a feasibility study*, DCSF Research Report, 2007, paragraph 1.8.

⁶⁷ Schedule 1, paragraph 3

⁶⁸ EHE 29, paragraph 7

from in the course of our inquiry were clear that they currently could not account in any secure way for all of the home educated children in their area. Some noted their unease at children being ‘under the radar’ in this way. On that basis, they suggested that they would welcome improved arrangements in this regard. Peter Traves, representing the Association of Directors of Children’s Services, commented:

Legislation should require people to register the fact that they have chosen [to home educate], because, after all, in relation to any other form of education, we would know where that child is. ... We do need to know where children are and we need the power to require people to let us know.⁶⁹

Equally, local authority representatives pointed out that they could better plan services for home educating families if they had a stronger sense of the number of children involved. This point is particularly pertinent given the Department’s wish, in line with the recommendations in the Badman Report, to improve support and services for home educating families.⁷⁰

55. By contrast, those home educators who contacted us rejected the notion that they should be required to register. They began by questioning whether registration would solve the problem of the ‘hard cases’. Jane Lowe, a trustee of the Home Education Advisory Service, remarked:

...if any parent is suitably evil or deranged that they want to abduct and abuse a child, they are not going to take any notice of the minor offence of not registering themselves with the local authority as a home educator... I think it is going to miss the point.⁷¹

56. More generally, home educators saw the proposed registration system as more akin to licensing. Some resented the prospect of being asked to apply for a licence to do something that they have a statutory duty to do—educate their child. They resented even more the potential for otherwise law-abiding parents to be criminalised should they choose not to register—though the Children, Schools and Families Bill does not make failure to register a criminal offence. Others questioned the implications that such a licensing system had for the respective roles of parents and local authorities, suggesting that it effectively transferred responsibility for a child’s education from the parent to the local authority. Many pointed to the wider ramifications of this for all families in terms of the threat to what some described as ‘parental sovereignty’.⁷² However, the Education Act 1996 makes clear that the right to home educate is not a fundamental one, but one conditional on parents providing

⁶⁹ Q 88

⁷⁰ Q 29 (Diana Johnson). See also, Q 127 (Peter Traves)

⁷¹ Q 49

⁷² Ev 48, paragraph 5.6. (Home Education Centre, Somerset); EHE 8 (Carol Mathews and Nick Weir); EHE 9, paragraph 7 (Alexandra Barnes); EHE 11, paragraph 4 (Mark Dennison); EHE 20, paragraph 2.1 (Bristol Home Educators’ Forum); EHE 38, paragraph 11 (Andrew and Janet Shrimpton); EHE 60, section 2 (members of a Christian home educating group); EHE 64, paragraph 4.8 (Isle of Wight Learning Zone); EHE 72, paragraph 4.2 (Mr R Barns); EHE 78, paragraph 1c, 2a (Group of Muslim home educators); EHE 81 (Ruth Jump); EHE 90, section 7 (Home Education Tyne and Wear); EHE 100, paragraph 6.4 (HERA—Home Education Research Association); EHE 102, section 9 (Cumbrian Home Educators); EHE 106, section 6 (Local home education contact in Cumbria); EHE 108, section 2 (West London Home Educators); EHE 118, paragraph 2.1 (a home educated student); EHE 127, paragraph 5.3.3 (Home Educated Youth Council); EHE 150 (group of Catholic home educators); EHE 169, paragraph 10.1 (Sheffield Home Educators’ Network); Annex 1

an “efficient” and “suitable” education for their child. The Act also makes clear that it is for local authorities to determine what is a suitable education.⁷³

The need for a separate registration system

57. Home educators also questioned the need for a home education-specific registration system on grounds of duplication. Many pointed out that local authorities already have access to a range of databases, several of which, they claimed, could be used to identify children who were not registered with a school, some of whom would be home educated. They cited the electoral roll, council tax records, general practitioner and health visitor records, child benefit claims and, in particular, ContactPoint.⁷⁴ As one set of home educating parents remarked:

We have no objection to the Government knowing who is or is not being home schooled. In fact such data could be beneficial in numerous ways, but the ContactPoint system already has a record of educational setting, and that should be used instead of spending money on a registry which would either be superfluous or unduly invasive.⁷⁵

58. Just one of the local authority officers with whom we met was confident that she knew of the majority of home educating families in her area. Her authority used its ‘children rising age five’ lists and secondary school applications lists for this purpose.⁷⁶

59. We suggested to the Department that such arrangements might be utilised across local authorities to better enable them to identify home educated children. It responded that while this approach might be feasible in smaller local authorities with relatively stable populations and few flows of pupils across authority boundaries, it would not be so for authorities with a mobile population, nor for those where the population was likely to register with schools and doctors outside the authority area, as is the case in London and other large metropolitan areas.⁷⁷

60. We also pursued with the Department the potential role of ContactPoint as a means of identifying home educated children. The Department noted that schools have a duty to provide information for ContactPoint on a child’s place of education. In the case of maintained schools this information is gathered automatically through the national data collection. This would enable local authorities to run a ‘children missing education’ report and to investigate cases where there was no education setting recorded. The Department argued that it would be more efficient and effective for home educating parents to tell local authorities that they were home educating their children than for authorities to approach

⁷³ See, Monk, D., ‘Regulating home education: negotiating standards, anomalies and rights’, *Child and Family Law Quarterly*, May 2009.

⁷⁴ Ev 47, paragraph 5.4 (Home Education Centre, Somerset); EHE 11, paragraph 4 (Mark Dennison); EHE 20, paragraph 1.1 (Bristol Home Educators’ Forum); EHE 33, paragraph 4.1 (Home Service); EHE 145, paragraph 3.1 (Louisa Bird); EHE 169, paragraph 2.6 (Sheffield Home Educators’ Network); EHE 174, paragraph 7 (Mary MacIntyre); Annex 1. ContactPoint contains basic information on all children in England. Initially established in 18 ‘early adopter’ local authorities, it is due to be rolled out nationally.

⁷⁵ EHE 173 (Paul and Julia Kielstra)

⁷⁶ Annex 2

⁷⁷ Ev 105

families with no known education setting on the basis that their children may be missing education. It suggested that this would “probably be more costly than a system of registration”, and that the requirement for parents to register would reduce delays in local authorities becoming aware of home educating families who moved from one authority to another or who decided to adopt home education at the point that their child would otherwise have entered or changed school.

61. Asked if the proposals in the Children, Schools and Families Bill relating to the monitoring of home educated children were dependent on a new system of registration, rather than other existing databases serving that purpose, the Department responded as follows:

Home Education registration involves more than just providing a name and address. In particular, it will require home educating families to provide information about their approach to home education, and for records to be kept of monitoring arrangements. ContactPoint does not hold any case information.⁷⁸

Conclusions

62. **In our view it is unacceptable that local authorities do not know accurately how many children of school age in their area are in school, are being home educated or are otherwise not in school. The main argument for a registration scheme, as we see it, is to help to provide this information. Given that existing databases could not provide an equally efficient and secure means to that end, we believe that a separate registration system for home educating families should be put in place. This would assist local authorities in knowing which children were in school, which were home educated, and which were not known to be in either category. The Government should review and, where necessary, strengthen the duties on local authorities, Her Majesty’s Revenue and Customs (as the holder of records of eligibility for child benefit) and other agencies—including NHS trusts and police forces—to share information relevant to this task.**

63. **We believe that registration would encourage local authorities and home educators to recognise that it is to their mutual advantage to have a clear record of children who are being home educated. Any registration system for home educating families should be light touch. In view of the concerns expressed by home educators about compulsory registration, we suggest that registration should be voluntary. Local authorities should publicise the benefits of registration, including the resources that will be available to registered families. The success of a system of voluntary registration (combined with improved information sharing) should be reviewed after two years. If it is found not to have met expectations—in terms of assisting local authorities in identifying and working with the families of children who are being home educated and those of children not otherwise at school—we believe that a system of compulsory registration would need to be introduced.**

5 Monitoring—safeguarding

The monitoring recommendation

64. In order to enable local authority officers to assess the efficiency and suitability of elective home education, the Badman Report recommends that “designated local authority officers should:

- have the right of access to the home;
- have the right to speak with each child alone if deemed appropriate or, if a child is particularly vulnerable or has particular communication needs, in the company of a trusted person who is not the home educator or the parent/carer” (recommendation 7).

Notably, the Report continues: “In doing so, officers will be able to satisfy themselves that the child is safe and well”. In this respect the Report attributes a safeguarding function to its recommendation on monitoring.⁷⁹

65. The Children, Schools and Families Bill provides that a local authority officer should see a child, the parent and the place (or at least one of the places) where the education is to be provided, and do so at least once in any registration period. Where a local authority officer considered that someone other than the parent was primarily responsible for the home education provision then the officer would be under a duty to see that other person as well, at least once in any registration period.⁸⁰

66. The Bill suggests that a home educated child should be interviewed with the parent present each year. It provides that unless the child or a parent of the child objects the local authority officer may meet with the child away from the child’s parent. The Bill also provides that, should a home educating family not comply with these provisions, and the local authority could not otherwise ascertain the suitability of the home education provision, the family’s registration could be revoked.⁸¹

67. The Bill provides that a local authority must give at least two weeks’ written notice of a proposed meeting or of a visit to a place where education is provided for the child.⁸²

Local authority duties in relation to safeguarding

68. ‘Safeguarding and promoting the welfare of children’ is defined as:

- protecting children from maltreatment;
- preventing impairment of children’s health or development; and

⁷⁹ See also, DCSF consultation, Home Education—registration and monitoring proposals, 11 June 2009.

⁸⁰ Schedule 1, section 19E(3).

⁸¹ Schedule 1, section 19E(4). See also, DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

⁸² Schedule 1, section 19E(5).

—ensuring that children are growing up in circumstances consistent with the provision of safe and effective care and undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.

In day-to-day use the term ‘safeguarding’ is often used interchangeably with that of ‘child protection’. Child protection is a part of safeguarding and promoting welfare. It refers to the activity that is undertaken to protect specific children who are suffering, or are at risk of suffering, significant harm.⁸³

69. In seeking to establish the existing responsibilities of local authorities as regards the safeguarding of home educated children, the statutes listed below are relevant.

- Section 17(1) of the Children Act 1989. This places a general duty on local authorities to safeguard and promote the welfare of children within their area who are in need.
- Section 47(1) of the Children Act 1989. This requires, where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, the local authority “to make such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child’s welfare”.
- Section 175(1) of the Education Act 2002. This places a general duty on local education authorities to make arrangements for ensuring “that their functions are exercised with a view to safeguarding and promoting the welfare of children”.
- Section 176(1) of the Education Act 2002. This requires local authorities to have regard to Government guidance about “consultation with pupils in connection with the taking of decisions affecting them”. Despite the reference to ‘pupils’, local authority functions in this respect are defined in the Act as including the provision of education otherwise than at school.
- The Children Act 2004, which requires local authorities to support the reforms introduced by the Every Child Matters agenda. Section 10 states:
 - (1) Each children’s services authority in England must make arrangements to promote co-operation between [the authority and relevant parties].
 - (2) The arrangements are to be made with a view to improving the well-being of children in the authority’s area so far as relating to—
 - (a) physical and mental health and emotional well-being;
 - (b) protection from harm and neglect;
 - (c) education, training and recreation;
 - (d) the contribution made by them to society; and

⁸³ DCSF, *Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children*, 2006. paragraphs 1.18–1.20.

(e) social and economic well-being.

Section 53(1), which amends the Children Act 1989, requires local authorities, so far as is reasonably practicable and consistent with the child's welfare, to ascertain the child's wishes and feelings regarding the provision of services or action to be taken, and give due consideration to those wishes and feelings.

70. From the evidence that we received for our inquiry it was apparent that this framework of statutes, along with related guidelines, had sowed confusion in the minds of those responsible for implementing them. We would suggest that this is not surprising.

71. The Department's guidelines on home education repeatedly emphasise that the legislation outlined above does not extend local authorities' functions in relation to home education provision. It remains the case that the only circumstances under which a local authority could insist on seeing a child is where there were clear grounds for concern regarding the child's welfare. Otherwise, the only requirement on local authority officers is that, should they have child protection concerns in the normal course of their work, they inform social care services.⁸⁴ On this interpretation, local authorities are *not* required to seek out those home educated children who are not known to them or who they are no longer in contact with in order to attest to the welfare of those children.⁸⁵ Indeed, the guidelines emphasise that, in responding to any enquiries from a local authority relating to educational provision, a home educating family may do so in a number of ways, not necessarily including face-to-face meetings between a local authority officer and the home educated child (e.g. they might instead send written reports on the education being provided, or samples of the child's work).⁸⁶ Although case law suggests that it "would be sensible to do so", home educating families are not required to respond to such enquiries in the first place.⁸⁷

72. There is, then, arguably a tension between current legislation, particularly the Every Child Matters legislation, and the emphasis of the guidelines on the limited applicability of these statutes to home education. This in itself renders home education something of an anomaly and may well account in large part for the apparent confusion of local authority officers. Added to this are the reforms under section 157 of the Education Act 2002 intended to increase the regulation of independent schools, including specifically in relation to safeguarding, which similarly leave out home education.⁸⁸ Note also part 4 of the

⁸⁴ DCSF, *Elective Home Education: guidelines for local authorities*, 2007, paragraph 4.7.

⁸⁵ DCSF, *Elective Home Education: guidelines for local authorities*, 2007, paragraphs 2.12–2.16.

⁸⁶ DCSF, *Elective Home Education: guidelines for local authorities*, 2007, paragraph 3.6.

⁸⁷ *Phillips v Brown* (unreported transcript 424/78 QB (DC)) 20 June 1980, cited in DCSF, *Elective Home Education: guidelines for local authorities*, 2007, paragraphs 2.8, 3.4, 3.6.

