



House of Commons  
Education Committee

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# Support for Home Education

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**Fifth Report of Session 2012–13**

## *Volume I*

*Report, together with formal minutes, oral and written evidence*

*Additional written evidence is contained in Volume II, available on the Committee website at [www.parliament.uk/educom](http://www.parliament.uk/educom)*

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## The Education Committee

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

### Membership at time Report agreed:

Mr Graham Stuart MP (*Conservative, Beverley & Holderness*) (Chair)  
Neil Carmichael MP (*Conservative, Stroud*)  
Alex Cunningham MP (*Labour, Stockton North*)  
Bill Esterson MP, (*Labour, Sefton Central*)  
Pat Glass MP (*Labour, North West Durham*)  
Charlotte Leslie MP (*Conservative, Bristol North West*)  
Siobhain McDonagh MP (*Labour, Mitcham and Morden*)  
Ian Mearns MP (*Labour, Gateshead*)  
Chris Skidmore MP (*Conservative, Kingswood*)  
David Ward MP (*Liberal Democrat, Bradford East*)  
Craig Whittaker MP (*Conservative, Calder Valley*)

Damian Hinds MP (*Conservative, East Hampshire*) was also a member of the Committee during the inquiry.

### Powers

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### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at [www.parliament.uk/education-committee](http://www.parliament.uk/education-committee)

### Committee staff

The current staff of the Committee are Dr Lynn Gardner (Clerk), Geraldine Alexander (Second Clerk), Penny Crouzet (Committee Specialist), Emma Gordon (Committee Specialist), Benjamin Nicholls (Committee Specialist), Ameet Chudasama (Senior Committee Assistant), Caroline McElwee (Committee Assistant), and Paul Hampson (Committee Support Assistant)

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## Summary

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In England, the responsibility for a child's education rests with his or her parents: education is compulsory, but school is not. Our inquiry sought to look specifically at the support which is available to home educators, and at the relationships between home educators and local authorities.

Whilst Government guidance sets out the role of local authorities with regard to home education, we heard evidence that some authorities are acting outside the law. We urge all local authorities to undertake a swift review of their own material, including websites, and to ensure that their policies reflect the guidance available. Some aspects of existing guidance require clarification, and we recommend that the Department for Education undertakes a review of guidance relating to home education.

We saw some examples of outstanding practice, where local authorities have made real efforts to improve their behaviour, structures and accessibility better to work with and for home educators. However, we also saw evidence of inconsistency across the country, leading to a 'postcode lottery' for home educators. A number of innovative models for remedying this were described to us, and we are pleased to support those. The development of a more formalised professional association of, and/or annual conference for, home education officers could be a welcome step in terms of sharing best practice nationally. Local authorities might also improve their relationships with home educators by ensuring officers dealing with these issues are placed in a dedicated or neutral team: locating home education officers with those working on, for example, attendance, children in care or safeguarding gives an unhelpful impression.

We also recommend that the Department for Education carries out an audit of local authorities' performance regarding home education. Publishing the results, showing which local authorities are performing well, would fit well with the Government's transparency drive.

We received little evidence from home educators arguing for increased financial support, but we heard many calls for better or fairer provision of services. We have not, therefore, recommended any system-wide changes to financial support for home educators, although we call on central Government to explain better how available funding might be obtained and utilised, and on local authorities to utilise and claim such funding. We do, however, make a number of recommendations regarding the provision of services for home educators and their families. At present, some home-educated young people experience difficulties in accessing and affording public examinations which are readily available to others. We recommend that the Government places a duty on every local authorities to ensure access to local centres for home-educated young people to sit accredited public exams. We further recommend—given the contribution that many home educators make through their taxes—that the costs of sitting public examinations (to an appropriate level of entitlement) be met by the State.

In other areas, such as transition to further education, and access to cultural and leisure services, we heard of patchy provision across the country. Whilst we agree with the

Minister that local authorities, and not central Government, must be responsible for service provision in their area, it is not acceptable that home-educated young people receive such different levels and quality of support dependent purely upon their postcode. Local authorities should produce 'local offers of support', stating what services are available to home-educating families, and the Department for Education should support pilots for such a scheme. We also look forward to the outcomes of the Department's investigations into allegations of malpractice around young people with SEN or health needs who are home-educated: we heard some worrying evidence that provisions were not being fully met as they would be for schooled children.

It is clear from the evidence we received that many parties, both home educators and local authorities, have made real efforts to engage, to understand each other's motivations and constraints, and to ensure more constructive relationships and better support. We acknowledge that there is some way to go, and look forward to seeing a more consistent approach to home education across the country.

# 1 Introduction

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1. In England, the responsibility for a child’s education rests with his or her parents: as Government guidance notes, “education is compulsory, but school is not”.<sup>1</sup> Whilst the majority of parents choose to send their children to school, others prefer to home educate. The Coalition Government has stated its respect for the right of parents to home educate,<sup>2</sup> and the Committee agrees.

2. In January 2009, Graham Badman (formerly Managing Director of the Children, Families and Education Directorate at Kent County Council) was asked by the then Department for Children, Schools and Families to conduct an independent review of home education in England; this reported in June 2009. The review proved controversial, particularly its recommendations around registration and monitoring of home educators, and resulted in an inquiry by our predecessor Committee—the Children, Schools and Families Committee—which in turn reported in December 2009.<sup>3</sup>

3. The Badman Report made, as our predecessor Committee noted in the introduction to its own report, “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”.<sup>4</sup> It is this area of Professor Badman’s review to which we have turned our attention in this short report.

## The evidence base for our inquiry

4. We launched our inquiry on 28 May 2012, and invited submissions of written evidence addressing the following terms of reference:

- the duties of local authorities with regard to home education;
- what support (financial and otherwise) is currently available for home educators, including from local authorities and other bodies;
- the quality and accessibility of that support;
- whether current arrangements for financial support are adequate;
- the support available for home-educated students’ transition to further education and higher education;

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1 DCSF, *Elective Home Education: Guidelines for Local Authorities (2007)*, hereafter ‘DCSF Guidelines 2007’, p. 4

2 See <http://education.gov.uk/schools/pupilsupport/parents/involvement/homeeducation>

3 *The Review of Elective Home Education: Second Report of the Children, Schools and Families Committee, Session 2009-10, HC 39-I*, hereafter ‘CSF Report 2009’. Fuller information on the Badman Review is provided in the CSF Report on pp. 5– 7.

4 CSF Report 2009, p. 7

- what improvements have been made to support for home educators since the December 2009 recommendations of the Children, Schools and Families Committee;
- what guidance is available for local authorities concerning their duties in regard to home education, and the quality of that guidance; and
- whether the Government needs to alter existing policy or arrangements concerning the support available for home educators.

5. We have not sought to replicate the breadth of the Badman Review. Our inquiry did not look at, or gather evidence concerning, wider issues pertaining to home education, such as the reasons for, or paths leading to, home educating; any evidence regarding the protection or safety of children educated at home; any evidence regarding the examination performance or future well-being of home-educated learners; or the multifarious arguments around the registration of home-educated young people.

6. We received seventy-seven written submissions, the majority of which came from home educators. Evidence was also received, however, from local authorities, researchers, the Department for Education, Ofsted, home educators' own local and national support groups, and a number of other representative bodies (such as the Association of School and College Leaders and the National Autistic Society).

7. We held two oral evidence sessions where we heard from witnesses representing home educators, local and national support organisations, and local authorities, and from Elizabeth Truss MP, the newly-appointed Parliamentary Under-Secretary of State at the Department for Education with responsibility in this area.

8. Additionally, we held a private seminar with nine other local authority officers responsible for home education and related matters, drawn from across the country. A note of that informal meeting is annexed to this report.

9. As always, the Committee benefited during its inquiry from the expertise and assistance of Professor Alan Smithers, standing adviser on education, and Marion Davis CBE and Professor David Berridge OBE, standing advisers on children's services.<sup>5, 6</sup>

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5 Professor Smithers, Director of the Centre for Education and Employment Research at the University of Buckingham, declared no interests. Marion Davis declared interests as a former President and continuing Associate Member of the Association of Directors of Children's Services (ADCS) and as a former member of the Munro Review reference group, continuing to work with Professor Eileen Munro. Professor Berridge, Professor of Child and Family Welfare, Centre for Family Policy and Child Welfare, University of Bristol, declared interests in the form of research with the Department for Education and as a member of the Corporate Parenting Panel of Bristol City Council Children and Young People's Services.

6 Mr Graham Stuart MP, Chair of the Committee, also declared an interest, at the start of the inquiry's first oral evidence session, as Chair of the All Party Parliamentary Group on home education. (See Q 2.)



## 2 Relationships between home educators and local authorities

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### The role of local authorities in home education

10. The role of the local authority is clear with regard to home education.<sup>7</sup> They have two duties: to provide support for home educating families (at a level decided by local authorities themselves), and if families wish it; and to intervene with families if the local authority is given reason to believe that a child is not receiving a suitable education. It is not the role of the local authority routinely to monitor whether a suitable education is being provided, and local authorities should not act as if it is, or cause parents to believe that it is.<sup>8</sup>

11. Despite this clarity in Government guidelines, though, we heard evidence suggesting that a number of local authorities are currently acting outside the law, or at least making misleading statements with regard to home education; this, in turn, jeopardises relationships between local authorities and home educators. Educational consultant Alison Sauer told us that she had completed “a survey of all the local authority websites and [found that] there are only 30 that do not have *ultra vires* requirements on their websites—30 out of 152”.<sup>9</sup> Ms Sauer further notes that the most compliant local authorities, based on their websites, are also those which “either have had ongoing input over a period of time from local home educators or have a strong knowledgeable member of staff”<sup>10</sup>, suggesting the importance of co-operative working with home educators, to which we shall return.

**12. Local authorities have a responsibility to follow the law, and to be seen to do so. Considering evidence that only thirty do not currently have *ultra vires* statements on their websites, regarding home education, we urge all local authorities to undertake a swift review of their own material, and to ensure that their policies reflect the guidance available.**

### Tensions in existing guidance

13. Whilst the publication of misleading or inaccurate information is not excusable, it was suggested by other witnesses that tension in existing guidance is part cause for this, particularly in two areas. Melissa Young, responsible for home education in Warrington Borough Council, explained the first of these:

There is no definition of what is suitable education. There is no definition of what is efficient. So because home education varies so much in educational philosophy and

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7 The DCSF Guidelines 2007 are the key reference point on this.

8 See DCSF Guidelines 2007, p. 5

9 Q 4. In her written evidence (Ev 73), Ms Sauer notes that “the worst offender, South Gloucestershire, makes or implies 15 UV demands”. *Ultra vires* is generally used in legal terms to mean ‘beyond power’.

10 Ev 73

parents are doing it for so many different reasons, it is open to interpretation on the part of the local authority as to whether that meets the statutory requirements.<sup>11</sup>

This was echoed by several other local authority officers, who attended a seminar hosted by the Committee in July 2011.<sup>12</sup> Government guidance, meanwhile, notes that whilst certain terms have not been defined in legislation, case law has provided such definitions:

An ‘efficient’ and ‘suitable’ education is not defined in the Education Act 1996 but ‘efficient’ has been broadly described in case law as an education that ‘achieves that which it sets out to achieve’, and a ‘suitable’ education is 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’.<sup>13</sup>

14. Other witnesses argued that guidance needed further clarity around the issue of interventions. As noted above, local authorities can only intervene in home education if there is evidence that it is either unsuitable or inefficient. In a school situation, such evidence might be revealed by accountability tables, Ofsted judgments, or local intelligence, but this cannot apply to home educators for obvious reasons. However, guidance is equally clear that local authorities do *not* have the power “to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education”.<sup>14</sup> Wigan Council, in its submission to our inquiry, argued that this creates a real tension:

It is very difficult to be able to ensure that the children receive a ‘suitable’ education or to ensure that they are being protected when, without reasonable justification that the child is or is likely to be suffering significant harm, there are no grounds to insist on entry to the home for a monitoring visit.<sup>15</sup>

**15. We believe that the case law definitions of ‘suitable’ and ‘efficient’ education are sufficient, and encourage local authorities to use these as required. However, some aspects of existing guidance require clarification, and we recommend that the Department for Education undertake a review of the guidance concerning home education, working with local authorities and home educators to iron out any tensions.**

## Variation in local authorities’ behaviour and practices

16. A review of existing guidelines, whilst useful, is unlikely to iron out the apparent inconsistencies in local authority practice across the country on its own. The phrase ‘postcode lottery’ was raised throughout our inquiry, with reference both to local authorities’ behaviour and to the support which they provide—a theme to which we return in subsequent chapters.

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11 Q 119

12 A note of the meeting is annexed to this report.

13 DCSF Guidelines 2007, p. 4, citing Mr Justice Woolf in the case of *R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust* (12 April 1985)

14 DCSF Guidelines 2007, p. 6

15 Ev w93

17. There are clearly examples of outstanding practice, where local authorities have made real and concerted efforts to improve their behaviour, structures and accessibility—aside from the quality of the support provided—and in particular where local authorities have come together to iron out inconsistencies across arbitrary administrative boundaries. Three North-Western local authorities have developed a ‘home education shared service’, the many advantages of which were described by Melissa Young:

Fantastic opportunities for all three of us to share good practice; very minor cost efficiencies; consistency of approach to benefit families. We have quite a lot of cross-border movement, and if a family knows they are going to see either the same documentation or similar practice if they are moving across, I think they are more likely to remain in contact with the local authority. It is a shared ear for me and my colleagues. It has allowed us to develop extended support [...] it is just a way of building a service that benefits us and benefits families and just gets rid of the lack of consistency [...]<sup>16</sup>

18. Lack of consistency between local authorities is also being addressed by a different model, described to us by Elaine Grant from Croydon Council:

I am part of a cohort of 22 local authorities that meet every term. Originally, we were called the London Home Education Officers, but Northampton has joined us, Essex has joined us, Sussex has joined us.. we meet once a term and we share good practice; we share negative experiences [...] So it is very much like what Melissa was saying has worked well [...] I think to have that consistency may be a useful way forward.<sup>17</sup>

A similar idea, a “free national conference where local authority representatives would have the opportunity to explore a range of positive examples in more depth”, was proposed in written evidence.<sup>18</sup> Such a move might also help to improve the training officers receive, which evidence again suggested to be patchy. In Cumbria, for example, “great attention” was apparently “paid to the training of new personnel” following a restructure,<sup>19</sup> but the Home Education Centre, which works across several counties in the South-West, reported that lack of available funding for local authorities means that training is “often” insufficient.<sup>20</sup>

19. Such arrangements might particularly benefit smaller local authorities where, as parent and educational consultant Fiona Nicholson explained, home education does not provide “a full-time job for the person who does it”: two thirds of local authorities, according to Ms Nicholson, have fewer than 100 home-educated children “on their books”.<sup>21</sup> Professor Bruce Stafford, meanwhile, argued that training alone was not enough:

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16 Q 173

17 Q 177

18 Ev 45

19 Ev 54

20 Ev 51, Ev 64

21 Q 2

There is also a case for a registration scheme for Elective Home Education officers in order to improve the quality of the information, advice and support they provide. The current arrangements and levels of training are not fit for purpose. Officials dealing with home education need to demonstrate accredited professional competence (knowledge and skills) and, to ensure compliance by local authorities, staff should not be allowed to practice unless registered. The opportunity should be taken to involve home educators in determining the knowledge and skills that staff should possess.<sup>22</sup>

**20. We are pleased to support innovative models such as joint local authority services and associations of home education officers, which aim to share best practice and to achieve more consistency between local authorities with regard to home education. We believe that these models have significant potential to lessen the ‘postcode lottery’ which was described to us, and we encourage more local authorities, especially smaller ones, to develop shared services, and to join existing networks of home education officers.**

**21. The development of a more formalised professional association of, and/or annual conference for, home education officers, driven by those in the profession themselves, could be a welcome step in terms of sharing best practice nationally, and in turn might consider issues such as accreditation and improved training for local authority officers.**

22. The Minister responsible for home education, Elizabeth Truss MP, saw little role for central Government in ironing out such inconsistencies:

There are clearly local authorities that have better practice than other local authorities, as there are in many areas, and one would hope that the best local authorities share their best practice, so that other local authorities follow up on that.<sup>23</sup>

The Minister had not seen, she said, any “significant evidence that [...] having more central control would have a beneficial effect”.<sup>24</sup> Other witnesses, however, disagreed. One local authority officer at the Committee’s July 2012 seminar suggested that ‘minimum standards’ ought to be developed which local authorities would work to; another, in oral evidence, said there was “absolutely” a role for organisations such as the ADCS<sup>25</sup> and LGA<sup>26</sup> in ironing out variations.<sup>27</sup> Home educators’ own national support groups also agreed unanimously that there was a role for central Government in monitoring local authority practice, as did independent home education consultants Fiona Nicholson and Alison Sauer in their oral evidence.<sup>28</sup>

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22 Ev w37

23 Q 229

24 Q 227

25 Association of Directors of Children’s Services, the “national leadership association in England for statutory directors of children’s services and other children’s services professionals in leadership roles” (<http://www.adcs.org.uk/>)

26 Local Government Association, the “national voice of local government”, aiming to “support, promote and improve councils” ([www.local.gov.uk](http://www.local.gov.uk))

27 Q 183 (Melissa Young)

28 See Q 69 (Shena Deuchars, Alison Sauer, Fiona Nicholson, Anne Brown and Jane Lowe)

23. It is worth noting that local authorities themselves did not seem averse to further scrutiny; several, indeed, welcomed it. One officer explained how her authority has already taken this upon themselves, by asking home educators to complete questionnaires on officers' performance and behaviour, and there was a general feeling at our July 2012 seminar that greater monitoring of local authorities' home education services would improve relationships with home educators as well as transparency.

24. Central Government has a national perspective, as well as tools and resources, which can never be fully replicated by an individual local authority, and we therefore disagree with the Minister in her view that central Government should play little role in ironing out variations between local authorities. **We recommend that the Department for Education carry out an audit of local authorities' performance regarding home education, and the information they make available on their websites and elsewhere, and publish the results, ascertaining which local authorities are performing well with regard to home education. We consider that, far from damaging the Government's localism agenda, this review would fit well with the Department for Education's transparency drive.**

### Placement of officers within local authority structures

25. Just as witnesses reported variation between local authorities' understanding of and adherence to the law, we heard evidence of similar variation in the quality of the officers charged with home education within the local authority structure. In some areas, such as Cumbria, there are clearly outstanding officers:

The person who takes the lead role for home education [...] has a good understanding of many forms of alternative education and the law relating to home education. Following recent spending cuts, Cumbria LA lost three out of four of its home education 'consultants' and the department underwent a major reconstruction. Home educators were kept up to date with changes [...] the result has been a remarkably smooth transition.<sup>29</sup>

However, as that witness went on to note, this is not "the norm".<sup>30</sup> One parent, Susannah Matthan, told us:

The new jobs created to support EHE families [...] consist largely of ex-teachers (with a fundamental belief that school is the best place for children) or social services worker who aim to steer families back onto the school pathway [...] LAs are not at all interested in recruiting qualified and/or experienced home educators to these advisor posts. This is no different to excluding a disabled person from a role which involves offering experiential support to people with disabilities.<sup>31</sup>

26. Other witnesses suggested that the location of officers within their local authority structure could give out an unhelpful impression, as explained in written evidence from the

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29 Ev 54

30 *Ibid.*

31 Ev w77

Home Education Advisory Service (HEAS), a national advice and support charity for home educators. HEAS argued that “institutional prejudice” against home educators stems “mainly from the fact that home-educated children are dealt with by the same departments which are set up to deal with children with problems”.<sup>32</sup> Developing this theme in oral evidence, HEAS argued that such co-location of services (specifically citing behaviour and attendance and welfare teams) “immediately [...] puts [the home educating family] in the ‘problem’ category”.<sup>33</sup>

27. We saw evidence of this during our inquiry. Of the nine local authority officers invited to our seminar in July 2012, one was situated within a division looking at school attendance; two were from children’s services units; and a fourth was titled ‘Virtual Headteacher for Children in Care’.<sup>34</sup> Other posts encountered by the Committee used words such as ‘teacher’ and ‘virtual school’ which may not be appropriate for many of the models of home education which exist.

28. The Minister, when asked about the issue of placement within structures, argued that “it is up to local authorities to carry out their duties in the way they see fit”.<sup>35</sup> Others, however, felt that local authorities should be encouraged to restructure, which in turn could improve relationships. HEAS proposed that officers should be located in a neutral location, such as information or library services,<sup>36</sup> which was immediately heralded as “a brilliant idea” by another witness,<sup>37</sup> and was supported by other representative bodies.<sup>38</sup> **The team within which local authority home education officers sit can give out an important message about that authority’s view of home education. For example, it is inappropriate for such officers to be located with those working on attendance, children in care or safeguarding. Local authority officers dealing with home education ought to be situated within a dedicated team, or sit within a neutral location such as learning or library services.**

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32 Ev 40

33 Q 13 (Jane Lowe)

34 A note of that seminar is annexed to this report; attending local authorities are listed, though not the names of representatives.

35 Q 229 (Elizabeth Truss MP)

36 See Q 13 (Jane Lowe)

37 Q 78 (Hannah Flowers)

38 See Q 15 (Shena Deuchars, representing Education Otherwise) and Q 78 (Zena Flowers, representing the Home Education Centre in Somerset)

### 3 Financial support for home education

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29. The Department for Education is clear that “parents who elect to home educate their children have always taken on the full financial responsibility for their child’s education”.<sup>39</sup> This echoes the guidance for local authorities published under the last Government, which says home educating parents “must be prepared to assume full financial responsibility”,<sup>40</sup> and was re-emphasised in the Department’s evidence, in which the Minister stated that a home educator must “be able to provide the resources” to see through their decision.<sup>41</sup>

30. Whilst the overarching position is clear, there are some sources of funding available to local authorities when supporting home educators, specifically “to enable a home-educated young person to attend a further education college or to support a home-educated child’s special educational needs”.<sup>42</sup> Guidance is provided, on the DfE’s website, on what funding is available and how it might be drawn down. The funds available are from the Dedicated Schools Grant, but require the home-educated child to be on the Alternative Provision Census; in evidence, some witnesses therefore referred to “AP funding” when discussing financial support.<sup>43</sup>

31. Some evidence—from home educators and from local authorities —argued the case for more formalised funding options. One parent, for example, suggested “that vouchers for purchase of educational materials (only) be provided to home educating families”, perhaps using “the amount a state school might typically spend on materials for a child in a year” as a guideline.<sup>44</sup> Melissa Young from Warrington Borough Council felt that current arrangements for financial support are “inadequate”,<sup>45</sup> and responded positively to the suggestion that local authorities might receive a percentage of standard per-pupil funding for each home-educated child in their area, as did officers from other authorities.<sup>46</sup> One parent suggested a programme of small grants might be developed enabling home-educated children “to do educational activities that are available to school children”.<sup>47</sup>

32. However, other home educators did not argue for financial support and, indeed, a number argued against it. A key concern was summed up thus by Jayne Richardson:

I feel that if home educators were to receive funding [...] it would lead to more problems. Understandably, if tax payers’ money is being spent, checks would have to

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39 <http://education.gov.uk/schools/pupilsupport/parents/involvement/homeeducation/a0073322/funding-for-home-education>

40 DCSF Guidelines 2007, p. 4

41 Q 259 (Elizabeth Truss MP)

42 <http://education.gov.uk/schools/pupilsupport/parents/involvement/homeeducation/a0073322/funding-for-home-education>

43 See link above.

44 Ev w58

45 Ev 68

46 See Q 202 (Melissa Young, Helen Sadler and Elaine Grant)

47 Ev w7



be put in place to see that it is being spent properly and I suspect this would lead to more unwanted intrusion into home educators' family lives.<sup>48</sup>

Others expressed similar sentiments: in the words of one witness, "he who pays the piper calls the tune".<sup>49</sup> Jane Lowe, meanwhile, suggested a different philosophical dilemma for some, noting that "if families could approach the local authority for funding if they wanted to, in my mind that would suggest to me that they would no longer be home educators, because they would be receiving funding for their course, and that would be like being in school".<sup>50</sup>

33. Where we did hear broader consensus was that what funding *is* available is not easily accessed, or even easily researched. Whilst the Department for Education does offer, on its website, details of circumstances where financial support might be available,<sup>51</sup> local authority witnesses said that greater clarity on accessing available funding would "certainly help".<sup>52</sup> Alison Sauer, who has conducted audits of local authorities, wrote that "many have decided that they will not be offering this funding";<sup>53</sup> Swindon and Poole were cited as having adopted this policy,<sup>54</sup> whilst West Sussex was named as imposing a cap on such spending.<sup>55</sup> Another witness, who has conducted research on available funding, said that "only one in five local authorities are making any use of the funding that is there to claim from central Government".<sup>56</sup>

**34. Based on the current state of the public finances, and the evidence we have heard from local authorities and home educators, we do not recommend any system-wide changes to financial support for home educators. However, where funding *is* available, central Government needs to explain better how this can be obtained and utilised. We cannot understand why some local authorities refuse to utilise or claim such funding, and urge those that have done so to change their position.**

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48 Ev 54

49 Ev w16

50 Q 71 (Jane Lowe)

51 See <http://education.gov.uk/schools/pupilsupport/parents/involvement/homeeducation/a0073322/funding-for-home-education>

52 Q 201 (Helen Sadler)

53 Ev 73

54 Q 53 (Shena Deuchars and Anne Brown)

55 Ev 73

56 Q 52 (Fiona Nicholson)



## 4 Provision of services and other support for home education

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35. Whilst, as demonstrated in the previous chapter, provision of funding for home educators divided opinion, significant evidence called for greater provision of services. These fell into a number of key areas, which we consider separately below.

### Examinations

36. Government guidance is clear that, when parents decide to home educate, they should expect to cover all the costs therein, and specifically includes public examination costs within that.<sup>57</sup> The Badman Report recommended that local authorities should “provide entries free to all home-educated candidates who have demonstrated sufficiently their preparedness through routine monitoring, for all DCSF-funded qualifications”, which the report of our predecessor Committee broadly welcomed as part of a package of increased support, although it raised several concerns about monitoring of home education.<sup>58</sup> The Badman Review also recommended that local authorities should take steps to help home educators find appropriate examination centres.<sup>59</sup> Broadly, these two areas—access and cost—were also the central issues around examinations which were raised in evidence to our own inquiry.

37. We heard some examples of individual schools and local authorities offering support to home educators in finding examination centres which would accept external candidates. Gateshead home educator Karen Thirlaway wrote:

There is excellent support from a high school in a neighbouring authority, whose staff are very flexible and helpful with regard to exams for external candidates, access arrangements and in-house assessment where necessary, and investigating other exam opportunities outside of their remit where applicable.<sup>60</sup>

Anne Brown, meanwhile, had made arrangements with a local independent school and suggested that there was further potential in such a model, as independent schools “have a duty to be of some good to the community to keep their charitable status”.<sup>61</sup> (Mrs Brown also noted, however, that her neighbouring local authority is more supportive in terms of accessing exams than her own, suggesting once again the clear ‘postcode lottery’ from which home educators suffer.<sup>62</sup>) Other local authorities, such as North Yorkshire, provide “a place to sit selected GCSEs”.<sup>63</sup>

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57 See DCSF Guidelines 2007, p. 4

58 CSF Report 2009

59 *Ibid.*

60 Ev w7

61 Q 60 (and see qq. 61–62)

62 See Ev 70

63 Ev 73

38. However, these positive examples appeared to be few and far between. Fiona Nicholson shared with us the results of her “nerdish survey of all local authorities in England and their support for access to exam centres for home-educated children this year”:

I have found that only one in eight are doing anything in the way of even signposting to a local exam centre in a school. There are 8% who are using a pupil referral unit, but they might not be able to continue doing that in the future. A similar proportion are pointing to a further education college. It is the number one thing home educators will say all the time [...] ‘Could you help with exams? Could you tell me where I can sit exams locally?’ The councils are saying, ‘It is nothing to do with us...’ It is a really difficult area and the support is really, really patchy [...]<sup>64</sup>

Jane Lowe agreed that the present situation is “damned difficult”,<sup>65</sup> supported by examples from written evidence we received. One parent, for example, reported travelling “over 200 miles in order to facilitate one of [our] children to sit one GCSE”,<sup>66</sup> whilst another, having received no support from her local authority and been refused access at all local schools, finally found a centre which would accept her child only for the provision to be subsequently withdrawn.<sup>67</sup>

39. Whilst Fiona Nicholson argued that mandating local authorities to provide access would be difficult,<sup>68</sup> other witnesses disagreed. The Home Education Advisory Service argued that “certainly [...] there should be a duty [on local authorities] to provide exam facilities”,<sup>69</sup> and it was supported by representatives of local home education groups who emphasised that “we should at least allow children who choose to to access exams”,<sup>70</sup> and that “schools should be required to make public exams available to the general public”, not just home-educated young people but adults as well.<sup>71</sup>

40. Local authority officers also supported free access to exams for home-educated students: those present at our July 2012 seminar broadly agreed with this, as did our three oral evidence witnesses from local authorities, though they noted that “the practicalities would be something that needed to be looked at”,<sup>72</sup> not least because of the implications of coursework and the potential unwillingness of certain schools.<sup>73</sup> Fiona Nicholson intimated

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64 Q 59. The use of PRUs has caused some concern: one home educator wrote to us that, as the venue’s name “is displayed prominently on examination certificates”, using a PRU “may be prejudicial when the certificate is shown to a prospective employer of college” (Ev w43).

65 *Ibid.*

66 Ev 54

67 Ev w29

68 See Q 59

69 *Ibid.*

70 Q 93 (Zena Hodgson)

71 Q 92 (Jayne Richardson)

72 Q 211 (Melissa Young)

73 See qq. 207–211 (Elaine Grant, Helen Sadler and Melissa Young)

that the expansion of the Academies programme (where schools are outside local authority control) has been cited by some local authorities as an issue in this regard.<sup>74</sup>

41. We also heard from several witnesses that the costs associated with home-educated children taking public examinations can be high and at times prohibitive. Louise Kerbirou summarised concerns about the unfairness of the present situation:

Despite the fact that we all pay our taxes into the education system that we do not utilise, when it comes to taking the exams that are free to children in school we have to pay for these ourselves at considerable expense and this greatly limits the number that can be taken in low income families.<sup>75</sup>

Some witnesses cited costs of several hundred pounds, or more, for a suite of GCSEs alone.<sup>76</sup>

42. The Minister responsible for home education said she wanted to be “very careful about upsetting the current balance”<sup>77</sup> and said she was “reluctant to intervene [...] when the evidence suggests that home-educated children, whilst it might be difficult to get to examinations, are succeeding in getting to examinations”.

**43. It does not seem reasonable to us that home educators in some areas have such a struggle accessing examinations centres for their children. We recommend that the Government place a duty on every local authority to ensure access to local centres for home-educated young people to sit accredited public examinations.**

**44. As noted previously, we do not believe that the State ought routinely to finance home education. That said, many home educators do contribute to the education system through their taxes, and yet still have to meet the costs of sitting public examinations. We do not consider this to be fair, and therefore recommend that the costs of sitting public examinations be met by the State. The Department for Education should work to establish the appropriate level of entitlement, and to which examinations this ought apply.**

## Transitions to further education

45. Two national home education support and advice organisations differed markedly, in their written evidence, when discussing home-educated young people’s transition to post-16 education. Education Otherwise argued that “there is very little LA support for the transition to further and higher education”, citing a number of specific issues including funding, access, examinations and changes to Open University fee arrangements.<sup>78</sup> The Home Education Advisory Service, by contrast, painted a much more positive picture of the current situation:

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74 See Q 59

75 Ev w7

76 See for example Ev w19; Ev w29; and Ev w51

77 Q 245 (Elizabeth Truss MP)

78 Ev 38

HEAS has not found any evidence to suggest that home-educated students have experienced difficulties in progressing to further and higher education. There is a wealth of information on the internet and feedback from families indicates that once the hurdle of GCSEs has been overcome, A levels and college or university entrance are relatively straightforward matters.<sup>79</sup>

46. Despite this difference of opinion, it is clearly important that home-educated young people are able to access post-16 education easily when they, or their parents, choose to do so, and therefore **we recommend that the Government monitor, as part of the audit previously recommended, local authorities' current provision of advice regarding transitions to further education for home-educated young people. The Government should ensure that local authorities are providing high-quality advice, through their home education services or websites, to those who request support.**

47. The Minister explained a new policy which might benefit home educators:

From September 2013 further education colleges will be able to admit 14 to 15-year-olds on their own say-so rather than via local authorities. So that will make life easier, I think, for home educators who seek further education for their children later on in their educational career.<sup>80</sup>

**We congratulate the Government on giving further education colleges the power to admit 14 to 15-year-olds directly, and welcome this policy move, which we hope might benefit home educators as well as others.**

### Local offers of support

48. As with local authority officers' behaviour and practices, discussed in Chapter 2 above, our evidence suggested that local authorities' service provision for home educators and their families is equally patchy: there is clearly significant variation in the quality and accessibility of such provision from one authority area to another.

49. We heard many examples of good or helpful practice. Sutton Music Service, for example, "waived the requirement for children to be at school before they can access instrument hire",<sup>81</sup> whilst Somerset circulates "details of EHE residential courses and activities" in which families might be interested.<sup>82</sup> Although Anne Brown's own authority caused her some concerns, she noted that if she lived "sixteen miles down the road [...] I would pay less council tax, I would get extra library books, I would get access to exam centres—some very nice goodies."<sup>83</sup> This was confirmed by another witness, from Mrs

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79 Ev 40

80 Q 230

81 Ev 49

82 Ev 51, Ev 64

83 Q 51

Brown's neighbour authority, who spoke of Hampshire's support in science lab provision, educational psychology and visual impairment services.<sup>84</sup>

50. Written and oral evidence made it clear that, in the words of one witness, "it is very much a local offer or non-offer"<sup>85</sup> or, as another put it, "provision is a postcode lottery".<sup>86</sup> Some local authorities are making significant efforts, particularly given current budgetary and personnel savings, but others clearly offer far less support for those home educators who request it. As one witness argued, despite "contributing financially to the education system by way of [...] taxes", families sometimes "receive nothing of the help that would be advantageous to our children and is free to thousands of others".<sup>87</sup> That parent cited the example of leisure services: swimming lessons, which are free to school children, cost her £352 a year. Despite proposing "a mutually beneficial scheme whereby home educating families gained a reduced rate of entry, meaning that they would come more often, bring their friends and increase revenue", that home educator found the local authority unresponsive.<sup>88</sup>

51. The responsible Minister at the DfE thought that such provision "would be a decision for the local authority".<sup>89</sup> Ms Truss went on to argue that the DfE does not have a significant role to play in improving the consistency of provision:

Getting consistency is not necessarily the right objective [...] I think the right objective is trying to get the best possible service, but that is an objective that does not lie in my hands in the Department for Education. That lies in the hands of local authorities, and it is for the leaders of local authorities to tell this Committee how they see themselves measuring up to the best [...] I think we have to be careful in all this that we do not think that the Government doing things is a panacea that is going to solve problems on the ground or going to deal with issues on the ground.<sup>90</sup>

**52. Whilst we agree with the Minister's view that local authorities, and not central Government, must be responsible for service provision in their area, we do not consider it acceptable that home-educated young people receive such different levels and quality of support dependent purely upon their postcode. Local authorities should be expected to produce a 'local offer of support' for home educators, stating what services are available, how these differ from those for parents of schooled children, and enabling home educators to compare with practice elsewhere. Critically, local offers must be developed in consultation with home educators and their families. We recommend that the Department for Education support pilots for such a scheme, and play a role in monitoring the quality of local offers and the adherence applied to them by local authorities.**

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84 See qq. 78 and 110 (Julie Barker)

85 Q 51 (Fiona Nicholson)

86 Ev w81

87 Ev w17

88 *Ibid.*

89 Q 249 (Elizabeth Truss MP)

90 Qq. 254– 255

## Home-educated young people with special educational needs and disabilities

53. Government guidance says that, whilst a parent’s right to educate a child at home “applies equally where a child has SEN”, where a child “has a Statement of SEN and is home educated, it remains the local authority’s duty to ensure that the child’s needs are met”. Edward Timpson MP, the DfE minister with responsibility for special educational needs policy, confirmed during our pre-legislative scrutiny on SEN that the new Education, Health and Care Plans will have the same legal status as Statements,<sup>91</sup> and we therefore assume that the responsibility for ensuring the provisions are met will remain unchanged and with the local authority. The same Minister further confirmed, in answer to a written question, that local authorities cannot refuse to undertake assessments for home-educated children with SEN on grounds of non-registration at school.<sup>92</sup>

54. In view of this clear guidance, we were concerned to hear some of the examples of poor practice around SEN and health provision recounted by home educators. One parent of a boy with High Functioning Autism and with a Statement, for example, wrote that, following their decision to home educate, “the LA robustly refused” to contribute anything towards special teaching, suggested that the Statement might be withdrawn to avoid home visits, and has provided “no other support” at all.<sup>93</sup> Other witnesses recounted similar concerns: Zena Hodgson explained that for pupils who were on School Action or School Action Plus, and then become home-educated, “a lot of the links to occupational therapists, speech and language therapists and those kinds of services are cut straight away”.<sup>94</sup> We also heard evidence of poor join-up between education and health teams, and of unacceptable waiting times: one parent of a child with mobility problems spoke to officers in a number of teams but, eight months on, had “heard nothing” concerning the provision of the powered wheelchair recommended by his occupational therapist.<sup>95</sup>

55. The responsible Minister, Elizabeth Truss, confirmed that “this is wrong”, and re-emphasised that local authorities are required “to make sure that child is provided for and that they have an education that meets the need”.<sup>96</sup> She stated that if local authorities are not providing adequate resources “that is a problem”.<sup>97</sup> The Minister further agreed that provision for young people without a Statement “should be looked at”.<sup>98</sup>

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91 See uncorrected transcript of oral evidence before the Education Committee, 6 November 2012, Q 251. The Committee conducted pre-legislative scrutiny of the Government’s draft clauses pertaining to the reform of provision for young people with SEN, published in a Command Paper (Cm 8438) on 3 September 2012.

92 HC Deb 26 November 2012, col. 7W

93 Ev w94

94 Q 108

95 Ev w99

96 Q 236 (Elizabeth Truss MP)

97 *Ibid.*

98 Q 237 (Elizabeth Truss MP)

56. Furthermore, our evidence suggested that the Pathfinder projects established to trial the Government's proposed reforms around SEN and disabilities have not engaged with home educators;<sup>99</sup> one witness told us:

I wrote to all of them and said, 'What is your policy with home-educated children?' and two-thirds of them are saying, 'You do not fit the criteria.' Another said, 'That is a good point. I do not know.'<sup>100</sup>

That witness described the pathfinders as "hopeless",<sup>101</sup> whilst another argued that they were getting "terribly bogged down in procedure".<sup>102</sup>

**57. We are pleased that the Minister confirmed, in her evidence to us, that local authorities remain responsible for ensuring that provisions in Statements are met, and were equally pleased that she agreed the issues relating to home-educated young people with SEN or complex health needs, but without Statements, should be investigated. We look forward to the outcomes of the Department for Education's investigations in this area. In the meantime we urge local authorities to comply with statutory guidance and ensure that home-educated young people with SEN or medical conditions are not being discriminated against.**

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99 The Committee has taken wider evidence concerning the new Pathfinders, during a one-off oral evidence session on SEN in June 2012, and as part of its pre-legislative scrutiny as noted above.

100 Q 57 (Fiona Nicholson)

101 Q 56 (Fiona Nicholson)

102 *Ibid.* (Jane Lowe)

## 5 Concluding remarks

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58. We share the view of our witnesses—home educators and those from central and local Government— that a parent clearly has, and should have, the right to home educate their child(ren) if they so wish. We note that a significant body of evidence to our inquiry makes clear that many parties, on both sides, have made real efforts to engage, to understand each other’s motivations and constraints, and to ensure more constructive relationships and better support.

59. At the same time, though, we acknowledge that there is clearly some way to go, particularly in terms of raising the quality and consistency of support, and ensuring that all local authorities are compliant with Government guidance. We hope to see improvements concerning the wide variety of practice and performance across local authorities, which we do not consider acceptable, and we look forward to seeing the development of local offers of support, a national association to share best practice and professionalise home education officers further, increased Government monitoring of local authorities, and other mechanisms to ensure a more consistent approach to home education across the country.



# Conclusions and recommendations

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## Relationships between home educators and local authorities

### *The role of local authorities in home education*

1. Local authorities have a responsibility to follow the law, and to be seen to do so. Considering evidence that only thirty do not currently have ultra vires statements on their websites, regarding home education, we urge all local authorities to undertake a swift review of their own material, and to ensure that their policies reflect the guidance available. (Paragraph 12)

### *Tensions in existing guidance*

2. We believe that the case law definitions of ‘suitable’ and ‘efficient’ education are sufficient, and encourage local authorities to use these as required. However, some aspects of existing guidance require clarification, and we recommend that the Department for Education undertake a review of the guidance concerning home education, working with local authorities and home educators to iron out any tensions. (Paragraph 15)

### *Variation in local authorities behaviour and practices*

3. We are pleased to support innovative models such as joint local authority services and associations of home education officers, which aim to share best practice and to achieve more consistency between local authorities with regard to home education. We believe that these models have significant potential to lessen the ‘postcode lottery’ which was described to us, and we encourage more local authorities, especially smaller ones, to develop shared services, and to join existing networks of home education officers. (Paragraph 20)
4. The development of a more formalised professional association of, and/or annual conference for, home education officers, driven by those in the profession themselves, could be a welcome step in terms of sharing best practice nationally, and in turn might consider issues such as accreditation and improved training for local authority officers. (Paragraph 21)
5. We recommend that the Department for Education carry out an audit of local authorities’ performance regarding home education, and the information they make available on their websites and elsewhere, and publish the results, ascertaining which local authorities are performing well with regard to home education. We consider that, far from damaging the Government’s localism agenda, this review would fit well with the Department for Education’s transparency drive. (Paragraph 24)

### *Placement of officers within local authority structures*

6. The team within which local authority home education officers sit can give out an important message about that authority’s view of home education. For example, it is inappropriate for such officers to be located with those working on attendance, children in care or safeguarding. Local authority officers dealing with home

education ought to be situated within a dedicated team, or sit within a neutral location such as learning or library services. (Paragraph 28)

### **Financial support for local education**

7. Based on the current state of the public finances, and the evidence we have heard from local authorities and home educators, we do not recommend any system-wide changes to financial support for home educators. However, where funding is available, central Government needs to explain better how this can be obtained and utilised. We cannot understand why some local authorities refuse to utilise or claim such funding, and urge those that have done so to change their position. (Paragraph 34)

### **Provision of services and other support for home education**

#### ***Examinations***

8. It does not seem reasonable to us that home educators in some areas have such a struggle accessing examinations centres for their children. We recommend that the Government place a duty on every local authority to ensure access to local centres for home-educated young people to sit accredited public examinations. (Paragraph 43)
9. As noted previously, we do not believe that the State ought routinely to finance home education. That said, many home educators do contribute to the education system through their taxes, and yet still have to meet the costs of sitting public examinations. We do not consider this to be fair, and therefore recommend that the costs of sitting public examinations be met by the State. The Department for Education should work to establish the appropriate level of entitlement, and to which examinations this ought apply. (Paragraph 44)

#### ***Transitions to further education***

10. We recommend that the Government monitor, as part of the audit previously recommended, local authorities' current provision of advice regarding transitions to further education for home-educated young people. The Government should ensure that local authorities are providing high-quality advice, through their home education services or websites, to those who request support. (Paragraph 46)
11. We congratulate the Government on giving further education colleges the power to admit 14 to 15-year-olds directly, and welcome this policy move, which we hope might benefit home educators as well as others. (Paragraph 47)

#### ***Local offers of support***

12. Whilst we agree with the Minister's view that local authorities, and not central Government, must be responsible for service provision in their area, we do not consider it acceptable that home-educated young people receive such different levels and quality of support dependent purely upon their postcode. Local authorities should be expected to produce a 'local offer of support' for home educators, stating what services are available, how these differ from those for parents of schooled children, and enabling home educators to compare with practice elsewhere.

Critically, local offers must be developed in consultation with home educators and their families. We recommend that the Department for Education support pilots for such a scheme, and play a role in monitoring the quality of local offers and the adherence applied to them by local authorities. (Paragraph 52)

### ***Home-educated young people with education needs and disabilities***

13. We are pleased that the Minister confirmed, in her evidence to us, that local authorities remain responsible for ensuring that provisions in Statements are met, and were equally pleased that she agreed the issues relating to home-educated young people with SEN or complex health needs, but without Statements, should be investigated. We look forward to the outcomes of the Department for Education's investigations in this area. In the meantime we urge local authorities to comply with statutory guidance and ensure that home-educated young people with SEN or medical conditions are not being discriminated against. (Paragraph 57)

## Annex: Note of the Committee's seminar with local authority officers, 11 July 2012

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This note offers a record of a seminar held by the Committee with nine local authority officers responsible for home education in their area. The seminar was the first session of the Committee's inquiry into support for home education, and was held in private at the House of Commons. Local authorities were chosen to be geographically and demographically representative—drawn from a range of regions, and representing both rural and urban areas—and were invited to nominate the official who they felt would best represent this area of work, or who had overall responsibility for elective home education. The local authorities represented were Liverpool, Norfolk, Surrey, Gloucestershire, Trafford, Wandsworth, Central Bedfordshire, Lancashire and Kingston upon Thames.

*Members in attendance: Graham Stuart MP (Chair), Neil Carmichael MP, Pat Glass MP, Ian Mearns MP, David Ward MP, Craig Whittaker MP*

The Chair welcomed local authority officers and thanked them for joining the Committee, before opening discussion on a range of themes across the inquiry's terms of reference. To begin, officers were asked what they would change about the current guidelines around home education, and the situation in their own areas, and the general picture was a fairly positive one. Some officers argued for greater clarity in guidance, particularly around the definition of 'suitable' or 'full-time' education, and another called for greater clarity around funding issues, particularly for young people with special educational needs. Although recognising that most home educators provide a high standard of education and care, an officer noted that a small minority are extremely difficult to engage with and do cause concern, whilst another argued that compulsory registration would bring some benefits. Overall, however, there was consensus that the current situation did not present major concerns, and officers emphasised their own considerable respect for the home educators with whom they engaged.

It was noted that there are many reasons and motivations leading to home education (not always elective), and that across the board relationships with LAs had tended to improve since the adoption of a more supportive and less interventionist mindset and behaviour. One officer argued, though, that the range of home educators encountered, and their differing philosophies, meant it was very hard to speak of one group.

Some officers provided examples of schools compelling parents to home educate, intimating that this was more common with Academies: this was usually where a child had been causing difficulties at school. Such parents understandably wanted considerable engagement with, and support from, the LA, whereas others, who had chosen to home educate, did not. Another officer argued that her concern was the small core of families who were not providing suitable education or care, by any definition, and that stronger lines of accountability were needed in those cases. A colleague, however, argued that safeguarding issues were separate from those of home education, and should not be dealt with by the same teams.

Officers expressed some concerns that they were unable to have a full picture of children in the area, due to lack of registration for home-educated young people, but there were similar views that compulsory registration would be “heavy-handed” and would damage relationships between home educators and LAs. It was also suggested that registration was pointless unless it came with other powers, such as for increased intervention, about which both home educators and LAs had reservations. However, the ‘numbers situation’ did concern some officers: one said that they knew of two hundred home-educated young people in their area, but suspected there were five or six hundred.

On the related issue of *de*-registration, it was suggested that a formal period following a child’s deregistration, but before the child officially left the school, was helpful, as it allowed officers to engage with parents who were not fully aware of what their home educating responsibilities might be. Some officers suggested this should be ten days; others, twenty. Officers did report some instances where schools were de-registering students without full parental consent, which was unanimously seen as unacceptable and needed clamping down on.

Officers—who represented a wide range of authorities—agreed that there was huge regional variation in LA practice around home education (indeed, some noted that the seminar had provided an unusual opportunity for them to meet their counterparts elsewhere). One officer suggested that minimum standards might be developed.

Discussing funding issues, the opinion was expressed that home educators might receive funding only if they registered or took pains to engage with the LA. Others argued that local authorities should be responsible for these decisions in their area, although this would perpetuate the ‘postcode lottery’ elements in terms of LA behaviour and support, already discussed. Another officer suggested that service provision—for example, of access to examinations, libraries and music services—was of more consequence to home educators than financial support, which most accepted was their responsibility. Specifically, officers broadly agreed that access to examinations should be free for home-educated young people.

A third officer, however, suggested that this was not the major concern facing home educators in her experience, but rather that showing LAs were trustworthy was of top priority. Inspection, the officer argued, should look closer at these teams in authorities, and that LAs had to take responsibility on themselves for ensuring good practice—and specifically for ensuring that they understood and obeyed the law around home education. Home educators were invited, in one authority represented, to feed back on advisers’ performance and engagement, which was supported as a good move by others present. There was general acknowledgement that better scrutiny would not be unwelcome. It was noted that high turnover of LA staff in the field was very bad for relationships, which took some time to build up.

There was some discussion of flexi-schooling, which was working well as an option in some authorities. However, a number of concerns existed, including the possible impact on headteachers and other learners in the school, and the cost-effectiveness of arrangements.

Officers were unanimous in their view that the vast majority of home educators provided a good quality of education; that they respected parents' right to home educate, and were keen to engage in the ways most useful to home educators; and that they felt relationships were improving.

# Formal Minutes

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**Tuesday 11 December 2012**

Members present:

Mr Graham Stuart, in the Chair

Pat Glass

David Ward

Ian Mearns

Craig Whittaker

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

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

Paragraphs 1 to 59 read and agreed to.

Annex and Summary agreed to.

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

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

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

Written evidence was ordered to be reported to the House for printing with the Report (in addition to that ordered to be reported for publishing on 11 September).

[Adjourned till Wednesday 12 December at 9.15 am

## Witnesses

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### Wednesday 5 September 2012

Page

**Shena Deuchars**, Trustee, Education Otherwise, **Jane Lowe**, Trustee, Home Education Advisory Service, **Anne Brown**, Administrator, A Little Bit of Structure (Online Forum), **Fiona Nicholson**, Independent Home Education Consultant, and **Alison Sauer**, Education Consultant Ev 1

**Julie Barker**, Co-ordinator, Fareham and Gosport Home Education Group, **Hannah Flowers**, Co-ordinator, Carshalton Home Education Group, **Zena Hodgson**, Trustee and Support Advisor, Home Education Centre, Somerset, and **Jayne Richardson**, Local Contact for Home Educators, Cumbria Ev 11

### Wednesday 17 October 2012

**Elaine Grant**, Monitoring and Support Teacher for Elective Home Education, Croydon Council, **Melissa Young**, Virtual School Education Manager, Warrington Borough Council, and **Helen Sadler**, Home Education Adviser, Leicester City Council Ev 20

**Elizabeth Truss MP**, Parliamentary Under-Secretary of State, Department for Education Ev30

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Home Education Advisory Service	Ev 40
A Little Bit of Structure	Ev 44
Fiona Nicholson	Ev 45
Julie Barker	Ev 48
Carshalton Home Education Group	Ev 49
Home Education Centre	Ev 51, Ev 64
Jayne Richardson	Ev 54
Croydon Council	Ev 56
Leicester City Council	Ev 58
Department for Education	Ev 61
Melissa Young	Ev 68
Anne Brown	Ev 70
Alison Sauer (SC Education)	Ev 73



## List of additional written evidence

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(published in Volume II on the Committee's website [www.parliament.uk/educom](http://www.parliament.uk/educom))

1	Annabel Stockman	Ev w1
2	Stephen Keen	Ev w2
3	Wendy Charles-Warner	Ev w2
4	Mish Pasha	Ev w3
5	Clare Emerson	Ev w3
6	Kate Jackson	Ev w6
7	Louise Kerbiriou	Ev w7
8	Karen Thirlaway	Ev w7
9	Jon Home	Ev w11
10	Jessica and Nigel Spiers	Ev w11
11	Red Balloon	Ev w13
12	Louise Smart	Ev w15
13	Helen Hornby	Ev w16
14	Gill Guest	Ev w17
15	Neia Glynn	Ev w17
16	The Association of School and College Leaders	Ev w18
17	Mr and Mrs Gibson	Ev w19
18	Vanda Alexander	Ev w20
19	Janet MacKay	Ev w21
20	Emmanuelle and Michael Horesford	Ev w21
21	Nikki Harper	Ev w22
22	Roxane Featherstone	Ev w26
23	Family Education Trust	Ev w27
24	Debbie Chippington Derrick	Ev w29
25	Ofsted	Ev w30
26	Cheryl Moy	Ev w31
27	Kathryn Smutek	Ev w34
28	Sophie Butcher	Ev w35
29	Dr Leslie Barson and Tina Robins (Elective Home Education)	Ev w36
30	Mohammed Chowdhury	Ev w37
31	Professor Bruce Stafford	Ev w37
32	J Spriddle	Ev w40
33	Elaine Hallows	Ev w43
34	David Hough	Ev w45
35	Autism in Mind (AIM)	Ev w47
36	Nicola Short	Ev w50
37	Rosemary McGruther	Ev w51
38	Buckinghamshire County Council	Ev w55
39	Lisa Heath	Ev w58
40	Simon Webb	Ev w59
41	Tamsin Palmer	Ev w60

42	London Borough of Wandsworth	Ev w61
43	Nisai Virtual Academy	Ev w61
44	National Autistic Society and Ambitious About Autism	Ev w65
45	Helen White	Ev w68
46	Annette Jones	Ev w72
47	Bridgend Home Educators	Ev w72
48	Education Otherwise Association	Ev w75
49	Susannah Matthan	Ev w77
50	Worcestershire Home Education Network	Ev w79
51	Tracy Brind	Ev w80
52	Elizabeth Taylor	Ev w80
53	Lisa Dillon	Ev w81
54	Alasdair Coles	Ev w83
55	Ruth A Jump	Ev w86
56	Essex County Council	Ev w87
57	Annette and Rebecca Taberner	Ev w87
58	Deirdre Woods	Ev w91
59	Wigan Council	Ev w93
60	Elena de Paris	Ev w94
61	Peach	Ev w95
62	Maire Stafford	Ev w96
63	S Hodges	Ev w99

# List of Reports from the Committee during the current Parliament

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

## Session 2010-12

First Special Report	Young people not in education, employment or training: Government Response to the Children, Schools and Families Committee's Eighth Report of Session 2009-10	HC 416
Second Special Report	The Early Years Single Funding Formula: Government Response to the Seventh Report from the Children, Schools and Families Committee, Session 2009-10	HC 524
Third Special Report	Transforming Education Outside the Classroom: Responses from the Government and Ofsted to the Sixth Report of the Children, Schools and Families Committee, Session 2009-10	HC 525
Fourth Special Report	Sure Start Children's Centres: Government Response to the Fifth Report from the Children, Schools and Families Committee, Session 2009-10	HC 768
First Report	Behaviour and Discipline in Schools	HC 516-I and -II (HC 1316)
Second Report	The role and performance of Ofsted	HC 570-I and II (HC 1317)
Fifth Special Report	Looked-after Children: Further Government Response to the Third Report from the Children, Schools and Families Committee, Session 2008-09	HC 924
Third Report	Services for young people	HC 744-I and -II (HC 1501)
Fourth Report	Participation by 16-19 year olds in education and training	HC 850-I and -II (HC 1572)
Fifth Report	The English Baccalaureate	HC 851 (HC 1577)
Sixth Report	Services for young people: Government Response to the Committee's Third Report of Session 2010-12	HC 1501 (HC 1736)
Seventh Report	Appointment of HM Chief Inspector, Ofsted	HC 1607-I
Eighth Report	Chief Regulator of Qualifications and Examinations	HC 1764-I and -II
Ninth Report	Great teachers: attracting, training and retaining the best	HC 1515-I

**Session 2012–13**

First Report	The administration of examinations for 15–19 year olds in England	HC 141-I (HC 679)
Second Report	Appointment of Chair, Social Mobility and Child Poverty Commission	HC 461-I
Third Report	Governance and leadership of the Department for Education	HC 700
Fourth Report	Children first: the child protection system in England	HC 137-I

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# Oral evidence

## Taken before the Education Committee on Wednesday 5 September 2012

Members present:

Mr Graham Stuart (Chair)

Neil Carmichael  
Alec Cunningham  
Pat Glass  
Damian Hinds

Charlotte Leslie  
Ian Mearns  
Mr David Ward  
Craig Whittaker

### Examination of Witnesses

*Witnesses:* **Shena Deuchars**, Trustee, Education Otherwise, **Jane Lowe**, Trustee, Home Education Advisory Service, **Anne Brown**, Administrator, A Little Bit of Structure (Online Forum), **Fiona Nicholson**, Independent Home Education Consultant, and **Alison Sauer**, Educational Consultant, gave evidence.

**Q1 Chair:** Good morning. Thank you very much for coming and giving evidence this morning to the Education Committee on the subject of home education. I know you have a number of different perspectives and experience to share with us, and I am grateful to you for taking the time to come. Can I ask you first about local authorities and the way they behave? The evidence we have received suggests great variability, from a lot of praise for the quality of officers and support in some places to others who act in a way that is ultra vires and unsupportive. What could be done by central Government to increase the consistency and the likelihood of positive and appropriate support for home educators across the country?

**Anne Brown:** I think it is a matter of getting the information right, both for the sake of home educators and for the sake of local authorities. At present, where there are cuts quite often you are getting home education picked up as a job by somebody who has no knowledge of it and probably did not want it, which is not helping. If they then go to their website and that website has information that is not right, they are on a hiding to nothing before they begin. They then pass on the wrong information, relationships go downhill and the outcome is not particularly pretty. So I think it is information.

**Q2 Chair:** Thank you. Before I ask someone else to answer that, I meant to do this at the beginning of the session, but I will do it now: I am the Chairman of the All-Party Parliamentary Group on Home Education, which is not a registrable interest as such, but I think for the public record I should probably let people know that. Who else would like to come in on that?

**Fiona Nicholson:** To pick up on what Anne has said, I have done a lot of research into facts and figures about local authorities and home education. A really significant thing for me is the fact that two thirds of local authorities have fewer than 100 home-educated children on their books. So this is not a full-time job for the person who does it. It will be picked up by somebody who is passing through, who comes from behaviour, attendance, dysfunction—some sort of

problem area—and is dealing with children who are outside school for all kinds of negative reasons.

**Q3 Chair:** So what could central Government do about it?

**Fiona Nicholson:** I have absolutely no idea, because you have 152 local authorities and some of them are six square miles and some of them are several thousand square miles.

**Q4 Chair:** Alison?

**Alison Sauer:** You have put me on the spot.

**Chair:** Well, you have a lot of experience working with local authorities.

**Alison Sauer:** Yes, a lot of experience working with local authorities and I do find that personality makes a huge difference. We have had a lot of changes recently, a lot of good experienced staff have disappeared, and we have been left with a hole that has been filled, as has been said, by people who have come from different areas. I do think often they do not understand the law. I do think often there is a huge amount of pressure from directors of children's services and education. I do not know what can be done apart from keeping a better eye on them, because, as I put in my submission, I have done a survey of all the local authority websites and there are only 30 that do not have ultra vires requirements on their websites—30 out of 152.

**Q5 Chair:** There was the 2007 Elective Home Education guidance. There was the Children Missing Education guidance that came out in 2009. I have some sympathy with local authorities feeling that there is a tension between the duties they have, and they get frustrated they do not have the powers. The question is: do we need new guidance, although we have had prior submissions that have said, "Seeing they do not follow the law now, why would we believe they would in future if we changed the guidance to them?" What are your thoughts on that?

**Jane Lowe:** I think one of the issues is that people cannot find it. We were involved with helping in a local authority where there was a big issue between parents and the local authority over door-stepping

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families, and the whole question of their policy came up. We discovered that they had based their policy on a document that was a very early first draft. If you Google “home education guidance”, this comes up at the top of the list, but it never saw the light of day; it has no resemblance to the document we have today. So there is a basic problem with access to information. On the question of the supposed tension between the two sets of guidance, there is none really, because it is stated very clearly in the Children Missing Education guidance that, if anyone who is a home educator is discovered in the course of enquiries, the local authority is told that they should follow the guidance given in the 2007 guidelines. So immediately the statutory guidance points to the Elective Home Education guidelines, thereby de facto statutory. So there is not really any conflict. The two sets of guidance were originally conceived to do two different things. I was involved with discussions when the first draft was made of the Children Missing Education guidance, and the civil servants who we were dealing with assured us that this was not something that was being designed to entrap home educators. They assured us that the whole point of that exercise giving the statutory guidance on section 436A was to find children who had completely slipped through the net who were not receiving any education at all. It was not designed to target home educators in any way, and the first version of it said explicitly that this guidance does not apply to children who are educated at home. They are two separate things and they should not be confused.

**Q6 Chair:** Does anybody think there is a tension in the different guidance?

**Anne Brown:** I think there can be misunderstandings that lead local authorities to think that, which brings us back around to the need for training and clear guidance. This may be a simplistic way of looking at it, but I wondered whether or not we could have a system similar to a pub, where you have a menu and then you have a chalkboard with the day’s specials. If the menu on local authority websites referred to the Department for Education’s guidelines, they would then be at perfect liberty to say, “Today’s specials are: we are doing A, B, C, D, E as an extra.” It is probably very simplistic, but you could then make sure that everybody had the right information.

**Shena Deuchars:** Part of the problem has been that there have been huge amounts of time and public money wasted by local authorities writing their own interpretations of those guidelines, and they could be encouraged to use the guidelines as they are written, rather than doing their own thing, because interpretation is always going to be a problem. You are always going to get some sort of gap between what was written and how they are applying it. So I would certainly favour the idea that they ought to point to the guidelines as issued by the DfE rather than writing their own, especially if somebody is doing it as a part-time job and does not really understand what they are looking at. Huge amounts of time has also been spent by home educators on going round to local authorities and asking them to fix their guidelines and change their documentation and not send out letters

that say, “I will be visiting you on Thursday at three o’clock and want to see your children lined up ready to do maths,” or whatever.

**Alison Sauer:** Which does happen.

**Chair:** Yes. So nobody thinks there is a case for issuing new guidance from central Government then. Excellent.

**Q7 Neil Carmichael:** When we started this inquiry what was very obvious was that there were loads of different reasons for people to consider home education as an option. I do not think it is very easy for us, at this stage of the inquiry, to calibrate exactly what all of those different reasons are and to get a grip on just how many people are involved and the different sections, because I have already started looking at this in my own constituency of Stroud. My first question follows on from Graham’s, to a large extent, about the guidance. How can you really have effective guidance for such a wide range of different reasons for doing something in the first place?

**Jane Lowe:** The one reason why people home educate is that it is permitted in law. The thing that led up to their deciding to home educate is really irrelevant. It is not an issue as far as the guidelines go. The fact is that home education is part of the law. It is a legal option; it is one that parents may avail themselves of. Whether they did it because they have a child who is disabled or because they have a child who is so bright that they want to take A Level maths at the age of six is immaterial. It is really the issue of it being the parents’ option to do this.

**Q8 Neil Carmichael:** What I am really getting at, though, is the question of the parents deciding to go down the route of home education and the loads of different reasons for them to do that, so how are they going to be signposted in appropriate ways to get the right kind of support that they think is necessary?

**Shena Deuchars:** If the local authority has appropriate, legally accurate guidance on their website and the members of staff with whom the parents may or may not come into contact are also prepared to give accurate guidance, then I would tend to agree with Jane on the reason for deciding to home educate. Another way to look at it is to say that the primary duty of education is that of the parent, so in fact it is the parent who puts their child into school who is deviating from the norm, if you like, in law, because education does not start until five. But I do not think anybody would suggest that a child is not learning anything before five, so the parent is the primary educator and, at some point, the parent may decide to delegate that responsibility to a school. If you like, home educators are in the natural state of parents educating their children, as per section 7.

**Q9 Neil Carmichael:** The problem with that answer, though, is, of course, most parents would assume, I would have thought quite properly, that their responsibility is to send their children to school during schooling age. We are really asking parents, aren’t we, to make a choice about an option that they may or may not know enough about?

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**Anne Brown:** I do get what you are saying, because I came to home education not as an ideological choice but in response to a lack of provision, because I have two children who are both autistic and gifted and, basically, they do not fit anything on principle. I think what we need to remember is that within the education system we have a variety of provision; within home educators we have a variety. The diversity is a strength, and what matters is that we can all find somewhere where we belong. We can all explain what we are doing if we are asked to by the local authority. It is not a legal requirement to put information forward. It is a legal requirement to respond. If you are asked to describe it, you should. It is up to local authorities to listen, but I think it is also up to home educators to be prepared to say, "I am doing this because...". If you want to gather data, I would not dream of speaking for another home educator. It is a running gag on the forum I administer that, if you put 10 home educators in a room, you will have 11 opinions, because people will listen and one person will change their mind. That is our strength; it is our diversity.

**Q10 Neil Carmichael:** Picking up on that strength, as you call it, there is the issue about the variance between the performance of local authorities, and how many local authorities have we now?

**Alison Sauer:** 152.

**Q11 Neil Carmichael:** You could argue that all of them have different strengths and so forth.

**Anne Brown:** Yes, but they are bound by the law.

**Q12 Neil Carmichael:** Yes, but I am just simply picking your point and reflecting it before I ask my next question, which is, essentially, do you think it would help you in terms of home education if all local authorities rose to the best standards?

**Fiona Nicholson:** I am not sure if this is what you are saying, but I think it would be very helpful to be able to point to generally agreed models of good practice and to say, "This is somewhere where they seem to be managing it. They do not seem to have a problem here. This seems to be working quite well here at the moment"—places such as Lancashire council, for instance, which has a very large number of home-educated children. It does not mean that you could port that to a council with 15 home-educated children and say, "Just copy this exactly," because there would be reasons for doing things completely differently in a local area, but there is a vacuum. Local authorities do not really know, in a lot of instances, what they are meant to be doing to home educators, with home educators, for home educators, and I think the questions we have been asked have made that clear.

When we are talking about home education guidelines, I think there are two things. I felt that what you were saying was information for parents about home education: "If you were thinking about home education—is it legal, how might you go about it—here are some people you could talk to about it; school is not the only option." But the home education guidelines for local authorities that we have been

talking about—it has "local authorities", I think, in the title—say, "In the hope of developing better relationships, we will set out the law, we will summarise the law, on home education and telling local authorities what they should be doing," because that is the relationship that home-educating families have with Government. They do not have a dialogue with central Government. It depends which local authority you fall under as to which local government person you are talking to about your home education. **Neil Carmichael:** What would be the perfect local government officer to talk to? How would he or she be described by Jane?

**Q13 Chair:** What we do is we conduct inquiries, we write reports, we make recommendations to Government and Government is obliged to respond. Notwithstanding an interest in a better understanding of these things, I would very much like to keep you channelled on what needs to change. You can be equally clear there is nothing, as you were on the guidance, but let us stay focused. What recommendations for change or for keeping things the way they are—things that you think are sensible? Let us be clear about that, because that is the business end of what we do. We are not a university having a seminar.

**Jane Lowe:** Here is a practical suggestion that has been growing in my mind for many years. It has been 24 years that I have been seeing the same problems happening over and over again in local authorities, and I am convinced that a lot of it is because of the involvement of the behaviour and attendance, education and welfare—whatever you choose to call it—departments. It is attendance improvement in some places. I cannot see why it is a routine procedure that—let's call them education welfare officers because I think we all understand that term—an education welfare officer is the first person to contact a family who decides that they are going to withdraw a child from school. Immediately it puts it in the "problem" category. To my mind, if there were somebody located in the library service, say, who was the person to whom the local authority gave the notification that a child had been withdrawn from school it would locate it in "information" rather than in "problem". I am convinced that is where a lot of this trouble comes from, because education welfare officers are working all their working lives with people who have difficulties in one way or another with the school system, so it is going to be their mindset. If that is something that could be considered as a policy, it would save money too.

**Q14 Neil Carmichael:** You are saying you want a positive reason why home education should be promoted, and that officer should be effectively dedicated to supporting anybody who is interested in home education.

**Anne Brown:** I would not want support as such. I would say "tolerated", because what Jane is saying, better than I could, is that, coming into it from an SEN point of view, quite often when you come out of the system, because you have fought so hard to try to get the system to work, you have a reputation for

being awkward squad, because you have done everything you can to make it work. So before you get there they go and hide behind the filing cabinet when they hear your name, but by putting it in library services it is saying you are not a problem. If there is a problem, it should be looked at, but starting from the presumption that, because you are not going to school to learn there is something wrong, is not—

**Q15 Chair:** Okay, sorry to cut you off, but you agree. Shena was nodding.

**Shena Deuchars:** Yes, I would agree as well. We need to not be seen as a problem. We need to be seen as a service user, perhaps, if we choose to use local authority services, but it should be lodged somewhere that can give information, help, resources—perhaps an educational resource service, something like that—but not as something that is a problem.

**Q16 Neil Carmichael:** So a specialised department to facilitate, but nothing more.

**Shena Deuchars:** Yes. Sorry, I was going to pick up on the point you made about it being full time. I think in a lot of authorities it is certainly not going to be a full-time remit, but there is somebody who should be viewing it as their job to give information and to help people, rather than to police people. I went to a meeting about 10 years ago now, and I have not seen much evidence of change, where I was talking to education welfare officers about home education. There were people sitting there who deal with behaviour and lack of attendance and so on. They could not see the difference between parents who had elected to home educate a five-year-old, and a 15-year-old who was refusing school and doing graffiti and vandalism and whatnot. It did not meet with their world view at all.

**Q17 Chair:** So, if nothing else, we have unanimity on the panel on the belief that where the officer is based is tremendously important and that they are, therefore, positive, rather than coming in and seeing automatically that there is a problem.

**Fiona Nicholson:** Also, wherever you put home education, you have a problem even before you get to that point, because there is quite a widespread practice of giving the person who is driving around talking to families with problems the first contact with home-educating families. I know quite a few local authorities where the home education department, if and when you ever get there, is absolutely fine, but there is a gatekeeper system, if you like, where education welfare or behaviour or attendance or multi-agency support will go out with a questionnaire and they do not have the concept of an optional form. There is this piece of paperwork that has to be filled in—every single box has to be filled in—and they are the people who can then tick a box and say somebody saw the family. You do not change that by changing where you put home education. You step back and say, “Where does the journey start?” If you are taking a child out of school, what happens? What forms do you get sent? Is there any indication that you do or do not have to fill them in? Who is going to come and collect the form? Who is looking at the form? How is

that data going to be processed? Where is it going to be shared? All that boring stuff.

**Q18 Mr Ward:** Isn't it a case, though, of not one or the other but both? I sense frustration at a lack of a supportive environment for those who exercise their right to home educate, but there is also a safeguarding issue, potentially, in that situation, and is it not a case of both of those needing to be provided in home-education situations?

**Alison Sauer:** Could I first ask you to clarify what you mean by “there is a safeguarding issue”?

**Q19 Mr Ward:** Children who are in school are observed. They are obviously seen day in and day out, so if there are any issues that arise in respect of the family, they can—but not always—be picked up. That is clearly more difficult in a home-education situation.

**Alison Sauer:** I have been through every single serious case review that I can possibly find where a home-educated child has been the victim, and there is not one single case anywhere where multiple agencies were not already involved—not one. There is no issue to fix here; there is no safeguarding issue.

**Q20 Mr Ward:** That is a problem, because many of the requests for home education are rejected on the basis of observations—

**Alison Sauer:** There is no permission for home education in this country. It is a straight right; you just de-register.

**Q21 Mr Ward:** There are approaches that are made to the authority giving a reason why that child is not attending school. You must be aware of Gypsy and Traveller families, the Roma and many communities who are looking to avoid school, and an assessment is required to see whether the quality of the education that is provided is in the interests of the child. It is the interests of the child we are talking about, not the parent.

**Alison Sauer:** But, again, in those cases there are agencies already involved, and educational neglect is not the same as home education. Just not attending school is not an option in law.

**Q22 Mr Ward:** Which is why I mentioned the safeguarding issue. I did not say it was neglect to not go to school. It is simply an assessment of the home situation. Anyway, you do not see there is any need for that.

**Alison Sauer:** Absolutely none. There is no evidence to suggest that home-educated children are at more risk. In fact, the most at risk group of children in the country is around about the under-twos, and there are no statutory assessments of under-two-year-olds in this country.

**Q23 Craig Whittaker:** I just want to labour this point a little bit further. I understand what you said, Alison, about there being no evidence, and, Jane, you mentioned EWOs, but local authorities have had a huge amount of pressure with things like Baby P and Climbié and all the safeguarding issues. Surely, from another point of view, you can understand why EWOs



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would want to be used as part of that process. I accept they do not have to be the first person to come in the door, but surely as part of that process they have to make sure that they are safeguarding themselves as well as the children.

**Jane Lowe:** Surely, if there is a known problem with a child who has been withdrawn from school, you already have agencies involved, so where is the need to assume that every home educator, every parent who withdraws a child from school, is potentially a risk to their child? That is what has happened. It has turned on its head.

**Q24 Craig Whittaker:** But what happens when a child is not known by the local authorities?

**Jane Lowe:** There are many children who are home educated, as my children were, right from the start, for whom the local authority is not involved at all, and there are not thousands of cases of children being murdered or abused by their families.

**Q25 Craig Whittaker:** My point is that I can fully understand the ethos in local authorities as to why that is the case, because of the pressure on local authorities. All I am saying is surely the solution must be around how do you, as home educators, work towards waylaying that fear without it becoming uppermost in everybody's mind?

**Shena Deuchars:** But there is not an issue. There is no evidence that there is and, of course, if we add Khyra Ishaq to the three cases you have just cited, the four cases that have been most high profile in the last few years had nothing to do with home education. Baby P was under school age anyway.

**Q26 Craig Whittaker:** That is not what I am saying and I do not think that is what my colleague was saying. I think it is more about the ethos around the pressure on local authorities to make sure that children are safeguarded, because that is the paramount thing. If you go into any local authority in the UK at present—I know because I have been a lead member for children's services—it does not matter that we educate 39,000 in my local authority, for example. The big issue and the thing everybody talks about is safeguarding.

**Alison Sauer:** Are you talking about the moral drive or the legal drive?

**Q27 Craig Whittaker:** I am talking about the ethos that currently exists in local authorities because of the issues and the blame culture that has been put down onto social workers and local authorities.

**Alison Sauer:** As far as the law is concerned, the law regarding safeguarding and children who are not taking part in a service provided by the local authority—for example, home-educated children are not in receipt of a service by the local authority in that respect—there is no active duty to safeguard those children. There is a passive duty; there is a reactive duty, so if there are any concerns they must respond. However, there is no investigative duty or active safeguarding duty as there is when a school acts in loco parentis, for example. Of course, there is a very different duty in that respect because that child is there

under the supervision of the school, and they must do everything they can to ensure that child is safe and well.

**Fiona Nicholson:** Am I being disingenuous? I do not see a contradiction between what we said before and what we are saying now. If you make the provision of information about home education a neutral service and you locate it in information rather than in some sort of judgmental welfare place, you would have welfare to deal with welfare problems. But if you send out welfare—and we all understand why they do it—straight away saying, “You must body scan everybody just in case we find one of those things that we should be panicking about,” then to treat everybody as though they have to pass a test to make sure they are not going to be problematic is not going to solve either problem.