⁸⁸ An independent school is an establishment that provides education either for five or more pupils of compulsory school age or for one or more pupils if they have a statement of special educational need or are in public care. Independent schools in England must satisfy a range of standards, covering: the quality of education provided; the spiritual, moral, social and cultural development of pupils; the welfare, health and safety of pupils; the suitability of proprietors and staff; the premises and accommodation; and the provision of information and the way in which complaints are handled. These standards are examined before an application for registration is approved and thereafter through inspection every three years (or where the Department has concerns about a school or where a material change is proposed by the school, such as a change of address). Inspections are conducted by Ofsted or by independent inspectorates whose work is monitored by Ofsted to ensure quality and consistency (though Ofsted inspects the welfare of boarders in all independent schools). Inspections are based around the standards for registration and a school's 'School Information and Evaluation Form', which should be kept up-to-date on an

Education and Skills Act 2008, which extends section 157(1)(a)–(c) of the Education Act 2002 to part-time education and a far wider range of non-school based educational institutions, but does not enable regulation of home education.⁸⁹

73. The law relating to the duties and powers of local authorities with regard to home educated children has become very complex and difficult to interpret. This is reflected in the Department’s existing guidelines on home education. The Department should take the opportunity provided by the Children, Schools and Families Bill to provide a definitive, succinct statement of the applicability of the Children Act 2004 and the Every Child Matters outcomes to home educated children. The Department should then provide guidelines that better enable local authorities to translate the law into practice, especially in relation to the safeguarding of home educated children as well as children with no record of school attendance.

Views on the principle of access to the family

Home visits

74. All but one of the home educators who contacted us flatly rejected the monitoring recommendation. In their view, along with the recommendation for registration, it turns the premise of ‘innocent until proven guilty’ on its head. The comment of one group of parents was that:

There is an overall assumption in [the Badman Report] that parents have to prove themselves to not be abusing their children...⁹⁰

Within this context they regarded the monitoring recommendation as a threat to civil liberties and highly intrusive of family life. The following home educator wrote in strong terms:

Not even the police have right of entry to a private home without first having reasonable grounds for suspicion and a warrant to enter the home. I will fight tooth and nail to protect my family’s right to privacy and I will not be submitting to such visits should this recommendation become law.⁹¹

75. One home educator suggested that a revived health visitor system would be a better means of addressing safeguarding concerns.⁹² Health visitors are in a similar position to local authority home education teams of not having right of entry to the home. As part of the trusted NHS brand, though, they are normally welcomed by parents, especially in pregnancy or in the early weeks following birth. If health visitors are refused entry and

ongoing basis. See, The Education (Independent School Standards) (England) Regulations 2003; Ofsted, *The framework for inspecting education in independent schools*, September 2009.

⁸⁹ Monk, D, ‘Regulating home education: negotiating standards, anomalies and rights’, *Child and Family Law Quarterly*, May 2009.

⁹⁰ EHE 64, paragraph 5.3 (Isle of Wight Learning Zone). See also, EHE 11, paragraph 6 (Mark Dennison); EHE 28, paragraph 3.2.1 (Sue Gerrard); EHE 32, paragraph 2.4 (S J Sherwood); EHE 69, section 2 (Stephen Quinton)

⁹¹ EHE 25, paragraph 8 (Louise Walters). See also, Ev 49, paragraph 6.5 (Home Education Centre, Somerset); EHE 8 (Carol Mathews and Nick Weir); EHE 9, paragraph 3 (Alexandra Barnes); EHE 26, paragraph 8 (Dirk and Angela Roth); EHE 28, paragraph 4.7 (Sue Gerrard); EHE 79, paragraph 2.2a (David Watson); EHE 85, paragraph 3.9 (group of home educating parents); EHE 86, paragraph 8 (Andrew Thorpe)

⁹² EHE 28, paragraph 5.1 (Sue Gerrard)

believe there is a serious risk to the child they refer the matter to social care services and/or inform members of the primary health care team, who may later come into contact with the child and family. If any family refuses to access preventative services for their child this is documented and reported to managers.⁹³

76. As others pointed out, while local authorities do have powers to intervene where there are grounds for concern about a child's welfare (Children Act 1989), this relies on the local authority being aware of any such problems in the first place. Evidence suggests that the school is an important site in terms of identifying the abuse or neglect of a pupil,⁹⁴ a safety net that is not available to home educated children. The NSPCC in particular raised concerns in this regard. It stated that: "...if a child who is being abused is not afforded opportunities outwith the house, then the slim chances of them being identified become even smaller than they already are...no concern is raised because the child or the environment in which they are cared for is not seen".⁹⁵

77. One local authority officer with whom we met explicitly stated that she did not believe it was her responsibility to monitor home educating families in the sense of going out and finding safeguarding problems. She also stated that, as a home *education* advisor, she did not want to be held solely accountable if a home educated child came to harm. Along with the social workers who submitted evidence to our inquiry, some of them current or former home educators, she did not see how annual visits alone would improve on existing legislation from a safeguarding point of view.⁹⁶ On this matter these social workers, as with other home educators, feared that, in the hands of inadequately prepared staff, the monitoring recommendation would result in an increase in false positive referrals of home educating families to social care services. They noted the consequent risk that attention and resources would be diverted from children in higher risk groups.⁹⁷

78. Comments from other local authority officers reflected their greater unease at the status quo—they *did* worry when a parent refused to meet with local authority staff or when a family moved to avoid contact, and therefore did want the right to meet with home educating families. The following comments from two local authority officers reflected this concern:

I have a family where we haven't seen the children for five years. We have no rights to see those children in the current situation. Clearly, our concern that we haven't seen them does not constitute a risk of significant harm and therefore we can't raise a question with social care... That's not sufficient. It is a limbo situation.⁹⁸

...[this local authority was] able to provide evidence [to the Badman review] that home education was being used inappropriately by misguided or negligent parents,

⁹³ Information provided by the Department of Health.

⁹⁴ EHE 178, paragraph 5.1 (Institute of Education, University of London)

⁹⁵ Ev 89–90. See also, Ev 4, paragraph 28 (DCSF)

⁹⁶ Annex 2; Ev 48, paragraph 6.3 (Home Education Centre, Somerset); EHE 61 (Hilary Searing); EHE 92, paragraphs 3.4, 6.1 (Ms C Archer). See also, EHE 20, paragraph 2.3.2 (Bristol Home Educators' Forum)

⁹⁷ EHE 64, paragraph 4.9 (Isle of Wight Learning Zone); EHE 66, paragraph 2.4 (Nicholas Hill); EHE 140, section 5 (Paul Shabajee and Sarah Raynes)

⁹⁸ Q 98 (Ellie Evans)

or parents with mental health problems. Whilst these cases may not necessarily meet the thresholds for social care to intervene, there is no mechanism for engaging with these parents as they have withdrawn their children precisely to avoid external agencies.⁹⁹

79. The officers taking this position did not necessarily want a more overt safeguarding role for themselves. Their support for the recommendation that home educating families be required to meet with them related to their role in advising on educational provision. Like the local authority officer noted above, they still saw their safeguarding role as being one of, where necessary, passing on relevant information to social care services.¹⁰⁰ The issue then is the level of the threshold for social care services to intervene in a given case—or the efficiency with which a local authority co-ordinates relevant support for a home educating family as necessary, such as parenting advisors or youth workers.

80. We do not believe that annual home visits by local authority officers to home educating families would represent an improvement on existing safeguarding legislation. However, the wider evidence that we received illustrated the potential value of the requirement for annual meetings between home educating families and local authority officers for the purpose of supporting home education provision. We believe that local authorities need a guaranteed means of engaging with these families.

81. Accordingly, we recommend that home educating families be required to meet with their local authority officer within three months of the child's home education commencing and thereafter on an annual basis.

82. The Children, Schools and Families Bill does not stipulate that meetings between home educating families and local authority officers have to take place in the family home, unless that is the only place that a child's education is provided. We are not convinced that these meetings need take place in the family home under any circumstances. We believe that two weeks is sufficient notice of a meeting.

83. As is already the case with many voluntary arrangements between home educating families and local authorities, the primary purpose of these meetings should be to offer guidance and support to and gather feedback from families, not inspection or to impose school-based frameworks. Local authority officers should focus on matters of educational provision, but be trained to be able to identify signs of harm and know who to refer the family to in such instances.

84. The Badman Report does acknowledge the need for training in relation to safeguarding matters. Recommendation 9 of the Report states that all local authority officers and others engaged in the monitoring and support of home education must be suitably trained, and that this training must include awareness of safeguarding issues. Recommendation 22 states that these officers should be suitably qualified and experienced to refer children to social care services where they believe it appropriate. The Department has confirmed that funding will be available for the training of local authority officers—it estimates that

⁹⁹ EHE 163, paragraph 3.5 (local authority officer); Annex 2

¹⁰⁰ Annex 2

£350,000 would be required in the first year and £280,000 required on an ongoing basis for the entirety of officers' training pertaining to the registration and monitoring proposals.¹⁰¹

Interviews with the child

85. As outlined, the monitoring recommendation also advocated giving local authority officers the power to interview a child away from the child's parents. In his evidence to us, Mr Badman maintained that this power need not be regarded as draconian:

...of course, I understand the sensitivities of interviewing the child and the child alone, but I hope that...it is, in a sense, the last resort—that proper relationships are established and that it would only be in extremis that a local authority would want to use the powers. We have those powers, but it does not mean that we need to exercise them.

I make the point in the Report...that, if you educate at home, it is still first and foremost a home. ...officers need to respect that, and they need to caveat their approach by asking, "Have I assessed the risk appropriately? Do I need to do this?" ...¹⁰²

This element of the monitoring recommendation was nevertheless particularly disconcerting for some home educating parents.

86. Home educators argued that the recommendation does not respect the child's privacy and that interviews would be stressful for many children, whether for reasons of shyness or the child having been traumatised by his or her time at school.¹⁰³ One of the justifications that the Badman Report puts forward for the recommendation is to give the child a voice.¹⁰⁴ Home educators noted that there is no discussion in the Report as to whether the child could refuse to be interviewed.¹⁰⁵ On this the Children, Schools and Families Bill is somewhat disingenuous—allowing a parent or a child to refuse such an interview, but making refusal a potential grounds for the local authority to revoke registration to home educate should it not be able to ascertain the necessary information by other means.¹⁰⁶

87. Other concerns related to the conditions under which interviews with a child might be conducted. The following comment by a home educator encompassed the points raised by a number of others on this matter:

The judicial system acknowledges problems with child testimony and strict protocols surround its elicitation in legal cases. ... The proposal offers the opportunity for a

¹⁰¹ HC Deb, 3 November 2009, col 947W. See also, DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

¹⁰² Q 33

¹⁰³ Ev 48, paragraph 6.1 (Home Education Centre, Somerset); EHE 60, paragraph 2.3 (members of a Christian home educating group); EHE 176 (Millie Redshaw). See also, EHE 18, paragraph 7 (Louise Thorn); EHE 48, paragraph 9 (Central London Home Educators); EHE 79, paragraph 2.2d (David Watson); EHE 116, paragraphs 7–8 (Miss Emma Whitford)

¹⁰⁴ paragraph 3.3.

¹⁰⁵ EHE 24, paragraph 6.5 (Marie Stafford). See also, EHE 33, paragraph 5.1 (Home Service)

¹⁰⁶ Schedule 1, section 19F(e); Explanatory Notes to the Children, Schools and Families Bill [Bill 8 (2009–10)—EN], paragraph 122.

local authority officer to abuse a child, to make false accusations against the parent, and for the child or the parent to make false accusations against the local authority officer. Interviews with a child alone should take place only in cases where criminal activity is suspected, should be videotaped, and ideally should be undertaken in the presence of an independent expert who can ensure that the child is not led, and that the interview process itself is not unnecessarily damaging to the child.¹⁰⁷

88. Many of the local authority officers who we met themselves had reservations about this aspect of the Badman Report. While several of them could think of instances where a home educated child had clearly not been able to speak freely in front of his or her parents, they typically regarded seeing a child alone as outside their remit and as a right best left with social care services. One officer stated that if she were to speak with a child away from the child's parents she would anyway want a social worker present.¹⁰⁸

89. We do not believe that local authority officers responsible for liaising with home educating families should be given the right to interview a child away from the child's parents. That right should be reserved for colleagues who have primary responsibility for child safeguarding, including social care services and the police. A parent's or child's refusal for such an interview to take place should not be included as grounds for revoking registration to home educate. Any related concerns on the part of the home education team should be passed to social care services.

Monitoring where the child has special educational needs

90. Where the home educated child has special educational needs (SEN), further issues are raised in relation to the monitoring recommendation. The National Autistic Society notes that the population of home educated children is likely to include a relatively high proportion of children with autism. This, it suggests, is due to the difficulties that many children with autism face at school, whether with regard to a lack of understanding within schools of the condition, difficulty accessing the necessary support, the pressures of social interaction in a school setting, or bullying.¹⁰⁹

91. Carole Rutherford, co-founder of Autism in Mind, a national campaign and support group for parents and carers living with autism, elaborated on the added considerations for these families in relation to home visits and interviews:

Children with autism find change very difficult and often hold fixed and rigid views about people and the places where they are used to coming into contact with that person. If a child is used to seeing a professional/teacher therapist in school then bringing that person into their home places that person out of context in their minds, and they can find it very difficult to interact with that person even though they are well used to doing so in school.¹¹⁰

¹⁰⁷ EHE 28, paragraph 4.8 (Sue Gerrard)

¹⁰⁸ Annex 2

¹⁰⁹ EHE 155, paragraphs 19–21

¹¹⁰ Ev 60 (Carole Rutherford). See also, for example, EHE 141, paragraph 3.16 (Ann Newstead)

92. On this point it should be noted that the Badman Report also recommends that local authorities should where appropriate commission the monitoring and support of home educating families through the local Children’s Trust, “thereby facilitating the use of expertise from other agencies and organisations including the voluntary sector” (recommendation 6). In response, the Department has stated that statutory guidance would set out how local authorities should go about commissioning, to ensure that suitably qualified and experienced people took on that role.¹¹¹

93. It is not clear from the Badman Report, the Department’s registration and monitoring proposals or its full response to the Badman Report that sufficient attention has been paid to the conduct of monitoring where a home educated child has special educational needs. The Department must set out how its proposals around the training of local authority staff and commissioning of expertise from other agencies would encompass the particular concerns of these families.