**Q28 Damian Hinds:** We expect GPs to make routine checks on children and, if they see something they think might be a cause for concern, to therefore flag it up. That does not mean that every mother who visits a GP with their child is being suspected of doing something wrong. These are just sensible safeguards and, I suppose, with children in general—and I accept that you have different views of the state—one of the key ways that the state interacts with children is at school. If you take that away, there are that many fewer opportunities just to have an interaction and, if there were a problem, to identify it.

**Shena Deuchars:** One of the big differences there is that, when you go along to your GP, you do it voluntarily. As Fiona just said, you are partaking of a service. You went there because you had a specific purpose. The GP then has what Alison described as a “passive” duty; if he thinks there are any other issues, he or she can get other people involved. I think it is about 12 years since my children last saw a GP, because they have not been ill. Nobody is saying, “You have not been to a GP, and therefore there must be a problem.”

**Q29 Damian Hinds:** If you have a child, you see a midwife and so on and, if you go to the GP, in some cases you will be asked questions about home life and if there are problems and all the rest of it. It is not threatening. It does not mean that the expectation is that there is a problem. These are just ways of flagging up if there is one.

**Shena Deuchars:** That is because in the natural course of your life there has been some reason why you have had to go and see the GP or the hospital or whatever—

**Damian Hinds:** Such as childbirth.

**Shena Deuchars:** For example, yes, but after the age of five there is no statutory medical service that we have to partake of.

**Alison Sauer:** Or before five either.

**Shena Deuchars:** Yes, it is not statutory before five as well, as Alison has just reminded me.

**Q30 Neil Carmichael:** What I wanted to look at next was whether you have been thinking in terms of talking with the Local Government Association, for example, to raise some of the issues that you have

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raised in the last half hour or so. Of course, that body represents all local authorities and local authorities do have variants: you have raised those issues, so what sort of contact have you had with that body, for example?

**Jane Lowe:** I do not think any of us have had contact with the LGA. We have talked to MPs and we have talked to individual local authorities and this Committee.

**Q31 Neil Carmichael:** There is the example of Warrington, Knowsley and Wirral, where home education services have been brought into a federalised authority area. How does that work and do you think that is something that should be practised elsewhere?

**Alison Sauer:** I have a comment about that and it is one that I would have made a little earlier as well, in that there is a certain amount of almost cloak and dagger stuff that goes on sometimes with certain local authorities. Whether it is on purpose or not, there are some misleading things that go on. This particular federated service, as you call it, I first came across about five months ago, I reckon, when it first started up, and it looked like a home education support page and it still does. It does not look like it is local government, and it should do. It is not lying, but it is misleading. We want some honesty. We want some sticking to the law. We want them to be clear about what they are doing. We want them to stop hiding home education because people might want to do it, and I have heard that very often.

**Q32 Chair:** I am sorry, I do not understand. There are three authorities who came together and they created a page that, instead of sounding officious and bullying, looks like a home education support service. I would have thought that would be something people would welcome.

**Alison Sauer:** It could be supportive without making it look as if it was an independent, neutral service. It is not an independent, neutral service. It is a local government service and it should look like that, but of course be supportive and things like that. It is just very difficult to figure out.

**Q33 Chair:** What about the principle? We talked about very small authorities, very small numbers, and the difficulty of having anyone other than people who go around looking at problems coming around to knock on your door and thus looking at you as a problem. If it was federated, could you have a properly constituted service where the person who knocks on your door does not turn up thinking, "Ooh, you are not at school, therefore you are a welfare risk," or "Ooh, you are not at school, therefore you are at some other kind of risk," but turns up thinking, "How can I help you educate your child?"

**Jane Lowe:** A very important point with this one is that, if it were something that was like a library information service, a lot more people would be far more inclined to engage with it. How are we ever going to break down this culture, which has been touched upon by a couple of the members of the Committee, where people should not have to feel that

they are automatically under suspicion of doing something dreadful to their children? If it were neutral, people would engage with it.

**Chair:** Sticking with the federal point, I am just trying to get the idea about whether this bigger scale thing could provide the trained officers with understanding of the law and everything else, who could be more sympathetic and could knock on your door. We are looking at what we could do to make the system better. That is what I am trying to tease out.

**Q34 Neil Carmichael:** There is a tension here that I have picked up, which is that the five of you are, effectively, one way or another, expressing the desire that you really want to be away from local authorities, allowed to do what you want to do in home education, because it is positive and all the rest, but that there is a need to relate to the local authority, for whatever reason—for guidance or for support libraries and access. So automatically there is a tension, which could become a serious one in certain authorities or with certain attitudes. So can you describe which end of the scale you want to be?

**Anne Brown:** Could I ask a question? Why do you think that there is a need for home educators to automatically engage with the local authority? Some of us will want to. A definition of "support" is "to approve of". This came up on one of the home education lists, and I thought it was a very, very good point. If there is a problem, then, yes, it must be addressed. I do not believe anybody here would say anything else. But sometimes, for whatever reason, whether it is a negative past or just simply that you have children who do not want to do that, the best support you could have would be for people to back off and to have a desk in the library, because people get to a point; I know I did. I fought to try to make school work for three years. By the end of it, I loathed the sight of some of the people I dealt with and I am sure they felt the same way about me. The last thing I wanted was to go back and to be forced into a relationship.

**Q35 Neil Carmichael:** You have described the tension very well and I get the drift of where you are coming from: you want less contact, obviously.

**Anne Brown:** No, I want useful contact.

**Neil Carmichael:** Or more useful contact.

**Q36 Chair:** I want to know about the federal structure. Is having a federal structure something you think you would like this Committee to be warm about or suggesting that there are downsides? I would just like to get a feel specifically on that.

**Anne Brown:** For small local authorities, yes.

**Fiona Nicholson:** Small local authorities are a problem.

**Anne Brown:** Yes.

**Q37 Neil Carmichael:** One last question. If, for example, it was compulsory for you to register with your local authority, but that was effectively all you had to do—just so that the local authority knew that children within its territory were being educated

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somehow—would that be something that a lot of you would be happy with or content with?

**Jane Lowe:** This idea of a simple notification system is a real Trojan horse, because you know a child's name and address, but you know nothing else about them. The only way for that information to be meaningful is to know more. It does not help anybody to know that John Smith lives in Elm Gardens, because you do not know anything. All you have is a line on a database somewhere. The problem with any kind of system of registration is it immediately turns the whole legal principle on its head, in that the parent is responsible for the child's education according to section 7 or whatever form of that section has always been in the law. It immediately then creates a situation where a parent has to do something in order to exercise their duty, which is pre-eminent—that is where it all starts.

**Q38 Chair:** Okay, Jane, I think you have made that clear. Are there other views on simple registration, so at least the local authority knows the numbers? Yea or nay?

**Fiona Nicholson:** Absolutely not. There are other ways to find out numbers and I am absolutely against registration. I can tell you the numbers now. You ask the local authority; they keep a record because they are required to do that under the Children Missing Education guidance. They have a record; they could sum the total. They tell me the numbers. They could tell you the numbers. That is not a registration scheme. We do not need registration.

**Q39 Charlotte Leslie:** Is that children missing education?

**Fiona Nicholson:** Children who are known to be home educated by the council.

**Q40 Charlotte Leslie:** That is home educated rather than neglect of education. This is just a simple question because I do not know. How does a local authority who sees a child is not at school know that child is being home educated or just is not getting an education? They do not know.

**Alison Sauer:** They do not unless they ask.

**Q41 Charlotte Leslie:** So, in fact, we only know the numbers of children who are not at school being educated and we do not know what is happening to those children. Is that factually correct?

**Fiona Nicholson:** What we know is the number of children listed as in elective home education in each local authority in England, which is just over 20,000.

**Alison Sauer:** But we do not know the unknowns.

**Fiona Nicholson:** We do not know what we do not know.

**Q42 Charlotte Leslie:** Perhaps I am being very ignorant and I should know this, but how does the local authority know that they are in elective home education?

**Anne Brown:** Well, they could ask. In the vast majority of cases, because the child was in school and the parent wrote to the school saying, "Please take my child's name off the school roll because I am taking

responsibility for his/her education," the school then has a duty to report that to the local council. The local council then goes, "Oh, another one to put on this list of home-educated children," and then they send out their mobile questionnaire, support or whatever.

**Q43 Charlotte Leslie:** So it is the parent at some point, when they take them out, saying, "You are not going to educate this child; I am going to home educate them," and that goes into a database somewhere in the local authority.

**Fiona Nicholson:** Yes.

**Q44 Charlotte Leslie:** Again this is just a simple question because I perhaps should have done my homework better. If you decide to home educate your child from scratch, does that process ever take place? Is there ever a point when the child reaches school age and you say, "They are not going." So the local authority, if they were to understand if they were home educated, would have to ask?

**Alison Sauer:** That is why my children are unknown, because I have never sent them to school.

**Jane Lowe:** My two went right through the system; both are graduates, both in work. No local authority has ever been involved with them and I never had any support, never wanted any.

**Q45 Charlotte Leslie:** So the numbers on home-educated children would not include those from scratch.

**Jane Lowe:** That is correct, because it is the parent's primary duty to educate the child, not the local authority's. The local authority is a service provider for people who would like someone else to do it for them.

**Q46 Chair:** Do you have any ideas on numbers, because the previous Committee concluded that there were 20,000 registered and that there were probably a minimum of upwards of 45,000 who were home educated. I was on that Committee, but I cannot remember on what basis we came to that number.

**Jane Lowe:** There was a lot of nonsense at the time.

**Neil Carmichael:** Why am I not surprised?

**Jane Lowe:** This is really funny, because we were told about the number of unknowns. Well, how do you know anything about an unknown?

**Damian Hinds:** Politicians do.

**Q47 Chair:** I think estimates were made by various people, weren't they?

**Jane Lowe:** Guesses.

**Q48 Charlotte Leslie:** One final thing, just going back to Neil's question. Quite understandably, there is a tension between people choosing to home educate because they do not want anything to do with local authorities, but there is a very understandable need to have support when it is needed and accessed. Is there any appetite or capacity amongst the home-education community for a two-tier registration service, if you like: a very voluntary registration service that, if you do choose to sign up, then gets these, perhaps, access points more readily, for those who do feel that they

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will err on the side of contact with the authority and those who want to err on the side of less contact with the authority? Is there any appetite for that?

**Chair:** Very rapidly. I am chairing this very badly.

**Alison Sauer:** Allegedly, we have that already, because you can make yourself known to the local authority. The problem is that as things stand at the moment you do not know what you are going to get. You go and register, but you do not know whether your special needs child is going to get speech and language therapy. You do not know what you are going to get, so it is difficult to say.

**Q49 Charlotte Leslie:** So there is not a set list of things that you will get if you register. So it is not: if you register you get this, this and this, and if you do not, it is perhaps up to discretion.

**Alison Sauer:** No.

**Q50 Ian Mearns:** I think what is quite clear from my experience is that home educators are all very, very different.

**Alison Sauer:** Absolutely, absolutely.

**Q51 Ian Mearns:** The thing is, with that difference, some will want to be completely independent of everybody and just do it and get on with it and be left alone to do it. There will be others who will want, if appropriate and from time to time, to dip into a menu of support mechanisms. For those who want to dip into that menu of support mechanisms, do you think the range of support and the breadth of support is adequate or non-existent or what?

**Anne Brown:** It is an incredible postcode lottery. Again using my own experience, I come from a small unitary authority with not the greatest expertise in the universe. Sixteen miles down the road is a brilliant home education authority, Hampshire, who you are going to be speaking to representatives from in a few minutes. If I lived there, I would pay less council tax, I would get extra library books, I would get access to exam centres—some very nice goodies. Because I live where I live, I do not get any of them.

**Fiona Nicholson:** It is very much a local offer or non-offer.

**Q52 Ian Mearns:** So it is completely discretionary in terms of where the local authority is. Where it exists, do you believe the different levels of financial support are appropriate depending on the needs of the child, or again is that a postcode lottery?

**Anne Brown:** It depends on whom you speak to, even within an authority.

**Fiona Nicholson:** I have done a lot of research on the funding and only one in five local authorities are making any use of the funding that is there to claim from central Government. Four out of five are not doing that.

**Shena Deuchars:** For some of them it is a policy decision not to claim it. I have asked my local authority in the last week, because I knew they had to have a discussion about it, and I was told yesterday that the policy has been decided at director level that they will not be drawing down any of that money that was made available.

**Q53 Chair:** Which local authority?

**Shena Deuchars:** Swindon.

**Anne Brown:** Poole has the same policy.

**Fiona Nicholson:** There are quite a lot.

**Q54 Ian Mearns:** It is now three years since our predecessor Committee looked at this whole question. Have you seen any significant improvements in any range of services or is it just exactly the same?

**Alison Sauer:** No. In fact, I would say the opposite.

**Q55 Ian Mearns:** It has got worse.

**Alison Sauer:** Not got worse through them deliberately making things worse, but it has got worse because the experienced staff have left and cuts in local authorities have meant that expertise has not been passed on. They are not having the regional conferences that local authorities used to have with each other, and the amount of training that they have been partaking in has dropped off dramatically.

**Chair:** I know Alison would declare an interest.

**Alison Sauer:** I would.

**Fiona Nicholson:** The point I made in my submission is that I talk to a lot of local authorities and have for a number of years. I enjoy talking to them and feel that they are saying to me they do not really know what they are meant to be doing. I look at the searches on my website and they are: “Every child matters; what is here instead; when is this going to change; when will school leaving age be raised; how will it affect home educators?” On really key issues it does seem to be bizarre that Capita is looking on my website, because there is so much information about what is meant to be happening people cannot process it, filter it down and work out how that affects home education and what they are meant to be doing. They are standing completely still or going backwards because they are still waiting to see what is meant to be happening.

**Q56 Chair:** And the SEN pilots?

**Fiona Nicholson:** Hopeless.

**Anne Brown:** That is the feedback I have had.

**Jane Lowe:** They are getting bogged down. I am involved with one in my area and they are getting terribly bogged down in procedure.

**Q57 Chair:** So you have been able to get involved, because I had also heard that some pilots were saying, “No, we do not want to deal with home education. That is one complication we can do without.”

**Jane Lowe:** I am not there as a parent of children with special needs. I am there as an observer.

**Fiona Nicholson:** I wrote to all of them and said, “What is your policy with home-educated children?” and two-thirds of them are saying, “You do not fit the criteria.” Another said, “That is a good point. I do not know.”

**Shena Deuchars:** You were asking about areas in which perhaps you could make recommendations for change. It might be an idea to start with recommending some things that are relatively easy and clear-cut. My submission suggested access to out-of-school services on the same basis as school-educated children, for example, and not instead

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saying, "This is restricted to children who are enrolled in a local authority school," for example, which some of the authorities do.

**Q58 Pat Glass:** What kind of out-of-school services are you talking about?

**Shena Deuchars:** For example, out-of-school music services, sports services—those sorts of extra-curricular things that can be difficult or expensive to access—or being able to have, for example, a home educators' group doing swimming lessons on the same basis as the schools would be able to use the leisure services in that area, which is something that is really difficult. Normally we are paying on the basis of individual families and it can be extremely expensive.

The other very obvious area is exams. When young people get to 14 to 16, they may well want to access exams. One of the things that the 2009 report complained about was that we do not access exams, and one of the reasons for not accessing them is because it is horrendously expensive. My daughter did do one GCSE and it cost us about £70, plus the travel to a centre at a distance and an overnight, because she needed to be there at 9 o'clock in the morning, and so on. I can see no reason for that, particularly for the core exams such as maths and English, where all it involves is an extra child or two taking up a seat in an exam hall. It does not require extra costs for invigilation, leaving aside any special needs of course. It does not require any extra costs at all. I really do not understand why that cannot be made easily available.

**Q59 Chair:** Indeed, Badman's recommendations. Should there be a statutory duty to ensure the availability of access to exams or should we go further and have it paid for by the local authority? Any views on that?

**Jane Lowe:** Certainly I think there should be a duty to provide exam facilities, because it is not just home educators; it is adults as well who want to add a few qualifications. It is damned difficult, so really it should be possible to do this.

**Fiona Nicholson:** I have done a nerdish survey of all local authorities in England and their support for access to exam centres for home-educated children this year. I have found that only one in eight are doing anything in the way of even signposting to a local exam centre in a school. There are 8% who are using a pupil referral unit, but they might not be able to continue doing that in the future. A similar proportion are pointing to a further education college. It is the number one thing home educators will say all the time. If they want to talk to a local authority, they will want to say, "Could you help with exams? Could you tell me where I can sit exams locally?" The councils are saying, "It is nothing to do with us. We cannot make schools take you in," or they will say it is academies or, "We do not have a policy. We can affect anything that happens in FE colleges. It might cause problems with pupils at the PRU if you sat it as well." It is a really difficult area and the support is really, really patchy, but then I do not think there could be anything that mandated more. It is just a matter of trying to point to models of good practice.

**Q60 Chair:** You could impose a statutory duty on local authorities that they would have to work in partnership with academies as best they could or put on provision. If we have a situation where home-educated children—a legitimate choice—cannot access exams, with a Government that is so keen on getting people to be able to pass them, that would seem like something that we could change through law.

**Anne Brown:** May I make a suggestion here? Private schools have a duty to be of some good to the community to keep their charitable status. Would they like us?

**Q61 Chair:** That is a good idea.

**Anne Brown:** That is how I am doing it: I am having £600 for nine for my daughter and they are perfectly happy to have her because they can then say, "We are doing some good for the community." They are happy, I am happy; we are getting the exams.

**Q62 Chair:** Is there an issue around the grades counting towards their targets?

**Anne Brown:** No, I am an external candidate. It does not cost them what she does.

**Q63 Ian Mearns:** Graham has mentioned the Badman recommendations, and one of the things that Badman recommended was that local areas should establish consultative forums with home educators. I think you have already mentioned about local and regional meetings falling to bits and that. Is that the same thing that we are talking about?

**Alison Sauer:** No, the regional meetings I was talking about were local authorities themselves—the officers exchanging good and bad practice in a forum. As for local forums, I do not think they have got particularly any better. They come and they go and they only ever normally form because a lot of home educators in the region get bees in their bonnets and storm the council house.

**Jane Lowe:** I think the thing that Mr Badman did not understand is that you cannot systematise home education. You cannot treat it as a community. It is not a community. It is 20,000 little schools, if you like. It is not a unity, and we cannot make it so and we should not try.

**Q64 Ian Mearns:** That is right. Having exerted fierce independence, independence from each other is equally important, I would think.

**Alison Sauer:** Oh yes.

**Jane Lowe:** Imagine in a local area, if you have a strong individual with strong views who thought, "I know, I can sort this out," they could go in there, negotiate with their local authority, and set up something that was absolutely awful because they had not talked to everybody else. There are too many problems.

**Q65 Damian Hinds:** We are over-running quite a lot, so one very simple question from me. How do you think technology changes all these challenges? For example, we were talking about access to information. It seems odd to me that you would do that through

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dozens and dozens, or hundreds even, of local authorities. Teaching resources increasingly are online and it has revolutionised the way teachers go about planning. A lot of schools say they are getting rid of textbooks—we could have a different discussion about that. How does technology change all this and will some of these problems naturally go away?

**Anne Brown:** I think they could be helped to go away by the use of technology.

**Shena Deuchars:** The thing that technology has done is that it has made it easier for home educators to access the syllabus for various exams, for example. In the last eight to 10 years or so, there has been a sudden explosion in home educators networking and talking about exams. That is because the internet is there and we are able to talk to each other about it, instead of people doing their own thing, but also, because all the exam boards have the information available, it is as easy for a home educator to get access to the information as it is for a school. It is not necessarily as easy to, say, access the exams then or to access appropriate teaching for the exams.

**Q66 Damian Hinds:** Although exams themselves may change in future. If they do the KeyMath, for example, an American exam, you do that on a computer; you could do that anywhere.

**Shena Deuchars:** Yes, so it does make it easier for us to be aware of what we could be asking for, if nothing else.

**Alison Sauer:** The Open University uses computers quite a lot, don't they? They do online testing and things, so there is no reason why we could not spread that out a little bit more.

**Fiona Nicholson:** It has made more peer support a lot more effective as well, so there is not just emotional support now. You can find home educators and say, "I want to do this specific thing." You will find somebody who has gone before. They can point you to something. They do not need to come round to your house and lend you a book. They give you some website addresses and you are off, and you are then self-starting; you just get going. You just need to be pointed in the right direction.

**Anne Brown:** On the forum that I administrate, we have a resources blog where we all share our best finds. My son, for instance, loves maths from NASA, where he can get to be an air traffic controller. Because we all support each other, the diversity of the groups, as I said before, is our strength and, to me, all that matters is that everybody finds somewhere where they belong.

**Shena Deuchars:** There are now several home-educating parents who are running effectively distance-learning courses for specific GCSEs. Again, that has been made much easier by technology. For example, you can get a taught GCSE in certainly chemistry, biology and English through home-education circles. So if anybody pops up and says, "My child would like to do this," we have places that we can put it to. That is definitely an advantage of the technology.

**Q67 Chair:** It is a big, difficult subject and hard to do it very quickly, but we have no time: the transition to FE and HE, and the difficulties around that.

**Alison Sauer:** There is no assistance, no knowledge out there.

**Q68 Chair:** Bearing in mind my initial strictures on recommendations to make it better, is there anything we could do?

**Fiona Nicholson:** My local authority in Sheffield has run a pilot. It is now the second year of the pilot and I was helping them with it. The children who took the exams last year have, as far as I know, done well in their exams. Their specific reason for paying for exam courses for home-educated children under the age of 16 was to facilitate transition to further education at 16, because they saw it as part of the duties that they would have when the participation age was raised. That has made a lot more dialogue between home educators and the council and the college. People have become a lot more aware of what they will need in order to progress to college and the qualifications they will need and the way that they can get those qualifications. So I do think that is a good system.

**Q69 Pat Glass:** Can I ask you about the role of central Government? I am going to be very quick because we are running behind. Does central Government have a role in this? Should they be monitoring what local authorities are doing, either directly or through something like Ofsted?

**Shena Deuchars:** Yes.

**Alison Sauer:** Yes.

**Fiona Nicholson:** Yes.

**Anne Brown:** Yes.

**Jane Lowe:** Yes.

**Q70 Pat Glass:** The DfE says it is still considering its position on home education. Jane and Shena, have you had any contact, any engagement, with the DfE?

**Jane Lowe:** Not lately, no.

**Alison Sauer:** Not specifically to do with that, no.

**Q71 Chair:** Would it be helpful if local authorities were able to access a percentage of the funding that went to schools, for instance, for home-educated people, who would have necessarily to register, on a voluntary basis, but where they did so they got additional funding? So basically there was an offer from the local authority, and you could access it if you came and registered with them, with all that carries with it. But with only voluntary registration, would the local authority be able to bring reasonable sums down? Would it create a balance where they would try to serve the home-education community, have the funding in place to have the kind of people we want to see trained, understanding and supportive, and create the right balance, so their income was dictated by the engagement and involvement of home educators? Could that be a way of getting a better balance, or is it opening the door to something dreadful? Fiona looks like she thinks the latter, but I will go to Anne first.

**Anne Brown:** Yes, I think it would work. The one thing you have to remember is it cannot be top down;

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it has to be bottom up. I would like to see a system almost like when you tender for a contract; you could go to your local authority, and you could say, “My little Jimmy wants to do this.” Then you could sit and talk like two reasonable sets of adults about how you would show you were giving value for money, because it is important, in what you would do, but what you do does not apply to anybody else. I come to this because I have two children who have never met a normal principle, so anything from the top down does not fit them.

**Jane Lowe:** I was thinking if there were some kind of payment by results it would motivate the person to go out and try to get as many people in as possible. I do not know that that would do much for relationships with families. If families could approach the local authority for funding if they wanted to, in my mind that would suggest to me that they would no longer be home educators, because they would be receiving funding for their course, and that would be like being in school and being funded as a pupil in school, wouldn't it? Do you see what I mean?

**Alison Sauer:** It could be funding for textbooks and resources.

**Jane Lowe:** I thought Graham was meaning more serious funding, like FE college funding.

**Q72 Chair:** I was picking a number off the top of my head—10%. When Anne goes to speak to a local authority now, they will say, “It is all on your shoulders; we have no resource; there is nothing we can do.” On the other hand, if they said, “Yes, this triggers this much”—not that much, but whatever it is, £500 per year—how would you best like that to come to you? Is it in the form of vouchers? Is there a group of you that want to pool it to get a tutor for something? I do not know. I am trying to work out whether we can get a balance and get that engagement in a way that is controlled by home educators and does not feel like they are going to be corralled.

**Fiona Nicholson:** They absolutely ruled out the 10% in December 2010, because the Secretary of State said

they did not have enough money to do it. There was a consultation and two thirds of the people said this would be a pretty good idea, and then in December 2010 Michael Gove said, “There is not enough money.” If there is more money now, that is great.

**Q73 Chair:** The first thing you do in politics is decide what it is you want and think is right, and then keep going at it; eventually you will get it if you get everyone to agree.

**Fiona Nicholson:** It has been rejected, I think I am saying.

**Shena Deuchars:** I was not entirely sure how the money was going to go to the local authority and how they were then going to put it back out. Anecdotally we have been hearing that the money from the DSG is being used to boost the income of local authorities, because they are drawing down the money that is available but they are not necessarily passing it on. For example, they are artificially capping the amount of money that is being allowed, say for a young person that goes on to a college course: if the college course is £2,000 a year, they are drawing down all the money that is available on the DSG, keeping a wedge for themselves, and saying, “Okay, we will give £1,500 to the family,” and the family then has to find the additional money to allow the young person to attend the course. I do not think that was really what was intended.

**Q74 Chair:** If you have any specific evidence on that, it would be interesting to see it.

**Alison Sauer:** Yes, we have some specific evidence of that.

**Q75 Chair:** Thank you all very much indeed for giving evidence today. Please do stay in touch. If you have any other thoughts reflecting on today, on any recommendations, things you particularly fear that we will get wrong, then please do write again and let us know.

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### Examination of Witnesses

**Witnesses:** **Julie Barker**, Co-ordinator, Fareham and Gosport Home Education Group, **Hannah Flowers**, Co-ordinator, Carshalton Home Education Group, **Zena Hodgson**, Trustee and Support Advisor, Home Education Centre, Somerset, and **Jayne Richardson**, Local Contact for Home Educators, Cumbria, gave evidence.

**Q76 Chair:** Good morning. Thank you for joining us as well. We on this Committee admire independence of spirit, and it is our job to question Government, so it is a pleasure to have you with us. You heard the last session. Any immediate reflections on that, bearing in mind what we do, which is make recommendations to Government? Julie?

**Julie Barker:** I am a Home Education Co-ordinator in Hampshire, and I also work with the Somali home-educated community in Southampton. We have managed over the last couple of years to work with Hampshire to try to develop relationships successfully between the local authority and ourselves, with the benefit that they are indeed going to provide some of the things that have been mentioned. For example,

they are funding college places for 14 to 16-year-olds, and also a package of exam funding, which is very good news, to a large number of home educators who want it. That is not to everybody, and we have to accept that some people do not want that funding, even if they are doing exams; they want to do it on their own.

I have been working with Southampton for the last year, up until Friday, with limited success. Amazingly the news that I am coming here today has made Southampton offer to pay for examinations for their Year 11s, which is good news for the home-education community in Southampton, particularly the community that I work with. It can happen successfully.

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**Chair:** So all home-educated children currently known?

**Julie Barker:** They have obviously got to be known. In South Hampshire this is a new policy, so in order to benefit the policy will be in future that the young people have to be known and registered for a year. This year, because it is obviously new, they have access for all comers, so anybody who wants to be given funding via the APG has to be on the census, so they will have to come forward now. In the future they will have to be known for a year.

**Q77 Chair:** If you move in halfway through the year—

**Julie Barker:** Obviously exceptions will have to be made. We will accept they are not trying to be unreasonable. Hampshire does not currently have a particularly difficult relationship with many of its home educators; it does not insist on home visits, and so we have been working together.

**Q78 Chair:** They cannot, of course, insist on home visits, except in ultra vires ways.

**Julie Barker:** They cannot, but they happen to try to insist on home visits. They have understood that it is perfectly acceptable to provide evidence in other ways, and that works perfectly well. I home educated my child for 12 years without ever having a home visit, and we also have use of the science laboratory in a pupil referral unit for twilight sessions. We have made progress, all credit to Hampshire. Hopefully the same situation will eventually prevail in Southampton.

**Zena Hodgson:** I am from Somerset. They have been very supportive for a number of years, and have been paying for exams for home-educated children for quite some time now—quite a number of years. They have maintained the same sort of rule, which is that they want you to have been registered for two years, i.e. the sort of start of what would be your GCSE course. They have had to restrict it to only Year 10 and Year 11 pupils through a limited budget. They do not feel they can justify a budget for younger children, where maybe it would be a more risky business of doing GCSEs. Possibly, if they have a lot of people applying for it and, again, on a tight budget, they will restrict it to core subjects.

Somerset have historically been very supportive and, echoing the earlier session, their foundation is a more neutral basis. They started life with the EHE Department in the Equalities and Diversity section of the council. They are dealing with small minority cultural groups, and right from the beginning when we approached them many years ago, their question was, “How can we understand who you are, so that we can help you?” As they came from that basis, straight away there was a very positive open dialogue. I am not sure which department they are now under. They were temporarily under a virtual schools system, which has since gone, and they have been floating about. But the team themselves are the same, and they have come from that basis. Therefore, the dialogue has always been neutral and open, and that has been its real strength.

**Hannah Flowers:** To go back to your question, and particularly the responses given earlier, the thing I

picked up the most was the suggestion of the service being provided from the library, or something like that, a neutral location. That is a brilliant idea, and I think it is much more likely that people would take that up. When you are talking about the GPs, obviously GPs have a responsibility to pass on any concerns, and most parents have no problems with that, I am sure; the same would apply to somebody who voluntarily went to a library to access a service. There is no problem with people who are in that role having that duty to pass on any concerns. If it is voluntary, it sounds fine, and the same with registering for support.

**Q79 Chair:** GPs, of course, will target and write out specially to people who are in high-risk groups. It would be fair to say that home educators find it rather irritating, with absolutely no evidence whatsoever, that they are seen as a risk welfare group, when there is nothing to suggest that they are.

**Hannah Flowers:** I agree there appears to be no evidence that there is an at-risk group here.

**Jayne Richardson:** I am in Cumbria, and I would consider us to have a good local authority; they have a good relationship with home educators in general. Up until last year we had four home-education consultants within the local authority, who dealt with home educations. The person who took the lead on that has been in post since 2006, so it is a very stable relationship. Unfortunately, following the cuts we lost three of the consultants and kept the leader. They were planning to go back to their old system of having all the School Improvement Officers deal with home education, which had been a bit of a disaster.

Our home-education leader in the local authority has done a stunning job with training up 24 home-education consultants, who were all new to home education; they had not really dealt with it. We have heard very few complaints, although there have been a few niggles. I feel we have a very good two-way relationship with our local authority. I can go to her if a family comes with specific problems. If there is, say, a divorce and there is a dispute between parents, I can go to her and say, “Look, there is a problem here. Can you help support this family in their home-education decision?”

In the same way, if she finds a family that she thinks needs more specific support from the home-education community and she wants to help them do a good job with home education—say, if she feels there is somebody who has not had a particularly good educational background—she can phone me up and say, “Can I put this person in touch with you? This is the problem. Can you point me in the right direction?” That is really good. I feel that we are on equal terms with our local authority.

**Q80 Chair:** The 10% unit of school funding coming to local authorities where home-educated people engage with them was rejected in 2010, but can be revisited again. Do you think that would be a good idea? Would providing that kind of funding triggered by engagement by parents be a good way to get a little more support, while recognising the independence and the choices made by parents to home educate?



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**Jayne Richardson:** If a family approaches a further education college for their child to enter pre-16, it would be great if the college could assess that child as an individual, and then draw on the funds themselves. It is a relationship between the family and the college, with the college having access to the funds if that was deemed necessary. When you get more and more people involved in these funding issues, it invariably gets very complicated, and it is hard work.

**Q81 Chair:** Has anyone tried to use the free school concept yet? I know we have got flexi-schooling, which has been a way of home-educated children being able to go into school at certain times and then be home educated the rest of the time, and the school gets the whole funding. There is an excellent flexi-schooling conference later this year being put on. What about the free school model? Have you heard of anybody trying to use that as a way of setting up some alternative educational centre?

**Julie Barker:** No. Our local home-education group runs a sort of tutorial session once a week preparing children for exams, and it was suggested that perhaps we might wish to go towards the free school model, to which the answer is definitely no. I would not think that anybody in their right mind would like to get involved with all the legislation and work there.

**Chair:** That is a clear answer.

**Julie Barker:** I do not know whether drawing down money from a free school is what you mean. Going back to the original thing, 10% of a school budget is not very much. The funding of college places and exams that are being done through the APG, or whatever you call it, is a much bigger pot, because college funding is not going to be paid for; some of the colleges are charging £4,000 for their 14 to 16, and that is not going to come out of the 10% budget. I think that many families would welcome any financial support for younger children, but logistically I could see that it would be layers of extra administration and deciding how to distribute it. But I do think that to an extent all local authorities should be looking. Fiona's survey showed that only one in five was accessing APG funding. Why is not everybody doing that? For all these local authorities that are worried about home educators not being known to them, while I am not saying it would solve all their problems, I am sure, just as Hampshire has found, that if they are offering something, more people will come forward.

**Zena Hodgson:** Money is certainly an issue for Somerset, because Somerset have got quite a good rate of people engaging with them. Again, over the last couple of years their services have dropped off, and it is about money. It is not about willingness.

**Q82 Chair:** If being a good local authority, and engaging with people in a way that builds trust and involvement, costs them more and brings no more money in, for those who are not like that, straightforwardly with a whole lot of pressures on them, you are asking: "Why do you not get involved in this?" You get a whole load of people demanding services from you for which you will get no more

money. Just looking at it crudely, I can see why they would not put it at the top of the list.

**Zena Hodgson:** Somerset have reacted in another way. I was talking on the telephone to our EHE team leader yesterday; she enjoys her job and hopes her department stays, because she enjoys what she does and engaging with other people. They have had a much tighter budget, and the Director of Services has said "No" to things she has asked for, and things they would have been able to do before they have not been able to do now. But because they enjoy their job and still want to provide a good service, they are trying to find ways around it. It is making them work harder too.

Instead of the advisers having so many home visits and lots of travelling, they are having home drop-in centres, so they can see many more people of those who want to come in. She is also having more personal engagement with families, speaking to them on the phone if they care to, and getting to know them in that way. She has had a 25% increase in engagement this year, even though she has had less money, because she is making more effort to make it more personal, and to say, "We cannot offer much, but we are here should you need us."

**Q83 Chair:** You are making an excellent argument for doing more for less. The Government side of the room will be cheered by that.

**Zena Hodgson:** The other side of it is previously where they have given monies to groups, ours included—and on some occasions we are talking thousands of pounds for us to buy computer equipment, sports equipment, science equipment, which many families were able to use—that has now all stopped, and that is a shame. There are new groups not starting up, because they simply cannot afford to; they cannot afford to have equipment. Those things have stopped. They have a series of laptops for loans for home-education families; those laptops are starting to break down and they have no money to replace them. There is a downside to it, and there are certain things that are now falling away at the edges, which is a shame, because it is not through not wanting to provide them.

**Chair:** The unit of funding following somebody getting involved with the local authority—yea or nay?

**Julie Barker:** Possibly.

**Jayne Richardson:** Given the history in recent years, I would be very, very worried, because there is a deep mistrust of Government motives at the moment.

**Chair:** As long as it is voluntary. I know there is mistrust.

**Zena Hodgson:** It is how you can ensure that. Does it start down a road of something and then a few years on it is not voluntary? A choice of some sort of voucher scheme; yes, in principle I quite like that idea, but there can be an element of: "Well, you have not chosen to take this up. We have got vouchers for swimming and music, but you have not taken it up, so is your education up to what it should be?" These are the concerns. In principle, if we could really remove those concerns, I quite like the idea, but it would have to be set in stone that there is a non-judgmental voluntary element to it.

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**Q84 Mr Ward:** You mentioned the funding of free schools. Do you see a contradiction? Home education seems to be the ultimate in a free school. It is a free school, but without the funding.

**Jayne Richardson:** The problem with a school is that you need to have a structure to it, and that structure might not suit every child. I have had three children; they all learn in completely different ways, and it is about their education being individually tailored to their needs. That is the beauty of home education, and you can swap courses easily. As soon as you start bringing it into some sort of organisation, you spoil that.

**Q85 Mr Ward:** But the Government's agenda, of which I am not a supporter in terms of free schools, is to do away with that, by definition almost—to remove many of the controls, constraints, requirements. It seems to me that applies even more so to home education, but without the funding going directly to support it.

**Jayne Richardson:** Even a free school is not going to be as sensitive to a child's individual educational needs as a loving, caring parent. You can move lunchtime to 11 o'clock if you need to; you can individually tailor a day, an hour—anything like that—and that is the beauty and the freedom of home education.

**Q86 Charlotte Leslie:** You have answered the question I was going to ask, which is: in general, how is your relationship with local authorities, and where it is good, what are the key elements of good, and where it is bad, what are the key elements of bad? I think you have covered that. Are you able to give me a couple of bullet points?

**Jayne Richardson:** I would say the key element for a good relationship with our local authority is attitude. There is an underlying issue within our society as a whole about attitudes towards parenthood now.

**Q87 Charlotte Leslie:** Is that something that the whole panel would agree with?

**Zena Hodgson:** Yes. I reiterate with Somerset it is because they came originally from Equality and Diversity and said, "How may we help you? Let us understand you." That is a very different starting point to a council that is under Education and Welfare saying, "Why are you not in school?"

**Hannah Flowers:** I am from the London Borough of Sutton, and I would say that at the first point of contact it is quite bad at the moment. There are signs that there may be some improvements, but there is very much an attempt to persuade people not to take their children out of school, or to persuade them they should have visits, or to persuade them of all kinds of things for which there is no legal basis. If you then say that you know the law, they back off.

We have accepted visits. The person who has visited us is very nice and there have been no problems with that, but the initial contact was extremely off-putting. I can imagine why that sort of thing makes people not want to be known to the local authorities.

I also have concerns about the website. First of all, it is very hard to find anything about home education.

You have to click on about seven different things to find it. If you do find it, it is very misleading and contrary to the law on many points. Although there may be individuals within the service who are very friendly, helpful and so on, the initial contact is very negative. In terms of support, I do not think there is any, apart from Sutton music service.

**Q88 Charlotte Leslie:** To what extent do the panel think that a lack of clarity of what the law is, and a lack of understanding from local authorities of where the law actually is, is a major contributor?

**Jayne Richardson:** I find it very disingenuous that local authorities who deal with education do not know the law regarding education. I am a layperson, and we all know the law regarding home education. I do not know why local authority personnel cannot educate themselves properly on the law. I would expect any service provider to understand it thoroughly; they should know it in more detail than we do. We have to know it, because we have to protect ourselves from them. It should be incumbent on them to train their personnel properly. They are a service provider and they should treat us with respect.

**Julie Barker:** Two things: I think that in Hampshire the powers that be certainly do understand the law, and do seek to apply it, but, as said in the previous panel, we have had problems with educational welfare officers being the first contact. That has been a thing that we have been working on with the local authority to change, because what happens is that in most cases anybody who has been in contact with a home-education group beforehand refuses EWO visits, so that does not achieve anything, and anybody who has not been in contact with a home-education group beforehand has a visit, and some of them have been misleading and unhelpful. Again, we are looking at that, and we now have a dedicated home education co-ordinator in the local authority employed by Hampshire, who is meant to be the first point of contact. We still have EWO visits, but anybody in the know says no anyway, and what can you do? It does not achieve anything in that sense.

The success in Hampshire has been because of dialogue. I live in East Hampshire. One of the home educators in North Hampshire and I have run a series of meetings over the last few years, where we have invited members of the local authority staff to meetings with home educators. We have invited them to our activities. They have been along to see what we are doing. When they see what we are doing, they realise we are all doing the same thing: we are working towards providing a high standard of education for our children. That has been the beginning of that dialogue.

There is still a long way to go, and I am sure there are lots of other things—special educational needs—that we need to be working on, but I do not think it is education in that sense. I think they know the law perfectly well, just like we do.

**Q89 Charlotte Leslie:** Would you say that you are acting as the consultative forums that the Badman Report recommended?

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**Julie Barker:** If you are asking me, I think that is a bit of a loaded word. At the end of the day I am an individual, and I am the co-ordinator of a big local home-education network of about 200 families, but I cannot say I speak for all of them. We are hugely diverse and the report I wrote read, "What we are doing, not what everybody thinks." There are people in Hampshire who live a more alternative lifestyle than me who do not want anything to do with the local authorities, so they are not involved in that consultative process. Those of us who have been involved with training the local authority consultants. We are in constant contact. We complain. When they get it wrong, we moan, but I would not like to call ourselves a forum; we are today's home educators. It may be different in five years.

**Q90 Charlotte Leslie:** Tell me if I am completely wrong, but one of the difficulties that home educators face is there is both a need and a desire to be very diverse, but also in dealing with local authorities, and dealing with Government in order to get what you need and want, there is also a need to be quite cohesive and speak with one voice of what you want, and there is an obvious tension there. Do you think there is a need, and/or a desire, for more formal setups, like what you are talking about but in a more formal capacity, to be replicated in each local authority, and for an expectation that will happen, which may make the lobbying voice for diversity stronger?

**Zena Hodgson:** I would never presume to speak on behalf of home educators in Somerset, let alone in the rest of the country. It is so broad and diverse I would not ever want to do that. I know what I know about some of the families within my group, who happen to agree with me; some of them do not. I think it has to just go back to the basics of the guidelines and the law—that it is your right to home educate—and that is where it ends.

**Q91 Charlotte Leslie:** If the law was applied both accurately and sensitively, and with a positive attitude, things would be more or less okay. Is that what you are saying? Or do you think there is a specific change to the law that needs to be made?

**Jayne Richardson:** I think current legislation and guidelines are more than sufficient to protect both the freedoms of families to choose the way they educate their child, and for local authorities to take action should any problems occur. We live in a country where the basic principle is that you are assumed innocent until you are proven guilty. It is entirely wrong for local authorities to go in sometimes with the approach of: "You have got to prove to us that you are not breaking the law."

**Zena Hodgson:** This is back to Jane Lowe's point in the earlier panel. I agree that the law is sufficient, but what does cause the problems is who is going in first and this idea of the educational welfare officers, as opposed to somebody neutral. That is the problem.

**Q92 Pat Glass:** Can I come back to the issue of public money? I know there is a disagreement about whether there should be some funding or not, but with

any body that gets public money there is a degree of accountability. I am not suggesting that there needs to be a league table of home educators, but is there some form of accountability that can be put in place if home educators are going to access public money?

**Jayne Richardson:** I personally would prefer to look at access. There is an understanding when you take on home education that you take on full responsibility; that includes your time and your money. The big problem is that I am wasting a lot of my time trying to access things. I have put in my report that as a home educator you used to be able to access some GCSEs via the adult education system. I heard most places would require an adult to be present with the child, but the child could go along and do an adult education class in English or maths and then sit the exam. That was stopped in the mid-2000s I understand; my children were too young for it at the time, so I do not know a lot of the details.

That access to qualifications should be put back in place and, because they are publicly funded, I think schools should be required to make public exams available to the general public. As I have said before, it affects adults trying to improve their qualifications, as well.

**Q93 Pat Glass:** You can see the difficulty with that, can't you? You would have 80-year-old ladies going along and doing exams in whatever at schools. If you just made it publicly available, people would just go and take advantage of it.

**Jayne Richardson:** I do not think they would. Personally we do not find GCSEs very inspiring. We have gone down the Open University route, because the courses are interesting and inspiring. We are only doing English and maths GCSEs, because it is a pragmatic approach in that it will be asked for. The Open University courses are far more interesting, and that is what we are doing instead. I do not think you will have queues of people wanting to sit exams.

When I was at school our sixth form college ran their adult education classes with the sixth form; they came to sixth form lessons, and two or three people joined in. It is not going to overrun the system to open it up to the public; it is a public exam system.

**Zena Hodgson:** If your child wants to follow a particular path, or is aiming for a particular career, there is no escaping that the society we live in may mean that you have to do a certain amount of GCSEs to carry on with what you want to do. For other jobs, maybe there are other ways around: there are apprenticeships; there is experience. But there are other careers that require you at least to have some of the basics.

The very nature of being home educated quite often puts families in the low-income bracket, or at very best that middle, squeezed income bracket. You have made that decision for one of you—or, if you are on your own, yourself—to be at home educating your children. To be in our society today on one income is tough; it is tough. The situation of having children who are exam ready, intellectually ready, and want to follow these paths and be the best they can be, but with the family saying, "I am sorry, I cannot afford

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those hundreds of pounds it is going to cost me to give you those two or three GCSEs,” does not seem right. Again, back to this access: we should have access and at least allow children who choose to to access exams and take exams. It should not be, because you are on low income, you cannot do that for a child.

**Jayne Richardson:** I think when you could access it via adult education it was free to the under-16s anyway, and it was that door that was closed.

**Q94 Chair:** There are two issues there. One is the access; I cannot imagine you would find anyone who would not agree that we ought to fix that and ensure that you can actually access it, and then there is the slightly thornier issue of who pays, and whether you carry on with the principle—

**Zena Hodgson:** We have such a good local authority, and they have been happy to pay that. If you are following a course, the £60, £70 for you to sit the exam is less onerous for the local authority than for you as a family. If you are on a very low income, that is quite a bit to find.

**Q95 Chair:** The access thing I can see as being relatively straightforward, and we will see what the Committee decide on that. In terms of the funding, you have then got the conditions that would attach to it. As Pat says, as soon as there is money, there is going to be accountability and there are going to be rules about how long prior to sitting the exam you have to let them know that you would like to do it. They might want to check before they spend their money that you are studying—things like that. Any thoughts on those issues?

**Julie Barker:** The Government wants value for money; it seems to me that there is an easy way of assessing the value of the APG funding for college places, 14 to 16. The college is responsible for the children’s education, so hopefully that is clear. Likewise, funding examinations by the same method: yes, there may be some fiddling about needing to be known, because obviously you cannot pay for exams for people that are not, and setting in a boundary of the time. Again, it will be evident whether it is value for money in the pass rate. Okay, some children will fail; we entered about 40 children last year for GCSE in our GCSE examinations as a home-education group, and one or two of them failed one or two exams. I think that is a higher pass rate than in many schools.

**Q96 Chair:** When you say failed?

**Julie Barker:** Well, got below A to C, to be specific.

**Q97 Chair:** Not technically a fail then?

**Julie Barker:** Not technically a fail, but we all know the gold standard of five A to Cs is what everybody is aiming for. One or two of them will not get that, just like one or two will not in my local school, or perhaps higher percentages in some schools. That is why that type of funding—a discrete package of funding for both 14 to 16 college provision and for exams—would make the biggest difference. It would be nice to have some money for books; it would be nice to have some money for ice-skating or anything else

you like, but for most home educators examination funding and college provision are the two big issues.

**Q98 Alex Cunningham:** The Chair mentioned very specifically the child’s readiness, or the preparation. Are home educators at a place where they would accept that somebody is going to go in and see what is being taught, and whether that child is in with a good chance of making that exam before they commit their money?

**Julie Barker:** I would say no. I am a teacher. I would say, “Actually I teach maths. If you send me to a house where somebody wants to know whether they are ready to enter for French, the answer is obviously no.” That would be logistically a nightmare, but home educators are educating their children at home; they are setting them up for success, not failure.

**Q99 Alex Cunningham:** Teachers in schools are doing that surely?

**Julie Barker:** Absolutely. The point is, logistically, my daughter was ready to take her exams. Are you going to send five different specialists for the year she is taking to judge whether she is capable in chemistry, maths, and in English, etc? Logistically that is impossible, but I do not think you are going to get a rash of parents putting children forward for exams they are destined to fail. My daughter is autistic; I would not have put her in for a modern foreign language, because I knew that she would be destined for disaster. It is totally hypothetical, but trust in the parents; we are doing this because we are trying to educate our children to the best of our ability.

**Q100 Chair:** I am fascinated to see the percentages; it is very hard to get research, something we have not touched on. When we did our last inquiry, nobody knew anything, so we had recommendations being made and all sorts of strong positions being taken on home education by people whose ideas on welfare and educational outcomes turned out to be ill founded, because nobody really knew. I know people are not registered, they are unknown, they are independent and they are all different, so it is very hard to capture it. Are there any insights? If there is a problem in home education, be it on whichever side, and you can show it, then action would be required. But is there any way of knowing what is going on in home education generally? A lot of people worry that there are a lot of kids not being educated, and they have that fear. If it is shown that, in fact, broadly the outcomes are better than in schools, which is what I suspect but I cannot prove, it might allay fears.

**Jayne Richardson:** It depends on how you judge educational success. If you have got an academic child, academic success would be a good measure, but equally you have children who are not academic, but they are very bright, and they do not want to take exams, and they do not want to do qualifications, and they go on to have very successful lives, often in self-employment. You often hear stories on home-education forums about children who have never sat an exam, they have never been out of work, and they are supporting themselves as an adult. I think you

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need a much more broadminded approach to what success is in education.

**Q101 Pat Glass:** Just a question of clarification. It is a genuine question of clarification; it is not a trick question. I understand why people talk about the Open University. I understand that, but a few people have said, "We want access to college courses." Why is it acceptable for college courses but not for school? I do not want an onslaught.

**Jayne Richardson:** One of my children wanted to go to college pre-16. He is a very mature child, and would find a school environment, with a lot of the larking that goes on, to be very frustrating for his learning.

**Q102 Pat Glass:** It is about the culture?

**Jayne Richardson:** For him, it will be a cultural thing, because if he was going to learn something, he wanted to go and learn it.

**Q103 Pat Glass:** It is the social culture?

**Jayne Richardson:** Partly.

**Julie Barker:** The majority of the children that I know who have accessed 14 to 16 have done so because they wanted to do some sort of vocational course. I have had children in school, and they have been able to access the same sorts of courses; for example, they have gone on and done motor vehicle maintenance, because they want to go that way. They may do GCSEs alongside that, or they may not, but it is the access to vocational courses, which some colleges have specialised in with that 14 to 16 provision. It is not going to college to do GCSEs, which may be the same as a school equivalent; it is something alternative.

**Q104 Craig Whittaker:** We have heard, not particularly from this panel but from written evidence and our last panel, about postcode lotteries. We have also heard from both panels about the different opinions between home educators themselves. Is there a link between those differing opinions and how local authorities provide services to home educators?

**Zena Hodgson:** Can I clarify? Are you asking whether it is the home educators' attitudes that are influencing the local authorities' behaviour?

**Q105 Craig Whittaker:** And whether that is influencing the postcode lottery.

**Julie Barker:** I became involved in Hampshire a few years ago when there was a disagreement regarding a family that had found itself in a difficult position with a local authority, and things had got themselves into the local press. I did not know the family at the time, but I got involved with the situation to try to help the family and the child concerned, and also to try to find out what was happening, because the publicity in our local paper did not look very good; it did not show up the home educators in the right light.

That is how we started. From that, somebody in North Hampshire and I—and other people have been involved as well—have worked with the local authority to try to improve relationships. It is often the case that it is led by home educators to start with, and

therefore we have developed a better relationship. If you do not ask, you do not get. In Somerset it is the opposite way around; the local authority went the other way.

**Zena Hodgson:** In my experience I would say no, because where we live we are on the tri-county border; we have got Somerset, Devon and Dorset. At our home-education group where we meet we have members spread from all three counties. You could argue that because we all meet in one place, we are of a similar mindset as home educators, and the experiences that we have in the different local authorities are very different. I have been in the position of having to help families in the other counties with very difficult situations that have not arisen in Somerset. I would say no; that all came from the local authority.

**Q106 Craig Whittaker:** As representatives of individual groups, can you do more to break down the postcode lottery in other areas? I know Julie talked earlier about helping down in Southampton.

**Jayne Richardson:** Cumbria borders Lancashire, and we are talking to home educators in Lancashire, and trying to get them to see that Cumbria has a good relationship with its home educators, so could the local authorities maybe start talking to each other to help improve the situation. There has been a lot of work done in Lancashire. Cumbria came in quite late, but that was an option to get them talking to each other on that level.

**Zena Hodgson:** This certainly happens, and because we have been identified as an area where there is good practice, in the past we have had EH teams from Gloucester come in and say, "How do you do it? How do we need to approach our home educators, because we cannot get anywhere?" We do make an effort to go to Devon and Dorset counties, and we get invited to some of their things to come and speak to home educators and to liaise with them. We are doing that, but the emphasis should be on central Government itself saying to local authorities, "You need to be doing this."

We are volunteers, we are home educators, and my biggest thing is finding the time, because I am also home educating my children. I am not paid, and I spend a huge amount of my time trying to educate professionals in other local authorities. I am happy to do that if it benefits people within my area, but there is a time limit to this, and I think it should be coming from other places.

**Q107 Craig Whittaker:** Hannah, can I ask you in particular, because of your online free school idea, how that can help breakdown regional differences? Can you also explain how it works for us?

**Hannah Flowers:** It is not something that we are doing; it is just an idea that has been suggested within our group. I do not really know yet whether it is workable, but it seems like it might be good to try to make use of the fact that technology is breaking down barriers a lot and allowing us to engage with people all over the country doing the same thing. At the moment it is just an idea; it has not gone further than that, but I think it could work. I think there are people

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interested in doing it, and perhaps it is something there could be funding for. But it has not gone any further than that.

**Q108 Mr Ward:** You have covered most of my questions in one form or another. Is there any additional comment on support for home-educated children with SEN or disabilities?

**Jayne Richardson:** I see no reason why funding cannot be channelled through GPs and stuff like that. If you do not educate your children through schools, why cannot home-educating families with children with special needs easily access it via their GP? I do not know an awful lot about special educational needs; if somebody comes to me with those problems I tend to channel them towards the home-education forums that will support that.

I hear stories where a family has decided to home educate, and they have got a child with special needs, and they have had half of their provision lost, because half of the funding for it came through education and the other half came through health. It is clearly not in that child's interest, if they need a therapy, to have half of it slashed because they choose to home educate because that is better for their child.

**Zena Hodgson:** If children have been at school and have had School Action or School Action Plus or something like that happening and then deregister, that is simply no more. A lot of the links to occupational therapists, speech and language therapists and those kinds of services are cut straight away. In some instances that can be okay, because maybe they were very school specific, and maybe a lot of the help with special educational needs was to cope in a school environment, so that is not always needed. But for those families where some of these services will still be required it can be a case of starting all over again, going to a GP, and trying to get a referral. Even when that comes into place and maybe an assessment is done with the child of the needs they have, you are told what the needs are, but then there is nothing to enable you to carry out—

**Mr Ward:** The process.

**Zena Hodgson:** Yes.

**Q109 Mr Ward:** Were you going to say something?

**Hannah Flowers:** Yes. It is possibly going off at a tangent, because it is not to do with special needs, but it is to do with equal access and going back to the issue of funding. There is somebody in our group who is a single parent trying to home educate, and she has been under a lot of pressure from the local authority to put her child back in school. When she is trying to get jobseeker's allowance, she is only looking for work from home, and she is obviously getting pressure from there to put her child in school so she can look for other work. If home education is a right in law, it should be equally accessible to everybody, so that is possibly another argument for some funding being available.

Again, I feel like if it was optional to register for it, then that would be fair. I do not know much about things like jobseeker's allowance and so on, but maybe there is a possibility that if people are home educating, and therefore only looking for work from

home, that could be considered to be an acceptable reason for that. I do not know.

**Zena Hodgson:** There is another issue here, and it is something we come up against, that if a child with some need does go to, for instance, an educational psychologist, the educational psychologist may have no clue about home education, and may not have even really heard of it. Once you start talking down that line, they will say, "Well, that is your problem; it is because they are not getting the socialisation they need," or lots of other preconceived ideas. Certainly something we bang our head against a lot is a lot of health professionals who have absolutely no understanding of home education.

We have spoken to our Somerset EH team about this, and they have put offers of training out to these professionals, and they have not taken it up. They have not got the time or money to be bothered with it. I do not know whether there is somebody, as they were saying about the library service, who could make sure that this information is out there that just being home educated is perhaps not the inherent cause of the child's needs. I know it is another issue altogether.

**Q110 Chair:** Fundamentally changing commonly held ignorant attitudes is something I think beyond our recommendation and power.

**Julie Barker:** There is good practice; one thing Southampton was doing, before the recent decision to support exams, was supporting a partially sighted young man who is being home educated, and they have been very good. I have nothing but praise for the whole visual impairment service. My daughter was autistic; when I took her out of school we got more speech therapy, because we were more flexible. We could go in the daytime, rather than fitting around what suited the teachers.

Hampshire have been funding educational psychology reports, so that children with SEN can get the report done before exams so they can get extra support for exams—extra time, or whatever is needed. That is positive. There is a lot more that could be done.

**Chair:** Getting more local authorities to visit Hampshire sounds quite a good idea.

**Q111 Mr Ward:** We have mentioned support in terms of exams, in terms of getting to FE and so on, but is there a genuine concern that increased support would require a trade-off with increased scrutiny and monitoring by a local authority?

**Zena Hodgson:** Given the history of these relationships, we are sitting here and we have had quite positive experiences with our local authorities, but that is not the greater experience. We are the lucky ones, if you like, or the ones who have managed to work hard but also have an authority that is willing to listen. That is a huge amount of baggage to get rid of—that worry of the carrot and the stick thing, or that any offer of funding or help is going to come at a heavy price, if not immediately. But it opens up doors for more scrutiny—poorly trained scrutiny.

**Jayne Richardson:** My fear with funding is that it is great for those families that want it, but I would be worried that those families that did not choose to take

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up that funding would be labelled as the wrong type of home educator, and there is a big danger with that.

**Zena Hodgson:** That is one of the biggest worries. Who would not say it would be great to have a scheme that would mean I could buy some more learning software or get those music lessons, but does it come at that price? For those families who choose not to, are they saying, “Well, what kind of education are you providing”? That is a big worry.

**Q112 Chair:** People are understandably repulsed by this hostile attitude towards the local authority and think is a bit odd, until they see that the parent of an autistic child or other child with SEN has spent years fighting the head teachers of the school, the local authority, trying to get services, failing to get them, and home education was not a choice that came to them; it was forced on them as the only way of stopping their child being traumatised every day in the system, and they are not exactly in the best mental place to trust the local authority. The SEN draft Bill has just been published. It is a huge imposition on people who are already struggling—who may give up work to look after the child, to educate them, to work in local groups—to then ask, “Why do you not help us write the legislation as well?” It is a bit of a request, but there is an opportunity there; we are going to be scrutinising this draft Bill looking at SEN, and if so many home-educating parents do so because their child’s needs are not being met, and if there is a way that this legislation can help, while balancing the

various concerns, that would be very helpful. We would love to hear from you and anybody else who might read this transcript or watch it who has ideas about what needs to be done so that those parents are better supported.

**Jayne Richardson:** I think something that could possibly be looked at with home educators as well is the loss of support from the benefit system that has happened over the last few years. If you have taken your child out of school, out of necessity, because they are not coping with school, you can see the benefits that have happened to that child, and then you come under pressure from the benefits system to be looking for work. It would be good if it was recognised that, although it is unpaid, being a full-time parent and a full-time home educator is a worthy job in its own right. Less hostility in the benefits system towards such parents would be very useful.

**Q113 Chair:** Any thoughts on that would be gratefully received as well, though I think that is an uphill path.

**Hannah Flowers:** Probably, but if there was some guidance, some training, some raising of the issue, that would be good, because I do not know if there is at all now.

**Chair:** Thank you very much; it has been an interesting morning. Thank you very much indeed. Do stay in touch if you have any thoughts on SEN or any other subjects you would like to update us on.

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**Wednesday 17 October 2012**

Members present:

Mr Graham Stuart (Chair)

Neil Carmichael  
Alex Cunningham  
Bill Esterson

Ian Mearns  
Mr David Ward  
Craig Whittaker

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**Examination of Witnesses**

*Witnesses:* **Elaine Grant**, Monitoring and Support Teacher for Elective Home Education, Croydon Council, **Melissa Young**, Virtual School Education Manager, Warrington Borough Council, and **Helen Sadler**, Home Education Adviser, Leicester City Council, gave evidence.

**Q114 Chair:** Good morning. Welcome to this session of the Education Committee, as we conduct our inquiry into home education. Thank you for giving up the time and coming along this morning. I will start off with a not-that-easy ball. What do you consider your lead responsibility regarding home education? Is it supporting families in effective home education for their children, or is it in judging whether they are providing a suitable education?

**Helen Sadler:** Supporting families, every time.

**Melissa Young:** Yes. Needs of the child are at the forefront of all we do and that is always going to come first.

**Q115 Chair:** Do you think there is confusion in some local authorities as to what they are primarily about when it comes to home education? A lot of the submissions we have had from home educators suggest that they feel as if the local authority arrives in order to be doing the judging role from the moment they knock on the door, rather than, "Hello, we are here to help. How can we support you in carrying out your statutory duty to ensure the education of your kids?"

**Melissa Young:** I think that the law does not help. There is ambiguity there and, because the law is open to such interpretation on both sides, parents can often feel they are being judged in a way that does not fit with what they are doing from their side.

**Q116 Chair:** So do you think there is a genuine tension then in the guidance provided to local authorities?

**Melissa Young:** Yes.

**Q117 Chair:** Helen, would you expand on that?

**Helen Sadler:** I have often thought about, in my time as a teacher, when Ofsted were coming round and everybody was scared stiff. If I put myself in the position of the Ofsted inspector, which I am not, and I think about how the teachers feel—well, these families are teachers, even if they do not call themselves that—and of course they are going to be scared. The best thing that I can do is build up a good relationship with them and, ultimately, some—I say some—look forward to seeing me; I cannot say all.

**Melissa Young:** I agree. I think once we have made contact with families and developed a relationship and they have seen that we are approaching the situation

in a non-threatening way, they are, in almost all cases, more than happy to meet with us.

**Q118 Craig Whittaker:** Good morning. Melissa, you have just said that you feel as though the law is ambiguous.

**Melissa Young:** Yes.

**Q119 Craig Whittaker:** We have not found any evidence from home educators that it is. In fact, Alison Sauer said to us, "I do think often [local authorities] do not understand the law... I have done a survey of all the local authority websites and there are only 30 that do not have ultra vires requirements on their websites—30 out of 152." Where is the ambiguity?

**Melissa Young:** From our point of view, it is the fact that it is open to interpretation. There is no definition of what is suitable education. There is no definition of what is efficient. So because home education varies so much in educational philosophy and parents are doing it for so many different reasons, it is open to interpretation on the part of the local authority as to whether that meets statutory requirements.

**Q120 Craig Whittaker:** So if it is open to interpretation, how do you train your officers? How do local authorities ensure a consistent approach? Because, without question, that does not appear to be the case.

**Melissa Young:** No. Well, I can only speak from our point of view, and as you know, we are part of a shared service with two other authorities, Knowsley and the Wirral, which we do to provide consistency. We are all qualified teachers who carry out this role. I personally have experience in both the primary and the secondary sections. So it is about listening to the parents and discussing with them what their aims are, what their philosophy is, and partly using common sense and the experience that I have, and then going from there.

**Helen Sadler:** In terms of training, I do not think that I know of any authority that offers training, as such, in home education, but I started in Leicestershire and somebody said, "You need to get along to the Staffordshire Home Education Forum," and I think I trained myself by going there.



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**Q121 Craig Whittaker:** So how can we say that there is a mismatch in interpretation when the home educators, without question, all say that the law as it currently stands is fine? They seem to interpret it well, but not the local authority. So how do we get that consistency if you are going to have to go and educate yourself around it?

**Helen Sadler:** In my view and, I think, in the view of Leicester City Council, we try to see families once a year. There is nothing in the law that says, "You can see a family once a year." If families do not wish to see me, then I have to say okay. So that is just one thing.

**Q122 Craig Whittaker:** Helen, in your written evidence to our inquiry you said that authorities "should compile a register" of children not at school and should "make contact with the family" to check home education provision. What law or guidance is that based on?

**Helen Sadler:** I think the word "register" was unfortunately chosen, unless you interpret it as "I have just registered that you are here"; it is just like taking a record. What we try to do is take a snapshot of what is happening—of what parents are prepared to talk to us about in Leicester at any one time. I think that we follow the guidance. I think the words were not fortunate.

**Q123 Craig Whittaker:** All the home educators we spoke to were quite horrified about having to sign up to a register.

**Helen Sadler:** Yes, I am sure.

**Q124 Craig Whittaker:** But I fully understand why a local authority would perhaps want to do that. So how do we square the circle? How do we get what you need to ensure that the offers of provision are being offered to those families if those families are sceptical about signing up to a register?

**Elaine Grant:** To enforce registration is quite a hard thing to do anyway—how can registration ever be enforced? With the home education element, a lot of it goes by word of mouth; once you have built up a relationship with certain families and, certainly in my experience, they can see support, other home educating families are quite happy to come forward, because they understand that it is not judgmental, there is support, and in some cases support can translate into extra services being provided. But registration still remains voluntary.

**Q125 Craig Whittaker:** I think all of you believe that there is tension in the current guidance. As a recommendation for this Committee then, what would you suggest we do? Are specific tweaks needed and, if so, what are they, or do we need a full rewrite of guidance?

**Helen Sadler:** There should be some clarity for parents. If they knew what to expect, they would not be quite so scared when we turn up at the door.

**Q126 Craig Whittaker:** What does that look like though? When you say "some clarity", around what specifically?

**Helen Sadler:** One of the things families say is, "I do not know what to do," and sometimes they say, "I do not know what to do, but I do not want it to look like school." I can see why that is, because you might have brought your child out from what you consider to be an unfortunate experience or even a horrendous experience. Added to which, I think in Leicester—and I hope my colleagues on the panel would agree—the idea of sitting for, I do not know, five hours a day, as you do in school, with your mum and dad breathing over you is not what I would want to see as a home educating package.

When I started doing the job in Leicestershire, I was quite interested to see that what families have to go on are things that they do not have to do: they do not have to have a school timetable. They do not have to have a schoolroom. They do not have to have this; they do not have to have that. My best advice to families is always to find some other home educators and talk to them, and do not expect it to be the way you want it to look right at the start. At first it probably is not going to be the way it will look in a year's time, because things develop.

**Q127 Craig Whittaker:** But surely that is not providing the clarity that you say home educators need.

**Helen Sadler:** No.

**Q128 Chair:** Specifically on the guidance, because we have the Children Missing Education guidance 2009, you have the Elective Home Education guidance 2007. You have the different laws sitting in the background on that. Do we need new guidance issued from Government or do we just need greater clarity and understanding of the current situation as it stands?

**Melissa Young:** I would be happy with greater clarity.

**Helen Sadler:** Yes, I would.

**Melissa Young:** If there was a definition of what is suitable. I know through case law that the statement I cling to through all my home visits is, "Will the education limit future life chances?" That is how I judge suitable, personally, and that is looking at cases that have gone through court over recent years.

**Q129 Chair:** Mind you, it is hard to imagine any form of education that in some way did not limit your life chances. Whatever form you take, it is going to exclude some things, or emphasise one over another. Is that practically applicable?

**Melissa Young:** Yes. A third of my cohort is Traveller children. If they have illiterate parents and that leads to a child not being able to read or write, then I would interrupt that as limiting their future life chances whatever they do in their later life. It is applying common sense to this as well.

**Q130 Chair:** But you are saying that, none the less, you would like a new definition, and if it is not in case law, it would probably have to be in statute, and that would doubtless come with guidance to go with it. I do not want to put words in your mouth about that, which I probably just have.

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**Melissa Young:** Guidance, as long as it was clear and there was, as I say, no ambiguity on either side—parents or LA or any other service involved with home educating families.

**Q131 Chair:** I am not a lawyer either, but I think if we were to have a new legal definition that was going to be applicable in the courts, then it would need to be passed in legislation. Do you think it is sufficiently important to have primary legislation that gives a definition of what suitable education means?

**Melissa Young:** Yes.

**Q132 Chair:** Elaine, your thoughts.

**Elaine Grant:** Yes, I think it is.

**Q133 Chair:** So you would like a new statutory definition of what suitable education is. You are not happy with the case law definition.

**Elaine Grant:** I think it is just too open to interpretation.

**Q134 Chair:** Right. And Helen?

**Helen Sadler:** I agree.

**Q135 Ian Mearns:** It seems to me that the pathways for the individual parent are many and varied in terms of how we are going to go about even investigating what they should be doing or should be thinking about doing in the future. I just cannot help but think that, for instance, the Department for Communities and Local Government has provided a very neat little pamphlet for people that live in, probably like the one I live in, a Tyneside flat in Gateshead. It is called *The Party Wall etc Act 1996: explanatory booklet* and is a guide to the Party Wall Act, so that I know my rights with regards to my neighbours and anything that we do in terms of the adjoining property. That is a Government-produced document. It is very easily accessible; it is very plain in terms of knowing what your rights are and where to go now for more information. Do you think the DfE should produce something like that about home education?

**Helen Sadler:** I would like to be part of writing it.

**Melissa Young:** It is difficult. Yes, it would be helpful, again, if it was clear. I think home education is mentioned in numerous Government publications. It is mentioned in the *Alternative Provision Census* guidance—little bits here and there. One definitive piece of work would be useful.

**Q136 Ian Mearns:** One of the things that is clear to me is that home educators' experience of understanding their rights and understanding what they need to do in order to provide for their children adequately and properly, and then knowing what to do in terms of what support they can get from the local authority, varies massively, sometimes within authorities but also across the whole country, because of the differences between authorities and how different authorities treat the issue. Therefore, from my perspective, if somebody clever at Sanctuary Buildings were to pull all the strands together and put it all down in a few sheets of paper

or into a booklet, at least it would be a starting point for people.

**Melissa Young:** The difficulty with writing that document is that, as you said, practice varies between local authorities, but also cohorts of families vary: an inner city cohort with hundreds of families differs very much from a rural community with, perhaps, home educators home educating because they have a limited access to schools in that area. So one document that fits all will be difficult.

**Q137 Mr Ward:** Good morning, first of all. On this definition of suitable education, is there not a danger that, as soon as you move towards a strict definition, you then start imposing your own sets of beliefs and values? So the example you gave of a Traveller child and illiterate parents may seem obvious, but of course many Traveller parents do not want their children to go to school because they consider it to be a polluting environment for their children.

**Melissa Young:** Yes, especially for girls. We work a lot with our Traveller community and we have had great success with providing them support, library services that go on site, home tutors that address the illiteracy issue by teaching families in groups and spreading the cost for families. We have also had success with Traveller children going back into mainstream schooling on a flexible-schooling basis and especially with Traveller girls, which goes against the cultural norm. But as a Traveller home educating parent said to me last year, "The world is changing and our children used to be guaranteed an income through entering the family business, but that is not necessarily the case anymore," so priorities for them are changing as well and so our service moves to meet their needs.

**Chair:** We have limited time and lots to get through. You are doing a great job in being succinct in your answers, and if my colleagues and I can do just as well, we will get through everything.

**Q138 Neil Carmichael:** Good morning. What is your relationship like with the various parents that you deal with, each in turn, because you are from different types of authorities? Helen, do you want to go first and give Melissa a rest?

**Helen Sadler:** I feel that the relationship is improving. I said in my submission that the relationship is improving. I have not been with Leicester that long.

**Q139 Neil Carmichael:** Improving from what?

**Helen Sadler:** Improving to a point where families are coming forward because they want some support, because they have heard that we have a good relationship with families. In terms of what it is improving from, I think there was a fairly good relationship before, but what was interesting was, at that time, working in the neighbouring authority, people would say to me, "It is just a postcode lottery who you get," so this is coming back to the inconsistent practice between authorities. I have had quite a lot of success signposting people to exams and exam centres, and families find that a very valuable resource, so I feel I have a relationship that is improving, and I hope it continues to do so.

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**Elaine Grant:** The positive relationships are very positive. I cannot tell about the others, because they have not engaged—I do not know them. So the relationships that I have with families certainly have had a turnaround from when I first started, where I was greeted with a lot of suspicion and anxiety, and then after an hour's visit they say, "Oh, thank you so much. It was nothing like we expected." I have some families that say to me, "Can you come back every three months?" They want me to come in. They want the reassurance. They want any more advice I have, and they voluntarily say, "Come and see us more regularly." In some cases I will say, "Not quite that often."

**Q140 Neil Carmichael:** So it is horses for courses, isn't it, in a sense? You have to deal with each set of parents or parent depending on what they are expecting from you.

**Elaine Grant:** Yes. Well, that is home education—individual.

**Q141 Neil Carmichael:** Yes. Melissa.

**Melissa Young:** I think we have a positive relationship with our families. I am in a much smaller authority and a smaller cohort than my colleagues here. Out of our 50 children, there is only one family who declines a home visit and prefers to send their evidence in a written form instead. Again, I was greeted with suspicion when I started the role and some home educators came in a group—and I quote—"to see if I was a scary lady," which they found out I was not, and we have had a positive relationship with those families since.

**Q142 Neil Carmichael:** So how would you set about this engagement? Just briefly, each one of you describe what it is like to meet a new family situation.

**Helen Sadler:** I phone up first and ask when they can fit me in, because families are incredibly busy, and if they have a variety of appointments for the child's education, I have to fit in around them and I try to fit in. Then I go in and say, "Right, how's it going? What's been happening?" and we go from there. I always say I write a report and I try to make a report that reflects the conversation we have and not something that is judgmental. I try very hard not to judge. There comes a time, I think, when a judgment is sometimes called for, but, by and large, if families are happy and things are moving on, then that is fine and I can leave them to it and hope that they will let me come back.

**Q143 Neil Carmichael:** So how do you assess that sort of moving on, that progress in a family? What sort of tools do you use?

**Helen Sadler:** It is what they say as much as anything else, but it depends what they are doing and it depends how they are doing it, you see. Some families who want to follow the National Curriculum will have various texts and they will say, "Right, they are on the nine to 11 bracket now and, we are moving them on because they are doing really well at English," or "they are doing really well at Maths," or whatever. This is something you can only build up over time.

**Q144 Neil Carmichael:** Elaine, any difference for you from Helen?

**Elaine Grant:** No, it is similar. For the first contact, I tend to write to them and invite them into my office for a meeting just to understand why they have chosen home education and make sure that there are no other issues that we can resolve, like the child being bullied, or whether, if there is some medical need, we need to divert them to a different route. So it is a fairly informal meeting just to understand what they are planning to do, and then I would do a home visit after three months and then pretty much the same as Helen: write a report to reflect the conversation, to encourage the parents. A lot of them find it quite a lonely path, so they really appreciate someone coming in and saying, "You are doing really well. You have a happy child." Monitoring progress can take many, many different paths. Like Helen said, it might be progress through working with the National Curriculum; with other families, it may be, "We have abandoned"—I do not know—"the music, because the child was not engaging and did not enjoy it. We are doing horse riding instead." That is progression in a different way, because it is working with the child's needs.