Resource implications

94. Baroness Morgan has stated that the Department does not expect the registration and monitoring recommendations in the Badman Report “to place any significant additional burdens on local authorities” since “most already monitor home education”.¹¹² It is the case that most authorities already operate a voluntary system of registration and monitoring, which may or may not involve home visits. However, the registration and monitoring proposals might be expected to increase costs by revealing a larger population of home educating families and requiring more intensive monitoring than some local authorities currently conduct—as well as, potentially, increasing the number of false positive referrals to social care services and the number of pupils moving from home education into school.¹¹³

95. The Department has estimated that the costs of registration and monitoring would be as follows:

	Estimated population of home educated children		
	20,000	40,000	80,000
Total maximum costs in first year	£20,428,299	£46,708,535	£99,390,676
Total maximum ongoing costs	£10,268,474	£26,715,388	£59,625,156

DCSF, Impact Assessment, November 2009, pp 83–90.

The Impact Assessment notes that these costings contain no allowance for in-year monitoring and that a spread of assumptions in relation to this will need to be added. It also works on the assumption that the number of home educated children “is unlikely to exceed 40,000”.

¹¹¹ DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

¹¹² HC Deb, 29 June 2009, col 6W.

¹¹³ See, EHE 164, paragraphs 72–75 (Autonomous Education UK)

96. An analysis put forward elsewhere of the cost implications of the recommendations in the Badman Report suggests that they would require a minimum £60–150 million per annum increase in state education spending. This figure is based on the assumption that local authorities would be required to register and monitor 50,000 home educated children, only around 20,000 of whom are already voluntarily registered with a local authority and therefore likely subject to some monitoring, albeit potentially ‘light touch’ compared with that recommended in the Badman Report.¹¹⁴

97. Many home educators maintained that the registration and monitoring recommendations contained in the Badman Report amounted to “a blanket screening programme for a normal risk population” and therefore represented a waste of resources.¹¹⁵ Several cited the situation in New Zealand, where the Education Review Office recently announced the discontinuation of its regular reviews (inspections) of home education provision on the grounds that it was not cost effective.¹¹⁶ The Office will now carry out reviews “only when requested by the Secretary for Education, or in other particular circumstances”.¹¹⁷

98. Given the evidence that we have received and the nature of the registration and monitoring proposals presented in the Children, Schools and Families Bill, we do not believe that the Department has put forward a realistic appraisal of the likely costs of those proposals.

¹¹⁴ EHE 35 (Michael Crawshaw). See also, Ev 45, paragraph 4.6 (Home Education Advisory Service)

¹¹⁵ EHE 36, paragraph 1.4 (Philip and Sarah McNeill); EHE 51, paragraph 3.2 (Gloucestershire Home Educators); EHE 102, paragraph 10 (Cumbrian Home Educators); EHE 161 (Rainbow-Leaf Lovejoy)

¹¹⁶ EHE 48, paragraph 4 (Central London Home Educators); EHE 53, paragraph 4 (Group of home educating families in Yorkshire); EHE 67, paragraph 4e (Greater Manchester Home Educating Network); EHE 82 (Dr L Safran); EHE 100, paragraph 2.6 (HERA—Home Education Research Association); EHE 105, paragraph 18 (S G Marshall and L Daley); EHE 109, section 3 (Tom King); EHE 115 (ReactivEO)

¹¹⁷ New Zealand Education Review Office, www.ero.govt.nz/ero. Note that these reviews were for the purpose of assessing *educational provision* against that outlined in the parent’s application to home educate. Applications are made to the Ministry of Education and must demonstrate that the child “will be taught as regularly and as well as in a registered school”. The decision was in line with other measures by the Ministry to reduce expenditure—for example, schools performing consistently well and that have demonstrated competence in using self review to improve the teaching and learning of pupils will be exempt from the current three-yearly inspections and will instead be reviewed every four to five years.

6 The right to refuse or revoke registration on safeguarding grounds

99. As a corollary to registration and monitoring, the Badman Report recommends that local authorities be given the right to refuse or revoke registration on safeguarding grounds (recommendation 24). This is reflected in the Children, Schools and Families Bill, which states that a local authority may refuse or revoke the registration of a child’s details on its home education register if it appears that “it would be harmful to the child’s welfare” for the child to become or continue to be home educated.¹¹⁸

100. In its full response to the Badman Report the Department states that there may be some circumstances where a child is safer at school or in alternative provision than being home educated, offering the example of where a child is subject to a Child Protection Plan. It indicates that the power to refuse or revoke registration would be supplemented by guidance to local authorities on the kinds of circumstances where the welfare of the child might be best served if they were not home educated.¹¹⁹

101. Serious consideration of refusing or revoking registration might apply only to a minority of instances of home education. Nevertheless, on the basis of their existing contact with local authorities, and perhaps due to the language and wider framing of the Badman Report, a number of home educators wrote to us with concerns about how local authorities would use the power to refuse or revoke registration.

102. Fears that local authorities could abuse the power were particularly strong among home educators of religious faith. For example:

As Christians, we are concerned that even our Christian beliefs and attitudes could lead to condemnation in the eyes of some, despite the difference of opinion being a valid one. The law should be careful to define the boundaries of local authority personnel and not grant blanket authority in the hope it will not be misapplied.¹²⁰

103. In this regard a number of other home educators specifically commented on a related recommendation within the Badman Report—that local authority adult services and other agencies be required to notify those officers responsible for monitoring home education of “any properly evidenced concerns that they have of a parent’s or carer’s ability to provide a suitable education... on such grounds as: alcohol abuse; incidents of domestic violence; and previous offences against children. And in addition: anything else which may affect [the parent’s/carers’] ability to provide a suitable and efficient education” (recommendation 23). One group of home educators took the view that the final clause of this recommendation was “particularly insidious as it leaves home educating families

¹¹⁸ Sections 19B(7), 19F(1)(d).

¹¹⁹ DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

¹²⁰ EHE 11, paragraph 5 (Mark Dennison). See also, EHE 104, paragraphs 4, 12 (John Allen)

vulnerable to the prejudices and misconceptions about home education, and culturally different households”.¹²¹

104. Another group of home educators felt justified in commenting that: “[the recommendations are] massively open to abuse, allowing a local authority officer to...even flat out fabricate ‘reasons’ to revoke the licence to home educate”.¹²² However, as with the other remarks outlined here, this comment appears to be based on the assumption that officers would not need to support robustly their decision to refuse or revoke registration. It is the case that the Badman Report does not discuss requirements in this respect, though the Department’s intention to provide guidance should provide some reassurance.

105. It is also the case that the Badman Report does not make any reference to an appeals process through which home educating families could challenge a local authority’s decision, an omission noted by several home educators.¹²³ When challenged on this matter the Parliamentary Under-Secretary of State for Schools, Diana Johnson MP, confirmed that such a system would be in place should the registration and monitoring proposals come into force.¹²⁴ The Children, Schools and Families Bill confers a right of appeal on a parent to whom a local authority has given notice of its intention to revoke registration to home educate on safeguarding grounds.¹²⁵

106. We believe that local authorities should have the right, on safeguarding grounds, to refuse or revoke registration to home educate. However, this should only be where a child is already subject to child protection measures, not solely on the basis of unsubstantiated safeguarding concerns. There is also a strong case for requiring any decision to refuse or revoke registration to be subject to approval from an independent person or body, rather than have responsibility rest with local authority home education advisors. We recognise that in some instances a child being subject to child protection measures would not necessarily preclude home education.

107. If local authorities are to be given the right to refuse or revoke registration to home educate on the basis of safeguarding concerns then we agree that home educating families must have right of appeal. It is disappointing that neither the Badman Report nor the Department’s response to the Report included discussion of an appeals process. While it is right that the Children, Schools and Families Bill provides a right of appeal, the Department should give more details of the proposed appeals process before the House considers the Bill.

¹²¹ EHE 78, paragraph 2e (Group of Muslim home educators). See also, EHE 11, paragraph 4 (Mark Dennison); EHE 32, paragraph 2.9 (S J Sherwood); EHE 67, paragraph 2d (Greater Manchester Home Educating Network); EHE 77, paragraph 4.1 (David and Janet Proctor); EHE 134, paragraph 2.5 (West Surrey Home Educators Group); EHE 168, paragraph 6.1.4.1 (Dr Ben Anderson)

¹²² EHE 134, paragraph 2.4.3 (West Surrey Home Educators Group)

¹²³ EHE 4, paragraph 9 (Dorothy Murphy); EHE 24, paragraph 6.6 (Marie Stafford); EHE 78, paragraph 2g (Group of Muslim home educators); EHE 106, section 6 (Local home education contact in Cumbria); EHE 168, paragraph 6.1.4.1 (Dr Ben Anderson); EHE 169, paragraph 10.4 (Sheffield Home Educators’ Network)

¹²⁴ Q 25

¹²⁵ Schedule 1, section 19G(1); Explanatory Notes to the Children, Schools and Families Bill, paragraph 217.

7 Monitoring—educational provision

The recommendations and proposals

108. The recommendations in the Badman Report concerned with the educational provision of home educating families cover both the accountability of home educating parents for the education that they provide or facilitate for their child and the setting of parameters for that provision.

109. In terms of parental accountability, the Badman Report recommends that:

At the time of registration parents/carers/guardians must provide a clear statement of their educational approach, intent and desired/planned outcomes for the child over the following twelve months.

Guidance should be issued to support parents in this task with an opportunity to meet local authority officers to discuss the planned approach to home education and develop the plan before it is finalised. The plan should be finalised within eight weeks of first registration (recommendation 1).

In addition, it recommends that:

Parents be required to allow the child through exhibition or other means to demonstrate both attainment and progress in accord with the statement of intent lodged at the time of registration (recommendation 7).

110. As outlined, under section 7 of the Education Act 1996, parents have a duty to provide their child with a “full-time”, “efficient” and “suitable” education. As the Department’s home education guidelines state, there is no legal definition of “full-time”. They add: “Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, but this measurement of “contact time” is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place outside normal “school hours””.¹²⁶ The guidelines also cite the following case law descriptions: an “efficient” education described as one that “achieves that which it sets out to achieve”; a “suitable” education described as one that “primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child’s options in later years to adopt some other form of life if he wishes to do so”.¹²⁷ In accordance with these markers, as we noted in our introductory chapter, the Department’s guidelines on home education allow a free hand as far as educational provision is concerned. The Badman Report argues that the definition of “efficient” education anyway demands that home educators articulate their

¹²⁶ DCSF, *Elective Home Education: guidelines for local authorities*, 2007, paragraph 3.13.

¹²⁷ *Talmud Torah Machzikei Hadass School Trust v Secretary of State for Education and Science*. This was a judgement passed regarding the adequacy of the curriculum of an independent orthodox Jewish school. According to Monk: “The ‘condition’ in the last line represents an attempt at balancing the rights of parents and children. This arguably coheres with Art 29 of the [United Nations Convention on the Rights of the Child], which also states that ‘education should aim to develop respect for the values and culture of their parents’ and Art 30, that ‘children and young people from minority communities must not be stopped from enjoying their own culture, religion and language’.” (Monk, D., ‘Regulating home education: negotiating standards, anomalies and rights’, *Child and Family Law Quarterly*, May 2009).

educational approach.¹²⁸ It further argues that, taken together, the definitions of “efficient” and “suitable” education are inadequate for ensuring that each child has the opportunity to develop their talents in the round. It makes the following recommendation:

That the DCSF review the current statutory definition of what constitutes a “suitable” and “efficient” education in the light of the Rose review of the primary curriculum, and other changes to curriculum assessment and definition throughout statutory school age. Such a review should take account of the five Every Child Matters outcomes determined by the 2004 Children Act, should not be overly prescriptive but be sufficiently defined to secure a broad, balanced, relevant and differentiated curriculum that would allow children and young people educated at home to have sufficient information to enable them to expand their talents and make choices about likely careers. The outcome of this review should further inform guidance on registration (recommendation 2).

111. At the time that we were preparing this report, the Department had proposed that home educating families be required to submit “a statement of approach to education” when they registered as home educating, but no further details had been provided. With regard to recommendation 7, in its full response to the Badman Report the Department states that: “...local authority officials must be able to talk to home educated children to establish that they are receiving education in accordance with the plan submitted by their parents, and that they are making progress”. In response to the remaining recommendation, to review the definition of “efficient” and “suitable” education, the Department notes the permissiveness of current guidelines and the varied quality of home education provision as reported to it by local authorities. It also emphasises the need for home educated children to “acquire a mix of skills which will enable them to contribute to society as adults”. On that basis it intends to take forward the recommended review in 2010. It states: “The purpose of this work will be to examine how local authorities can reasonably determine whether home educated young people are making progress which will allow them to develop to their full potential and have a wide choice of future careers”.¹²⁹

112. The Children, Schools and Families Bill provides that at the point of registration to home educate the parent submit “a statement giving prescribed information about the child’s prospective education”.¹³⁰ It obliges a local authority to make arrangements to monitor the education provided to a child on its home education register. The objective of the arrangements is to ascertain, as far as reasonably practicable, whether the child is receiving a suitable education, whether the education accords with the information given about it in the family’s statement and what the child’s wishes and feelings about it are.¹³¹

¹²⁸ paragraph 3.12.

¹²⁹ DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

¹³⁰ Schedule 1, section 19C(4)(b).

¹³¹ Schedule 1, section 19E).