**Melissa Young:** We have a similar first approach, usually in writing, followed up with a visit. We leave a little bit more time in between, so they can get settled and get themselves into whatever routine works for them. So we follow it up with a home visit and a report to reflect the conversation and, hopefully, I can include within that report some helpful steps that they can take away: some links to websites, some links to other families in the authority, if that is what they are looking for—just some other way of supporting them.

**Q145 Neil Carmichael:** Within your respective structures, where do you have your department, office or whatever situated in the structure? I am not talking about the building, but in relation to the rest of your education colleagues.

**Helen Sadler:** I am employed, which I guess is what you are asking, by Learning Services in the City Council.

**Q146 Neil Carmichael:** Right, and is that a visible enough place, do you think, for home education to be in terms of your authority? Do you feel as though you are part of the main structure?

**Helen Sadler:** Well, because I am on the road all the time I do not often go in. I do not know if that is what you are asking me. If you are asking whether I am visible to the home educators, I hope so.

**Q147 Neil Carmichael:** Who do you report to?

**Helen Sadler:** I report to Learning Services.

**Elaine Grant:** Learning Access.

**Melissa Young:** I sit within the Virtual School.

**Q148 Neil Carmichael:** In broad terms, do you think that your relationship with your colleagues in the department is as it should be?

**Melissa Young:** Yes.

**Elaine Grant:** Yes.

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**Helen Sadler:** I do not know what you mean, to be honest, so probably not, but I do not know.

**Q149 Neil Carmichael:** If you are always on the road, I guess you cannot pump your tyres. How much support do you have in terms of officers and so on?

**Melissa Young:** A lot. Mine is a designated role, with specific responsibility for elective home education. However, depending on the needs of the family, multi-agency working is a key part of what we do.

**Elaine Grant:** I stand alone in the role—it is just me—but obviously I can signpost families to other services or colleagues, as appropriate.

**Q150 Neil Carmichael:** Does your education committee or cabinet officer, cabinet member, ever show interest in home education?

**Melissa Young:** Yes. When we launched the shared service, we had interest.

**Elaine Grant:** Yes.

**Helen Sadler:** Yes, but I have only been there a few weeks.

**Chair:** It is a brave officer who says otherwise.

**Q151 Craig Whittaker:** Melissa, you just said that you sit within the Virtual School, which is quite an interesting prospect, because Virtual School looks after the looked after children, which kind of connects to safeguarding issues. Is that the right message, do you think, to be sending out to home educators?

**Melissa Young:** I am not the only minority group that sits within that umbrella. If you are looking at the Virtual School as having a role, we have children in care; we have, on that roll, children subject to a child protection plan and children in need; but we also have those that maybe at certain points in their educational life may require some support from either Careers or—

**Q152 Craig Whittaker:** I understand that, but surely you would be better placed in a mainstream schools scenario.

**Melissa Young:** The Virtual School sits within the 11-to-19 achievement division.

**Q153 Craig Whittaker:** It does, but if I was a home educator and you were coming out to see me and I knew that you sat within that looked after children/safeguarding area of the council—

**Melissa Young:** We do not see it as just safeguarding. We are promoting the educational achievement of all children within the Virtual School, and a lot of what we do is data-tracking for those children in care, but we are also looking at the educational attainment and achievement of those home educated children. Obviously, we take safeguarding very seriously, but it is not all about that.

**Q154 Craig Whittaker:** No, I get that, but what I am trying to refer to is the perception, though, that home educators would have with you sitting in that area. It was just a comment.

**Melissa Young:** I have never had an issue with it to date, and I think I have a positive relationship with the home educators we have within Warrington, as I

said. I think once they have met with me and they understand the support that I can offer and that I am a listening ear, then it is not an issue.

**Q155 Chair:** Do you see the point though?

**Melissa Young:** I can understand, yes.

**Q156 Chair:** We have a suggestion that perhaps it could be placed in the library service rather than in the education department. The education department is all about schools, so people with a school head come and assess you to see whether you are running a home school when you are not; you are home educating. The aim is that home education should not appear when you see lists of risk and various things as it does sometimes in safeguarding. It suddenly appears on the list as “home educated children”, as if there are safeguarding risks when there is no evidence of that. Well, I do not know. Do you think there is evidence that home education is a safeguarding risk factor?

**Melissa Young:** That is a leading question.

**Elaine Grant:** The remit for today was not to discuss safeguarding.

**Melissa Young:** My title is Virtual School Education Manager, and I think it is clear to parents what they will be getting when they engage with me.

**Q157 Chair:** So, Elaine, you are not comfortable answering that question.

**Elaine Grant:** No.

**Q158 Chair:** That was not an invitation not to do it.

**Elaine Grant:** It was not what I came today prepared to discuss. It is a very, very inflammatory element of home education.

**Q159 Chair:** It is, but is there evidence that home education should be a safeguarding risk factor?

**Helen Sadler:** No more so than being in school.

**Chair:** Precisely. Anyway, I do not give evidence. I always encourage my colleagues not to start giving evidence when they are asking questions, so I shall try to resist. Thank you.

**Q160 Mr Ward:** Just briefly back to registration, it is “make your mind up” time. So, compulsory, voluntary or just not? For the record.

**Helen Sadler:** Voluntary.

**Elaine Grant:** Voluntary.

**Melissa Young:** I am torn. Voluntary, but it is how to enforce it. If it is compulsory, how would you enforce it? Will there be a penalty for not registering? It will not make any difference to those who are already known to us. It will not change our practice. Will those people, if it is compulsory, come forward anyway?

**Helen Sadler:** When I started doing it, I was amazed at all the things that you do not get because you are home educated, but talking to colleagues, it is quite a different experience in other places. If families were compelled to register, would the things that they do not get at the moment suddenly become available to them?

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**Q161 Mr Ward:** We will come on to that and various services—the deal aspect of this—later on. Now comes the impossible question of how many children receiving a home education do you not know about?

**Helen Sadler:** Well, how do we know what we do not know?

**Elaine Grant:** Yes.

**Q162 Mr Ward:** But, again for the record, what is the scale of this? So how many are being home educated that you know about?

**Helen Sadler:** Approximately 250 in Leicester.

**Elaine Grant:** 140 yesterday in Croydon.

**Melissa Young:** Over the last academic year, there were 65; on my current books, I have 49.

**Q163 Mr Ward:** Just out of interest, has that gone up or down?

**Elaine Grant:** Up.

**Helen Sadler:** Up over 100 last year.

**Melissa Young:** Up, not because I think there are more children being home educated but because our relationships with parents have improved and more parents have come forward because of word of mouth.

**Q164 Chair:** You cannot know what you do not know, but just to press you on it, do you have an estimate of how many more there may be than you are aware of in your area?

**Helen Sadler:** I have a bit of information, because I went to an independent establishment and am now privy to some information about people who are flexi-schooling at this independent establishment that are not on the one register, and there are 15 now. I do not know, try to work it out from that, but there are considerable numbers. One of the things in Leicester is that we have a range of independent schools, and independent schools do not always let us know when their children are withdrawn for home education, so we just do not know. Then we find out and think, “Oh yes, right, okay,” but we do not know.

**Q165 Chair:** Can I ask you about when parents let a school know that they wish to take their child away to be home educated? When the Badman Review happened, there was talk about having a formal cooling off period, so that there was a chance to check. Quite often, children are SEN and the parents just feel that no one—the school, the local authority—has responded, and so it is suggested that, in some cases, this is a cry for help and there need to be procedures in place to ensure that cry for help can be listened to. Others fear that it is just an excuse for the local authority to bully them then into keeping their kids at school. Any thoughts on that particular dilemma?

**Elaine Grant:** I think it is useful. I try to work with schools to allow a cooling off period. I do not like the phrase “cooling off”. I tend to say to the school, “Can you give me time to meet with the family and establish exactly what the story is?” because I only hear one side of it from the school. It is different when the parent comes and the child is being bullied and the school has written them a letter and said to the parent, “Sign it,” and the parent turns up at my office

and I say, “So you are home educating?” “Yes, when are you sending the tutor round?” “We are not sending a tutor round. You have taken responsibility,” and they are horrified. They are absolutely horrified that they have taken that on.

**Q166 Chair:** So you have had examples in your area where schools have sent a letter to the parents in order to get that child removed from their roll.

**Elaine Grant:** Yes. So the cooling off period is useful to challenge school practice.

**Melissa Young:** We promote, in our education, early intervention. I would hope that I was not just hearing about a child who has come off roll at the point of deregistration. We have done a lot of work with our schools to promote early intervention, either via the attendance team or through the SEN department or by meeting with whoever needs to be met with in a school, so that it is not necessarily a kneejerk reaction.

**Q167 Chair:** Specifically on changing the regulations, I have not looked at it completely so I might get my facts wrong, but I think the suggestion was that there would be a change in the rules on how schools maintain their roll. Effectively, from the parent requesting the removal, there would be a period in which the place, so to speak, is kept at the school at least, but that period is not regarded as a time when the child is missing education, for the purposes of the things that pick that up. Is that something you would welcome or you think is unnecessary—specifically to change the regulations?

**Helen Sadler:** I think it could be helpful.

**Melissa Young:** Yes.

**Elaine Grant:** Yes.

**Helen Sadler:** Because once the school place is gone, parents think, “No, I do not want this anymore.” But how long you would keep the place open is the next question.

**Q168 Chair:** What Elaine said is fairly shocking—that schools are using this as a way, for whatever purposes, to get children off their roll. Do you have experience of schools doing the same thing, Helen?

**Helen Sadler:** Yes, but not just in the authorities I have worked in. I have anecdotal evidence of it happening in other authorities.

**Q169 Chair:** Do you have any thoughts? The business end of what we do is we conduct our inquiry, we write a report and we make recommendations to Government for change. That is the business end of what we do; do you have any thoughts on what can be done about that?

**Elaine Grant:** I think the 20 days could be put in, but perhaps phrased not as “cooling off”, because I think “cooling off” sends a negative message to the home educating parents. It is just time for us to meet and establish the way forward.

**Q170 Chair:** Yes, clearly all three of you agree with implementing something like that with the right nomenclature. Is there anything else? To have schools behaving in that way is a scandal. Is there anything else that could be done, other than ensuring that there

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is a period in which you can intervene and check that the school is not abusing its position?

**Melissa Young:** Early intervention.

**Chair:** Right, okay. Thank you.

**Q171 Ian Mearns:** On that issue, I would guess that from your experience some schools are repeat offenders in this matter. Would that be a right assessment?

**Helen Sadler:** I do not think I could say that. I definitely do not think I could say that.

**Q172 Ian Mearns:** Right. Do you think it is common practice across a lot of schools, or are some schools more prone to it than others?

**Helen Sadler:** I cannot say. I really do not know, because I meet one family and I deal with one family at a time, and it is impossible for me to say because the knowledge I have is not in one authority.

**Q173 Ian Mearns:** Right. Well, I think it is something that is worthy of investigation anyway. Right, Melissa, to you in particular, what advantages does your shared service model bring, do you think, particularly in terms of ensuring equitable practice across local authority boundaries?

**Melissa Young:** Fantastic opportunities for all three of us to share good practice; very minor cost efficiencies; consistency of approach to benefit families. We have quite a lot of cross-border movement, and if a family knows they are going to see either the same documentation or similar practice if they are moving across, I think they are more likely to remain in contact with the local authority. It is a shared ear for me and my colleagues. It has allowed us to develop extended support. We were not, at the time, offering health checks. As children would get in school, they would see a school nurse, and girls would get the hCG jab offered to them. Home educating families may not have that offer. Knowsley, one of our partners, was offering that, so we have talked to them and are implementing that within our own authority. So it is just a way of building a service that benefits us and benefits families and just gets rid of the lack of consistency, I suppose.

**Q174 Ian Mearns:** How do you think it has changed relationships with home educators themselves, or has it?

**Melissa Young:** I do not think it has. As part of the shared service, we have a website and we gave an invitation to the home educating families within the three authorities to put some children's work on the website; we have had a rolling programme of things being put on and we have parents now writing articles for the website. So we feel, even though it is very early days—we have only been running since January—that they have taken to it very well.

**Q175 Ian Mearns:** Have either of your authorities thought about doing something similar in terms of sharing practice?

**Helen Sadler:** I do not think so recently, but it is something I have been thinking about, especially talking to Melissa, and I have, as I said, worked with

the Staffordshire forum, but it was a different understanding.

**Q176 Ian Mearns:** I suppose, from that perspective, just being here this morning has been a useful exercise then.

**Elaine Grant:** Yes.

**Melissa Young:** Talking to colleagues about home education and sharing good practice is always a really useful experience.

**Q177 Ian Mearns:** Funnily enough, my next question is about comparing practice with other local authorities. Do you think you could do more in order to do that, and do you think there is anybody at a national level who could help facilitate that for you?

**Elaine Grant:** We take it upon ourselves. I am part of a cohort of 22 local authorities that meet every term. Originally, we were called the London Home Education Officers, but Northampton has joined us, Essex has joined us, Sussex has joined us. They are coming from far and wide, and I think Leicester may be joining us, but we meet once a term and we share good practice; we share negative experiences. Interestingly enough, the agenda for our next meeting is talking about some uniformity of the paperwork we send out. So it is very much like what Melissa was saying has worked well, particularly being one of the London boroughs, because we do have a lot of crossover, so I think to have that consistency may be a very useful way forward. So, yes, it is something that is evolving and developing. It started three years ago with just two of us meeting.

**Q178 Ian Mearns:** Do you think somebody like Ofsted, for instance, should do a thematic study and help disseminate the good practice, or would you not want Ofsted crawling all over you?

**Elaine Grant:** I think it varies so much. I think it has already come up, but the variations with home education are huge, and I think it is huge from different areas. A London borough is a very, very different from a rural borough, so I think a body coming in and outlining good practice may not be applicable in certain areas.

**Q179 Chair:** What about you formalising your group and doing it? Perhaps it needs people who work in the field, because we are hearing that so many websites have ultra vires claims, which is obviously paperwork, and of authorities claiming rights they do not have, probably out of ignorance—I am always happier to attribute ignorance rather than malice. Perhaps a group of professionals in the field rather than some outside agency could start to come up with a quality mark for information for local authorities and thus ensure greater confidence. Because, from our submissions, there is not a lot of confidence across the board with home educators in the consistency and reliability of the information held even in official documents provided by local authorities.

**Melissa Young:** I think that would be a smarter idea. I think maybe working with statistical neighbours or grouping people together based on their size or the

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speciality of their cohort, if you like—rural or inner city—would be more useful.

**Q180 Ian Mearns:** Working with statistical neighbours, right. I am not sure who Gateshead's statistical neighbours are at the moment, but when I was chair of the education committee, we were statistically neighboured with St Helens. It is not probably the easiest relationship to keep going from that perspective, because it is quite a different part of the country. Melissa again, how do you respond to Alison Sauer's objection that your website looks like a home educating support page, rather than a local authority site? Do you agree this is a problem?

**Melissa Young:** We did not want it to look like a local authority site. We have a local authority site. It has a link to our website. I made the site myself. We were designing a site that represented three different authorities—so, for example, the colours were chosen because they did not match any of the three authorities or, possibly, other authorities joining us in the future. We thought it was quite neutral. I think it is quite clear that we are a local authority site. We have our banners at the bottom of the page. From the inference, I think it is unfortunate that Alison feels we are trying to trap parents in some way, and that is totally not what we are about. The point of doing the website was to add extra support to all parents; anybody throughout the country can access that site. We are building in areas with resources, at the request of parents, to support individual needs. So we are going to have an area of the site with resources for examinatory or course reading, etc.

**Q181 Ian Mearns:** So are you confident that your website does not contain any of the mistakes, malicious or otherwise, that the Chair referred to in terms of information that could be misleading?

**Melissa Young:** I do not think it does. I have not had anybody tell me it does. The only question I had raised was why we were calling ourselves “the Elective Home Education Service”, not “an elective home education service”.

**Q182 Ian Mearns:** Do you think that local authorities could work more effectively together to make sure that the information about home education contained on local authority websites is accurate? For instance, as part of your group, do you check the information on each other's websites?

**Elaine Grant:** Yes, I think that is something we probably could be looking at. It is certainly something I will be taking back to share, yes.

**Q183 Ian Mearns:** Could you see a role for the DCS or the LGA in helping you in ironing out any significant variations? They are umbrella organisations that cover the field; do you think there is a role for them in doing this, to make sure that there is not bland commonality but at least the stuff there is accurate and informative?

**Melissa Young:** Absolutely. But if there is ambiguity amongst other authorities, they have obviously interpreted the law incorrectly, which obviously means that to everybody the law is not clear.

**Q184 Mr Ward:** I have some questions on financial support, but can I just satisfy myself, first of all, on safeguarding—a sensitive issue. We talked about various schools sometimes doing things that maybe they should not do, but in your experience have you ever come across situations where parents are going down the home education route clearly with the view of escaping pressure for attendance at school or pressure from schools?

**Melissa Young:** Yes.

**Q185 Mr Ward:** Is that not a safeguarding issue?

**Melissa Young:** They are the cases that I would hope to be involved in early on and resolve before they get to the point of home education, if it is not the parents' genuine, real want and lifestyle choice.

**Helen Sadler:** There is a huge difference between the sorts of families who are choosing it as a lifestyle choice—completely different.

**Q186 Mr Ward:** Elaine, I just wonder if you want to say anything on the subject you did not come here to talk about.

**Elaine Grant:** No, I just think it is making a generalisation even then. I have had cases where a child has been missing school, they are on the verge of prosecution, they jump into home education and I discover that there is a sibling in the family, terminally ill, who has just died. There are very extenuating circumstances. On paper, it looked like the child was a persistent absence. The sequence looked like they were jumping into home education, but it was a cry for help. Once I got involved, different aspects came into play.

**Q187 Mr Ward:** Just on the question of support to home educators, for the record, what does your authority offer by way of financial support? Do not worry if there is duplication or repetition.

**Elaine Grant:** In Croydon, we have just started, in the last 12 months, getting support in if it is requested for further education, so 14-to-16 programmes. Families have approached us, and if the proposed course is in keeping with their home education that has been in place and there is a definite link through, then we have agreed to it and they are given provision. We had one last year, and I have four this year.

**Q188 Chair:** How do you get the funding for it?

**Elaine Grant:** Finance is not my thing. I think it is coming through from the DSG.

**Melissa Young:** We do not currently fund. Until this last academic year, we have not had any requests. The families that had been home educating to GCSE level had been following distance-learning courses. With families becoming more aware and local authorities becoming more aware of the possibility of drawing down funding through alternative provision, that is something we are now looking at.

**Q189 Mr Ward:** That was my next question: the use of alternative provision funds. So, again, can you answer it?

**Melissa Young:** I do not necessarily think it is fit for purpose. I think again it is unclear. On one hand, it

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says, “Yes, you can fund home education;” on another, it says, “Only if it is a substantial amount of funding.” So it implies that you cannot fund just one GCSE, but you can fund a programme of GCSEs or a number of them, so I think again it needs clarity.

**Helen Sadler:** I agree. We do not, at this point, fund anything. We have intentions to find out how to do it. We have not found it easy. I tried in Leicestershire, and I tried in Leicester City—well, I did not try in Leicester City.<sup>1</sup>

**Q190 Chair:** Have you had any parents requesting support for FE?

**Melissa Young:** We have had one.

**Helen Sadler:** For FE, there was one occasion where I felt it would have been a useful thing, but we did not have the funding mechanism sorted out.

**Melissa Young:** We have also addressed it in another way in terms of flexi-schooling. We have the Traveller girl I used as an example earlier, who went and did GCSE maths in a mainstream school. Therefore, the funding went in through a different route.

**Q191 Chair:** Is there sufficient clarity on flexi-schooling funding?

**Melissa Young:** No.

**Q192 Chair:** Parents have no particular right to request it. Some schools seem to be keen on it, but others not.

**Melissa Young:** Parents do have a right to request it, but it is at the discretion of the head teacher.

**Q193 Mr Ward:** Moving forward to SEN and policy changes, which is a very complex area, as we know from recent sessions, is particular special support provided for SEN policy changes as you become aware of them?

**Elaine Grant:** For Croydon, it has never really been an issue. We have not had SEN statemented children in home education. Having said that, I have, potentially, four coming my way at the moment, but we are looking into the provision within the statement and if it says speech and language therapy or OT or whatever, then we are looking to make sure that is maintained, even though the establishment of education has changed from school to home.

**Helen Sadler:** I would say it is the same for Leicester as well.

**Melissa Young:** Yes, same here.

**Helen Sadler:** OT or visual impairment or whatever— if it is on the statement, then it is maintained, where possible.

**Q194 Chair:** Where possible.

**Helen Sadler:** Well, sometimes family situations change. A recent example was somebody who missed some speech and language appointments and, therefore, the speech and language people said, “You have missed several appointments; we cannot carry on, but you can get back to us, if you want, at a later date.”

**Q195 Chair:** For home educated children generally, if it appears to you that a child is not getting a suitable education, then you have to intervene, so it is a very high threshold, but with a statemented child you have a duty to ensure that child’s needs are met. It is a very much higher duty, which requires you to ensure that child gets their speech and language needs or whatever else met.

**Helen Sadler:** Yes.

**Q196 Chair:** Are they getting their needs met?

**Melissa Young:** Yes. We have, again, very few children with SEN who are home educated in Warrington, but we go out with the inclusion team and do a joint visit whilst the annual review takes place. Obviously, if that child was getting support from a teaching assistant in a classroom, that does not continue when they become home educated, but speech and language or hearing support would obviously continue.

**Q197 Ian Mearns:** What support or services does your local authority currently offer home educators either online or in other ways? We have covered it, but was there anything else you wanted to add in terms of that?

**Helen Sadler:** Our support mainly is in terms of signposting to other services. We are working on our website. It is, hopefully, a bit more useful than it has been in the past and mainly it is a lot of word of mouth.

**Q198 Ian Mearns:** Are home educators organised in your area? Are they together, or are they very much independent of each other?

**Helen Sadler:** They are organised in different groups. Different parts of the city are organised in different ways.

**Q199 Ian Mearns:** Have you found them clubbing together to try to lobby for additional services or access to particular services?

**Helen Sadler:** Not that, but I think they work together quite well, and if I am going somebody will say, “Well, can you have a word with her about this?” and we will go from there. Most of it is on word of mouth at the moment.

**Q200 Ian Mearns:** I am asking for hand-on-heart honesty from everybody here: do you think at the moment your local authorities are providing everything that home educators want?

**Melissa Young:** Not necessarily, financially. One thing we have done recently is what was Connexions in Warrington has moved in-house internally to the local authority and now sit in the same team. We now have a designated education and employment adviser, providing advice and support to home educated children.

**Q201 Ian Mearns:** There is always the resource issue, so do you think it would help in some way if there was some better clarity about how local authorities could access this alternative provision grant from the DfE?

<sup>1</sup> Witness added: ‘someone else tried as it was before my contract started’.



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**Helen Sadler:** It would certainly help me.

**Melissa Young:** Yes.

**Q202 Chair:** An option that was discussed in the past is that a percentage of the school per capita amount should come to the local authority if someone is home educated. So rather than this absolute thing where you are home educating and you are on your own, which clearly is not entirely true anyway, whether it was 10%, 20% or whatever—we are in a time of austerity, but nonetheless these are taxpaying families with children in need of education—if a sum of money came down to the authority, would that enable you to provide better services and support, possibly direct payments as well, where appropriate, to parents to allow them to support their children's education?

**Melissa Young:** Yes. I think the 10% is low, but yes.

**Helen Sadler:** Yes.

**Elaine Grant:** Yes.

**Q203 Chair:** So what would you think was appropriate?

**Melissa Young:** Again, I do not think one size fits all and it may require a differing amount for different ages or key stages of children. I think the requirements for a primary school child may be different to the requirements for a secondary school child.

**Q204 Chair:** But do you all think that would be an appropriate—

**Melissa Young:** Yes.

**Elaine Grant:** Yes.

**Chair:** Excellent, thank you.

**Q205 Craig Whittaker:** One of the issues that has been raised with the Committee is that access to examinations has been a big issue for home educators. I think it was Melissa earlier on who said that she had had some success at doing that, or was it you, Elaine? I cannot remember.

**Melissa Young:** Flexi-schooling.

**Q206 Craig Whittaker:** Yes. Tell us how you turned it into a success, because that is not the experience of a lot of the home educators.

**Melissa Young:** No, and flexi-schooling is not something that all home educators would welcome. Some home educators want nothing to do with schools, and that is their choice. We had a child who had been in education until the end of Year 6, had come out for three years, but, after discussion with the parent, we found she wanted to go into a career in hair and beauty, and that is not something her mum felt she could offer her. She knew that to get into the college course at 16, she would need maths and English GCSE. So I acted as a broker, if you like, between the family and the school, because obviously we have relationships through the LA with the school, and came up with a deal, if you like—a package that met all needs.

**Q207 Craig Whittaker:** So was that just a one-off?

**Melissa Young:** We have six children currently being flexi-schooled for very different reasons in the

authority. We had an autistic child last year who had been out of education for six years but then went back and tried flexi-schooling for a year. Although he had great success while he was there, he was not necessarily a happy child all the time and mum decided to home educate again in the end. So, different reasons, different levels of success.

**Elaine Grant:** I have started providing IGCSE access through a local satellite PRU, so parents have access to that, at cost, and it is a competitive cost; we have checked the prices out. This year, I wrote to 45 families inviting them to an information meeting about that provision and four attended. So they have the information if they want it, and they have the centre if they want to access it.

**Q208 Craig Whittaker:** So it is accessible to them.

**Elaine Grant:** Yes.

**Q209 Chair:** What if a statutory duty was imposed on local authorities to ensure access to examination centres? Because there are places where you just cannot access examinations and you get sent from pillar to post, signposted all over the place and nobody will provide you with an exam centre.

**Helen Sadler:** Are you talking about access that parents would pay for?

**Q210 Chair:** The Badman recommendation said it was just wrong that home educating parents cannot access somewhere to get an exam even if they pay for it themselves. So the first tier would be to say that schools should have a duty to ensure that at least their children can take exams, at their cost.

**Helen Sadler:** Well, in Leicester, we now have two exam centres, one in the city and one in the county. I think there are others, but I know of those and families can use them.

**Q211 Chair:** So you would have no problem with a duty being imposed to ensure that happens everywhere?

**Helen Sadler:** No, you can tick that one off.

**Elaine Grant:** I think it would depend on the practicality of how that could be put in place. Schools are not necessarily willing. You have the complication of parents wanting to do GCSEs and coursework and assessments, and the practicality aspect of that. But in theory, I think, yes, definitely.

**Melissa Young:** I agree with Elaine. I think, in theory, yes. The practicalities would be something that needed to be looked at. As Elaine said, courses with a high degree of coursework would lead to a bigger job for the schools.

**Helen Sadler:** I beg your pardon then, because I was talking about International GCSEs, without coursework. I should have clarified, sorry.

**Elaine Grant:** But then if schools do not do the International GCSEs, I do not think they would provide it just for that. I just think there are practical implications, but in principle, yes.

**Q212 Craig Whittaker:** The Badman Review recommended consultative forums with home educators. Do all of you offer those?

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**Elaine Grant:** Have done, but take up was negligible.

**Helen Sadler:** I did in Leicestershire, but in Leicester it is different.

**Melissa Young:** It is not something we currently have, although parents can contact us via the shared service website.

**Q213 Craig Whittaker:** Elaine, you did offer, but had low take-up.

**Elaine Grant:** Yes, very. I was sending out 100 letters for two families.

**Q214 Ian Mearns:** In terms of youngsters moving on and transitioning to further and higher education, are there any particular problems that the authorities and the home educators are having in this regard, and do you think there is anything we can do to overcome any of those problems, or is it not a problem?

**Helen Sadler:** I have had some success with children moving on to further education. I have assisted by providing the reference that schools provide for the LeCAP form, as far as I was able. As far as I know, it seems to go quite smoothly.

**Melissa Young:** With the participation age ranging, that was, in part, one of the reasons that we moved the Careers Service and gave a designated role to one of the advisers to help provide additional support between that transition stage.

**Elaine Grant:** Yes, it is not a big issue. Last year, 50% of my Year 11s went on to further education or

sixth form. A certain percentage went into an apprenticeship or the armed services, and I had 29% that were undecided or unknown. But, generally speaking, they do seem to move on transition-wise.

**Q215 Ian Mearns:** So, therefore, are you doing any sort of information-gathering about how many young people at the age 16 or 18 are then finding it a real problem to get into either education or training or into employment?

**Melissa Young:** We track them.

**Elaine Grant:** We are tracking them.

**Q216 Ian Mearns:** So how many are ending up as NEETs?

**Melissa Young:** Out of the four Year 11s I had last year, so it is very low numbers, one of them was NEET, but again she was a Traveller girl who decided to stay at home, as was culturally acceptable.

**Chair:** Can I thank you very much indeed for giving evidence to us this morning? That was an excellent session. As I said, the business end of what we do is to write the report with recommendations to the Government, and the Minister has been listening to your evidence for the last little while. If you have any further thoughts as to recommendations that we could make, then please do write to us in addition to what you have already given us so far. Thank you very much indeed.

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### Examination of Witness

**Witness:** **Elizabeth Truss MP**, Parliamentary Under-Secretary of State, Department for Education, gave evidence.

**Q217 Chair:** Minister, it is a delight to have you with us here this morning. Congratulations on your appointment, and this is, of course, your first appearance before this Committee. We recognise that you have been in post only for days, and I know, looking around my colleagues, that you will be given no special treatment as a result. Nevertheless, it is a pleasure to have you with us. How do you plan to engage with home educators during wider policy consultations? For instance, with SEN and disabilities, we have heard some fair criticism of the pilots and, in particular, their failure to engage with home education, assessment of testing, early learning and other areas of policy. How do we ensure that those who exercise their right to home educate are not forgotten in these consultations?

**Elizabeth Truss:** Well, first of all, can I say I am delighted to appear before the Committee for the first time under your chairmanship? I am not surprised to hear that I will not be given any special treatment. I would expect nothing less from this Committee, and I hope it is the first of many appearances in front of the Committee.

Clearly, my colleague Edward Timpson is currently working on the SEN Bill, which is due to go through Parliament fairly shortly. I will be very interested to hear the recommendations of this Committee on how home educators could be better engaged on these

issues, and also, in my role on assessment and testing and qualifications, again, I would be interested in understanding better how representations from home educators could be made in that process. But I think this Committee's report is going to be a very important part of my understanding of what will be the best way of approaching this, and I await with interest the conclusions the Committee comes to.

**Q218 Chair:** Thank you. The DfE decided to move home education into your remit and out of Ed Timpson's. Why do you think that was?

**Elizabeth Truss:** Well, that was a decision made by the Secretary of State, and I am sure he had very good reasons for making it. I think it does fit well within my portfolio of issues. You have mentioned assessment and testing and the major reforms that we are undertaking in that area, and I will be looking at home educators and responding to your report. But I would highlight that Edward Timpson's office is about 20 yards from my office and we work very closely on a number of issues. So, for example, I am also responsible for children's centres and work with Edward on how we help the most vulnerable children in our society. The Department for Education ministerial team is a seamless team who work across all these areas in cohesion and concert.

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**Q219 Chair:** Excellent. Well, I have to say I think the Committee would welcome the fact that it is in your portfolio and not in a portfolio dominated by safeguarding and related matters, where we would not think it was suitable to be placed. What do you see as the key issues relating to and around home education?

**Elizabeth Truss:** There are clearly various issues that this Committee has been looking at: how home educators engage with local authorities, schools and examination organisations to best facilitate what they do. I think the balance between the freedom and responsibility that we give to home educators and the duty that parents have to provide a suitable education for their children have all been talking points. I think funding is another set of issues, so the proposals around flexi-schooling and how that works. So the level of funding provided by the Government to support home educators is another issue that I would highlight.

**Q220 Chair:** Obviously, you have just been appointed and any final funding decision would be made in conjunction with others, but is your instinct to feel that the right settlement is home educators are effectively, as far as support goes, for the most part on their own, or can you see, subject, as I say, to all those caveats about funding and who makes the decision, a case for greater support being available to home educators where they wish it?

**Elizabeth Truss:** I think that the balance at the moment is, roughly speaking, around the right place. So I think that we give home educators considerable freedom. We also give them responsibility to provide a suitable education for their children. We do not ask them to register. We do not have undue interference, which I would not be in favour of. But, at the same time, we understand that it is a profound decision to educate your child at home, and when a parent makes that decision they do have to take financial responsibility for that. I am aware the Secretary of State, when he came into office, was pretty clear on the funding issue, given the general financial constraints faced by the Government and, in particular, the Department for Education. That is not to say, though, Mr Chairman, that if there are recommendations from your report, I will not consider them and look at them carefully, and I absolutely undertake to do that. So that is my initial view at a fairly early stage, as you point out, in the process, but I am certainly open to hearing more and also hearing more about the issue of how we engage home educators in broader education policy.

**Q221 Neil Carmichael:** May I just ask one question? You have talked about not interfering, absolutely. That is certainly something I think those who go down the home education route would applaud, but what about registration? First of all, there seems to be a lack of clarity as to how many children are being home educated. Secondly, there is some lack of clarity as to the functions of local authorities in that mixed up area. So registration might help us to get a better handle on numbers and responsibilities. Do you agree?

**Elizabeth Truss:** This is obviously a tricky balancing exercise. Certainly, from hearing the bits of evidence

from local authorities that I did, it seemed to be their general view that it was better for local authorities to co-operate with parents, rather than being seen to be chasing after parents and judging parents. So I am in favour of a co-operative relationship with local authorities and schools, and I think that giving additional powers for registration would not necessarily promote that co-operation, which I think is increasing, certainly with the local authorities that have been in front of the Committee today. So there are obviously arguments for registration; I understand that was proposed under the previous administration. But I think, on balance, the system that we have at the moment is the right division between responsibilities, because what we are saying here is parents have taken the responsibility to educate their children at home. That is their responsibility; it is not the local authority's responsibility. The local authority clearly has a responsibility to identify children in the area that are of school age that are not registered pupils at school and are not receiving a suitable education. If they hear of or, indeed, identify where that is not the case, then they have a duty to follow that up. But as to the balance between freedom and tracking or keeping up with people, I think we are roughly in the right position, and given that there is no evidence that home education produces worse outcomes than other forms of education, I do not see a substantial reason at this stage to change that.

**Q222 Alex Cunningham:** I just want to follow up specifically on that point. You used the expression the local authority may "hear of" issues or problems in a particular family situation that needs to be followed up. I just wonder how you identify who those people are if you do not have registration. How do you track success and how do you ensure that there is some sort of challenge in there, particularly if we do not know who these people are?

**Elizabeth Truss:** Let's be clear; we are talking here about purely educational issues, so it is: is the child receiving a suitable education?

**Q223 Alex Cunningham:** But if we do not know who the child is, if we do not know where these children are, how do we know that they are being suitably educated?

**Elizabeth Truss:** Well, the point is that it is the parent who has legal responsibility to make sure that child has a suitable education. So it is their legal responsibility, and if they are not fulfilling that and it comes to the notice of the local authority, then the local authority has a duty to follow that up. But it is the parents' responsibility, and I think we have to be careful about legislating from Westminster to try to interfere with that current position, because the more duties we end up putting on local authorities to register, the more you take the responsibility away from the parents. I am very clear that when parents make the decision to home educate for, in many cases, very good reasons—whether that reason is specific to the way they want to educate their child or whether it is issues at school—they have taken that responsibility on and it is the parent that is accountable rather than the local authority.

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**Q224 Alex Cunningham:** So it is not necessary to put any challenges in there for the sake of balance?

**Elizabeth Truss:** As I say, I think the balance at the moment is the right position: the parent holds responsibility, but if the local authority are notified or identify that suitable education is not taking place, they should follow it up.

**Alex Cunningham:** My problem with that is if you cannot identify them, if you do not know they exist in a particular situation, how can you make that challenge? But I will leave it there, Chair.

**Q225 Chair:** Thank you, Alex. The DfE website states that the Department is considering policy around this area. Can you tell us if there are any particular issues the Department is concerned with?

**Elizabeth Truss:** Well, I think all of these issues that have been raised are the kind of issues that are being considered. But I would suggest, Mr Chairman, that the report of this Select Committee will be the next thing I look at in terms of how we move policy on this forward. Obviously, if there are any specific recommendations about current legislation going through, and the SEN Bill is the one that I would identify, then I would be happy to raise that in advance. I think what I would be looking for is evidence that a change would be positive. We were just talking about the subject of tracking students across the country. I think we have to be very careful about unintended consequences and interfering in a system when there does not seem to be any evidence it is not working at the moment. Yes, there are issues around examinations, there are issues around funding and there are issues around the relationship with local authorities, but I just think we have to be very careful not to upset the balance of what has been a very long-held and established policy within this country.

**Q226 Chair:** There is nothing uniform ever about opinions among home educators, so I should never suggest that, but a weight of opinion—certainly of those who came before us—from home educators was that they felt that the law and the 2007 guidance was sufficiently clear, and that there was not a need for clarification and new guidance. On the other hand, the three representatives we just had from local authorities suggested that there did need to be clarification and that some of their colleagues, who might have been less clear than they were as to the settlement, would be helped by that. Do you have any feeling as to whether the various bits of guidance—Children Missing Education, the 2007 guidance, various other bits—form a coherent whole or not?

**Elizabeth Truss:** I have not seen any evidence yet that there are significant reasons to change what we have at present, but I am, of course, open to hearing of arguments that that is not the case.

**Chair:** Fair enough.

**Q227 Mr Ward:** On the relationship with local authorities, are you, in the spirit of localism, comfortable with the fact that, according to the evidence we have received, 122 out of 152 authorities have content on their website either ultra vires or

misleading in terms of what are legally the powers of local authorities?

**Elizabeth Truss:** Well, I am in favour of localism. If there is misleading information on the websites and the Department for Education is notified, we will follow up on that. I certainly do not think there should be misleading information, but there are different services provided by different local authorities, and it is up to the local electorate to hold those local authorities accountable for what they provide. Just as there is a danger with saying that home educators are responsible for educating their children and then introducing further regulations and legislation, there is also a danger with doing the same thing for local authorities. It is a challenge that Ministers in the Department for Education face: how that relationship is managed. You could make the same point over things like children's centres and how that takes place, but, as I say, I have not seen significant evidence that changing that balance and having more central control would have a beneficial effect.

**Q228 Mr Ward:** Have you any views on whether other organisations may take on what I suppose would be a monitoring role? So the LGA, the Association of Directors of Children's Services—would they have a role to play? Ofsted?

**Elizabeth Truss:** Well, again, I will look at the evidence produced in the Select Committee's report. At this stage, I do not have a strong view in that direction.

**Q229 Mr Ward:** Just on the question of support then to home educators, one of the things that has cropped up a few times is the issue of whether it is support or monitoring, and it can often send out the wrong messages if the service is based within a section unit that is safeguarding or contains welfare offices. Have you any views on that?

**Elizabeth Truss:** Well, again, I think we are back to a localism point. I think it is up to local authorities to carry out their duties in the way they see fit, and they should be held accountable for that by local electors. There are clearly local authorities that have better practice than other local authorities, as there are in many areas, and one would hope that the best local authorities share their best practice, so that other local authorities follow up on that. Of course, there are Ofsted inspections that take place already of local authorities.

**Q230 Mr Ward:** Finally, on support for home educators, I just wondered if you know what the Department has done by way of looking at the general support that is available to home educators and their children.

**Elizabeth Truss:** Well, there are some things we are doing that I think will benefit home educators. So, for example, from September 2013 further education colleges will be able to admit 14 to 15-year-olds on their own say-so rather than via local authorities. So that will make life easier, I think, for home educators who seek further education for their children later on in their educational career.

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In terms of the wider support that we offer, I think it is making sure that the legislation we are putting through takes full account of home educators. In terms of additional financial support, I do not think that is possible, or certainly not at this stage, within the financial constraints the Department is operating in.

**Q231 Ian Mearns:** David has touched on what I was going to ask you about first in terms of an assessment bias. I have been impressed by the fact that you said on a number of occasions this morning that you have not seen any evidence. I am just wondering if there is a role for the DfE on this issue to go out there and try to gather some evidence one way or another and then use that to guide future policy. I think one of the problems we seem to be having here is that practice, levels of provision and home educators' personal experiences around the country are all very, very different. I understand what you are saying about localism; I am a very great advocate of localism myself, but I think there should be some minimum standards that home educators can fall back on in terms of their rights, and that would help them to fulfil their responsibilities. So, in terms of an assessment, the DfE could be trying to gather information and gather evidence to help guide future policy.

**Elizabeth Truss:** My understanding is there have been various independent studies about home education and about the number of home educators—certainly the number of home educators that local authorities are aware of. I am keen to understand from the report of the Committee what best practice looks like, and I think there are various ways of best practice being disseminated. The Department for Education is focussed on building up its evidence base, which I think is very important, and I am a big advocate of evidence-based policy. We obviously have a lot of conflicting demands about how to spend our internal resources on evidence collection and data. What I am not in favour of, though, is the re-establishment of the sort of contact-point style children's database. But I do think evidence about how children are educated is useful; I just do not want intrusion into what is the proper responsibility of parents who are home educating their children. So I agree with you on the general need for evidence.

We have to be careful about how that evidence is acquired and who it is acquired by. I think, indeed, reports such as this Committee are producing are exactly the kind of thing that is helpful in understanding the picture more broadly.

**Q232 Ian Mearns:** Could Ofsted not have a role in gathering that evidence? It has a role with regard to local authorities and schools anyway, so could Ofsted not play a role in that?

**Elizabeth Truss:** I would have to think about that. I think, though, Ofsted does have a very specifically outlined role, and I am very concerned about intrusion into the proper responsibility of parents.

**Q233 Chair:** I think we are less concerned about intrusion on parents, if that were to be threatened. We are talking here about local authorities, whose practice, whose paperwork varies widely, and we have

a minority group spread all over the country. One of the reasons I am interested in them is because they are a group with no electoral bite anywhere, too small to be significant to anybody apart from themselves, a marginal group, very easily ignored, and treated by departments that, in certain authorities, do not take this area seriously and are rather careless both of the law and their duty to provide. There is a risk of that, so it is an interesting case study as to where there might be a need for some challenge, and localism alone, certainly at the ballot box, is unlikely to lead to improvement.

**Elizabeth Truss:** I think one of the things that does impact on local authorities is greater transparency of what they are doing in various areas.

**Q234 Chair:** Which is where the Ofsted thing comes in. Surely, we can see what they are doing. There is a spotlight on it, and at least there is the ability for someone to challenge it.

**Elizabeth Truss:** Well, there could be various proposals about transparency, whether it is local authorities providing data or whether it is another organisation looking at what local authorities are doing. But I think, in principle, the more information about what local authorities are doing, the better. Obviously, there is a cost to them in producing that, so that would be a concern. But as a general principle, I am in favour of greater transparency, so people understand what their local authority is doing and also so that local authorities can learn from the best practice of other local authorities. So I think that is a good thing.

**Q235 Ian Mearns:** One of the things we have heard this morning that is clearly the responsibility of the Department for Education is the fact that local authorities themselves would like some greater clarity on how they can access the alternative provision funding that is available from the DfE. Could you take that back and look at it?

**Elizabeth Truss:** I will. I will take that back.

**Q236 Ian Mearns:** Evidence to this inquiry has also revealed several examples of medical or special educational need support being unavailable to children because they were home educated. Could you confirm that this is wrong and make a clear stand to local authorities on this matter?

**Elizabeth Truss:** Well, I can confirm that this is wrong, because if a child has a statement of special educational needs, it is the responsibility of the local authority to make sure that child is provided for and that they have an education that meets the need. So it is a stronger duty than the duty on children in general. Local authorities are bound to provide those resources and should be doing that, so if they are not doing that, that is a problem.

**Q237 Ian Mearns:** But if you look at the mainstream school population, only a very small percentage of the young people who have special educational needs have a statement. That might be reflected also amongst the population of home educated children, and so non-statemented special educational needs may

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be a shortfall in this area. The other thing that I quoted there was medical issues; we have particular examples of medical support being unavailable to home educated children. Would you look at that as well?

**Elizabeth Truss:** Yes. I think that is something that should be looked at: those with special educational needs who do not have a statement.

**Q238 Ian Mearns:** So we can take it from this that your Department would be taking steps to better join up the services between health and education. For instance, we had a discussion yesterday about the Special Educational Needs Bill, and statements go out the window and education, health and care plans come in. So is that something you could look at in the run up to the Bill?

**Elizabeth Truss:** I will certainly discuss this with Edward Timpson, who is working on the Bill probably as we speak.

**Q239 Ian Mearns:** Is it fair that provision of services and support for home educators is currently very much a postcode lottery? It is very different in different parts of the country. Several witnesses at this Committee have told us that from their perspective it is a postcode lottery, so what advice would you give to home educators who live in the areas that are supported by weaker-performing local authorities?

**Elizabeth Truss:** Well, we are back really to the point about localism, and greater transparency of what local authorities are doing and local authorities learning from best practice. Well, first of all, I would be interested to see what this Committee recommends that those home educators look at doing. But that should be drawn to the attention of the local authority, and particularly on issues like special educational needs if parents do not feel they are getting what is the legal duty of local authorities to provide. Local authorities are inspected about that.

**Q240 Ian Mearns:** Do you feel, therefore, that we need any more robust minimum requirement guidelines for local authorities, or do you think that there is enough of a framework there already?

**Elizabeth Truss:** We have to be careful about thinking that legislating for something or regulating for something makes something happen on the ground. The best way for local authorities to fulfil their functions is for local authorities to take it upon themselves to fulfil their legal duties and provide a good service to local residents. Unfortunately, for a lot of services where the Government has tried to regulate and create national frameworks, the reality on the ground has been anything but that. So I can see the tidy-minded logic of having a system that has everybody in a national database and tracking them and having rules and regulations about minimum standards, but we all know from the real world that is not necessarily the way things turn out. We have a balance at the moment that has worked, and there does not appear to be any great evidence that things are not working. We have to be careful about meddling with that and ending up with worse consequences than we might possibly imagine, essentially.

**Q241 Craig Whittaker:** Good afternoon, Minister.

**Elizabeth Truss:** Good afternoon.

**Craig Whittaker:** One of the things that has been very loud and clear from home educators is they feel increasingly unable to access examination centres at the appropriate time. Do you think that is right, and what can the Government do to ensure that this access is available?

**Elizabeth Truss:** I think there is evidence of it being difficult to access examination centres. The question is: what can the Government do about it and what can local schools and examination boards offer? Clearly offering these options, if you are a local school, does carry costs, so I would be very careful about the Government imposing additional requirements on schools or exam boards. So whilst I recognise there is a problem, I am not sure there is an easy solution to sort it out.

**Q242 Chair:** So you are happy to have children effectively barred from sitting public examinations in preference to having an inconvenience to schools running an exam system.

**Elizabeth Truss:** Well, I am not sure; there is evidence that it has been inconvenient and time-consuming.

**Q243 Chair:** Well, there are lots of places all over the country and lots of schools who do not have any difficulty. There just happen to be areas where you cannot access it at all.

**Elizabeth Truss:** Well, there is evidence it is difficult. I am not sure there is evidence that people have been barred across the country. I might be wrong, Mr Chairman.

**Q244 Chair:** We will let you know about people who have found it very, very difficult to find access to exams. I am not aware there is any vast cost falling on schools to provide exams.

**Elizabeth Truss:** The whole direction of travel for Government school reforms is about schools being able to make their own decisions and having autonomy, and we are reluctant to intervene in that when the evidence suggests that home educated children, whilst it might be difficult to get to examinations, are succeeding in getting to examinations.

**Q245 Chair:** The duty does not, of course, have to be imposed. There are lots of duties on local authorities that they can only fulfil by working through schools, many of which are, increasingly, independent of them. The local authority still manages to fulfil that duty and has that duty. So I would certainly welcome you sounding more open-minded. You will be the first person I have ever heard who suggests that change, in terms of access to exams, is not something that should be brought forward, albeit with caveats around the practicalities.

**Elizabeth Truss:** Well, I have not said that there will be no change on it. What I have said is that I think we have to be very careful about upsetting the current balance. On exactly the same point about the autonomy of parents to educate their children, I am concerned about imposing extra duties on schools. Of

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course, Mr Chairman, I will look at the report, and if there are recommendations that are evidence-based and common sense, then I will look at those. As I mentioned at the start of this session, I have been in the job for a short period of time. I have looked at this area, but there is more work to do on it.

**Q246 Chair:** So if we can show evidence that there are areas where home educated children do not seem to be able to access examinations in any reasonable, practical and affordable way, you will do something about it? Well, only if the evidence is there.

**Elizabeth Truss:** Well, there is evidence and there is evidence, is there not, Mr Chairman?

**Q247 Chair:** Well, you would be the judge of that evidence, of course, but if that evidence came and convinced you that that was true, are you undertaking to do something about it?

**Elizabeth Truss:** I will certainly undertake to look at it with an open mind, Mr Chairman.

**Q248 Craig Whittaker:** The cost factor is not an issue, because parents have to pay for those examinations anyway.

**Elizabeth Truss:** Yes.

**Q249 Craig Whittaker:** The problem is purely about access. Some local authorities allow them to attend the PRU for those examinations—we have heard a variety of things—but on the whole it is a big issue for home educators. Let me ask you then about music, sport, leisure and library services. Do you feel that those services should be made available to home educators as well?

**Elizabeth Truss:** Well, I would imagine that would be a decision for the local authority, but it is not an area I know a great deal about, to be frank.

**Q250 Alex Cunningham:** We have already talked a little bit about payment and everything else. When we had our home educators in front of us, it appeared the vast majority said, “No, we are fine. We will pay our own way, and we recognise that is our responsibility.” Some others suggested a voucher system whereby they could access various services or buy particular equipment. Do you have a view on that?

**Elizabeth Truss:** Well, I think my broad view is where, in the overall constraints on the education budget, would the funding be found, if desirable, for such a voucher system? There are also the administrative difficulties of making that system work, given the various discussions we have had about registration and local authority involvement.

**Q251 Alex Cunningham:** So, at this time, you do not see any prospect of home educators receiving some form of fee for educating their own children.

**Elizabeth Truss:** There is not an obvious pot from which the money is going to come; that is what I would say.

**Q252 Alex Cunningham:** If they were in school, that would be costing the Department money, so why is money not available for home educators?

**Elizabeth Truss:** Going back to the original point, when home educators make a decision to educate their child at home they are taking responsibility for that child’s education and they are taking financial responsibility for that child’s education, whereas the Government takes financial responsibility for children who are educated within the school system.

**Q253 Alex Cunningham:** So you do not think local authorities could be responsible for providing some form of funding to them, maybe through some form of co-operation or registration system.

**Elizabeth Truss:** Let me be clear. I am very happy if local authorities are working co-operatively with home educators to provide services in their local area. I think that is positive. I would like to see a good relationship. If that involves funding being provided by the local authorities, that is absolutely right. I am not saying that I think there should be a requirement on local authorities to do that, but I do think you are absolutely right—that is the right level of government at which to make those decisions. Local authorities of course have to consider their overall budgets and what they can afford to spend, but if that is something that they think is worth while or would be helpful to those children or, indeed, help them be closer to the parents who are home educating, then I think that is laudable.

**Q254 Alex Cunningham:** That is all well and good, but, as Ian said earlier, there is this tremendous inconsistency across the country. Some local authorities are very good at this and the benefits that home educators derive from that are very, very good. How do we get consistency across the piece if we do not have some rules or direction for local authorities?

**Elizabeth Truss:** I think I did answer part of this question earlier, but getting consistency is not necessarily the right objective.

**Q255 Alex Cunningham:** So no minimum offer then.

**Elizabeth Truss:** Well, I think the right objective is trying to get the best possible service, but that is an objective that does not lie in my hands in the Department for Education. That lies in the hands of local authorities, and it is for leaders of local authorities to tell this Committee how they see themselves measuring up to the best local authorities in the country in terms of providing these services. It is for them to say, “Well, how could we be better at delivering the services? How could we co-operate rather than having a more difficult relationship with home educators, and how could we learn?”

The fact that the Committee is undertaking this report is good, because it raises the profile of the issue; it will make local authorities think about what they do. I am sure that they will be extremely interested in the recommendations that the Committee provides. But I think we have to be careful in all this that we do not think that the Government doing things is a panacea that is going to solve problems on the ground or going to deal with issues on the ground. In this structure we have at the moment, whilst it may look imperfect and it may not look as logical and structured as one might think it ought to be, it is, broadly speaking, working.

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We have to be careful not to upset that balance in terms of the responsibility that home educators hold themselves, the responsibility local authorities have with respect to SEN and the responsibility that the Government has as well to make sure that home education is taken into account when we are putting through major pieces of legislation and so forth. So I do not believe there is some kind of utopian solution here.

**Q256 Chair:** Will you be a champion of home education within the Government?

**Elizabeth Truss:** Well, obviously, it would make me very popular with the Chairman of the Education Select Committee.

**Chair:** Never a bad thing.

**Elizabeth Truss:** Never a bad thing. I certainly very much respect the decisions of home educators to educate their children. I think we have a good system that is sustainable, and I will take up their cause with other Ministers in my Department, as well as with myself.

**Q257 Chair:** You will take up issues with yourself. I look forward to those broadcasts.

**Elizabeth Truss:** Those discussions are for internal purposes only, I am afraid, and they are not FOI-able.

**Q258 Chair:** So will you be a champion of home educators within the Government?

**Elizabeth Truss:** Yes.

**Q259 Mr Ward:** Let me just be a bit more direct. I may have the right to go to the Bahamas for my holiday, but I cannot afford to do that. If we have a right to educate children at home but I am not able to do that because of the cost of examinations, the cost of children going to the local swimming baths and so on, it is a worthless right that I have. I suppose what we are looking for is a message from the Government. You mentioned the autonomy of schools, but unless the right of parents to educate their children at home is supported by the right to the costs incurred in that, within reason, then it is a worthless right.

**Elizabeth Truss:** Well, I am very sorry that you cannot afford to go to the Bahamas. That is, indeed, sad.

I think it is a right and it is a responsibility. It is a big decision to home educate your child and you have to be able to provide the resources to do so. I would suggest that the cost of examinations is probably quite small relative to the overall cost of home educating your child over the many years involved. There is a balance here in that the parent is deciding to not educate the child within the state education system and instead deciding to do that themselves, and they need to make sure they can provide a suitable education for that child and the resources that suitable education requires. What the Government says is that, if the parent wants the child to be educated within the state education system, we will pay for that child to go through the system, and I think that is a very reasonable balance. There is a place available.

**Q260 Chair:** Do you have a philosophical objection to state funding support for those who make this

choice? It is the parent's duty to ensure the education of their child; they can delegate it to the state, for which the state then pays. If they choose to take what the Government and you suggest is a perfectly valid decision to provide education themselves, do you have a philosophical objection to the state providing additional financial support to supplement that of the parents?

**Elizabeth Truss:** No, I do not, is the answer.

**Q261 Chair:** So it is primarily about resources and the rest of it.

**Elizabeth Truss:** I think so. I have not given a great deal of thought to philosophy since I have joined the Department for Education, because I am focussed on the various issues in hand. I will certainly consider my philosophical views, particularly after I have read the report.

**Chair:** Excellent. Well, I hope your personal dialectic will allow you to come to the right conclusions.

**Q262 Ian Mearns:** How would you treat an application from, say, 150 home educators in Norfolk to establish a virtual free school?

**Elizabeth Truss:** When you talk about home educators, my understanding is those children would be educated at home, which is a different concept from a school, so I am not sure exactly how that would work. I do not know, is the honest answer.

**Q263 Ian Mearns:** Home educators in my borough of Gateshead all do it very differently. Some of them engage tutors and they have sessions in the library and they go to other places, so the possibility of a virtual free school, which would employ teaching staff or tutors, is not beyond the realms of possibility, is it?

**Elizabeth Truss:** Well, we are into the question of when is a school not a school, I suppose.

**Chair:** Back to philosophy.

**Elizabeth Truss:** We are back to philosophy. It is a very philosophical session at this Committee.

**Chair:** Less avoidable than you thought.

**Elizabeth Truss:** I am in favour of philosophy, do not get me wrong. I would need to look at the terms and conditions of the free school proposal in more detail to see how that would work. Clearly, when you start talking about employing teachers and having lessons, it is becoming more of a school and less of a home education experience, I might suggest. But there is obviously a continuum and, in life, some things just do not fit into boxes.

**Q264 Alex Cunningham:** The final question from me is in connection with the numbers of home educated young people across the country, because it is not very clear. Does that not concern you, and do you think we could be doing something to try to identify them and make sure we know who they are, where they are and how they are doing?

**Elizabeth Truss:** There have been studies that have suggested there are around 20,000 home educators who are known. *[Interruption.]*

**Chair:** Excuse me, Minister, but for *Hansard's* sake, we will wait until the bell stops.



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**Elizabeth Truss:** Are we missing some urgent question session?

**Chair:** No, it is just the start of the day.

**Elizabeth Truss:** Sorry, you were saying?

**Q265 Alex Cunningham:** I have lost my train of thought as well. The numbers—you said there were 20,000 according to studies.

**Elizabeth Truss:** That was the number that are known by local authorities. There are probably more who are not known to local authorities. But we get back to this question of registration and scrutiny and autonomy and responsibility, and I am not convinced that tracking people in a system in more detail is the way forward.

**Q266 Alex Cunningham:** But surely we should know at least how many there are and where they are.

**Elizabeth Truss:** But this might go back to the question of evidence—just understanding more—and it could be something that home educators themselves look at. We were talking about how home educators put pressure on local authorities to engage with them better. Well, that might be one of the ways, but I do not think that is the responsibility of the Department for Education.

**Q267 Alex Cunningham:** So you do not think the Department should be identifying how many home educators we have across the country or, more importantly, how many children are being home educated and could be under the radar, in fact.

**Elizabeth Truss:** Caveating my reading of the report that the Select Committee is going to produce, at this stage, I am not sure that is an aspiration the Department should have.

**Q268 Ian Mearns:** Alex talked before, though, about the local authorities having a duty to make sure that the home education provided by a parent is of an adequate nature—an educationally enriching experience. We also heard, in the previous session,

evidence of some youngsters coming out of independent schools to be home educated and independent schools not notifying anyone of this change of arrangement. So there were youngsters coming out of independent schools into home education of which the local authority were completely unaware. Is that not a problem?

**Elizabeth Truss:** Well, I think if there is evidence that this is causing a problem, fair enough, but I do not see the evidence that is a problem.

**Q269 Chair:** It was suggested to us by Carshalton home educators that there could be an online free school for home educators to use as they wished. Could such an online resource not have many more pupils than some of the free schools that have so struggled to get their rolls up in their first year? Is that something that you would smile upon?

**Elizabeth Truss:** If home educators were to develop an online resource that they shared, that may well be a very good thing. I think there might be a question about who would fund it.

**Q270 Chair:** With free schools, the whole idea was to pass power down to parents and communities to provide the education that they wanted as they saw fit, and here is an example of it by the most independent-minded of all people involved in education. Would you close the door in their faces when they wanted to use state resource to provide just such a facility?

**Elizabeth Truss:** I think there is a philosophical difference between home education and school education that we would have to look at.

**Q271 Chair:** But thanks to your policies, there is a continuum.

**Elizabeth Truss:** Well, I think, thanks to reality, there is a continuum.

**Chair:** Minister, thank you very much for giving evidence to us this morning.

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# Written evidence

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## Written evidence submitted by Education Otherwise Association

1. Executive Summary: This submission by Education Otherwise addresses all the issues raised by the Education Committee. It briefly considers the duties of local authorities towards home educators and the support currently available. The bulk of the submission considers the problems that home educators experience when they try to access support. Although some support is available, the vast majority of home educators have no access to financial or practical assistance from their local authority. The majority of practical assistance and advice is provided through informal peer networks of home educators. Financial support for home-educated young people is largely provided from individual family budgets and the wider family. There is little apparent improvement since the recommendations of the Children, Schools and Families Committee in December 2009. This submission ends with recommendations that the government specify policies and strengthen the guidance to local authorities to improve the support available to home educators.

2. Submitter: This submission has been prepared by the trustees of Education Otherwise (EO), a charity that supports electively home-educating parents and those contemplating elective home education. EO is supported by subscriptions from its member families and operates mostly in England and Wales. It provides a telephone helpline and online information and support groups available to members and non-members; it also provides local points of contact and business meetings for members. EO has around 3,500 member families across the UK from the far north of Scotland to the tip of Cornwall.

3. The duties of local authorities (LAs) with regard to home education: Section 437 of the Education Act 1996 sets out LAs' duty to children who appear not to be receiving a suitable education. Although there is no statutory duty to provide practical or financial assistance in respect of a child who is electively home educated, some LAs provide assistance. This assistance varies widely between LAs, meaning that families experience a "postcode lottery" when it comes to support.

4. Support currently available for home educators: Appendix 3 of the Guidance Notes for the 2012 Alternative Provision (AP) Census makes it clear that electively home-educated children who receive significant financial support from the LA may be included in the census. Children included on the AP Census have their educational needs funded by the LA from the DSG. In addition, LAs may arrange for home-educated children with specific educational needs to access services (such as SALT or portage) that are usually provided to children in school. An LA can also make it more or less easy for home-educated young people to access exam centres, library services, leisure services, music services, and other services provided to pupils.

5. The quality and accessibility of that support: The problems with all forms of support is that the provision is at the discretion of the LA. This means that the quality and accessibility are not uniform across the country. As well as the usual variation in local budget priorities, some LAs seem to resent home-educating families and to make it as difficult as possible for them to access support. Others are simply apathetic and do not put sufficient resources or expertise into providing the resources.

- (a) Some LAs seem reluctant to draw down DSG funding for alternative provision for home-educated children. Parents report that other LAs draw down the available DSG funds for home-educated children but then put a ceiling on the provision that is passed onto the family. The amount of money retained by the LA is often much greater than could be explained by an administrative charge.
- (b) Some LAs refuse children with SEN access to help unless they attend school but others provide transport and flexible access that meets the needs of the child's family.
- (c) Some LAs provide a service (such as, music) which is advertised as being for children who attend LA schools but parents who challenge this have their arguments accepted and their children are given access; other LAs refuse to budge and insist that extracurricular music and sport is only provided as a supplement for registered pupils.
- (d) Some LAs give home-educated families access to teachers' resources (books and equipment) through the library service; other families have to fund all specialist equipment and resources from the household budget.
- (e) Some LAs liaise between schools or colleges and parents to ensure that home-educated young people have access to national exams; other LAs simply provide a list of schools and colleges and tell parents that they have to approach them independently.

6. Whether current arrangements for financial support are adequate: The current arrangements are inadequate because of the difficulty of access in many areas and because the will of LAs to make provision available varies so widely across the country.

7. The support available for home-educated students' transition to further education and higher education: There is very little LA support for the transition to further and higher education.

- (a) If a home-educated young person is academically inclined and wishes to access examination courses through a college when under 16, parents are often asked to bear the whole cost as colleges claim to be unable to access funding. Some colleges have been able to find funding

for a few young people but cannot do so for larger numbers. Some LAs offer access to PRUs for young people who have a disability or who have been withdrawn from school because of bullying or other traumatic circumstances. This may not be acceptable to the family as the young person would often be working alongside peers with low aspirations and low expectations of education. It is also not offered to other home-educating families.

- (b) Many home-educating families undertake the mammoth task of enabling their teenage children to achieve level 2 qualifications (often IGCSEs because they do not have the mandatory coursework elements of GCSEs, which are well-nigh impossible for home-educated young people to complete). This usually means that each individual family has to locate a centre willing to allow the young person to sit the exam alongside their own candidates; negotiate any additional exam requirements; and pay between £35 and £200 per subject—all before helping the young person prepare the subject material. The cost and difficulty of this process means that home-educated young people often take only a few level 2 qualifications as they need (usually five) to gain access to level 3 college courses.
- (c) Other families defer any attempt at level 2 qualifications until the young person is 16, when they can be admitted free to college alongside their age peers from school. This typically means that they are admitted to “resit” courses in which they cover five GCSEs in an academic year with schooled young people who failed to achieve the grades they wanted when they took the exams in school. There are many stories of home-educated young people who have achieved very good grades or who have been moved onto level 3 courses after a month or two, having shown the tutors that they are motivated and have the underpinning subject knowledge.
- (d) A few families with children who have the potential for university have enrolled young people from about 13 years old on courses with the Open University (OU). They report that this gives them an excellent grounding in independent university-level study and writing as well as providing subject knowledge. Modern foreign languages and sciences are particularly difficult for home-educated young people to access (because of the practical aspects); the OU system makes this relatively easy. In addition, the OU’s extensive experience in distance learning and in teaching independent learners of all ages and with a range of additional needs (disabilities, caring responsibilities and employment) means that it is well-suited to support home-educated young people. Sufficient home-educating parents work for the OU to be able to provide peer support in working through the OU’s admissions process. However, the changes from this September to align the funding of the OU’s part-time study is expected to effectively close off this route to home-educated young people who do not want to jeopardise their access to a student loan for a traditional university course.

8. Improvements made to support for home educators since the December 2009 recommendations of the Children, Schools and Families Committee: There seems to have been very little improvement in support since the recommendations of the Children, Schools and Families Committee. According to research carried out by Fiona Nicholson (<http://edyourself.org/articles/FundingReport.php>), fewer than 25% of LAs claimed funding for alternative provision for home-educated young people in 2010–11. Some LAs are making a policy of not providing such funding. It is unclear why they should simply refuse to draw down funds available from central government although one LA has said that it cannot afford to pay the costs upfront and then wait to claim the funding back from central government.

9. Guidance available for local authorities concerning their duties in regard to home education: Home educators feel that the current guidance on alternative provision and funding through the DSG is clear but are concerned that LAs do not seem to accept that it means that they may provide practical and financial support to home-educated young people within existing arrangements.

10. Alterations to existing policy or arrangements for support: EO recommends that government makes it clear to local authorities that they can access funding and directs them to draw up a policy that specifies the support they provide for home educators. At a minimum, this should include the following areas:

- (a) practical support and provision of equipment for children with SEN commensurate with what they would receive in school (eg SALT and communication aids) if the parent requests it;
- (b) access to local exam centres to sit level 2 and 3 qualifications at no cost to the family, including access to marking of coursework and practical work;
- (c) practical assistance through a local careers service or sixth form with preparing applications to institutions of higher and further education; and
- (d) access to extracurricular activities on the same cost basis as for children registered at school.

11. EO would also recommend that local authorities consider best practice across the country and make arrangements for home-educating families and groups to have access to the various education services accessed by schools (eg field trips and outdoor centres). This access should be advertised and the costs should clearly be similar to those applied to schools, rather than home educators being treated as commercial customers.

### Written evidence submitted by the Home Education Advisory Service

Home Education Advisory Service (HEAS) was founded in 1995 and was registered as a charity and as a company limited by guarantee in 1997. It exists to provide information, advice and support to families and also to local authority staff, other professionals, academic researchers, voluntary agencies and the media. HEAS gives practical advice on educational materials and resources, GCSE, special educational needs issues, information technology, legal matters, social life and curriculum design. Information is available in a range of publications and also through subscription to HEAS.

#### SUMMARY

##### Introduction

- Respect by a local authority, not an overbearing attitude, is the most fundamental form of support for home educators.
- 1. What are the duties of local authorities with regard to home education?
  - Inaccurate statements of the law are very common; legal accuracy is important in communications between families and local authorities.
- 2. What support (financial and otherwise) is currently available for home educators, including from local authorities and other bodies?
  - Little support is available from local authorities.
  - Support is needed from examination awarding bodies.
- 3. Are current arrangements for financial support adequate?
  - There are differing views amongst home educators; any support must not create difficulties for those who choose to remain financially independent.
- 4. Is support available for home-educated students' transition to further education and higher education?
  - HEAS has not found any evidence of difficulties with progression to further and higher education
- 5. What improvements have been made to support for home educators since the December 2009 recommendations of the Children, Schools and Families Committee?
  - HEAS has found little to suggest that support has increased since 2009
- 6. What guidance is available for local authorities concerning their duties with regard to home education, and of what quality is that guidance?
  - The DfES document *Elective Home Education: Guidelines for Local Authorities* (2007) is a useful point of reference and only minor revisions are needed; consideration might be given to a companion document for parents
- 7. Does the Government need to alter existing policy or arrangements concerning the support available for home educators?
  - Deep-seated prejudice against home education is widespread; HEAS recommends that elective home education should not fall within the remit of Behaviour and Attendance Departments but should be a stand-alone service .

#### INTRODUCTORY REMARKS

At the outset HEAS would like to state that the most fundamental form of support for home education consists of correct information for families which is expressed in neutral and factual terms. Local authorities' policies and procedures should show respect for the parent's decision on the basis that the law accords equal weight and dignity to education "either by full-time attendance at school or otherwise". This principle should underpin all local authorities' dealings with families who decide to educate their children at home. Unfortunately some local authorities make their prejudices plain on their websites as the following three examples illustrate:

"Croydon LA respects the rights of parents to home educate but is of the view that in the vast majority of cases education at school is the most effective way of supporting the academic, personal and social development of children of statutory school age..." (*Educating Your Child At Home: Guidance for Parents*, Introduction)

Doncaster Council "believes that schools are the best place to educate children except for a small number of pupils". (*Educating your child at home: Information for parents*)

Rutland states: "As an LA we would generally prefer that you send your children to school". (*Education of Children Otherwise Than at School Policy*, section 9)

These are not isolated instances: there are others. Moreover, the very term "local authority" has connotations of superior knowledge and seniority over the members of the local community which the local council is there to serve. Information from home educating parents, the tone of local authorities' websites and the content of

their written communications all show that this attitude exists in elective home education departments across the country. The Government has demonstrated a commitment to local democracy and a determination to empower local communities to hold councils to account; it would be fitting, then, to emphasise this commitment by changing the name “local authority” to “local services” or similar.

*What are the duties of local authorities with regard to home education?*

1.1 Education law phrases local authorities’ duties toward home educators in negative statements. Section 437(1) of the Education Act 1996 states that “if it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.” Local authorities often invert section 437 and assert that parents have a legal duty to “satisfy” the authority that they are providing suitable education at home. The London Borough of Barnet says in its leaflet for parents: “The Education Act 1996 places upon the LA a duty to satisfy itself that parents or carers who choose to educate their child otherwise than at school meet the legal requirements to provide suitable education” (*Information for Parents/Carers “Elective Home Education”*). The London Borough of Barking and Dagenham states that parents must satisfy the local authority because “this is a legal requirement under Section 437, Education Act 1996” (*Education—frequently asked questions* on the local authority’s website).

1.2 Similar statements are found in documents issued by many local authorities, but legal advice obtained by HEAS makes it clear that they are only permitted to make initial informal enquiries as to the nature of the education which the parent is providing. The local authority is only able to demand that the parent must satisfy them that suitable education is being provided if it appears to them after making these informal enquiries that no suitable education is taking place.

1.3 Accuracy in stating the law is very important if local authorities are to be supportive towards home education. Local authorities who overstate their duties in the manner described above do not accord sufficient respect to the parent’s decision to undertake home education, and the relationship between home educating parent and local authority is wrongly stated from the outset. The London Borough of Barking and Dagenham goes further when it continues by stating that “The local authority is legally required to ensure that all children living within their area are receiving a suitable education” (*ibid*). This is the duty of parents, not of the local authority.

1.4 Further, statements such as those quoted are used to justify a policy of routine monitoring of the educational arrangements which has no basis in law. The document *Elective Home Education: Guidelines for Local Authorities* (DfES, 2007) states clearly that local authorities “have no statutory duties in relation to monitoring the quality of home education on a routine basis” (paragraph 2.7) yet most local authorities state that they have a duty to ask parents for information regularly.

1.5 Very few local authorities have a correct understanding of the law governing their duties; the tone of their websites, policies and guidance documents shows clearly that they regard themselves as being in a position of authority over families who elect to home educate. Many authorities acknowledge parents’ rights to privacy but they express a strong preference for parents to allow them to visit their homes and see their children. Many have prescriptive expectations of the type of education which is “suitable” and also of the type of evidence which they will accept from parents about the education which they are providing. Some LA staff are under the impression that they must see every home educated child annually. Some guidance documents employ a tone which appears to be calculated to present home education as a task of great difficulty; the information is not presented in a neutral manner.

*What support (financial and otherwise) is currently available for home educators, including from local authorities and other bodies?*

2.1 Information from parents indicates that little has changed since 2009 in terms of support for home educators from local authorities. The DfE’s current guidance makes it clear that local authorities are permitted to record home educated children in the category “not a school” on the annual Alternative Provision Census in order to draw down funding for children who require significant support for special educational needs, or if they are awarded a place on a full-time course at further education college. It is disappointing to find that despite the clear statement of the position in the funding guidance many local authorities still state categorically that there is no financial help available for home educators.

2.2 Wide variations in the nature and degree of other forms of support have always existed in local authority areas across the country. It has always been the case that in some areas energetic and sympathetic elective home education advisers have made efforts to assist families in ways which have minimal cost implications. Examples include passing on details of local support groups and national home education charities to new families; organising termly meetings for families, with displays of resources and activities for children; maintaining lists of resources and useful websites on the local authority’s elective home education webpage and gathering information about schools in the area who are willing to accept private candidates for GCSE examinations. Unfortunately, although local authorities state that they wish to offer a service to home educators, it seems that there is little they can give to families. In 2010 HEAS undertook a survey of the outcomes of

home education with the help of 100 families. 80 of the families had had regular contact with their local authority representative, but only 10 families said that the adviser was able to offer them any useful information.

2.3 Regarding bodies other than local authorities, support is needed from examination awarding bodies for private candidates who take GCSE examinations. There are materials and information which are available only to teaching staff at registered centres, but parents who are preparing candidates privately cannot access this information. These resources are also unavailable to adult students who wish to improve their qualifications. HEAS has asked the awarding bodies if arrangements could be made for parents of registered candidates to access this information but these requests have been refused on the grounds that teachers wish to keep the most recent past papers confidential for use as mock exams. We would make a plea to the Secretary of State to consider the needs of external candidates when the examination system is scrutinised and overhauled prior to the creation of a national examining body.

2.4 Further, controlled assessment has had a devastating effect on the ability of private candidates to take GCSE because of the difficulties associated with completing tasks under high levels of supervision. Schools are reluctant to accommodate private candidates alongside their own pupils for the completion of extended projects. HEAS and Education Otherwise were invited to talks with JCQ and QCA at a very late stage in the process when it was too late to consider any changes which might assist private candidates. The changed arrangements affected all external candidates including adults who were planning to study in their own time to improve their qualifications. It is an important principle that our national system of qualifications should be open to all and HEAS calls for greater efforts to be made by the examination authorities to remove all barriers to access for non-school candidates of all ages.

*Are current arrangements for financial support adequate?*

3.1 Some people contend that because home education and education in school are accorded equal status in law, both forms of education should receive equal treatment with regard to state funding. Others would argue that home educators are in the same category as people who prefer to use their own resources to pay for their child's education at an independent school. Another analogy might refer to individuals who make the decision to forego their entitlement to the National Health Service and pay for private healthcare.

3.2 Home educators are not unanimous in their views on the subject of financial support. Many parents do not consider themselves home educators by choice because they have undertaken to educate their child at home as a last resort in response to insuperable problems at school. Most parents in this category would welcome financial assistance particularly towards the cost of taking courses at further education colleges.