Current home education practice

Range of practice

113. Home education provision can sit along a broad spectrum: at one end is a highly structured approach, whereby the child works to a set timetable, has their work marked and may even follow the National Curriculum; at the other is an essentially unstructured approach whereby the child follows his or her own interests entirely while the parent provides support and encouragement, known as ‘autonomous education’. One of the home educated children with whom we met suggested that in practice it is unlikely that provision will be completely structured or unstructured. Those adopting a more formalised approach may take advantage of a child’s interests and pursue those enthusiasms within a planned curriculum; autonomous learners may still choose to create a timetable for themselves, consult teachers, use a workbook or even join a course.¹³²

114. Home educators prize the flexibility that they have to shape provision to their child’s needs and to follow their child’s motivations, as opposed to fitting around external frameworks or working through a set plan. This can be especially advantageous for children with special educational needs.¹³³ Many of the home educators who contacted us were enthusiasts for autonomous education in particular, believing this educational approach to have been hugely beneficial to their child’s development. As one home educating parent, a secondary school teacher, commented: “The absence of curricula and formal pathway is what allows home educated children to thrive”.¹³⁴ Indeed, he suggested that the school system could learn much from aspects of autonomous education:

I have been fortunate to meet many home educating families over the last twenty years and they have led me to look at schooling afresh. I believe the Badman review demonstrates the kind of blindness that equates all education with school education and this leads to distortions in his recommendations about home education. His recommendations will damage the home education model which could provide invaluable insight for school education reform—and this is of consequence for the whole country.¹³⁵

In particular, he cited the deep learning capacity seen in home educated children who follow their own interests.¹³⁶

115. On this basis, the recommendations of the Badman Report outlined above have caused alarm among some home educators. Their fear is that school-based practice and age/stage frameworks will be imposed on home education. That the Badman Report elsewhere asks questions of the efficacy of autonomous education has fuelled this anguish.

¹³² EHE 164 (Autonomous Education UK); Annex 1. See also the views of home educating parents and children on autonomous education—EHE 7 (Myrna Tennant); EHE 40 (Jackie Burnham); EHE 42 (Carol Gray); EHE 187 (Maya Toney)

¹³³ e.g. see, Q 65 (Carole Rutherford)

¹³⁴ EHE 74, paragraph 4.2 (Mr Keir Watson)

¹³⁵ EHE 74, paragraph 1.3 (Mr Keir Watson)

¹³⁶ EHE 74, paragraph 2.1 (Mr Keir Watson)

Autonomous education

116. Some research has shown autonomous education to work well, at least for some children. For example, a recent study by Dr Alan Thomas and Harriet Pattison concluded that it is an “astonishingly efficient” way to learn.¹³⁷ The Badman Report dismisses this and related studies on several grounds, including, most straightforwardly, that in some cases the research samples are too small to generalise from. The aforementioned study involved interviews with and observation of 26 home educating families. The review team were clearly sceptical that any of the studies on autonomous education that they had seen had research samples that reflected fully the diverse characteristics of home educated children.¹³⁸

117. The Report also challenged autonomous education directly:

Could it be...[autonomous education] defies definition but provides the ultimate opportunity for children to develop at their own rate and expands their talents and aptitudes [through] the pursuit of personal interest. Or, does it present a more serious concern for a quality of education that lacks pace, rigour and direction. I come to no conclusion but believe further research into the efficacy of autonomous learning is essential.¹³⁹

118. In response, several of the home educators cited the example of Summerhill School, where lessons are not compulsory and teaching is essentially oriented around the child’s interests. The home educators suggested that it would be inconsistent to allow this provision while imposing more restrictive arrangements on home education.¹⁴⁰ Ofsted has previously questioned the adequacy of educational provision at the school in this respect.¹⁴¹ In its most recent inspection it concluded that provision was “satisfactory”. However, this judgement was reached on the basis of the inspectors having observed, for example, “an appropriate emphasis on developing literacy and numeracy skills” and “appropriate subject planning provid[ing] satisfactory opportunities for pupils to make progress”—as opposed to completely unfettered autonomous learning.¹⁴² As for other independent schools, Summerhill School’s educational provision was evaluated against a clear set of criteria, including in relation to the curriculum and staffing. Inspectors are asked to consider, for example:

Does the school have a curriculum policy set out in writing and supported by appropriate plans and schemes of work, and does it implement it effectively?

Does the curriculum give pupils of compulsory school age experience in the following areas of learning: linguistic, mathematical, scientific, technological, human and social, physical, and aesthetic and creative?

¹³⁷ *How Children Learn at Home*, 2008. See also, EHE 16 (Dr Alan Thomas and Harriet Pattison)

¹³⁸ Badman Report, paragraph 10.2.

¹³⁹ paragraph 10.1.

¹⁴⁰ EHE 24, paragraph 3.6 (Marie Stafford); EHE 64, paragraph 4.2.2 (Isle of Wight Learning Zone); EHE 102, section 9 (Cumbrian Home Educators)

¹⁴¹ Ofsted, Summerhill School inspection report, 1999, paragraph 6.

¹⁴² Ofsted, Summerhill School inspection report, 2007.

Does the teaching enable pupils to acquire new knowledge, and make progress according to their ability so that they increase their understanding and develop their skills in the subjects taught?¹⁴³

119. **We have some concerns regarding the extent to which the existing research evidence on the efficacy of home education fully reflects the profile of home educating families in England.**

120. **We note that in the case of school education the quality of teaching is thought to be the key factor in pupils' learning and attainment. In which case, the same must apply to the parents and others who are responsible for the education of home educated children. Yet, little is known about the home educating community as a whole within the research evidence.**

121. The Department proposes introducing measures to establish a baseline of current outcomes for the home educated children who are known to local authorities, and to capture changes in outcomes for these and all home educated children in future years.¹⁴⁴ **In addition to its proposed work to investigate outcomes for home educated children in general, we call on the Department to fund research into the outcomes of autonomous education among a fully representative sample of home educating families.**

Statement of educational approach

122. The following comment typified the position of home educators on the matter of the requirement to provide a statement of educational approach:

[We are concerned] that a local authority officer who helps us to set learning objectives and a curriculum, will then expect us to deliver exactly this plan over the forthcoming year. This leaves no space for the flexibility and dynamic creativity that we see home educated children enjoying currently. We don't want to be tied into doing something with [our daughter] that is no longer relevant to her. We want her to be able to pursue new interests and passions, as and when she is motivated to do so. Equally we want her to be able to move on from things that used to interest her but that no longer do.¹⁴⁵

123. Part of the problem is the ongoing ambiguity regarding what the statement would require of home educating families. As Fiona Nicholson of Education Otherwise observed:

When we met the DCSF civil servant...to discuss this at the end of June, he thought that a couple of sentences just indicating the approach that you might be planning to take would be all that was required. Now it is two sides of A4, and I have known local authorities that have not been happy with a 30-page report.¹⁴⁶

¹⁴³ For the full set of criteria, see, Ofsted, *Pre-registration regulatory check sheet*, September 2009.

¹⁴⁴ Children, Schools and Families Bill—an Impact Assessment prepared by the Department for Children, Schools and Families and the Ministry of Justice, for introduction into the House of Commons, November 2009, p 90.

¹⁴⁵ EHE 8 (Carol Mathews and Nick Weir). See also, EHE 9, paragraph 4 (Alexandra Barnes); EHE 25, paragraph 11 (Louise Walters); EHE 39, paragraph 2a (Stockport Home Education Partnership); EHE 42 (Carol Gray); EHE 102, section 9 (Cumbrian Home Educators); EHE 161 (Rainbow-Leaf Lovejoy)

¹⁴⁶ Q 60. The reference to "two sides of A4" relates to Q 38 (Diana Johnson MP)

124. Sir Paul Ennals, Chief Executive of the National Children’s Bureau, outlined, from the perspective of those responsible for working with home educating families, the potential benefits of the requirement to provide a statement of approach. He did not believe that a statement needed to be particularly lengthy or involved to serve this function:

Simply the requirement to set out—I tend to think no more than two pages would do it...—the basics of what they actually intended to do with their child would flush out, I believe, some of the ones that are of greatest concern to me. I do believe it would not represent a challenge or an unnecessarily high hurdle to the vast majority of home educating parents, who are more than able to design the way in which they’re intending to educate.¹⁴⁷

As a local authority officer concurred, the statement might usefully be designed so as to demonstrate that: the parent had thought through the reasons for home educating his or her child and the education to be provided; and the parent was going to be consistently involved with the child’s education.¹⁴⁸ This was for reasons of principle, but also practicality. For example, another officer noted cases where children moved frequently between home education and school.¹⁴⁹ Requiring parents to think in advance about what they were going to do, with the help of an experienced home education advisor if necessary, might prevent a child’s education becoming disrupted in this way.

125. A further local authority officer offered an illustration as to what a statement might actually contain. Her interpretation of the statement was explicitly as a record of an ongoing dialogue with the home educating family:

It would be more practical and helpful [than a plan] to understand the child’s current range of activities, interests and achievements and make some agreed notes with the family. If “one year on” was agreed [at] the time of next visit those notes could be used as a basis for understanding the progress made. Some families may request more frequent support temporarily and sometimes the local authority will want to offer it.¹⁵⁰

126. Of course, even this softer interpretation of the statement of educational approach would not assuage those home educators who believe that they should not be required to liaise with or that they have nothing to gain from contact with their local authority. Nevertheless, it would not in itself undermine autonomous education.

127. It was suggested to us that other approaches might be less workable in practice. As one home educator pointed out, simply asking home educators to provide two or three sentences on the family’s broad educational approach would serve little purpose but to increase bureaucracy:

¹⁴⁷ Q 118

¹⁴⁸ Q 117 (Ellie Evans)

¹⁴⁹ Annex 2

¹⁵⁰ EHE 126, paragraphs C1–C3 (Mary Mullett)

...it takes bureaucracy to an excessive level to demand that parents restate their philosophy every year. If a philosophy is the basic, underlying thinking behind why and how they educate, is this really like to change dramatically every twelve months?

On the other hand, the requirement to set hard targets could result in a cynical response from some—as the same home educator put it, akin to companies purposefully underestimating growth “so that stock markets will not penalise them for a bad year”.¹⁵¹

128. It is surprising that neither the Badman Report nor the Department have provided much idea of what the statement of educational approach might look like. This has engendered much hostility from some home educators who might have been reassured by confirmation that only a short general statement would be required.

129. We are supportive of the principle of requiring home educating families to submit a statement of educational approach on the basis that such a requirement would strengthen the rights of the child and the responsibilities of the parent. We recommend that such a mechanism be introduced. If the statement essentially served as a record of dialogue between the home educating family and the local authority officer it need not be regarded as onerous or restrictive.

Timetable for provision of a statement

130. The Badman Report suggests that home educating families should be required to submit a statement of approach at the point of registration. The family would then be able to discuss and develop their statement with the assistance of a local authority officer if necessary. The plan would need to be finalised within eight weeks of registration (recommendation 1). The Children, Schools and Families Bill does not specify a deadline for provision of a statement.

131. For some home educators this timetable further illustrated the failure of the Badman Report to understand and reflect the needs of all home educating families. They pointed out that it can take time for a family to find an educational philosophy and style that suits them. They highlighted instances where a child might need time to recover from their school experience and to adjust and settle into home education.¹⁵² Jane Lowe explained:

The parent has taken a child out of school and often faces a problem because of the situation that has led to that child being withdrawn, so they cannot just switch seamlessly into some kind of delightful arrangement at home—it takes a while to set things up, to sort things out, to calm the child down, to find out what resources you have and to find the way forward. Obviously, parents will not be happy about the demand that we prepare a statement, that we should be seen within x days of

¹⁵¹ EHE 173 (Paul and Julia Kielstra)

¹⁵² Ev 48, paragraph 5.8 (Home Education Centre, Somerset); Q 61 (Jane Lowe); EHE 20, paragraph 2.4.1 (Bristol Home Educators' Forum); EHE 24, paragraph 3.3 (Marie Stafford); EHE 42, paragraph 33 (Carol Gray); EHE 47, paragraph 8.2 (Herts Home Education Action Group); EHE 60, section 2 (members of a Christian home educating group); EHE 67, paragraph 3i (Greater Manchester Home Educating Network); EHE 74, paragraph 3.5 (Mr Keir Watson); EHE 79, paragraph 2.1c–d (David Watson); EHE 102, section 9 (Cumbrian Home Educators)

withdrawing our child from school and that everything should be in place. That is not reasonable, and it is no wonder that parents are worried about it.¹⁵³

The same point is made in the Department's home education guidelines:

Local authorities should bear in mind that, in the early stages, parents' plans may not be detailed and they may not yet be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision. In such cases, a reasonable timescale should be agreed for the parents to develop their provision.¹⁵⁴

132. We recommend that at the point of registration families should need only set out their reasons for choosing to home educate and to outline in broad terms how the education would initially be provided. We suggest that three months is a more reasonable timeframe for families to submit a fuller statement than the eight weeks proposed in the Badman Report. From that point onwards families should be required to submit a statement on an annual basis, which includes a brief record of the child's achievements and progress.

133. The annual meeting with the local authority officer would provide the opportunity for home educating families to reflect on their child's progress over the preceding 12 months in relation to the family's current statement.

Parameters for home education provision

134. In describing the profile of the known home educating families in her area one local authority officer who we heard from distinguished between two broad groups. The first group comprised families for whom home education was or became essentially a lifestyle choice. These families, the officer noted, were committed to their child's education and required little or no support from the local authority. The second group comprised families for whom home education was often not a positive choice and where, in some cases, the parents were unsure of where to start in home educating their child. The officer suggested that these two groups represented around 80% and 20% respectively of the known home educating families in her local authority area. Several other of the officers with whom we met indicated that this picture reflected that of their own area.

135. One officer elsewhere commented:

This LA recognises that there are many responsible home educators whose children are thriving and succeeding, but has had significant concerns that the current legislation also allows negligent and irresponsible parents to withdraw their children from school...¹⁵⁵

136. Others noted the degree of support that some home educating families need, whether directly in relation to educational provision or, for example, understanding child development. While it could be argued that many such families are home educating by

¹⁵³ Q 74

¹⁵⁴ DCSF, *Elective Home Education: guidelines for local authorities*, 2007, paragraph 3.11.

¹⁵⁵ EHE 163, paragraph 1.2. See also, paragraphs 2.5, 2.7 (local authority officer)

default rather than electively home educating, they are nevertheless home educating and illustrative of the cases that local authorities are working with.