3.3 Other parents, particularly those with strong philosophical convictions regarding the type of education which they wish to provide for their children, would prefer to remain independent of any financial help that might be offered. These parents have told HEAS of their fears that the availability of financial assistance might compromise the legitimate freedom of home educators who, for example, decide that they wish to avoid GCSE altogether. They foresee that if public money were to be directed towards home education it would be necessary for the outcomes to be evaluated in order to demonstrate proper use of the funds. If, for example, home educated students from families who choose to remain outside of public funding were to be shown to have taken and passed fewer exams, would this be considered as a crude and prejudiced indicator that parent-funded home education is inefficient?

3.4 In order to ensure that the needs of one group of home educators do not have an adverse effect on the freedom of others, it would be necessary to be absolutely clear about the status of young people who were receiving financial support. If a local authority agrees to pay for the cost of a course at further education college the student should no longer be considered as being home educated. Such arrangements would have a precedent in flexi-schooling. If children or young people are flexi-schooled they are registered as pupils at a school and during the part of the week in which they are home educated their absence from school is authorised.

3.5 The Badman report recommended that local authorities should offer support to home educators in their search for 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). At the time home educators greeted this proposal with cynicism and considerable anger; it appeared to them to be another of Mr Badman's attempts at sugaring the pill of compulsory registration and monitoring. Surely it would be possible for home educating parents to apply to the authority—if they wish to do so—for a refund of the cost of examination entries on production of the statement from the awarding body giving the candidate's results? Registration would not be necessary to enable this process.

*Is support available for home-educated students' transition to further education and higher education?*

4.1 HEAS has not found any evidence to suggest that home educated students have experienced difficulties in progressing to further and higher education. There is a wealth of information on the internet and feedback from families indicates that once the hurdle of GCSEs has been overcome, A levels and college or university entrance are relatively straightforward matters.

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*What improvements have been made to support for home educators since the December 2009 recommendations of the Children, Schools and Families Committee?*

5.1 Most of the recommendations for support which were made in the 2009 Report of the Children, Schools and Families Committee were contingent upon the proposals for registration and monitoring which were removed from the Children, Schools and Families Bill before it became law in 2010. We have not found any indication that there has been a significant increase in support since December 2009; calls for help from families suggest that local authorities have become, if anything, somewhat more suspicious of families who undertake home education because of unfounded beliefs that children who are seen in school are somehow safer than children who are at home with their parents.

*What guidance is available for local authorities concerning their duties with regard to home education, and of what quality is that guidance?*

6.1 *Elective Home Education: Guidelines for Local Authorities* (DfES, 2007) is a clear and straightforward summary of the law which has been of great assistance to home educators as a reference document in their dealings with local authorities. It has been helpful since it was first published in 2007. Some minor revisions to some of the footnotes and references are needed; for example, paragraph 2.17 should be removed because it refers to the ContactPoint databases which were never implemented. Further, there is a point of law in paragraph 2.15 where an over-simplification has resulted in the introduction of an error. Reference is made to local authorities' duties to safeguard and promote the welfare of children (Education Act 2002, section 175 and sections 10 and 11 of the Children Act 2004) and the explanation is given that "These powers allow local authorities to insist on seeing children in order to enquire about their welfare where there are *grounds for concern* (sections 17 and 47 of the Children Act 1989)" (emphasis ours). This vague paraphrase does not reflect the specific statement in Section 47 that there must be "reasonable cause for believing or suspecting that the child is suffering, or is likely to suffer, significant harm". Further, Section 17 does not give any power for the local authority to insist on seeing a child: it relates to the provision of services for children in need.

6.2 We would like to propose that, in addition to *Elective Home Education: Guidelines for Local Authorities* consideration might be given to the production of a standard guidance document for parents which states the facts in plain language. This might be made available on the DfE website for parents to consult. Local councils could also incorporate such a document into their information for parents in order to avoid some of the unacceptable and legally incorrect variations which exist at present.

*Does the Government need to alter existing policy or arrangements concerning the support available for home educators?*

7.1 Primary legislation makes no distinction between the relative merits of education at home and education at school. There is no legal or logical justification for preferring one form of education over another, yet there is a culture of prejudice against home education—or disapproval—which is found to a greater or lesser extent across local authorities. HEAS is carrying out ongoing research into local authorities' attitudes and conduct towards home educating families. The project is work in progress but the findings to date demonstrate a wide range of misconceptions amongst local authorities on the nature of their duties towards home educators. Our charity has had to respond to calls for help regularly from groups and from individual families in a number of different local authority areas. We know of individual officers who are supportive and sympathetic because they have seen the benefits of home education for themselves, but the bureaucratic structure within which they work is intrinsically hostile to the non-school option.

7.2 Our experience over more than 20 years has convinced us that this institutional prejudice stems mainly from the fact that home educated children are dealt with by the same departments which are set up to deal with children with problems. These include poor attenders, troubled children and children about whom there are welfare concerns. Surely it must be possible for councils to stop herding home educated children into the same pen as vulnerable children? It is universal practice for Education Welfare Officers (known as Attendance Improvement Officers in some areas) to make the first contact with parents who withdraw their children from school and we believe that the use of staff from these departments is not appropriate.

7.3 HEAS would like to recommend that elective home education services in every local authority should be relocated into a separate department which does not share the mindset of those who are steeped in difficult cases on a daily basis. Further, if it were acknowledged universally that "Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis" (*Elective Home Education: Guidelines for Local Authorities*, paragraph 2.7) elective home education staff would thereby be freed to provide a service, akin to the Library service, which would offer positive benefits and real support to families who have chosen not to avail themselves of the school system.

### Written evidence submitted by A Little Bit of Structure

This submission is a joint effort from the members of “A Little Bit of Structure” which is an online forum for home educators who occasionally or regularly use structured educational methods. Our 443 members range from the autonomous to the totally structured, and our only rule is that everyone should be treated with courtesy and respect. We reflect a wide range of opinion on most issues, and this was no exception, so we have attempted to reflect this in this submission.

#### 1. *The duties of local authorities with regard to home education*

These appear to be summed up by section 7 of the Education Act 1996, which states “The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—(a) to his age, ability and aptitude, and (b) to any special educational needs he may have, either by regular attendance at school or otherwise.” This places the responsibility very firmly on the parent and not the local authority, whose duty is to intervene if they believe that such an education is not taking place.

The elective home education guidelines that were issued in 2007 provide clear information for Councils on what their legal duties and responsibilities are in respect of home education, but our member’s experience is that these guidelines are “adapted” by many Local Authorities who then assume rights and responsibilities that they do not have.

Examples of these include Poole Unitary Authority, Bristol, and the Royal Borough of Greenwich, all of whom fail to advise that meetings are not compulsory. Poole, for example, states that home educating parents will be visited six monthly by a “monitoring officer”.

There are also examples of good practice, such as Hampshire and South Somerset, but even within these the quality of contact depends on the individual officer, which does not encourage home educators to engage with local authorities.

#### 2. *What support (financial and otherwise) is currently available for home educators, including from local authorities and other bodies*

This seems to be very patchy, even within local authorities. Many are adamant that home educators take on all responsibilities so it is not their policy to provide help even when it could be reclaimed via the Alternative Provision. Even within authorities that provide help the amount of support is very variable, and the qualifying criteria appear somewhat arbitrary.

Most of the support for home educators comes from other home educators, and we welcome the wide variety of forums and groups that mean that everyone can find a group where they feel they belong. Our forum, for instance, maintains a resources blog where we share details of resources that have worked for us and we are lucky enough to have a wide and varied membership that includes past, present and future home educators who are willing to share their knowledge in a non-judgemental fashion.

#### 3. *The quality and accessibility of that support*

Please see above.

#### 4. *Whether current arrangements for financial support are adequate*

Our general belief is that they are not adequate, because they are not consistent. Some of our members would like to see a system where help is a requirement upon request, while others were afraid that this could be misused by Local Authorities who were determined to enforce a narrow view of education. We were all adamant that this is a matter of individual choice and that any arrangements must be suited to the needs of the individual children, which almost inevitably change over time, and reflect the child’s needs.

#### 5. *The support available for home-educated students’ transition to further education and higher education*

We were unable to find any good examples of this. Connexions can be highly intrusive, and support for children with SEN was particularly notable for its absence.

#### 6. *What improvements have been made to support for home educators since the December 2009 recommendations of the Children, Schools and Families Committee*

Some of our members living in Somerset and Hampshire could discern an improvement and were very pleased with the quality of information and visitors. The majority, however, saw no improvements and some had been told that the suggestions of the Badman Review had become law.



*7. What guidance is available for local authorities concerning their duties in regard to home education, and the quality of that guidance*

The EHE guidelines referred to above, supplemented by the Guidance Letter for Home Educated Children with Special Educational needs and its clarification which were issued in February 2010. There are also brief mentions of Elective Home Education in the SEN code of practice.

The general consensus was that the guidelines are fair and balanced and not in need of reform. Those who were happy with their Local Authorities were overwhelmingly in areas where these guidelines were respected. They were consequently far happier to engage than those whose Local Authorities imposed their own standards and whose guidelines, as stated above, bore little resemblance to the EHE guidelines. In these areas, home educators tended to engage as little as possible as they could see no benefit and were concerned that anything they did say could be misinterpreted.

*8. Whether the Government needs to alter existing policy or arrangements concerning the support available for home educators*

We believe that home educators should have easy, fair and consistent access to support when they require it and should accept that any support given would come with a corresponding responsibility to show that monies received are being used responsibly.

We also passionately believe that it is a parent's responsibility to choose how a child is educated, not an official's and that a decision not to ask for support or follow a particular method should not be grounds for concern.

We would like to see the following support:

Access to exam centres and controlled assessments, but this must not come with a presumption that all children will take examinations or that examinations must be taken at specific ages.

Access to work experience.

Access to college courses, particularly those vocational ones that are aimed at children whose strengths are in the practical rather than the academic.

Off-peak access to sports centres, museums and other Council run facilities.

Proper training for those who deal with children who are electively home educated so that they understand the variety of methods used and the way that they evolve to suit the needs of the child and the family.

A simple appeals process so that any Local Authority who misunderstands their duties and responsibilities can be quickly corrected.

Finally, we would like to see the functions of Elective Home Education and Educational Welfare separated within Local Authorities. We are as committed to our children's education and well being as the overwhelming majority of those parents whose children attend schools and we find it offensive that Elective Home Education is seen as a "concern". Several of our members have been door-stepped by Educational Welfare Officers whose understanding of the law relating to Elective Home Education varied between patchy and non-existent.

To summarise, the members of "A Little Bit of Structure" believe that the existing guidelines should remain as they are and that Local Authorities should be reminded of their existence and encouraged to follow them. We believe that it is up to each individual parent to decide how much to engage with a Local Authority, and that if Local Authorities were perceived to offer useful facilities and treat home educators fairly and with respect then we could all begin to work together to ensure that home education was viewed as simply another method of education.

*June 2012*

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**Written evidence submitted by Fiona Nicholson**

1. I am a home educating parent. Between 2006 and 2010 I held various positions within the national home education support charity Education Otherwise, including Chair of the Government Policy Group, Convenor of the Disability Group, and Trustee. I gave evidence to the Select Committee Inquiry into Home Education in 2009 and also took questions on home education from members of the Public Bill Committee for the Children Schools and Families Bill in early 2010. I now work as an independent home education consultant.<sup>i</sup>

2. Over the past three years I have conducted research into home education numbers;<sup>ii</sup> local authority use of funding to support home educated children;<sup>iii</sup> and local authority support to home educated children taking exams.<sup>iv</sup> Research methods include obtaining Freedom of Information answers from over 95% of local authorities in England as well as ongoing dialogue with home educating families and local authority personnel throughout the country.

3. At the beginning of 2012 there were 20,482 home educated children known to be home educated in England. This figure was obtained by a complete set of Freedom of Information responses from all 152 local authorities in the country.<sup>v</sup> The comparable figure for 2009 was 20,342. When I gave evidence to the earlier Select Committee into Home Education in 2009,<sup>vi</sup> I agreed it was strange that the Government didn't know how many home educated children there were in each local authority area. It would after all be a simple matter to require local authorities in England to make a return of the number of home educated children on a particular census date each year as is done in Wales.<sup>vii</sup>

4. Local authority statutory duties with regard to home education fall into a number of categories, some of which are specifically related to home educated children and others which apply to all children in the area. Following the Children Act 2004 the authority has a duty to promote co-operation between local partners to improve the wellbeing of children in the area. One of the specific areas of "wellbeing" listed is education and training.<sup>viii</sup>

5. Since February 2007, the local authority has also had a duty to make arrangements to identify (where possible) children missing education<sup>ix</sup> and statutory guidance on Children Missing Education published in 2009<sup>x</sup> indicates that the authority should follow the procedures set out in the Government's Elective Home Education Guidelines.<sup>xi</sup>

6. Where it appears to the local authority that a child is not receiving education, the authority has a duty to engage with the parent and to satisfy itself that the child is in fact receiving education. If after following the steps set out in the Education Act 1996, the authority is still not satisfied, it is required to serve a School Attendance Order.<sup>xii</sup>

7. From 2013 when the participation age is raised, local authorities will have additional duties with regard to facilitating young people's participation in further education. The Government has indicated recently that local authorities will be advised to confirm with the parent in cases where young people over the age of 16 are said to be home educated.<sup>xiii</sup>

8. There is no financial support for home educators from local authorities and local authorities themselves receive no funding to support home education. Local authorities may in some instances offer advice on curriculum and examinations, and may signpost to other sources of information and support, but the consistency of this offer to home educating families is highly variable.

9. By and large, local authority staff adopt the sensible approach of avoiding risk wherever possible, since initiative is not rewarded but ticking boxes is rewarded. The risks associated with doing the wrong thing are felt much more acutely than the risk of doing nothing. I also talk to many people working in local authorities who are aware that red tape has been cut, but who aren't sure which tape has already been cut, which tape remains to be cut, and which cuts were talked about but never actually materialised.

10. At a national level there are no positive strokes from the Department for local authorities such as Lancashire or Surrey who are trying to make significant improvements by engaging with home educators, and offering non-judgemental support.<sup>xiv</sup>

11. Nor is there any positive feedback for local authorities such as Sheffield and Dudley who have engaged in joint working and piloted the use of Alternative Provision Funding in elective home education for Further Education courses. Dudley also offers tailored courses for English and Maths GCSE combined with the offer of a centre to sit the exam. More examples of constructive support can be found on my website, but such examples are the exception rather than the rule.<sup>xv</sup>

12. Some local authority personnel appear ambivalent about offering support and access to services. This might be because it isn't considered a priority. In other instances it might follow from the belief that families have chosen to opt out and could always put children back in school.

13. Where there are positive initiatives they may be introduced very quietly or abruptly without explanation, which limits the positive outcome, with the result that such initiatives may quickly be dropped for lack of take-up. I am not suggesting there is any kind of conspiracy to load the dice unfavourably, since it seems far more likely that there exists a negative feedback loop whereby local authority staff have broadcast good news about support in the past, only to find it vetoed or withdrawn higher up the council.

14. In addition, there is scant time or opportunity to raise awareness of positive initiatives, since in very many areas, contact is limited to a single private conversation with home educating families each year. It would be both simple and cheap to send out email newsletters and to upload these to a noticeboard area of the council's home education web page.

15. Home educating families have multiple support networks of their own, in terms of local groups, and also internet support groups and social media such as Facebook for general support and for specialist support. There are also national membership organisations such as Education Otherwise and the Home Education Advisory Service, both of which are registered charities.

16. A 2007 study of support for home education published by NFER<sup>xvi</sup> found that peer support was highly valued by home educators, but for many home educating families, the first port of call is the local council and

I have known families who remained unaware of local family networks. More could be done to encourage local authorities to signpost to local peer support networks.

17. There is no recognised statutory duty to support home educated young people making the transition to further education and higher education and it is left to the families to sort out the process for taking examinations as private candidates, putting together portfolios, CVs and personal statements, and obtaining references.

18. I have recently carried out comprehensive research on the help which local authorities offer to home educating families looking for somewhere to sit exams. I obtained Freedom of Information responses from 147 out of 152 authorities, which I have redacted and placed on my website.<sup>xvii</sup> Some councils specifically stated that they had no statutory duty to offer support in this area, while others acknowledged that very little was being done at present but indicated that they would like to do more in future.

19. In a minority of areas there are positive stories of local authorities helping home educated young people with access to examinations and I have named all these authorities on my website and given more details. My hope is that local authorities will find inspiration and encouragement from seeing what has been achieved in other areas. For example in a few cases, home educated children are able to sit exams at the Pupil Referral Unit or at the local FE college. A small number of councils also facilitate meetings between home educating families and local schools which will offer a place for children to sit IGCSEs as private candidates.

20. In addition I am currently researching the extent to which local authorities in England are making use of Alternative Provision Funding<sup>xviii</sup> to pay for FE courses and for a package of exam support.<sup>xix</sup> Responses received so far indicate that the picture is very mixed across the country, with some authorities gearing up use this funding, with other councils actively disengaging from any consideration of such support.

21. It is clear that some local authorities do much more than others to make use of Alternative Provision Funding to support home educated students' transition to further and higher education. I will be posting a full set of Freedom of Information responses from all local authorities in England on my website,<sup>xx</sup> and I would hope that this can be used for reference by home educating families, as well as by Members of Parliament seeking to gain some understanding of the postcode lottery.

22. There is no need for further guidance on home education from the Department. In cases involving something which the local authority itself wants to do, the authority goes ahead and does it and appears satisfied either that there will be a law somewhere which backs it up, or that there will not be a law which prevents it. Further guidance would do nothing to tackle this mindset.

23. From the other angle, in cases where the local authority doesn't want to do something, it can fall back on the justification that the proposed action isn't a "must do". It is highly debatable whether additional guidance would resolve this, since the Government is extremely unlikely to be prescriptive in this area.

24. Where the Government appears always on the point of changing the law on home education, local authorities cease talking to home educating families, instead adopting the pragmatic if regrettable position that there is no point talking until the new rules have been unveiled, since any innovations or improvements might just have to be un-made in the near future. This wait-and-see approach is widespread, and cannot be countered by simply recommending more talks.

25. For example, towards the end of the last Government, Graham Badman recommended that local authorities and local home educators set up a consultative forum. This was warmly endorsed by the Department and by the Select Committee. However, because of the timing and the context, this recommendation had the paradoxical or opposite effect, because local authorities waited to see how the law was to be changed. It may be surmised that many authorities are still waiting.

26. One way forward would be for the Department to signpost to models of good practice, firstly by making use of the information which is already available from research on current practice; secondly by putting out a call for positive examples from local authorities; and thirdly by facilitating a free national conference where local authority representatives would have the opportunity to explore a range of positive examples in more depth.

*July 2012*

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#### **Written evidence submitted by Julie Barker**

1. I am the co-ordinator of a large home education group based in the south of Hampshire called Fareham and Gosport Home Education Group. We currently have over 240 member families, many based within Hampshire but some from the unitary authorities of Southampton and Portsmouth and a few from West Sussex County Council area.

2. One of the services we offer members is a weekly tuition session aiming at preparing students to enter public examinations (normally GCSE and IGCSE) and we then help families to enter these examinations at a couple of local schools. This group is entirely non profit making and most of us are volunteers with previous teaching experience. At the present time we have 70 students who attend this session and this summer over 40 candidates were entered for GCSE/IGCSE exams.

3. Support for home educated children from the local authorities has always been contentious. On the one hand many parents who home educate do so as a reflection of their own desire to take total responsibility for the education of their children and do not require any input from the local authority. Such parents may resent the attempts of the local authority to discuss their children's education at all, especially if the local authority persist in using language such as "monitor" when making contact with families they believe are home educating. On the other hand there are an increasing number of families who withdraw their children from school for a variety of reasons (often unmet SEN, or unresolved bullying) and would welcome more support, especially when it comes to exam access.

4. If local authorities are able to provide more support to the latter group, it is important that acceptance of such support is not seen as some sort of yardstick by which all home educating families are to be judged. Some parents reject GCSE examinations because they see them as unwelcome diversions and prefer to move straight on to further education courses; such rejection shouldn't mark out families as failing to provide a suitable education.

5. Provision in Hampshire. The local authority has worked hard to improve relationships with home educators within the county. This began as a number of meetings to which the local authority staff (Area Strategic Managers and the Elective Home Education coordinator) were invited by members of the local home education support groups. There have also been more limited attempts to engage directly with the local councillors responsible for education on Hampshire County Council. At the initial meetings a number of problem areas were raised—especially when over zealous education welfare officers visited families at home with a less than perfect understanding of both the home education guidelines and the law.

6. (Hampshire) Since then the Area Strategic Managers have initiated a number of meetings with representatives from the local groups, problem areas have been tackled and the home educators representative have become involved with training of the Educational Consultants who carry out home visits. Educational consultants and other LA staff are regularly invited to visit a variety of group meetings as guests and have been able to pass on a few resources. The LA send out local group leaflets with contact details to any family who come to their attention as home educating their children.

7. (Hampshire) This improved relationship has enabled us to ask the local authority for practical support—so to date the LA have set up one centre in a Pupil Referral Unit in south Hampshire where home educated students can sit IGCSE examinations and they have identified and encouraged a comprehensive school in the north of the county to accept students for a wide variety of examinations. They have allowed a home education group to make regular use of the Pupil Referral Unit to run practical science sessions in their laboratory, and HCC funded and facilitated the necessary CRB checks to be carried out to the home educators so that they could use this school building.

8. (Hampshire) We are now in discussion with the LA about access to the online tuition service that the LA themselves provide for some of their own pupils educated out of school and we have also raised the issue of funding for public examinations and for children with SEN. We understand that the authority is considering drawing down funding for college placement for 14–16 year olds through the Alternative Provision Funding and we would like to see this implemented quickly and extended to these other areas.

9. (Hampshire) It would be unrealistic to say that everything is perfect—there are still misunderstandings between parents and the local authority, many because of the actions of Educational Welfare Officers. One of our main aims is to see these officers removed as the point of first contact and replaced by a more enthusiastic and well informed facilitator, such as the Elective Home educational Coordinator. However in the past two years the positive actions of the LA Strategic managers mentioned above have strengthened relationships between the LA and the home education support groups and we hope to continue to explore other ways that the LA can support individual home educating families.

10. Provision in Southampton. As stated above, many of our group members come from the unitary authority of Southampton. The post of a dedicated coordinator for Home Educated families was lost due to financial restraints and the role is now combined with other duties, so there is no little or no contact between families and the LA. The new post holder has visited our group and we have made urgent representations about a number of matters, but with little success as yet.

11. (Southampton) The majority of home educated students are girls from an ethnic minority group and live in one of the most economically deprived areas of the city; the families are making considerable financial sacrifices to support their children's education and need both local access to an exam centre and funding to support both examinations and possibly other activities outside the home. On a more positive note however the support being given to one partially sighted boy by the specialist teacher of the Visually Impaired has been excellent.

July 2012

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### Written evidence submitted by the Carshalton Home Education Group

#### 1. EXECUTIVE SUMMARY

This submission states our opinion of how the London Borough of Sutton deals with home educators. We believe:

- The legal advice on its web site is confusing, with regard to legal notifications and the need to follow a set curriculum.
- There is no support for home educators, other than the hire of musical instruments.
- There should be support, including access to flexi-schooling arrangements, on-line free schools, and financial support where appropriate.

#### 2. INTRODUCTION TO SUBMITTERS

Hannah and Paul Flowers educate two of their children at home, and set up the Carshalton Home Education group to give local home-educators, or those considering home education, a chance to share experience, education and knowledge with others. Hannah Flowers is a qualified primary school teacher.

The Carshalton Home Education Group meets weekly and is attended by up to twenty children and ten adults, and also organises excursions to museums, nature reserves and other “educational destinations”.

This submission is on behalf of the group, following consultation with some of its members.

#### 3. EVIDENCE RELATING TO THE LONDON BOROUGH OF SUTTON

##### 3.1 *The duties of local authorities with regard to home education*

3.1.1 We believe that the information about Home Education given on the website of the London Borough of Sutton (<https://www.sutton.gov.uk/index.aspx?articleid=513>) is inaccurate and misleading, and does not comply with the Elective Home Education Guidelines for Local Authorities (<http://www.home-education.biz/EHE%202007.pdf>) on several points. The guidelines clearly state that “The DCSF recommends that each local authority provides written information about elective home education that is clear, accurate and sets out the

legal position, roles and responsibilities of both the local authority and parents.” The Sutton website is failing to adhere to this requirement in a number of ways.

3.1.2 The guidelines state that “Parents are not required to register or seek approval from the local authority to educate their children at home.” However the Sutton website states that “Parents making this decision should inform the headteacher of the school attended by their child and the school should then inform the LEA. If the child has never attended school, parents are asked to inform the LEA of their decision to educate at home.” Legally parents removing a child from school are required to inform the head teacher, but are not obliged to contact the LEA. In practice, the school will do this anyway, but it is still inaccurate. Furthermore, if the child has never attended school the parents have no legal obligation to inform the LEA, and although the above paragraph is carefully worded, we believe it could be misleading as some parents may confuse being “asked” to inform the LEA with being legally required to do so. The guidelines make it clear that:

“Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education...The guidance issued makes it clear that the duty does not apply to children who are being educated at home.”

3.1.3 The information given on the Sutton website is also inaccurate with regard to the type of education parents are required by law to provide. The following sections of the EHE guidelines make it clear that local authorities should not seek to control the type of education parents may offer.

“Local authorities should recognise that there are many approaches to educational provision, not just a ‘school at home’ model.”

“Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of “full-time”. 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”. The type of educational activity can be varied and flexible. Home educating parents are not required to:

- Teach the National Curriculum.
- Provide a broad and balanced education...
- Set hours during which education will take place...
- Observe school hours, days or terms”.

The Sutton website states that parents should offer:

- a broad and balanced curriculum;
- English, mathematics and information and communications technology (ICT); and
- opportunities for physical, social, spiritual and cultural development.

It also adds the following unnecessary advice about the time parents should devote to their child’s education. “A suggestion of a minimum of three hours per day has been offered.” While this is just a suggestion, we feel it may make parents feel that they should provide a structured education during set hours whereas the EHE guidelines make it clear that there is no need to do so.

### *3.2 What support (financial and otherwise) is currently available for home educators, including from local authorities and other bodies*

3.2.1 As far as we are aware, there is no financial support available for home educators in Sutton. Other support is minimal. The only support we are aware of is that home educated children may hire an instrument from Sutton Music Service.

### *3.3 The quality and accessibility of that support*

3.3.1 Sutton Music Service has been very helpful, and waived the requirement for children to be at school before they can access instrument hire. No other support has been offered.

### *3.4 Whether current arrangements for financial support are adequate*

3.4.1 There is no financial support available. We believe it would be in the best interests of children and families in the borough if some support were made available. This would be particularly important for single parents and families on a low income, and would enable them to have equal rights to choose whether to educate their children at school or otherwise. In particular, financial support for home educated children of secondary school age would be helpful to enable them to take GCSEs.

3.4.2 Having said that, we do not think the offer of financial or other resources should bind home educators to following a set curriculum, or agreeing to oversight of the LEA.

### 3.5 *What guidance is available for local authorities concerning their duties in regard to home education, and the quality of that guidance*

3.5.1 We believe the guidance available is clear and accurate, having read it, but it is not followed by many local authorities, including the London Borough of Sutton (as outlined in paragraph 3.1.2 and 3.1.3 above).

## 4. RECOMMENDATIONS

*Whether the Government needs to alter existing policy or arrangements concerning the support available for home educators*

- 4.1 The Government could serve the interests of children better by:
- ensuring that local authorities meet the EHE guidelines; and
  - Providing support to home educators, including:
    - financial support, particularly to enable home educated children to take GCSEs;
    - access to resources such as topic boxes, art materials, science equipment etc; and
    - encouraging flexi-schooling options.
  - funding an online free school to be used by home educated children.

July 2012

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### Written evidence submitted by Home Education Centre

#### SUMMARY

- Local authorities need to be encouraged to work with their home educating communities, using them as “experts” in their field to help shape their support strategies.
- Local authorities should be able to access funding to support EHE families, particularly those on low-incomes or with children with SEN, to assist with exam costs and educational resources.
- The current laws and guidelines with regards to Elective Home Education are sufficient and do not need to be changed.

#### 1. *The Home Education Centre: <http://www.homeeducationcentre.org.uk>*

1.1 The group is based in Chard, Somerset. It is a voluntary group, developed and run by home-educating parents, with members from Devon, Dorset and Somerset. It is a learning centre and meeting place for families from a diverse range of social and cultural backgrounds to share skills, advice and support. We have contact with and share ideas with other home education groups in the South West and nationally. The Home Education Centre also works on developing relationships with the local authorities, colleges and outside agencies, so that they may better understand and support the home education community.

1.2 The Home Education Centre has been running since 2004 steadily growing in numbers of members and working to improve the already supportive relationship with Somerset Local Authority.

#### 2. *The duties of local authorities with regard to home education*

2.1 Currently the duty of the LA is to identify those children not receiving a suitable education. The guidelines make it clear that this duty does not apply to children being educated at home. However, under Section 437(1) of the Education Act 1996, local authorities shall intervene “If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise...” Once it has been established that the child is being educated at home, there is no statutory duty in relation to monitoring the quality of home education on a routine basis. Local authorities are only “encouraged” to provide support to home-educating families, but do not have a duty to do so. Parents must be prepared to assume full financial responsibility, including bearing the cost of any public examinations.

#### 3. *Support (financial and otherwise) currently available for home educators, including from local authorities and other bodies*

3.1 As local authorities have no duty to provide support to home educators, very little money is made available to the departments responsible for EHE. This often results in insufficient training of staff and a lack of support available.

3.2 There is a great disparity across the country with regards to attitude, engagement and willingness to support home-educators from local authorities. Somerset has maintained a positive attitude towards EHE and we have had a good working relationship with the local authority throughout the eight years that we have been established. It is through this working relationship and Somerset’s willingness to support EHE, that in the past we have managed to accomplish the following:

- Working with Somerset LA and a local sixth form college (Richard Huish, Taunton) to establish an exam centre for HE students across the region.
- Somerset County Council awarded the Home Education Centre a £10,000 grant to purchase equipment to cover the learning requirements of children aged between 0–16 years old. The centre co-wrote the contract.
- The Home Education Centre along with other home educators in the area contributed copy for literature produced by the local authority for new EHE families.

3.3 Currently Somerset County Council will consider funding examination costs for home learners who have been registered with the LA for two years or more, are in NC Y10 or Y11 and taking core subjects. This includes invigilation costs but does not include extra costs incurred by late registration or coursework costs. The EHE Coordinator recently informed a family, that it helps to know families' plans in advance, so that they can budget accordingly. If children have been assessed for additional support or time during an exam then the Somerset EHE Coordinator will arrange any financial assistance towards access for support where possible.

3.4 Our centre, along with other home education organisations and groups across the country, offers support to home-educating families or those thinking of home-educating. This network of support is vital to families, helping to bring them together to share learning experiences and social networking, and in offering experienced advice, information, resource ideas and links to other useful bodies.

3.5 Families with children with SEN (Special Educational Needs) often have to rely on advice and information about home-educating a SEN child, from talking to other home-educating families with children of similar needs. Families can gain very useful, general information from organisations like; Somerset Dyslexia Association (<http://www.somersetdyslexia.co.uk>) and BIBIC (<http://www.bibic.org.uk>), but these kinds of organisations do not tend to have a specific policy on home education and experience in this area can be limited. The Somerset Dyslexia Association has a good understanding of home education, mainly through links to our centre.

#### 4. *The quality and accessibility of support*

4.1 From our work in supporting home-educating families in the area, it is evident that one of the greatest needs of families is to find local HE groups. Another frequently asked question especially from families with older children is how to find establishments that will accept external candidates for exams. Families, particularly those new to home education, want to talk to experienced, practising home-educators for support and advice, rather than local authorities.

4.2 There are now many links online to home education groups both nationally and locally for families to gain access to home education support networks. These networks are very good at supporting home-educating families in all aspects. However, new families who have recently left the school system usually have contact with local authorities first. Currently, not all local authorities are very good at sign-posting families towards home education groups in their area. Somerset have the contact details of home education organisations included in their "Information Pack for Parents and Carers", and Somerset EHE advisors will verbally inform families about local groups in their area.

4.3 Home-educating families registered with Somerset local authority are regularly sent leaflet packs containing general information on museum open days and free workshops that may be of interest. When asked, many members of our centre said they found the information not always of interest and would prefer that they were targeted at relevant family age groups or location. Upon receiving a county resources hire catalogue in the post, one member pointed out that several families in their area had previously received financial support for a sports taster course for their children and that the money wasted in postage for these unwanted catalogues could have been spent on similar such support. Local authorities, how ever well intentioned, need to better seek out what support is actually needed by its local EHE community, before spending its limited funds. Somerset is generally good in this area, but could improve such communications.

4.4 Somerset also send registered families details of EHE residential courses and activities that they can attend. These are met with a mixed response by our registered members. Although subsidised, they are often out of budget for many of our families. Those who can afford to attend, say the children have a good experience. Local authorities need to look at extending their support to make these educational experiences more accessible to low income families.

4.5 When families with a child with SEN de-register from school and start to home-educate, they often lose all links to the support for that SEN. This is particularly true where the child has no statement and they are receiving the SEN support through "School Action/Action Plus". Even with a Statement links can be lost if the Statement is written with a school setting in mind for the education of that child. Families who start home-educating and feel that their child needs continued support from language therapists, occupational therapists or physiotherapists need to start the process again, by contacting their GP and seeking referrals. It would be helpful to those families wishing to continue with all or part of their SEN support to retain such links. Perhaps this could be addressed in the SEND section of the upcoming Children and Families Bill. However for families who feel the SEN support is no longer appropriate or needed for the home education setting, there should be no obligation to maintain such links.



## 5. *Current arrangements for financial support are inadequate*

5.1 Our group (HEC) was lucky enough to receive a small grant in the first instance to assist in setting-up, and later another grant from Somerset CC for the purchasing of equipment and resources, which many families are now able to access. Somerset also previously offered a small amount of financial help to two other groups in order for them to start-up, further helping the EHE community. Helping HE groups to set-up is a good way for local authorities to assist more EHE families in their area, who otherwise they may be unable to support. Unfortunately, current financial circumstances within the local authority department means they are now unable to offer this kind of support.

5.2 Although local authorities have it within their power to enter home educated children on their Alternative Provision Census in order to support them with FE courses, exam programmes and SEN support, they are often unsure about this or reluctant to do so due to lack of “up-front” funds. Local authorities need more guidance on how to access this funding for home-educators. Many home-educators are also unaware of this option and those with children under 16 years who have been offered college places do not take them up as they feel unable to pay the course fees. Furthermore, there are home-educated children with SEN not gaining access to resources that could help with their education, because of financial constraints.

5.3 There is currently no support for families, even those on low income, for help with purchasing resources such as books, consumables, computer equipment and learning software or for enrichment activities. Could the Pupil Premium, be used by local authorities to better support low income EHE families?

## 6. *Support available for home-educated student’s transition to further education and higher education*

6.1 *GCSEs/A-levels*—In 2009, home educators were able to sit AQA or Edexcel GCSE or Edexcel IGCSE exams with Richard Huish College in Taunton, Somerset. However, over the last two years home educators have had difficulties accessing the controlled assessment aspect of the GCSE and have chosen the IGCSE instead.

6.2 Richard Huish College also offer an alternative route through to A-levels for home-educated children. Students can do Maths and English GCSEs with the re-sit students and do two AS levels in addition. The aim is to complete the GCSEs and AS levels in year one, complete the AS levels to A level in the second year and use the third year to add on other A levels, if they picked up additional AS levels in year two. In effect, it is a three year programme. Students can leave with two A levels after two years and can do foundation degrees. To date, all the home-educated students have stayed on to do three years.

6.3 The college state that they do not take on year 11 students due to funding and child protection issues, although they will accept students who are nearly 16 and will have their 16th birthday in the first term of AS.

6.4 *Purchasing coursework for exams*—There are a number of distance-learning colleges that provide coursework for GCSE/IGCSE subjects. The prices range from £180 up to £350 per subject. When families are spending considerable sums of money, it is important to make sure they are purchasing the right materials for them. For instance not all college coursework materials are laid out in a particularly dyslexia-friendly format. Currently, the only provision for information on these courses other than the colleges themselves, are home educators who have accessed these programmes of study and post information on a variety of home education forums. Families who are new to home education and not in contact with other EHE families or groups like ours, can find it difficult to obtain good advice and information on which courses would best suit them.

6.5 Some home educators, especially those on low income cannot afford the choice of GCSE/IGCSE exams for their children and have had to find alternative routes into jobs and FE colleges, but if children eventually wish to study individual subjects at a higher level, there is the expectation from some employers and educational institutions that children have completed GCSE qualifications.

6.6 Acknowledgment should be made to children who are educated at home as a consequence of struggling to learn in large institutions or classroom environments, be it through specific learning difficulties or bullying. Providing support to access FE colleges may not be suitable in these cases. Working with the local authority EHE team, could financial support be accessed to purchase coursework from distance learning colleges and enable these children to achieve their chosen goals?

6.7 *The Open University*—Home educated children under the age of 16 are able to access The Open University and study level 4 modules in a variety of subjects. The students receive financial support to cover the cost of fees, in the form of non-repayable grants through the university. These are the higher level courses aimed at adult learners and the university has a specific policy for accepting students under 18 on programmes of study and the provision for financial support to cover course fees: <http://www8.open.ac.uk/students/essential-documents/files/essential-docs-pl/file/ecms/web-content/admission-under-18.pdf>

6.8 *Alternative qualifications*—Home educated children from the area around Lyme Regis, Dorset have been able to access an adult learning centre; Lymenet. Previously, children from the age of 13/14 years could study and take qualifications free of charge, in Adult Literacy, Numeracy and the European Computer Driving License at the centre. These qualifications and learning support are still available, but due to changes in funding criteria, the centre charges under 16s for registration and sitting the tests. The qualifications available from September are the newer Functional Skills in Literacy, Numeracy and an updated European Computer Driving License.