137. Should a local authority have concerns about the suitability of a family’s education provision—and the family’s willingness or ability to address the problem—it can issue a School Attendance Order (SAO). At any stage following the issue of an SAO a parent may present evidence to the local authority that he or she is now providing an appropriate education and apply to have the SAO revoked. Should the parent breach the SAO the local authority has the choice of prosecuting the parent or applying to a court for an Education Supervision Order (ESO). If the local authority prosecutes the parent then it is for a court to decide whether or not the education being provided is suitable. An ESO makes the local authority responsible for advising, supporting and giving ‘directions’ to the supervised child and his or her parent in such a way as to ensure that the child is properly educated. When a child is made subject of an ESO, while local authority officers are required to take into account the parent’s and child’s views, the parent loses the right of appeal against admissions decisions and certain rights to educate the child in a manner of their choosing.¹⁵⁶

138. However, as local authority representatives explained to us, there are difficulties in enforcing both SAOs and ESOs. In part, this relates to issues that we have already discussed—for example, the barrier to gathering the necessary evidence where there is no right of access to the family. It also stems from the current definition of “suitable” education.¹⁵⁷ The Department notes that, nationally, usage of SAOs by local authorities varies widely and that the numbers completed are “very low”.¹⁵⁸

139. A range of preferred definitions of “suitable” education were put to us in the course of our inquiry. In his evidence Mr Badman voiced his personal preference for, in effect, a framework that followed the National Curriculum:

...whether we like it or not, we have a world defined by systems of knowledge. If you’re going to take part in that world, you need to understand how those systems and knowledge developed. It doesn’t mean to say you have to be equally interested in everything, but you have to know something and so...I would go for an education system that if it does not define the outcomes, at least defines a curriculum structure that allows that child to make choices.¹⁵⁹

140. Ofsted argued that home education should be required to equip the child “for life in the national and global community”, thereby complementing the duty placed on maintained school to promote community cohesion. It also argued that a parent should be

¹⁵⁶ See, DCSF, *Ensuring Children’s Right to Education: guidance on the legal measures available to secure regular school attendance*, January 2008.

¹⁵⁷ Ev 84, paragraph 4.2 (Association of Directors of Children’s Services); EHE 163, paragraph 1.4 (local authority officer); Annex 2

¹⁵⁸ Children, Schools and Families Bill—an Impact Assessment prepared by the Department for Children, Schools and Families and the Ministry of Justice, for introduction into the House of Commons, November 2009, pp 83–90.

¹⁵⁹ Q 39

required to set out how provision would enable his or her child to meet the Every Child Matters outcomes.¹⁶⁰

141. The local authority officers who we met simply wanted a better means of addressing extreme examples of where no parent is engaged with their child's education, or where there is no prospect of the child gaining basic skills and/or any breadth of experience. These concerns are to some extent addressed by the Department's existing (non-statutory) guidelines on home education. These state that local authorities could reasonably expect home education provision to:

- recognise the child's needs, attitudes and aspirations;
- offer opportunities for the child to be stimulated by his or her learning experience;
- be supported by the necessary resources; and
- offer opportunities for the child to interact with their peers and others.¹⁶¹

Case law suggests that to these conditions might usefully be added a *positive* expectation or requirement—most obviously, that provision should demonstrate a commitment to the child acquiring the basic skills of literacy and numeracy.¹⁶²

142. Clearly, additional considerations are raised in relation to defining what is “suitable” education where the home educated child has special educational needs. The following comment from a parent of a child with autism illustrated the particular concerns of these families:

As a community we have very real fears that defining a suitable education will stop parents from being able to teach their disabled children the skills they are going to require in a mainstream world as an adult. While academic success is of course important it is of little value if the person who has a string of qualifications does not possess the effective communication or social skills that they require to put those qualifications to use in a working environment.¹⁶³

143. Finally, also relevant to setting parameters for home education provision is the recommendation in the Badman Report that, where a child is withdrawn from school, the school should provide the local authority with a record of the child's achievements to date and expected achievement, together with any other school records (recommendation 1). The Children, Schools and Families Bill permits the Secretary of State to make regulations requiring information relating to a child to be supplied to a local authority, in certain circumstances, for the purpose of exercising its home education-related functions. The persons who may be required to supply information are another local authority and the proprietor of the school from which the child has been withdrawn for home education.

¹⁶⁰ EHE 165, section 3.2.3

¹⁶¹ DCSF, *Elective Home Education: guidelines for local authorities*, 2007, paragraph 3.15.

¹⁶² Monk, D, 'Regulating home education: negotiating standards, anomalies and rights', *Child and Family Law Quarterly*, May 2009. See also, Q 117 (Ellie Evans); Annex 2

¹⁶³ Ev 60 (Carole Rutherford). See also, EHE 136 (K Thirlaway)

The information to be provided might include details of the child's educational attainment to date.¹⁶⁴

144. One complaint is that the Badman Report does not recommend that this information be supplied to the parent as well as or instead of the local authority. A home educating parent remarked: "Since the school and local authority are providing a service for the parent, one would expect a copy of the child's school record to be sent to the parent as well".¹⁶⁵ More fundamentally, such records might be regarded as irrelevant to home education. Some home educators may want to monitor their child's progress in relation to the child's past performance and have the local authority 'benchmark' that progress in relation to the performance of school-educated children. Others, though, will want to move away from the school age/ability framework towards more exploratory learning. On that basis, a short narrative about the child's learning might be preferable to attainment data, past and predicted, with attainment data available to the parent on request.¹⁶⁶

145. We are concerned that any monitoring of home education provision should not undermine the flexibility and freedom currently enjoyed by home educating families in relation to the child's learning and development. On autonomous education we recognise that, when overseen by a responsible parent who is committed to his or her child's education, this approach might work well for a child. However, we also recognise the difficult balance between protecting autonomous education and ensuring that all children have the prospect of gaining basic literacy and numeracy skills and of gaining an awareness of the full range of fields of knowledge open to them. Without such skills and awareness a child could not hope to thrive, let alone achieve his or her full potential and access a choice of careers.

146. We agree that there should be a more precise definition of what constitutes "suitable" education. The definition must be established prior to any registration and monitoring proposals being introduced.

147. The specification of "suitable" education must enable local authority officers to tackle situations where the child has no prospect of gaining basic literacy and numeracy skills efficiently or where there is no breadth to their education. It must, then, encompass a positive expectation in relation to, at least, the acquisition of basic skills. That some pupils still leave school without these skills is no argument, in our view, for essentially permitting the same outcome for home educated children.

148. At the point at which a child is de-registered from school to be home educated the school should provide the child's parent with an up-to-date record of the child's attainment. A copy should be given to the local authority so that it has a broad outline of the child's education to date. This information should not be used as a benchmark against which to monitor a child's subsequent progress, unless requested by the parent.

149. The accusation from some home educators was that local authority officers, typically having a schools background, often did not understand the full spectrum of home

¹⁶⁴ Schedule 1, section 19H; Explanatory Notes to the Children, Schools and Families Bill, paragraph 129.

¹⁶⁵ EHE 28, paragraph 4.5 (Sue Gerrard). See also, EHE 20, paragraph 2.8 (Bristol Home Educators' Forum)

¹⁶⁶ See, EHE 178, paragraph 4.2 (Institute of Education, University of London)

education practice, or were unsympathetic to practice that contrasted strongly with that in schools. The Home Education Advisory Service commented: “Unfortunately... sometimes local authorities will not be persuaded that school criteria do not apply to education at home”.¹⁶⁷ For the same reasons, some home educators questioned the suggestion in the Badman Report that local authorities and schools could assist home educating families in writing their statement of approach (recommendation 1).¹⁶⁸ The Badman Report does recommend that officers receive training in this regard. Indeed, it makes specific reference to training in relation to “the essential difference, variation and diversity in home education practice as compared to schools”. It also suggests that, wherever possible and appropriate, representatives of the home educating community should be involved in the development and/or provision of such training (recommendation 9). Some home educators, though, questioned the adequacy of a mere training session to address the attitudes of local authority officers.¹⁶⁹

150. Given the concerns of some home educators that, on occasion, local authority officers are unsympathetic to more unstructured educational approaches, we welcome the Badman recommendation that officers receive training in this regard. However, we emphasise the need for thorough training that will equip officers with an understanding of a range of learning theories, child development and educational philosophy. We point to the difficulties of, for example, assessing without such knowledge the progress of a child who has moderate or even mild learning difficulties.

¹⁶⁷ Ev 45, paragraph 3.14

¹⁶⁸ EHE 28, paragraph 4.4 (Sue Gerrard)

¹⁶⁹ e.g. EHE 22, paragraph 9 (Dr Peter Kahn); Annex 1

8 Improved support

Existing provision for home educating families

151. The Badman Report makes clear the raw deal that home educating families currently receive from the education system. Local authorities are not under any legal duty to provide financial support to parents who decide to home educate their child. As we discuss below, there appears to be some confusion as to the funding that local authorities are able to obtain in relation to these children. Where authorities have obtained larger amounts of funding for the purposes of providing services to home educated children they have typically done so indirectly—for example, by establishing a virtual school catering for both school and home educated children.¹⁷⁰

152. A submission from a home education advisor outlined the range of provision for home educating families in her local authority: advice prior to de-registration; referral to the local home educators' network; a local authority support group for home educators that meets twice a term; monthly and weekly drop-in sessions; distribution of resources to help families reflect on their provision; an annual home education 'ideas fayre'; provision of exam centres for sitting GCSEs; and coverage of costs of Criminal Records Bureau checks for tutors employed by home educators.¹⁷¹ In other local authorities the offer will be more limited. In some instances it is the local home education group rather than the local authority that takes the initiative in building relations between the two parties and in initiating discussions about possible support. The biggest complaint from home educators as regards support and services was the difficulty that they have in accessing examination centres and the fact that local authorities do not cover the cost of sitting examinations.¹⁷²

The Badman Report recommendations on improving support

153. The Badman Report arguably pays as much attention to the problem of poor support for home educating families as to registration and monitoring. The relevant recommendations are listed below.

That all local authorities should offer a menu of support to home educating families in accord with the requirements placed upon them by the power of wellbeing, extended schools and community engagement and other legislation. To that end local authorities must provide support for home educating children and young people to find appropriate examination centres and provide entries free to all home educated candidates who have demonstrated sufficiently their preparedness through routine monitoring, for all DCSF-funded qualifications (recommendation 10).

That in addition...local authorities should, in collaboration with schools and colleges:

¹⁷⁰ Annex 2

¹⁷¹ EHE 126, section D (Mary Mullett). See also, Atkinson, M et al, *Support for Children who are Educated at Home*, NFER, 2007.

¹⁷² e.g. Q 72 (Simon Webb); EHE 14 (A J Hazell); EHE 106, paragraph 7 (Home Education Local Contact in Cumbria)

- Extend and make available the opportunities of flexi-schooling.
- Extend access to school libraries, sports facilities, school visits, specialist facilities and key stage assessment.
- Provide access to specialist music tuition on the same cost basis.
- Provide access to work experience.
- Provide access to post 14 vocational opportunities.
- Signpost to third sector support where they have specialist experience and knowledge, for example, provision for bullied children (recommendation 11).

That BECTA considers the needs of the home educating community in the national roll out of the home access initiative.

That local authorities consider what support and access to ICT facilities could be given to home educating children and young people through the existing school networks and the use of school based materials.

That the QCA should consider the use of ICT in the testing and exam process with regard to its impact on home educated children and young people (recommendation 12).

Also with a view to improving support, the Badman Report makes recommendations to improve communication between local authorities and home educating families. Mr Badman explained:

I have also tried to give elective home educators a voice. I recommended that they be engaged in the process of determining what is efficient in education, that they be involved in training [local authority officers], that they be involved in all the things that follow, and that, crucially, local authorities create a forum whereby they regularly hear from elective home educators about the services that are provided.¹⁷³

The consultative forum, the Badman Report suggests, might be constituted as a sub-group of the Children's Trust with a role in supporting the development of the Children's Trust, and the intentions of the local authority with regard to home education (recommendation 4).

154. The Report also makes a series of recommendations intended to improve support for home educating parents of children with special educational needs (SEN).

155. At present, if a child who has a statement of SEN is educated at home it remains the duty of the local authority to ensure that the child's needs are met. It is the local authority's duty to undertake an annual review of the child's needs. This review includes assessing whether the statement is still appropriate, requires amendment or might cease. If the

parent's arrangements are suitable then the local authority is relieved of their duty to arrange provision directly for that child.¹⁷⁴

156. The Badman Report calls on Ofsted to give due consideration to home educated children in its ongoing review of SEN provision. It recognises that this could lead to changes in the SEN framework and legislation (recommendations 17 and 18). As for more immediate action, it asks the Department to reinforce in guidance to local authorities the requirement for authorities to exercise their statutory duty to assure themselves that educational provision in these cases is suitable and meets the child's needs. It suggests that local authorities should conduct a review of the home education provision at the outset of that provision (recommendation 18). It further suggests that where a child without a SEN statement has been in receipt of 'School Action Plus' support, local authorities should give due consideration as to whether that support should continue once the child is educated at home (recommendation 20).¹⁷⁵ The Report also notes the relevance to home education of the then ongoing Lamb inquiry into SEN and disability information.¹⁷⁶ The Lamb Inquiry was established as part of the Government's response to our predecessor Committee's Report, *Special Educational Needs: assessment and funding*.¹⁷⁷ It investigated a range of ways in which parental confidence in the SEN assessment process might be improved.¹⁷⁸

Response among home educators and local authorities

157. Some home educators were sceptical about the recommendations on improving support and access to services. There were suggestions that these recommendations were 'tokenistic' or mere 'window dressing'. Others saw the offer of greater support as having strings attached—following the Government's agenda for home education—and stated that they would rather go without or pay for services themselves. Others still simply doubted that the necessary funding would be available.¹⁷⁹ While a small number of home educators did not believe that consultative forums would be workable—the home educating community being too diverse—it is the case that some local authorities already have such forums in place.¹⁸⁰

158. The response to the recommendations in relation to home educated children with SEN was generally one of disappointment. Of the Badman Report as a whole, the National Autistic Society commented:

¹⁷⁴ DfES, *Special Educational Needs Code of Practice*, 2001.

¹⁷⁵ Under School Action Plus the school asks for outside advice from the local authority's support services, or from health or social work professionals. This could be advice from a speech and language therapist on a language programme or an Occupational Therapist's suggestions or a medical diagnosis and report giving recommendations as to how to work differently with the child in class. It might be information about the child's home circumstances that explains the changes in the child's behaviour and attitudes to learning which can then help the school to work with others to resolve the situation. See, www.teachernet.gov.uk.

¹⁷⁶ Badman Report, paragraph 7.6.

¹⁷⁷ Education and Skills Committee, Tenth Report of Session 2006–07, *Special Educational Needs: assessment and funding*, HC 1077.

¹⁷⁸ www.dcsf.gov.uk/lambinquiry

¹⁷⁹ Q 67 (Fiona Nicholson); EHE 48, paragraph 22 (Central London Home Educators)

¹⁸⁰ Annex 2

...we had hoped to see a stronger and more detailed focus on the particular needs of children with SEN within the review, and were disappointed that recommendations on how local authorities should meet the needs of these children were not clearer and more explicit, in particular ensuring that local authorities meet their statutory duties, professionals working with these children have a strong understanding of their particular needs, that the monitoring system takes account of the needs and experiences of these families and that families can access specialist support as required.¹⁸¹

As indicated earlier in our report, some parents pointed to the lack of knowledge and skills of some local authority officers in working with SEN children. Others drew our attention to the fact that local authorities can offer, even impose, inappropriate services on these families.¹⁸²

159. Local authority officers generally welcomed the recommendations outlined above on the basis that they could result in greater funding for their work with home educating families. Many of the officers that we spoke to were frustrated at currently not being able to offer these families access to more services.¹⁸³

The Department's proposals for taking forward the recommendations

160. The Department has indicated its intention to take forward most of the recommendations on improving support and access to services for home educating families, and to make available additional funding to that end.

161. The Department has so far put forward only general estimates of the likely costs of an improved support package for home educating families. It suggests that this will cost £21 million in the first year rising to £22 million in subsequent years. This is based on an estimated cohort of 25,000 home educated children who all seek additional support. As we have noted, other estimates of the size of the total population of home educated children are much higher. The Department does acknowledge that its own estimate “may be too low”. It states that it will adjust its funding commitments as local authorities “get more clarity over the numbers of home educated children and the services they may seek”.¹⁸⁴ Many home educated children may wish to access some of the services listed in recommendation 11 of the Badman Report (e.g. music tuition) and/or to take GCSEs as private candidates (rather than through attending college courses) but will not otherwise receive significant levels of support from the local authority. The Department will count each of these children as 0.1 for funding purposes—allocating one-tenth of the Dedicated Schools Grant value per child. It does not outline how it arrived at this figure, though it states that it will keep the level of funding under review.¹⁸⁵

¹⁸¹ EHE 155, paragraph 15

¹⁸² Ev 60 (Carole Rutherford)

¹⁸³ Annex 2

¹⁸⁴ HC Deb, 3 November 2009, col 947W.

¹⁸⁵ DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

162. We note the poor access that home educating families have had to related support and services. The recommendations in the Badman Report that are concerned with improving this situation are to be welcomed, as is the Department’s acceptance of those recommendations. However, the possible costs of any such support package are still not clear, and we highly doubt that the funding levels suggested by the Department to date will be sufficient. The Department should set out the assumptions on which the figure of one-tenth of the Dedicated Schools Grant value per child was arrived at.

163. The Department has also stated that it will provide clarification with regard to the funds that local authorities are already able to access in relation to home educated children. On funding to cover the costs of young people taking GCSE and vocational courses at college without being registered with a mainstream school, the Department states: “We believe...that local authorities can already draw down funding for this through the Dedicated Schools Grant (DSG)”.

164. Some of the local authority officers with whom we met were sceptical about this claim.¹⁸⁶ This was reflected in the following observation from a local home education group:

Currently, if a family wishes to access funding for [college courses for a child under the age of 16] they need to find a secondary school willing to take their child on to the school roll, but to be educated off site. This is a most unsatisfactory position for both the school and the family to find themselves in. For the school, it will often interfere with its GCSE league table results and home educators find themselves trawling around individual schools trying to find one willing to help them.

Colleges often don’t understand how the funding works and a number of home educating children have found themselves being accepted on college courses, only to have their places cancelled at very short notice when the college realises that they have no funding, unless parents are able to pay.¹⁸⁷

165. Judging by the evidence that we received, clarification on the funding that local authorities are already able to access in relation to home educated children is long overdue. The Department should explain why it is only now that it is taking steps to provide clarification on this matter.

166. With regard to the recommendations on improving support for home educated children with SEN, the Department is to issue a guidance letter to all local authorities. This will confirm the statutory responsibilities of local authorities towards children with SEN statements and how authorities should work with home educating parents to ensure that the needs of these children are met. Any significant change would come later, after the Ofsted review of SEN provision has reported in the summer of 2010. On the basis of the findings of that review the Department will consider whether any changes to the SEN framework would provide more support to parents who are home educating children with SEN.¹⁸⁸ On funding for SEN children, either with a statement or who have significant needs

¹⁸⁶ Q 130; Annex 2

¹⁸⁷ EHE 106, section 7 (Local home education contact in Cumbria)

¹⁸⁸ DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

not formally recognised through a statement, the Department states that: "...our policy is that home educated children can be included in the 'Alternative Provision Return' for DSG purposes".

167. Action is urgently needed to make clear local authorities' existing responsibilities in relation to home educated children with special educational needs and to improve practice in line with those responsibilities. Issues covered by the Lamb Inquiry will also be relevant to some of the concerns expressed by home educating families in their evidence to our own inquiry, particularly those concerning the training of local authority officers, partnership working between local authorities and parents, and transparency in communications. We look forward to seeing the outcomes of Ofsted's review of SEN provision, due to be published next year, and the Department's response to that review in relation to home education.

168. On the recommendation that local authorities establish consultative forums for home educating parents, the Department envisages that statutory guidance issued following the introduction of any registration and monitoring arrangements for home educating families would require this of local authorities.¹⁸⁹

169. We welcome the recommendation in the Badman Report that a consultative forum for home educating parents should be established in every local authority, particularly as a means of assisting local authorities in shaping their service provision to best meet the needs of home educating families. We urge all home educators to respond positively to the opportunity that these forums should offer for improved dialogue between home educating families and local authorities.

¹⁸⁹ DCSF, *DCSF Response to the Badman Review of Elective Home Education in England*, October 2009.

Conclusions and recommendations

Profile of the home educating population

1. We believe that a child who is de-registered from school to be home educated should be nominally kept on his or her school's roll for 20 school days. This would offer much greater scope for resolving problems where parents had any unease about the prospect of home educating their child. We ask the Department to confirm that the child's absence from school during the 20 days would be treated as authorised absence. (Paragraph 23)
2. We welcome the Badman Report's emphasis on local authorities examining the reasons why families in their area choose to home educate. The Badman Report suggests that local authorities address any issues that this process reveals through their Children and Young People's Plans. We suggest that this recommendation should be strengthened: where a parent takes the view that a school has failed his or her child and that his or her only option is to withdraw the child from the school there should be an independent assessment of why this was so, with the school asked to respond to the findings of that assessment. (Paragraph 25)
3. The Badman Report is right to recommend that the Department take action to prevent local authorities and schools from encouraging parents of 'difficult' pupils to de-register their child from school, practice that represents a failure of duty towards the child in question. However, we are not convinced that the Department's proposed response of simply strengthening existing guidance on exclusions is sufficient; the Department should investigate what is driving this practice on the part of local authorities and schools, bearing in mind some of the findings of this Committee's recent inquiry into school accountability. (Paragraph 26)

Evidence base for the registration and monitoring recommendations

4. Given the lack of information on the actual numbers of home educated children, we suggest it is unsafe for the Badman review to have reached such a strong conclusion about the relative risks of a child being home educated or school educated. We believe that any intervention should start from the educational needs of the child. (Paragraph 47)

Registration

5. In our view it is unacceptable that local authorities do not know accurately how many children of school age in their area are in school, are being home educated or are otherwise not in school. The main argument for a registration scheme, as we see it, is to help to provide this information. Given that existing databases could not provide an equally efficient and secure means to that end, we believe that a separate registration system for home educating families should be put in place. This would assist local authorities in knowing which children were in school, which were home educated, and which were not known to be in either category. The Government should review and, where necessary, strengthen the duties on local authorities, Her

Majesty's Revenue and Customs (as the holder of records of eligibility for child benefit) and other agencies—including NHS trusts and police forces—to share information relevant to this task. (Paragraph 63)

6. We believe that registration would encourage local authorities and home educators to recognise that it is to their mutual advantage to have a clear record of children who are being home educated. Any registration system for home educating families should be light touch. In view of the concerns expressed by home educators about compulsory registration, we suggest that registration should be voluntary. Local authorities should publicise the benefits of registration, including the resources that will be available to registered families. The success of a system of voluntary registration (combined with improved information sharing) should be reviewed after two years. If it is found not to have met expectations—in terms of assisting local authorities in identifying and working with the families of children who are being home educated and those of children not otherwise at school—we believe that a system of compulsory registration would need to be introduced. (Paragraph 64)

Monitoring—safeguarding

7. The law relating to the duties and powers of local authorities with regard to home educated children has become very complex and difficult to interpret. This is reflected in the Department's existing guidelines on home education. The Department should take the opportunity provided by the Children, Schools and Families Bill to provide a definitive, succinct statement of the applicability of the Children Act 2004 and the Every Child Matters outcomes to home educated children. The Department should then provide guidelines that better enable local authorities to translate the law into practice, especially in relation to the safeguarding of home educated children as well as children with no record of school attendance. (Paragraph 74)
8. We do not believe that annual home visits by local authority officers to home educating families would represent an improvement on existing safeguarding legislation. However, the wider evidence that we received illustrated the potential value of the requirement for annual meetings between home educating families and local authority officers for the purpose of supporting home education provision. We believe that local authorities need a guaranteed means of engaging with these families. (Paragraph 81)
9. Accordingly, we recommend that home educating families be required to meet with their local authority officer within three months of the child's home education commencing and thereafter on an annual basis. (Paragraph 82)
10. The Children, Schools and Families Bill does not stipulate that meetings between home educating families and local authority officers have to take place in the family home, unless that is the only place that a child's education is provided. We are not convinced that these meetings need take place in the family home under any circumstances. We believe that two weeks is sufficient notice of a meeting. (Paragraph 83)

11. As is already the case with many voluntary arrangements between home educating families and local authorities, the primary purpose of these meetings should be to offer guidance and support to and gather feedback from families, not inspection or to impose school-based frameworks. Local authority officers should focus on matters of educational provision, but be trained to be able to identify signs of harm and know who to refer the family to in such instances. (Paragraph 84)
12. We do not believe that local authority officers responsible for liaising with home educating families should be given the right to interview a child away from the child's parents. That right should be reserved for colleagues who have primary responsibility for child safeguarding, including social care services and the police. A parent's or child's refusal for such an interview to take place should not be included as grounds for revoking registration to home educate. Any related concerns on the part of the home education team should be passed to social care services. (Paragraph 90)
13. It is not clear from the Badman Report, the Department's registration and monitoring proposals or its full response to the Badman Report that sufficient attention has been paid to the conduct of monitoring where a home educated child has special educational needs. The Department must set out how its proposals around the training of local authority staff and commissioning of expertise from other agencies would encompass the particular concerns of these families. (Paragraph 94)
14. Given the evidence that we have received and the nature of the registration and monitoring proposals presented in the Children, Schools and Families Bill, we do not believe that the Department has put forward a realistic appraisal of the likely costs of those proposals. (Paragraph 99)

The right to refuse or revoke registration on safeguarding grounds

15. We believe that local authorities should have the right, on safeguarding grounds, to refuse or revoke registration to home educate. However, this should only be where a child is already subject to child protection measures, not solely on the basis of unsubstantiated safeguarding concerns. There is also a strong case for requiring any decision to refuse or revoke registration to be subject to approval from an independent person or body, rather than have responsibility rest with local authority home education advisors. We recognise that in some instances a child being subject to child protection measures would not necessarily preclude home education. (Paragraph 107)
16. If local authorities are to be given the right to refuse or revoke registration to home educate on the basis of safeguarding concerns then we agree that home educating families must have right of appeal. It is disappointing that neither the Badman Report nor the Department's response to the Report included discussion of an appeals process. While it is right that the Children, Schools and Families Bill provides a right of appeal, the Department should give more details of the proposed appeals process before the House considers the Bill. (Paragraph 108)

Monitoring—educational provision

17. We have some concerns regarding the extent to which the existing research evidence on the efficacy of home education fully reflects the profile of home educating families in England. (Paragraph 120)
18. We note that in the case of school education the quality of teaching is thought to be the key factor in pupils' learning and attainment. In which case, the same must apply to the parents and others who are responsible for the education of home educated children. Yet, little is known about the home educating community as a whole within the research evidence. (Paragraph 121)
19. In addition to its proposed work to investigate outcomes for home educated children in general, we call on the Department to fund research into the outcomes of autonomous education among a fully representative sample of home educating families. (Paragraph 122)
20. It is surprising that neither the Badman Report nor the Department have provided much idea of what the statement of educational approach might look like. This has engendered much hostility from some home educators who might have been reassured by confirmation that only a short general statement would be required. (Paragraph 129)
21. We are supportive of the principle of requiring home educating families to submit a statement of educational approach on the basis that such a requirement would strengthen the rights of the child and the responsibilities of the parent. We recommend that such a mechanism be introduced. If the statement essentially served as a record of dialogue between the home educating family and the local authority officer it need not be regarded as onerous or restrictive. (Paragraph 130)
22. We recommend that at the point of registration families should need only set out their reasons for choosing to home educate and to outline in broad terms how the education would initially be provided. We suggest that three months is a more reasonable timeframe for families to submit a fuller statement than the eight weeks proposed in the Badman Report. From that point onwards families should be required to submit a statement on an annual basis, which includes a brief record of the child's achievements and progress. (Paragraph 133)
23. The annual meeting with the local authority officer would provide the opportunity for home educating families to reflect on their child's progress over the preceding 12 months in relation to the family's current statement. (Paragraph 134)
24. We are concerned that any monitoring of home education provision should not undermine the flexibility and freedom currently enjoyed by home educating families in relation to the child's learning and development. On autonomous education we recognise that, when overseen by a responsible parent who is committed to his or her child's education, this approach might work well for a child. However, we also recognise the difficult balance between protecting autonomous education and ensuring that all children have the prospect of gaining basic literacy and numeracy skills and of gaining an awareness of the full range of fields of knowledge open to

them. Without such skills and awareness a child could not hope to thrive, let alone achieve his or her full potential and access a choice of careers. (Paragraph 146)

25. We agree that there should be a more precise definition of what constitutes “suitable” education. The definition must be established prior to any registration and monitoring proposals being introduced. (Paragraph 147)
26. The specification of “suitable” education must enable local authority officers to tackle situations where the child has no prospect of gaining basic literacy and numeracy skills efficiently or where there is no breadth to their education. It must, then, encompass a positive expectation in relation to, at least, the acquisition of basic skills. That some pupils still leave school without these skills is no argument, in our view, for essentially permitting the same outcome for home educated children. (Paragraph 148)
27. At the point at which a child is de-registered from school to be home educated the school should provide the child’s parent with an up-to-date record of the child’s attainment. A copy should be given to the local authority so that it has a broad outline of the child’s education to date. This information should not be used as a benchmark against which to monitor a child’s subsequent progress, unless requested by the parent. (Paragraph 149)
28. Given the concerns of some home educators that, on occasion, local authority officers are unsympathetic to more unstructured educational approaches, we welcome the Badman recommendation that officers receive training in this regard. However, we emphasise the need for thorough training that will equip officers with an understanding of a range of learning theories, child development and educational philosophy. We point to the difficulties of, for example, assessing without such knowledge the progress of a child who has moderate or even mild learning difficulties. (Paragraph 151)

Improved support

29. We note the poor access that home educating families have had to related support and services. The recommendations in the Badman Report that are concerned with improving this situation are to be welcomed, as is the Department’s acceptance of those recommendations. However, the possible costs of any such support package are still not clear, and we highly doubt that the funding levels suggested by the Department to date will be sufficient. The Department should set out the assumptions on which the figure of one-tenth of the Dedicated Schools Grant value per child was arrived at. (Paragraph 163)
30. Judging by the evidence that we received, clarification on the funding that local authorities are already able to access in relation to home educated children is long overdue. The Department should explain why it is only now that it is taking steps to provide clarification on this matter. (Paragraph 166)
31. Action is urgently needed to make clear local authorities’ existing responsibilities in relation to home educated children with special educational needs and to improve practice in line with those responsibilities. Issues covered by the Lamb Inquiry will

also be relevant to some of the concerns expressed by home educating families in their evidence to our own inquiry, particularly those concerning the training of local authority officers, partnership working between local authorities and parents, and transparency in communications. We look forward to seeing the outcomes of Ofsted's review of SEN provision, due to be published next year, and the Department's response to that review in relation to home education. (Paragraph 168)

32. We welcome the recommendation in the Badman Report that a consultative forum for home educating parents should be established in every local authority, particularly as a means of assisting local authorities in shaping their service provision to best meet the needs of home educating families. We urge all home educators to respond positively to the opportunity that these forums should offer for improved dialogue between home educating families and local authorities. (Paragraph 170)

Annex 1: Note of informal meeting with home educating families

19 October 2009

These notes are a general account of the opinions expressed by a group of home educating families who met members of the Committee for an informal discussion.

Reasons for choosing to home educate

The majority of those present had sent at least one of their children to a maintained school and later de-registered the child from school. Several of these parents, some of whom were qualified teachers, cited the impact of testing on their child's learning and well-being as a factor in their decision to home educate. One parent also remarked on the large class sizes that she had encountered even for her very young child. There was a general sense among these parents that the pace of teaching, driven by testing, was "too much", or that provision just "felt wrong" for their child. More positively, these parents had at the same time been attracted to the idea of home education—for example, due to the space that this approach offered for "learning through experience". One parent had also been impressed by the vibrant home education community in her area and the many activities it organised, such as sports days.

Another family had initially enrolled their children at a small semi-parent run private Christian school, but later turned to home education as a different means of educating their children in line with the family's religious faith.

One parent who had never sent his children to school had chosen to home educate due to general concerns about the nature of school provision and about the background and behaviour of some of the school pupils he had encountered in his time as a social worker. He did not trust the Government "to do the best for his children" and did not want a Government that had "made such a mess of schooling" to interfere with his children's education. He was impressed by the relatively strong academic performance of home educated children, as demonstrated by various research studies in the United States.

Two home educated children commented that they had not felt challenged or stretched at school and had been bored. One had experienced bullying and related stress.

The nature of home education

The home educated children spoke of how their time was essentially their own, and how they filled their time with studying, hobbies and socialising. Studies were generally shaped by the child's interests and might take the form of, for example, long projects. Otherwise, studies were determined by the examinations that the child had decided to sit.

It was commented that few home educating families adopt a purely structured or purely autonomous learning approach—that families typically offer some guidance to the child or take advantage of following the child's interests within a more structured framework. Among the families present the level of direction offered by the parents varied. In one case

the siblings were educated together by their parents, who set work and marked that work. In another the child had taught herself to read at age 7 with little input from her parents. Apart from covering English and mathematics twice a week she followed her interests. In another case the child had put together her own timetable where she felt it would be helpful to her. Her parents had insisted that she study a language in order to broaden her education beyond her preferred subjects of science and mathematics.

Some families made use of external tutors. In one case the child attended Latin classes at a local sixth-form college, which the parents paid fees for. He also attended a chemistry module that his father was teaching at a small local private school.

Many of the children had sat examinations, typically GCSEs and A-levels. Sometimes they had sat them a year or two early, sometimes within just eight weeks or so of taking up the subject as opposed to the usual two years.

It was commented that home educated children usually had plenty of opportunity to socialise with other children and adults, particularly other home educating families. Younger home educated children are dependent on their parents for transport to and from social events.

Asked if they knew of any home educated children who were unhappy with being home educated, the children present said that they did not. They spoke strongly in favour of home education. They valued being able to follow their interests and enthusiasms. They welcomed not needing to perform in tests or to others' expectations. They prized not being subject to the "forced regime" of the school day or to teachers' "hypocrisy" and "abuse of power". One child suggested that, as a result, home educated children were generally more "content and confident" than their school-educated peers. Several parents and children noted how, for them, school had eroded their love of learning and drained their motivation.

Registration of home educating families

Not all the families had made themselves known to their local authority as home educating. One parent asked why she should register to do something that she has a duty to do—ensure that her child receives an education. On the same basis she resented the prospect of otherwise law-abiding families being criminalised for not registering as home educating.

The parents were adamant that local authorities already have sufficient information to be able to identify families—through, for example, the Electoral Roll, General Practitioner/Health Visitor records or ContactPoint.

Parents disliked the way in which home education was being identified as a cause for concern and one parent asked why their children should be targeted merely for reaching school age.

They were concerned that registration would be coupled with regulation. Some were certain that registration "would not stop at registration", that the Government would "add in more and more conditions", and that this would prevent them from exercising choice as to how to educate their children. One parent cited the example of Tasmania, where the

Government “had not been able to resist” making adjustments to the registration requirements.

The home educating families were asked if they would like to be allocated the funding that the local authority would receive if their child was in school. Views were mixed. One parent equated the choice to home educate with the choice to purchase a private education and felt it right that families did not get funding in either case. Another stated that she did not want money from her local authority on the basis that she did not want contact with the local authority. Another commented that as a taxpayer he would like to receive the funding, but that in return he would not want to be audited by agencies that he did not trust.

Home visits by local authorities

Some of the parents present recounted difficult dealings with their local authority. One family had been ‘door stepped’ by a local authority officer, having received no notice of the visit. The mother had reluctantly let the officer into her family’s home and reluctantly showed them some of her daughter’s work. She found the visit intimidating on the basis that local authority officers “have power over you” and “could take your children away from you”. She compared the arrangements for school accountability, whereby Ofsted inspects the school and reports to parents, with that for home education—where, in her view, it would make no sense for the parent to become accountable to inspectors for a duty that they have not delegated.

Another parent talked about instances where local authority officers had “over-stepped their powers” (e.g. asking to see a child’s marked work, a request made worse by the fact that the family had only recently taken up home education). This parent argued that such practice meant that local authorities could not be trusted with more intrusive powers.

One family commented that most local authority officers who staff home education teams have come through the school system, have often worked in that system, and typically have no knowledge of home education. These parents stated that they would not be happy to have a local authority officer in their home, assessing their provision, if they had not had some input into that officer’s training—a point with which others agreed. They also pointed out that with home education the level of activity and learning fluctuates considerably. In their view this meant that home education could not be assessed through snapshot visits. They stressed the need for “patience and tolerance on both sides” and for local authorities to be “responsive to home educating families” in refining their practice with regard to home visits. Another parent concurred that it “took years to understand home education”. In his view it was not possible to learn about home education merely by taking a training course.

The home educated children present were largely resistant to the idea that a stranger could come into their home to interview them and assess their work.

One parent commented that home education and parenting are essentially indistinguishable. He resented the prospect of, in effect, having his parenting inspected.

Protecting home educated children who are at risk of harm

The parents were generally of the view that the recommendations contained in the Badman Report were “looking in the wrong place” as far as safeguarding children is concerned.

One parent remarked that home educated children are not hidden, but seen by a range of professionals as well as acquaintances. She added that home educated children are in fact particularly conspicuous, being out and about during the school day.

It was felt that if a parent was determined to hide their child registration would not solve the problem. One parent pointed out that most Serious Case Reviews show that the child in question was known to social services. He also noted that indicators of harm are often identified by professionals from services other than schools.

On this matter many parents and children also challenged the record of local authorities and schools in managing instances where school children experienced bullying or were at risk of harm. A number of the children cited their own difficulties at school or instances where their school had responded unsympathetically to a peer’s difficulties. Both parents and children noted instances where they had alerted a school-educated child’s parents or social care services to problems that that child was experiencing.

Concluding comments

On being asked if there was anything about the Badman review that they liked, one parent pointed out the paragraph at the beginning of the Badman Report that emphasises that it is parents who bring up children, not government. Another noted how Mr Badman states in his Report that he does not seek to modify this, but suggested that Mr Badman had done exactly that with his recommendations.

Annex 2: Note of informal meeting with local authority officers

4 November 2009

These notes are a general account of the views expressed by a group of local authority officers who met members of the Committee for an informal discussion.

The purpose of the meeting was to hear from local authority officers about their experience of working in the field of home education.

The nine local authority officers who attended the meeting together represented a cross-section of eight local authorities. All the officers had a responsibility for home educating families. The majority liaised directly with these families as part of their role. Some had a professional background in education, some in safeguarding. A small number were former teachers or head teachers.

The discussion was led by the Committee. The contrasting professional backgrounds and current roles—and current ‘case loads’—of the officers shaped their responses to the questions put to them by the Members of the Committee.

The notes are structured in line with the key issues to emerge from our inquiry.

Profile of home educating families

The size of the known home educating population across the local authorities represented at the meeting varied—from around 150 to about 500. The officers pointed out that the number fluctuated throughout the school year. One officer was confident that she knew of the majority of home educated children in her area, which numbered about 700. Her authority used its ‘children rising age five’ list and its secondary school applications lists to identify those children not in school. The other officers believed that the total number of home educating families in their area was at least double those who were known to them.

One of the officers differentiated between two groups of home educating families. The first group she characterised as having initially chosen home education as a lifestyle choice, or as having subsequently developed it as such, and as providing a good education for their child. She suggested that this group comprised around 80% of home educating families in her local authority area.

The second group, she explained, had often chosen home education for negative reasons, usually as a result of poor relations with the child’s school, or where the family had not been successful in obtaining a place at their chosen secondary school. These families, she noted, sometimes had little idea of what home education involved before they took it up and in some cases requested a lot of support from the local authority. This might be in relation to educational provision or, for example, child development.

The officer noted peak times for families to take up home education—Year 9 (age 13/14), and Year 11 (age 14/15), where a child is withdrawn from school prior to taking examinations.

Several of the other officers suggested that this picture reflected the situation in their area.

One officer cited the wish to educate a child in line with the family's religious faith as an additional factor in some families' decision to home educate.

The officers also elaborated on instances where home education is chosen for negative reasons. They noted that, in their experience, most home educated children have previously attended school. They were well aware that some families find themselves home educating having been encouraged by their child's school to withdraw the child, whether for reasons of poor attendance, behaviour or educational attainment. In such cases it is only once the family has formally de-registered their child from school that the local authority learns that the family previously had no intention to home educate.

Some officers suggested that particular groups were placed at risk through their being home educated. For example, two officers cited instances of Gypsy and Traveller families home educating their children but not providing their daughters with an education beyond Key Stage 2 (age 11).

Local authorities and home educating families

The officers also noted that, at least among the home educating families who were known to them, the majority welcomed contact with them and were happy to meet with them on a regular basis. One stated that of the 50 home educating families that she was in contact with, five had refused to meet with her. Another referred to the very close relationship that she had built up with some of the home educating families in her area in the course of her work as a home education advisor.

The officers did recognise that some home educating families were worried about contact with a local authority, and that this was often due to the teaching background of many home education advisors.

They emphasised that they regarded home education as a legitimate choice and that their priority was to work with families to help ensure positive outcomes.

Some noted their additional training in, for example, child development. A small number had either home educated their own child for a short while, or had considered doing so. Those that had were very positive about the freedom it had offered for their child's education.

One officer emphasised that she viewed going into a family's home very much as a privilege, and not a right. She was willing to meet families in neutral settings if that was their preference. She stressed that she would never make an unannounced visit on a family.

More generally, the officers were keen to work with home educating families co-operatively and positively, and aware of the need to build respectful relations with these families. They emphasised that the way forward was partnership working between the two

parties. One noted his authority's forum for home educating parents, which had been established to support such partnership working.

Educational provision

The officers reported that the one-to-one education that home education typically offers works well for many children. They also noted provision that troubled them—for example, where a family had a narrow view of education.

One referred to instances where children move between home education and school on a fairly frequent basis.

The officers noted the challenges of implementing a School Attendance Order (SAO) and Education Supervision Order (ESOs) where this was necessary—whether due to issues of access to the family, the existing definition of “suitable” education, or lack of space within the schools system.

One noted how his local authority was exploring ways of deploying a wider range of support services through ESOs, such as parenting support advisors and youth workers.

Safeguarding

One officer took the view that the 2004 Children Act gave local authorities a duty to safeguard the welfare of all children in their area and that this included home educated children. She suggested that existing legislation and guidelines prevented local authorities from fulfilling this duty. Others concurred that, while it was not right to assume that a child was at risk, as local authorities have no right to see a child they were not able to gauge if action might be needed.

Other officers noted that the hard cases were “always going to be there”. One explicitly stated that the role of home education teams was to safeguard children *in the officers' line of work* and to pass on any concerns to social care services. As a home education advisor, she did not want to be held solely accountable if a home educated child came to harm. Another similarly commented that safeguarding was a “secondary duty” for home education teams, but that she was happy to refer relevant evidence to other services. She emphasised that her role was to support a family's educational provision, not to pass judgement on family life.

These officers again emphasised that they understood that some home educating families did not want local authority officers in their home.

One officer noted that the 2007 guidelines on home education issued by the Department were not statutory; she called for clear statutory guidelines that better enabled local authorities to translate law into practice—in relation to educational provision and safeguarding.

Funding issues

The officers explained that local authorities draw down funds through the Pupil Level Census and that, because home educated children are not registered on the Census it is not possible to draw down funding for them in the same way. They also suggested that where a

child is withdrawn from a school to be home educated the school retains the funding for that child's education.

They referred to some instances where a local authority had been able to obtain significant amounts of funding for home educated children. This had been done indirectly: in one case the local authority had established a virtual school and virtual register for school and home educated children, through which funding could be drawn down as for school pupils.

All called for clarification from the Department with regard to the drawing down of funding for home educated children.

Officers' views on the Badman Report

One officer, who had participated in the Badman review process, commented on the professionalism of the review team—and on the searching questions that the review team had asked her.

Another officer broadly welcomed the recommendations contained in the Badman Report on the basis that it would make local authorities take responsibility for supporting home educating families. Other officers described their frustration at not being able to offer these families much by way of services at present.

They did, though, offer mixed views and some reservations in relation to specific recommendations in the Badman Report.

Registration

Several officers remarked that they would like a means of knowing who and where home educating families were in their area.

Others noted the possible difficulties in operating the proposed registration system. One commented that her local authority, as with others, had families moving in and out of the area, and in and out of the country, all the time. She commented on the potential for child benefit claims information to help local authorities identify families.

Another pointed out that the requirement for a family to register and state their reasons for home educating their child would enable local authorities to better address areas in which schools were failing these children.

The officers generally welcomed the recommendation that schools be required to keep a pupil on its roll for 20 days following de-registration. They welcomed this 'cooling-off period' for two reasons—to allow families more time to assess their options, and to give local authorities more time to resolve any problems with regard to the child's schooling where that was the family's wish. One noted her preference for the arrangements in Scotland, where families apply to their local authority to home educate and thereby have the opportunity to voice any concerns to the local authority as well as to school staff.

Monitoring

Many doubted that the proposed monitoring arrangements would deal with the “hard cases”. One commented that “people who have things to hide will run” and that there was a danger of making the life of genuine home educating families difficult in the process. Another questioned whether home education teams should have right of entry to a family’s home.

Interviews with the child

Several officers recalled instances where a home educated child had clearly not been free to speak in front of his or her parents. One felt strongly that every child had the right to air their views freely without intimidation. She emphasised that officers would only see a child away from the child’s parents *if appropriate*. She maintained that in some instances it would be appropriate.

Another took the view that officers did need to see the child, but not necessarily away from the parent. She stated that she would only interview a child away from his or her parents in extremis and would anyway want a social worker present. A further officer suggested that giving officers this right would not help in managing ‘difficult’ cases, indeed, that insisting on seeing the child alone might make matters worse. Another felt that seeing a child alone should not be in the remit of home education advisors, and that this right should be left with social care services.

Educational provision

The majority of the officers did agree with the recommendation in the Badman Report that home educating families be required to submit a statement of educational approach. Similarly, they all wanted to see introduced a more specific definition of “suitable” education. One emphasised that local authorities have sought to find a definition that is more specific than the existing one but that does not exclude autonomous education.

Resource implications

All wanted more details on exactly what the recommendations in the Badman Report might mean—for example, what information the statements of educational approach would require families to provide.

They were also concerned that many of the recommendations had not been fully thought through, especially in terms of their potential resource implications.

Formal minutes

Wednesday 9 December 2009

Members present:

Mr Barry Sheerman, in the Chair

Karen Buck	Mr Andrew Pelling
Mr David Chaytor	Helen Southworth
Paul Holmes	Mr Graham Stuart

Draft Report (*The Review of Elective Home Education*), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 169 read and agreed to.

Summary agreed to.

Annexes agreed to.

Motion made, and Question put, That the Report be the Second Report of the Committee to the House.

The Committee divided.

Ayes, 5	Noes, 1
Karen Buck	Mr Andrew Pelling
Mr David Chaytor	
Paul Holmes	
Helen Southworth	
Mr Graham Stuart	

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Written evidence was ordered to be reported to the House for placing in the Library and Parliamentary Archives.

Ordered, That embargoed copies of the report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Monday 14 December at 3.30pm]

Witnesses

Monday 12 October 2009

Page

Graham Badman CBE; Ms Diana R. Johnson MP, Parliamentary Under-Secretary of State, and **Penny Jones**, Independent Schools and School Organisation, Department for Children, Schools and Families Ev 20

Wednesday 14 October 2009

Zena Hodgson, Support Officer, Home Education Centre, Somerset; **Jane Lowe**, Trustee, Home Education Advisory Service; **Fiona Nicholson**, Trustee/Chair, Government Policy Group, Education Otherwise; **Carole Rutherford**, co-founder, Autism In Mind, and **Simon Webb**, former home educating parent Ev 50

Sir Paul Ennals CBE, Chief Executive, National Children’s Bureau; **Ellie Evans**, Head of Children Missing Education team, West Sussex County Council; **Philip Noyes**, Director of Public Policy, NSPCC, and **Peter Traves**, West Midlands Region Committee, Association of Directors of Children’s Services Ev 91

List of written evidence

1	Department for Children, Schools and Families	Ev 1: Ev 35: Ev 105
2	Graham Badman CBE	Ev 31
3	Autism In Mind	Ev 36: Ev 59
4	Education Otherwise	Ev 38: Ev 67
5	Education Otherwise response to the DCSF proposals for the registration and monitoring of home education consultation	Ev 61
6	Home Education Advisory Service	Ev 42: Ev 70
7	Home Education Centre	Ev 46: Ev 79
8	Simon Webb	Ev 49
9	Association of Directors of Children’s Services (ADCS)	Ev 82
10	National Children’s Bureau	Ev 85
11	NSPCC	Ev 87
12	NSPCC response to the DCSF consultation on Home Education	Ev 87
13	NSPCC response to the DCSF proposals for the registration and monitoring of home education consultation	Ev 101

List of unprinted evidence

The following memoranda have been reported to the House, but to save printing costs they have not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives, and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

The majority of these memoranda are available on the Committee's website at www.parliament.uk/csf

Peter A Williams

Mr Mark Field MP

Dorothy Murphy

Tania Berlow

The Epsom and Sutton Home Education Group

Myrna Tennant

Carol Matthews and Nick Weir

Alexandra Barnes

Steve Keen

Mark Dennison

Kelly Green

A J Hazell

Pam Perryman

Dr Alan Thomas and Harriet Pattison

Robert Norton

Louise Thorn

Peter Mouseley

Bristol Home Educators' Forum

Professor Bruce Stafford

Dr Peter Kahn

Maire Stafford

Louise Walters

Dirk and Angela Roth

Roy and Jackie Thurley

Sue Gerrard

Sue Berelowitz, Deputy Children's Commissioner

Ian and Felicity Coules

Debra Dunstan-Sewell

S J Sherwood

Dr Roger Slack, on behalf of the Home Service Committee

Christina Anne Eastwood

Michael Crawshaw

Philip and Sarah McNeill

Rachel Simpson

Andrew and Janet Shrimpton
Stockport Home Education Partnership
Jackie Burnham
Elaine Hallows
Carol Gray
Alison Tindale
Ms Dani Ahrens
Denise McCallum
Stephen Tarlton
Hertfordshire Home Education Action Group
Reverend Dr Alasdair Coles, on behalf of Central London Home Educators
Sarah Conyers
R W Somerville
Roxane Featherstone
Home educating parent
Group of Home educating families in Yorkshire
Tom Paine
Pamela Stott
Peter Reynolds
Dr Paula Rothermel
Church of England Education Division
Reading Christian Home Educating Group
Hilary Searing
Professor James C Conroy, University of Glasgow
Amanda Goldston
Isle of Wight Learning
Nicholas Hill
Manchester Home Education Network
Ben and Vicky Archer
Mr Stephen Quinton
Schoolhouse Home Education Association
Tina Robbins
Mr R Barns
James and Michaela Turpin
Mr Keir Watson
Randall and Mary Hardy
Leslie McKillop
David and Janet Proctor
Group of Muslim Home Educators
David Watson
Imran Shah
Ruth Jump
Dr L Safran, on behalf of The Otherwise Club
Rachel Sanger
Dr K E Patrick

Group of Home Educating Parents
Andrew Thorpe
Nick and Valerie Tischler
Peter Trevelyan
Stockport Home Education Partnership
Home Education Tyne and Wear
William Wallace
Ms C Archer
North Cotswold Home Educators
Ms Harris, Todmorden
Philip Searle
Ceri Kruger
Richard and Marina Simpson
Claire Blades
Home Education Research Association (HERA)
Karen FitzGerald
Cumbrian Home Educators
John Allen
SG Marshall and L Daley
Home Education Local Contact in Cumbria
David Hough
Judi Wilson, on behalf of West London Home Educators
Tom King
North and West Yorkshire Home Educators
Gill Kilner
Julian and Christine Brewer
Martin and Christine Thompson
Cathy Koetsier
ReactivEO
Miss Emma Whitford
A Home Educating Parent
A Home Educated Student
Sue Lawrence
Diane Varty
David White
Mieke Tennant
Berkshire Home Education Group
Kirsty Alexander
Derry Hannam
Mary Mullett, Milton Keynes Council
Home Educated Youth Council
Stop the UK Government Stigmatising Home Educators Facebook Group
Linda Fullick and Garry Humphreys
Techla Wood
Elaine Walton

John and Maureen Knecht
Carolyn Crawshaw
South West Surrey Home Educators Group
Rebekah Fox
Mrs Karen Thirlaway
Bristol Home Educators
North Wiltshire Home Educators
Elizabeth Scully and Michael Fell
Paul Shabajee and Sarah Raynes
Ann Newstead
Sarah Goggin
Alison Sauer, The Sauer Consultancy Limited
Dr Andrew and Mrs H A Bettany
Louisa Bird
Carole Kitching
Action for Home Education
Barry McKeown
Sarita Goacher
Catholic Home Educators
Family Education Trust
Peter Phillips
Professor Carole G Mundell and Dr David L Shone
Ann Samuel Till
National Autistic Society
Oxon Home Educators
Worcestershire Home Educators
Gary Brown
Rainbow-Leaf Lovejoy
Gill Bowden
Local Authority Officer
Autonomous Education UK
Office for Standards in Education, Children's Services and Skills (Ofsted)
Dr Gavin Jordan
Ruth Gray
Dr Ben Anderson
Annette Taberner, on behalf of Sheffield Home Educators Network
Susanna Matthan and Chris Rogers
Jeremy Yallop
Coventry Home Educators
Paul Michael and Julia Paulman Kielstra
Mary MacIntyre
Millie Redshaw
Karen Rodgers
Institute of Education
Dave Bennett-Jones

Clare Murton
Penelope Stanbridge
Lisa Price
Robert Nock
Ray Neal
Marie Vijendran
Maya Toney

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2009–10

First Report	School Accountability	HC 38-I and -II
Second Report	The Review of Elective Home Education	HC 39-I and -II

Session 2008–09

First Report	Public Expenditure	HC 46 (<i>HC 405</i>)
Second Report	The Work of the Committee in 2007–08	HC 47
Third Report	Looked-after Children	HC 111-I and II (<i>HC 787</i>)
Fourth Report	National Curriculum	HC 344-I and II (<i>HC 645</i>)
Fifth Report	Allegations Against School Staff	HC 695 (<i>HC 1000</i>)
Sixth Report	Policy and delivery: the National Curriculum tests delivery failure in 2008	HC 205 (<i>HC 1037</i>)
Seventh Report	Training of Children and Families Social Workers	HC 527-I and II
Eighth Report	Appointment of the Children's Commissioner for England	HC 998-I and II

Session 2007–08

First Special Report	Creative Partnerships and the Curriculum: Government Response to the Eleventh Report from the Education and Skills Committee, Session 2006–07	HC 266
Second Special Report	Special Educational Needs: Assessment and Funding: Government Response to the Tenth Report from the Education and Skills Committee, Session 2006–07	HC 298
First Report	Children and Young Persons Bill [Lords]	HC 359 (<i>HC 711</i>)
Second Report	The Department for Children, Schools and Families and the Children's Plan	HC 213 (<i>HC 888</i>)
Third Report	Testing and Assessment	HC 169-I and II (<i>HC 1003</i>)
Fourth Report	The Draft Apprenticeships Bill	HC 1082 (<i>HC 259 of Session 2008–09</i>)