To date, we are unaware if any family has contacted their local authority to establish if financial help is available for these.

*7. Improvements to support for home educators since the December 2009 recommendations of the Children's, Schools and Families committee*

7.1 Although Somerset maintain a good relationship with home-educators in the area, there has been a decline in effective financial support. As with many local authority departments there has been major re-organisation and cost-cutting. The department responsible for EHE no longer seems to be able to access the same level of funds to draw down to support EHE families and groups.

7.2 We have not been made aware of any significant improvements in support for home-educators within other counties in the area.

*8. Guidance available for local authorities concerning their duties in regard to home education, and the quality of that guidance*

8.1 The current laws and guidelines with regards to home education are sufficient and do not need to be changed. There are suitable powers available for the authorities to act if they have concerns about a child. Local authorities, should access training to improve understanding of these laws and guidelines and how to put them into practice. All local authorities need to be encouraged to work with local home educators, using them as "experts" in their field to help shape their support strategies. Somerset is an example of a good model where this kind of effective collaboration is taking place.

*9. Whether the Government needs to alter existing policy or arrangements concerning the support available for home educators*

9.1 Local authorities should provide support as an information advisory service. They should publish and regularly update information about available courses/coursework online, along with a list of all establishments that are willing to accept HE students as external exam candidates, plus how to access the facility. They should sign-post EHE families towards local HE groups in their area and also to other bodies that may be useful to families, particularly those with children with any SEN. They should assist EHE students who wish to gain work experience through placements, as is available to school children. Accessing this information should not require families to register and undertake yearly assessments.

9.2 Home education provides children a personalised learning in a one-to-one situation, resulting in children more than capable of taking examinations and moving onto further education. However, the decision to home educate quite often means that families have only one income or in the case of one parent families, little or no income. If the child had been attending school, the local authority would have paid in excess of £3,500 a year to educate that child, plus possible pupil premiums, further examination costs and any costs as a result of SEN. It is a reasonable request that the local authority support home educated students by covering the costs of any exams, if they have demonstrated an appropriate academic level, but are unable to access them because of the family's financial situation.

9.3 The Government should consider instigating a voucher scheme for home-educators to help families cover the costs of exams, courses, educational resources, equipment and activities. However, it should not be used as a tool by which to judge the quality of the education at home. It should be non-compulsory and those families that choose not to register for the scheme should not be judged as not providing their children with a suitable education. Some families prefer not to rely on the authorities at all and some may need no financial assistance.

July 2012

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**Written evidence submitted by Jayne Richardson**

**INTRODUCTION AND BACKGROUND**

I have been a local contact for home education in Cumbria for six years and have been home educating my own three children for the past nine years. The role of a Local Contact is to provide information and support for home educating families and those looking into the possibility of home education (HE). Support is offered by e-mail, telephone and personal contact. Part of my role as a local contact involves meeting with the people responsible for home education within the local authority (LA) to discuss home education matters, policy development and relations between home educators and the LA.

The issue of support can be very divisive within the home educating community, particularly when it comes to support from the state. Given the recent history between the government and home educators, during and immediately after the Badman Report, this should surprise no one.

I think one of the first factor that needs addressing in supporting all parents (not just home educating ones) is the subtle undermining and erosion of the parental role within our society as a whole. It is parents that are responsible for a child's upbringing, but much of the language coming from LAs and agencies dealing with

children and families suggests otherwise, we have a culture of treating parents with suspicion. Here in Cumbria we have asked the LA to amend documentation relating to home education that suggests that they care about our children as much as the parent does. This is blatantly not true, professional “concern” is not in the same league as parental love.

All Children’s Services personnel should be starting from the premise that most parents only want what’s best for their children. Thankfully, in Cumbria LA the person who heads up home education acknowledges this and treats families with respect. This is reflected in the generally good relations we have in Cumbria between the home education department and home educators. There is other legislation that gives LA personnel the powers to deal with the minority of parents who are failing in their parental responsibilities.

The person who takes the lead role for home education in within Cumbria LA has a good understanding of many forms of alternative education and the law relating to home education. Following recent spending cuts, Cumbria LA lost three out of four of its home education “consultants” and the department underwent a major reconstruction. Home educators were kept up to date with changes and great attention was paid to the training of new personnel and the result has been a remarkably smooth transition. It is very clear from national home education networks however, that having an LA that understands the law and alternative forms of education is not the norm. I have not commented on this further in my submission as I am sure others will be covering it in much greater detail.

Since our family began home education, we have seen access to some services become increasingly difficult. Home educated children used to be able to access courses through the adult education service and this has been stopped. The Open University was a very useful route to qualifications for home educators and this has now been made very difficult by the changes made to university funding. My eldest child was able to use a combination of GCSEs and Open University qualifications in order to gain access to a Level 3 course at a further education college, but this path will be difficult and expensive for his younger siblings to pursue.

Access to exam centres is a particular problem for home educators. Potentially many hours can be spent trying to find an exam centre that is willing to take external candidates or children having to travel many miles to sit exams. This summer we travelled over 200 miles in order to facilitate one of children to sit one GCSE. Our LAs HE leader has written to secondary school heads in Cumbria on a number of occasions, in order to try to improve access, with little success. One of the problems she has come up against is the head teacher agreeing to access and the exams officer taking the opposite view, or vice versa. Currently we have one secondary school in Cumbria that can be relied upon to take external candidates.

Access to FE college courses for 14 to 16 year olds is another problematic area. Some home educated children are ready to do such courses, find colleges that are willing to take them, only to be let down by prohibitively high fees. The only way of being able to get funding appears to be to persuade a local secondary school to agree to take the young person onto the school role in order to channel such funding. Our family has personal experience of trying this route and it was most unpleasant.

Although I have no experience with special needs provision, I understand it can be difficult for families to access the services and support they need if a child with special needs is withdrawn from school to be home educated. I know that Alternative Provision Funding is available, but my LA is reporting that there is a time lag between the start of the academic year and the school census causing payment delays, which is particularly problematic during the present financial constraints.

Home educated young people aged between 16 and 18 can be discriminated against by having great difficulty in accessing free optical care. I have taken this issue up with my MP, who has written to the Department of Health, but Lord Howe has stated that he expects the problem to be dealt with locally and that the Department will not be amending its policies. Our LAs HE leader has taken up the matter and is trying to resolve it, but has found it difficult to find who the right person is to write to. This is a disgrace and the policy needs amending at the earliest opportunity

#### WHAT I WOULD LIKE TO SEE

A requirement for all LA personnel who deal with home educators to have a correct understanding of the law relating to home education. They should also have a good understanding and preferably some experience of, alternative forms of education.

It should be much easier for families with children who have special needs to access support services and equipment.

I would like to make it clear that I personally would like access to services improved, but would not wish to see funding put in place. I feel that if home educators were to receive funding, say for exams, it would lead to more problems. Understandably, if tax payers money is being spent, checks would have to put in place to see that it is being spent properly and I suspect this would lead to more unwanted intrusion into home educators family lives. I suspect it could become divisive too, with LAs potentially discriminating against families who, for their own reasons, choose not to take public examinations.

FE colleges should be able to apply for funding directly for home educated students, if the tutors make the judgement that the young person is suited to the course.

State schools are publicly funded and should have a duty to help external candidates sit public exams. This would not only be beneficial to home educators, but wider members of the general public who may wish to improve their qualifications.

Restore access to adult education courses for under 16s. I can see no reason why a suitably motivated young person should be denied such access and a simple requirement to have a parent present on such courses should overcome child protection problems.

July 2012

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### Written evidence submitted by Croydon Council

Summary of the EHE Protocol in Croydon established since 2009 linked to the following specific issues identified by the Education Committee:

*Issue 1:* The duties of local authorities with regard to home education.

*Issue 2:* What support (financial and otherwise) is currently available for home educators, including from local authorities and other bodies.

*Issue 3:* The quality and accessibility of that support.

*Issue 4:* Whether current arrangements for financial support are adequate.

*Issue 5:* The support available for home educated students' transition to further education and higher education.

*Issue 6:* What improvements have been made to support for home educators since the December 2009 recommendations of the Children, Schools and Families Committee.

*Issue 7:* What guidance is available for local authorities concerning their duties in regard to home education, and the quality of that guidance.

*Issue 8:* Whether the government needs to alter existing policy or arrangements concerning the support available for home educators.

The Committee's inquiry will not be examining wider issues of home education. Such as safeguarding and curriculum issues, or the impact of home education.

1. Croydon works in line with DFE and Local Authority (LA) guidelines. The EHE Monitoring and Support Teacher conducts a termly review of procedures involving appropriate officers and feedback from home education organisations and parents. Any complaints are listened to and handled sensitively. (Link to: Issue 1; Issue 7)

2. Once a parent has registered their interest around home educating their child, the LA EHE Monitoring and Support Teacher arranges to meet with them to discuss their decision and to ensure that they understand their responsibility and are making an informed decision. (Link to: Issue 1; Issue 2; Issue 3; Issue 6; Issue 7)

3. If they proceed with the choice to home educate, the LA EHE Monitoring and Support Teacher arranges to meet with the family, usually in the home, although not always, within a period of three months from the initial registration (it usually falls within the school term following the registration) in order to view the education programme being implemented. The LA recognises that legally it does not have the right of access to the child's home although a home visit is the preferred option. Parents may choose to have a meeting outside of the home or to submit a written report or evidence. (Link to: Issue 1; Issue 2; Issue 3; Issue 6; and Issue 7)

4. If it can be concluded that the education provision is "efficient and suitable", the visits continue on an annual basis unless the parent requests it to be more frequent. In cases where there are concerns regarding the provision, a return or follow up visit is agreed at 6 week, 3 month or 6 month intervals depending on the level of concerns. These follow up visits are used to help the parent implement a more efficient and suitable education or to guide them to school admissions to apply for a school place. (Link to: Issue 1; Issue 2; Issue 3; Issue 6; Issue 7)

5. The LA recognises that there are many approaches to educational provision, not just a "school at home" model. What is suitable for one child may not be for another but all children should be involved in a learning process (Link to: Issue 1; Issue 2; Issue 3; Issue 6; Issue 7):

*"Thank you for coming today it was nice to meet with you, and you have helped us a lot. I am in the process of completing the application for (child's name) and he seems much happier now we have seen you."*

6. Each visit is followed up with a detailed written report which has been welcomed by parents (Link to: Issue 1; Issue 2; Issue 3; Issue 6 and Issue 7):

*"Just to say thank you for such a lovely report which we received yesterday. We both read eagerly and were delighted with such a comprehensive and complimentary account of (child's name) work".*

*"The comments were constructive and helpful".*

*“Thanks for the very supportive comments I received from you regarding (child’s name) education provision”.*

*“Thank you from the bottom of my heart for putting so much effort into it.”*

7. The emphasis since 2009 has been to establish and maintain good working relationships with parents and pupils. The procedures in place are clear, consistent, non-intrusive and timely providing a good foundation for the development of trusting relationships (Link to: Issue 1; Issue 2; Issue 3; Issue 6; and Issue 7):

*“I want to thank you for being so open minded and as supportive as you are. Without your positive feedback and encouragement the journey that we travel would be a lot harder. Your kind words give us so much energy to carry onwards with a path that so many see as going nowhere.”*

*“Thanks for all your support this year!”*

*“I can’t thank you enough for the support and guidance you have given us.”*

8. Opportunities for Croydon EHE families to meet have been explored since 2009 with the LA co-ordinating and facilitating a venue and refreshments. A range of advice and support was offered through these Gatherings throughout 2009, 2010 and 2011 including: an Educational Psychologist being available to conduct a surgery for anyone who might like to speak to them regarding any concerns that they might have about their child’s educational development; advice and guidance around GCSE exams and preparation; access and guidance to online resources; and a short presentation by Boost Croydon with reference to healthy living and Change for Life. Whilst this termly EHE “Gathering” was welcomed and valued by some it was only taken up by a very small percentage of EHE families (2% of those invited). Those that attended were responsive (Link to: Issue 1; Issue 2; Issue 3; Issue 5; Issue 6; Issue 7):

*“I would like to thank you so much for all the hard work you are doing on our behalf. With all those positives and not so positive things we talked about at ‘the gathering’ (I love that, it sounds so warm and positive) one of the worst is a feeling of isolation from the normal world and a sense that you don’t belong to anything. After Tuesday, not only did I feel I belonged to a group of really nice people, but that we had the support of a team of hard working professionals with our best interests at heart. So, again, thank you.”*

9. These Gatherings from 2009–11 were used to determine and understand that the key area of concern for EHE families was around examination preparation and provision. With effect from 2011 annual meetings are held early in the Autumn Term to offer guidance and advice about pursuing IGCSE and ALAN tests and examinations as private candidates through a local Alternative Learning Provision. EHE families with children in Key Stages 3 and 4 are personally invited to the meeting. The aim of the meeting is to offer advice, guidance and information about identifying exam boards and syllabus material. Parents often need support through his process and they are directed to useful websites and have the opportunity to share resources and education packs. They are provided an information pack with deadline dates and prices for exam provision using the Alternative Learning Provision as the examination centre. In 2012 18% of the Year 10 EHE pupils used this Alternative Learning Provision exam centre and 29% of the Year 11 EHE as well as one Year 8 pupil. (Link to: Issue 1; Issue 2; Issue 3; Issue 5; Issue 6)

10. In 2011 the LA utilised Alternative Provision Funding to access commissioned provision for a Year 10 EHE pupil. This consisted of an agreed college placement which included Year 10 Foundation Learning and working towards:

- Level 1 Child Care.
- Level 1 Employability and Personal Development.
- Level 1 or 2 in Numeracy, Literacy and ICT—or Functional Skills.
- Work placement in a nursery.

The agreement was for the young person to attend this placement for two days a week at £55 a day for one year and then look to extend her learning and qualifications in Year 11 to higher levels. The young person continued with her home education programme for the other three days of the week.

The parent retained the role of the person responsible for education provision. The parent was therefore responsible for determining the suitability (including but not limited to curriculum content, venue, course level, staff CRB checks), of the course.

The Provider agreed to provide weekly attendance data.

The Home Education Monitoring and Support Teacher’s agreed responsibility was as the named point of contact for parent and/or provider; to ensure that the young person was included in the alternative provision census; to monitor attendance and commitment to the course and follow up absence. In the event of sustained absence or disengagement with the course it was agreed that the EHE Monitoring and Support Teacher would authorise the termination of the funding. (Link to: Issue 1; Issue 2; Issue 3; Issue 4; Issue 5; Issue 6)

11. Minister for Schools, Nick Gibb has said that the guidance for the alternative provision census must clarify the section on home education to make it clear that local authorities can include home-educated children where the authority is paying for their education in a further education college or elsewhere, and so receive funding for these children through the dedicated schools grant.

A proposed placement for a young person to access a life skills package and work related learning through a training apprenticeship programme is currently being explored for a Year 10 pupil for 2012–13. It is intended that this will be funded through the DSG. There is no identified EHE budget to access and establishing agreement for funding is sometimes protracted simply through identifying the appropriate budget to access funds from. At this time, the costs being incurred for alternative provision of EHE is low. The indicated cost is at £260 a week for three days a week with the EHE being maintained for two days a week. (Link to: Issue 1; Issue 2; Issue 3; Issue 4; Issue 5; Issue 6; Issue 7; Issue 8)

12. Year 11 EHE positive destinations are enquired about through the Year 11 annual EHE monitoring visit or meeting. With the termination of the Connexions service advice and guidance for post 16 options is not so widely available and the Information and Guidance Service targets in particular young people who are considered to be vulnerable. A referral is made to Information and Guidance in cases in which a family is struggling with the process of seeking, identifying and applying for Further Education provision. In 2012 a programme was successfully negotiated for Year 11s without a school and who did not have a secure offer of education for September. Availability of places meant that this was offered to EHE students and seven EHE learners were put forward with two learners successfully engaging with the programme. This was a two week programme and included:

- a thorough initial and diagnostic which would inform exam registration;
- Registration onto Functional Skills Maths & English (Entry 3, Level 1 or level 2);
- Intensive maths and English lessons;
- Exam practice at relevant level;
- Examination at designated level; and
- Careers advice, application form filling for Post 16 college place.

Many EHE families successfully source Further Education provision (Link to: Issue 1; Issue 2; Issue 3; Issue 4; Issue 5; Issue 6; Issue 7; Issue 8):

*“The reports you wrote have been helpful when (child’s name) attended his 6th form interviews and has been offered places at all three colleges he chose”.*

13. Families that have been identified to have specific difficulties in successfully implementing effective home education are signposted to relevant professionals to benefit from specialist advice, support and activities. This has included: Positive Activities for Young People (PAYP); Croydon Auto Bike Scheme (part of the Croydon Youth Development Trust); and The Young Carers. (Link to: Issue 1; Issue 2; Issue 3; Issue 6)

14. Since 2009 Croydon has worked with parents to develop effective partnerships (Link to: Issue 1; Issue 2; Issue 3; Issue 5; Issue 6):

*“Thank you so much for all the encouragement that you gave us as a family on your visit and for giving us so much of your time. Thank you also for such a detailed report which I can refer to throughout the year. We really felt you genuinely cared about the children’s progress and their difficulties and I personally appreciated your professional support.”*

June 2012

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### Written evidence submitted by Leicester City Council

#### 1. *The duties of local authorities (LAs) with regard to Elective Home Education (EHE)*

1.1 LAs have a duty to make enquires to establish that a child of compulsory school age, who is not on roll at a mainstream school, is not missing education and should compile a register of such children. Whilst there is no presumption that children whose parents have chosen Elective Home Education are missing education, it is the Authority’s role to make contact with the family and find out what provision is being made. The appropriate way to do this is by contacting the family and asking for a meeting to discuss the home education provision.

1.2 In Leicester City there are currently 244 children on the EHE register (compared to 158 at the end of the last academic year).

1.3 The ethnic breakdown spreads across the range: the highest number is Indian (27) Somali (12) British (69) Traveller Irish Heritage and Roma (12).

1.4 The given reasons for choosing this model of education include religious and philosophical reasons (there is a large Islamic community of home educating families), SEN difficulties, not being able to access the school of choice and to avoid bullying.

1.5 Identifying the children educated in this way has proved problematic as families do not have to register with the LA. Schools do not always alert the LA, especially private schools and it is possible for children to be missed for some time. Use of NHS data has proved to be problematic and this is currently not a reliable way of identifying children whose source of education is not known.

1.6 Relationships between the LA and the EHE families are improving. Only this year a family of four children came forward as following EHE. The eldest child was Year 8 so they had been educating at home for a considerable amount of time. None of the children had ever been to school. They came forward because Home Educating friends had suggested contact with the Authority could be helpful. This case serves to illustrate how easy it is for families to remain “off the radar” if they choose.

1.7 Having identified the children, the terms under which their education is discussed are vague as the terms *full time*, *suitable* and *efficient* are yet to be defined. Authorities look to find a full time education suitable to age ability and aptitude and any special educational needs. The *Guidance to Local Authorities* (2007) notes that families do not have to follow a timetable, the National Curriculum, have a room equipped a class room or follow school hours. But there is no mention of what they do have to do. In Leicester we look for evidence of some work every day—some Numeracy, some Literacy, plus other subjects according to the child’s interests, plus trips and contact with other children. Some families do all of this and more.

1.8 Case Law, (Harrison and Harrison V Stevenson 1982) has established that any education that does not include instruction in Maths and English, if a child is capable of learning such things, cannot be considered suitable. However, on one recent occasion, the suggestion to a family that the child should be doing some maths and some English every day so that evidence of this this could be shown to the LA Officer was countered with the argument that they are following autonomous education and that any work the child does is the intellectual property of the child and should only be shared if they wish. So even if work in books is being completed, there can be no expectation that an authority can see it. This was coupled with the threat that a Barrister, a legal expert in EHE (who “has never lost a case yet”) would successfully challenge an LA who sought to prosecute a parent following EHE being deemed to be unsuitable where the parent then failed to comply with a School Attendance Order. The current Guidelines to Local Authorities mentions flexi-schooling as an option and many families ask about this and would like to access this. In Leicester City it is not encouraged due to the effect this has on marking the register and the problems for schools that unauthorised pupil absence can cause. In this instance the Guidelines offered something to families that schools find it difficult to deliver.

1.9 Child Employment and Child Performance licensing regulations do not refer to the Home Educated child. A properly established and regulated work experience is a valuable thing for Home Educated children, as it is for children educated within the mainstream sector. But time spent delivering leaflets for pocket money or working in a corner shop is not what is intended as work experience. This Authority has had to respond to a family who was not aware that the Child Employment regulations applied to their child even though he was not at school. The employer had licensed school age children as well but was convinced that the rules did not apply to him because the child concerned did not spend part of every day in a school building.

1.10 Children whose home language is not English can receive a basic education in English which fits the guidelines as they exist but may not give them the abilities required to successfully pass a GCSE examination or to secure suitable employment when old enough. Case Law has established that a home education should prepare a child for life in his/her own community as long as this does not foreclose their ability to take up a place in the wider community should they so wish. Offering basic English covers the requirements but does not offer the child the chance to expand and develop fluency. Many children on Leicester’s EHE list are learning Urdu and Arabic and fortunately also have English as a language in the home. There are now two families who are French speakers at home and whose families are being encouraged to access tutors to develop their English.

1.11 Tutors are largely unregulated and can have any, or no qualifications. There is no responsibility on parents for ensuring EHE tutors are CRB checked and/or have at least basic qualifications in the subjects they are offering. Local Authority staff can only encourage families to ensure their tutor has a CRB Enhanced Disclosure and that they are qualified. The Local Authority can see work that is being undertaken by the tutor and may agree that the child is working as well s/he can, but, the LA is not in a position to improve the quality of the teaching being offered and can only make suggestions and encourage the parent. For families of several children who want to educate their children at home tutors can become a very expensive undertaking and they may well opt for tutors that are ill qualified or unskilled.

1.12 As LA contact with a family and the frequency of looking at examples of work or viewing parents’ reports are often infrequent, much of a child’s compulsory education has passed by. Some families do not wish for meetings and discussions especially in their home and do not wish the LA to meet the child. One family stated that their child would be traumatised by such a meeting. Leicester City has prepared a questionnaire that families can use as a basis for reporting on the provision they make, but this does not always fit with the education being offered. And, in truth, a family could say they were doing anything with no real evidence being offered. If an LA feels there is insufficient evidence to agree the education is suitable they risk litigation. The question remains, does a parent’s right to a private life take precedence over a child’s right to an education and to access services?

1.13 Not all families feel comfortable discussing their education provision with the LA. There is also the idea of one-upping the Authority. Families who state that the authority is coming out on a home visit are questioned by others—“Why are you letting them in? You don’t have to.” and scare stories abound. Those families not known to the LA feel (anecdotally) that they might endanger their chosen way of life. They fear

that they will be inspected, that their home will be criticised and their parenting be called to account. It takes a brave (or really worried) family to overcome that.

*2. What support (financial and otherwise) is currently available for home educators, including from local authorities and other bodies?*

2.1 There is no automatically accessed financial support available for Home Educators. Money from the Direct Schools Grant is available to support children at School Action Plus or with Statements who are educated at home and to support students under 16 who wish to access college courses. There is no free access to Examinations.

2.2 A further point to note is that pupils from Gypsy Roma Traveller families would like, occasionally, to access Stride and other practical courses but have very strong cultural feelings about their children being enrolled at a school for the two days a week that they are not on the course. Access to practical courses would automatically improve the outcomes for GRT families in the medium and long term, but clarity for LAs and for families is essential.

2.3 In Leicester City the approach is one of support; families can contact the Home Education Adviser to discuss issues that relate to the children's education. The Adviser can find out other ways of satisfying their needs but it is often support families have to pay for at a time when there may be limited income coming in to the household. The Adviser offers advice regarding school re-admission and the admissions process, support for the child at CAF and TAF meetings and Reviews of Statements of SEN and at Case Conferences called by Children's Social Care Service.

2.4 Leicester City Council has a website that gives children and families access to things that happen automatically in school; for example, vaccinations, resources, exams and work experience. Being out of school should not foreclose their rights to these elements of life that schooled children take for granted.

*3. The quality and accessibility of EHE support*

3.1 Contact with families is carried out in Leicester City Council by a Home Education Adviser employed by Learning Services on a sessional basis. This officer has previously been an active member of the Staffordshire EHE Forum and has been working with Home Educating families in Leicester and Leicestershire since 2007. This member of staff has access to the Principal Education Welfare Officer to discuss any difficult cases and Children's Social Care when necessary.

3.2 Families can contact the Home Education Adviser either directly by phone or e-mail or through Learning Services or the Education Welfare Service.

3.3 The City Council's web site provides some answers to the questions families have often asked the Home Education Adviser and to ensure children who are out of school have access to similar services to those who are in school.

3.4 In Leicester City there is a stress on seeing (or contacting) Year 11 pupils before the Christmas in that year to encourage contact with the Connexions service. Many families have been enabled in this way to move on smoothly. The Home Education Adviser can write the "school" reference to satisfy requirements, but contact with the Adviser is necessary to do this.

3.5 Advice for families who wish to access higher education has not arisen at this stage because at the moment local authority involvement ends at the end of Year 11. With the raising of the participation age, this will change to end of Year 12 (2013) and Year 13 (2015) and it is anticipated that this will change the range of advice sought.

*4. Alterations to existing policy or arrangements concerning the support available for home educators*

Existing policy could be changed to:

- 4.1 acknowledge this as a legitimate model of education;
- 4.2 enable schools to offer flexi-schooling without there being an impact on the school's attendance figures;
- 4.3 allow access to free accredited qualifications;
- 4.4 clarify the position regarding the quality of the English teaching, speaking and usage;
- 4.5 allow families who choose to educate their child at home to access the support required to meet any special education needs without additional costs to the family;
- 4.6 ensure that there is clear accountability for any funds allocated;
- 4.7 establish clear systems for applying for that finance with guidance for what it can be spent on; and



4.8 within such clarity, to protect a Local Authority from contention and possible litigation.

July 2012

### Written evidence submitted by the Department for Education

#### EXECUTIVE SUMMARY

1. The Government respects the right of parents to educate their children at home. Home educating parents have always taken on the financial responsibility for the education of their children. Local authorities (LAs) do not receive funding specifically for home educated children in their area and so the scope to provide financial support to parents is limited. However, the Dedicated Schools Grant (DSG) does include funding for support of pupils with special educational needs, including those who are home educated. Future arrangements will also allow FE colleges to be funded for children aged 14–16 who have been home educated.

2. The extent of services for home educating families varies from authority to authority. Some provide advice on educational issues and others offer access to resources such as information packs, support materials and textbooks. Some also provide access to examination centres and FE college courses for children aged 14 and over. However, the picture around the country is variable and we understand that some authorities do not provide any support. We appreciate that some home educators would like more support than they currently receive, particularly with examination fees, as well as an increase in the number of examination centres willing to cater for home educated children.

3. We do not envisage providing any additional funding beyond that provided through the DSG arrangements as revised from 2013–14.

#### INTRODUCTION

4. Parents choosing home education for their children do so for a variety of reasons. It is an enormous responsibility. Whilst many children will thrive in a home educated environment, some parents may not be able to fulfil their responsibility to ensure that their child receives their educational entitlement. Whilst there are arrangements in place to enable the LA to act where a home educated child is not receiving a suitable education, the main mechanism for addressing this situation is through a school attendance order. Where a child is home educated because of difficulties they have had in school, we would like more LAs to offer full or part time alternative provision to complement or replace education at home, in accordance with parents' wishes.

5. There are no reliable figures for the number of children who are home educated. Various studies have estimated that around 20,000 home educated children are known to LAs, but home educators and LAs both acknowledge this number is likely to be higher as parents have no legal obligation to inform their LA that they are home educating.

#### SPECIFIC ISSUES EXAMINED

##### *The duties of local authorities with regard to home education*

6. LAs do not have specific duties in relation to home educated children other than where their duties also apply to all children in their area. LAs do 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 are not registered pupils at a school and are not receiving suitable education otherwise than at school” (section 436A of the Education Act 1996). Once children missing education have been identified, LAs have a duty to act. Under section 437(1) of the 1996 Act, a LA is required to intervene through the school attendance order framework “if it appears that a child of compulsory school age is not receiving suitable education, either by regular attendance at school or otherwise”. Authorities also have a general duty, when carrying out functions in the education context, to safeguard and promote the welfare of children—including children who are home educated (section 175 of the Education Act 2002). These duties only apply to home educated children where it appears that they are not receiving a suitable education or where there appear to be concerns about the safety and welfare of the child.

*What support (financial and otherwise) is currently available for home educators, including from local authorities and other bodies? What is its quality and accessibility?*

##### Special Educational Needs

7. When children with special educational needs (SEN) are withdrawn from school, they often lose ancillary services delivered through school (speech and language therapy, education psychology services for example). Home educating families can have significant difficulties gaining access to these services as there is often no delivery network outside school. It is not entirely clear why LAs do not make such support available. It could be because of a breakdown in relationships, or because the arrangements are not flexible enough to accommodate a child not in school, or simply because LAs feel that, as the parents have taken on responsibility for the education of their child, the parents themselves should arrange access to these services. Our view is that, for

children with statements who have more severe and complex needs, the LA should provide whatever is included in the statement that parents cannot reasonably provide themselves.

8. Following the Children, Schools and Families Select Committee Report in 2009, under the previous government, officials sent a letter to all Directors of Children's Services giving guidance to LAs in meeting their responsibilities and duties to home educated children with SEN. Additional guidance was issued in March 2010. The guidance focused on LAs' duties and parents' rights with regard to children with SEN statements. The Government confirmed that LAs should consider using their powers under the Education Act 1996 to make provision otherwise than at school for pupils with SEN. These could be used in individual cases to help parents who are home educating children with SEN to ensure that provision meets their children's needs. The guidance advised that, for children who were previously in school but were now home educated, and who had SEN but no statement, LAs should consider whether to continue offering support that had been provided to them whilst in school. In addition, the guidance included advice to LAs on funding for home educated pupils through the DSG.

9. The Department consulted on the SEN and Disability Green Paper, published in March 2011, and on 15 May 2011 it published its response to the consultation. The response set out the progress that has been made since publication of the Green Paper and the next steps which will be taken. These include the introduction of a Children and Families Bill, which will include provisions to replace the current statutory framework for meeting children and young people's SEN. The intention is that the current SEN assessments and statements will be replaced with a single assessment process, linking up a number of different assessments that children undergo, and Education, Health and Care Plans. The assessment process will be less paper based and involve more contact between parents and professionals and agreement between all the interested parties as to the contents of the Plan. These new arrangements will benefit all children with severe and complex SEN including those who are educated at home.

#### Access to Qualifications and Exam Centres

10. The extent of services and support for home educating children to take examinations varies from authority to authority. Many home educating families would like help in paying for the costs of examinations.

11. Young people who are home educated wishing to sit public examinations such as GCSEs and A levels need to be registered as "private candidates" with a school or college in order to take examinations and complete any controlled assessment/coursework. This is because examinations and controlled assessment/coursework have to be taken under strict conditions that meet requirements laid down by awarding bodies. This is to ensure that, for example, the work produced is the candidate's own and the required timetabling arrangements are followed. Schools and colleges have to be approved by awarding bodies as "examination centres" that are able to comply with the requirements laid down; they are then inspected on a routine basis to secure ongoing compliance.

12. Schools and colleges are under no obligation to provide examination facilities for candidates who are not on their roll and we believe that schools and colleges are best placed to make decisions about how to manage examinations themselves. Whether to accept private candidates is therefore a matter to be decided locally, which results in a mixed picture of provision for home educated children. In some parts of the country suitable examination centres can be hard to find for home educated candidates. Representations have been made to us that this can be a major problem for those electing to home educate.

13. The Department encourages maintained schools and further education colleges to provide facilities for young people who are home educated to sit their examinations. The Department provides relevant training, advice and support to examination officers. Guidance to examination officers on tackling the obstacles associated with accepting private candidates is available on our website.

14. We understand that awarding bodies try to assist private candidates where they can. They will provide candidates with any information they hold on examination centres that are known to accept private candidates. They also publish guidance for private candidates and for examination officers.

15. We recognise that examination fees can be a significant cost to parents home educating their children. The awarding organisations charge centres fees that relate to their work in developing, processing and awarding qualifications. Examination centres, which are usually schools or Further Education Colleges, need to pass any costs on to the families of candidates who do not attract public funding. Where schools or colleges provide facilities for private candidates, they will incur costs such as additional invigilation, and administration and marking of internally assessed units such as controlled assessment/coursework. These costs will also need to be reflected in the charges a centre makes to home educating families.

#### Work Experience

16. Work experience is not a statutory requirement for young people in education. Currently there is a statutory duty for young people at Key Stage 4 in schools to undertake work related learning, but this can take many forms. We recently consulted on proposals to remove this duty, so as to place the emphasis on post-16 work experience. Subject to the agreement of Parliament (Lords debate scheduled for 23.7) The duty to provide work related learning in KS4 will be removed from September 2012 in line with the recommendations of the

Wolf Review of Vocational Education. At present over 95% of Key Stage 4 pupils go on placements each year. In most cases, the placements are arranged through a LA or school governing body who can ensure appropriate safeguarding arrangements are in place for the duration of the placements.

17. Children educated at home do not have a legal entitlement to participate in work experience under arrangements made by a LA. LAs are, however, encouraged to help parents of home educated children who wish to pursue work experience through such arrangements. Where home educated children do participate in such schemes, our view is that LAs should consider the extent to which such children are covered by, for example, the health and safety, child protection and insurance provision made on behalf of school children, often by intermediary bodies, which are necessary to safeguard the child. These requirements should not be burdensome and the Government is working on simplification. New guidance is being prepared which will consider the needs of home educated children.

#### Careers Guidance

18. Home educated young people can access information about the full range of post-16 options, including a directory of courses in their local area, through the National Careers Service website. They can talk through options and receive tailored advice from an appropriately qualified adviser on the National Careers Service helpline.

#### Financial Support

19. Parents take on the full financial responsibility for their children except in specific circumstances in which funding is provided through the DSG.

20. Under the new funding system from April 2013–14, LAs will have an identified High Needs Block within their DSG to enable them to fund children and young people with special educational needs or who require alternative provision to that in schools. The principle is that this block is provided for all residents of the LA, and should be used where appropriate to assist home educated children. There is guidance describing eligibility for various categories of pupil covered by DSG.

21. The Government has accepted the recommendation in the Wolf Report that FE colleges should in future be able to offer places to children aged 14–16 and be paid for this directly rather than through the LA. We will ensure that these arrangements cover individual children who are accepted by FE colleges following a period of home education.

#### *Whether current arrangements for financial support are adequate*

22. The new funding arrangements should make clearer to LAs and colleges the circumstances in which they receive funding that should be applied to all children, including those who are home educated.

#### *The support available for home educated students' transition to further education and higher education*

23. The Department for Business, Innovation and Skills advises that there is limited support for home educated children. Higher Education Institutions (HEIs) offer a range of support to new students, but the scope and nature of the support available is at the discretion of each HEI. HEIs are all independent and operate in ways that best fit their circumstances. A new approach to widening participation and fair access has replaced the Aim Higher programme with the National Scholarship Programme (NSP). The NSP will provide extra support for eligible students from low income families entering higher education from autumn 2012. Each eligible full-time student will receive a benefit of not less than £3,000 (with pro rata awards for part time students).

24. Institutions will design their own arrangements and determine their own eligibility criteria for admissions. They will offer help from a menu of support which includes: a fee waiver or discount; a free foundation year; discounted accommodation or other similar institutional service; and a financial scholarship/bursary—capped as a cash award at £1,000.

25. The Government is contributing £50 million in the first year (2012–13), rising to £100 million in 2013–14 and £150 million a year from 2014–15. Institutions are providing matched funding. It is designed to help students from families with low incomes (not greater than £25k a year). Institutions decide who to help from this broad group according to their own priorities and are responsible for making individual awards to students. The help from the NSP is in addition to any support that the student may receive from the Government's student support arrangements.

26. The NSP is mentioned in the Student Finance Tours that visit schools. It is also promoted via websites and universities, and where LAs are providers of Information, Advice and Guidance.

*What improvements have been made to support for home educators since the December 2009 recommendations of the Children, Schools and Families Committee?*

27. Following the Committee's recommendation for urgent action 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, a letter was sent in Feb 2010 from the Department to all Directors of Children's Services providing guidance to LAs in meeting their responsibilities and duties to home educated children with SEN. Guidance in relation to home educated pupils with SEN is described in paragraphs 8 and 9 above.

*What guidance is available for local authorities concerning their duties in regard to home education, and the quality of that guidance?*

28. Elective Home Education—Guidelines for Local Authorities (non-statutory) was published in November 2007 with the aim of supporting LAs in carrying out their statutory responsibilities with regard to home education. The guidelines encourage good practice by setting out the legislative position and roles and responsibilities of LAs and parents in relation to children who are educated at home. The guidelines have been well received by home educators although LAs believe that they do not assist with cases where home education is of poor quality.

29. There is separate guidance in relation to home educated pupils with SEN, and other guidance relating to funding, which are described in paragraphs 8 and 21 above.

*Whether the Government needs to alter existing policy or arrangements concerning the support available for home educators?*

30. We recognise that it is not always easy for home educated children to receive the same level of support as children at school. Whilst the Department's position is that we do not envisage providing any additional funding for the foreseeable future beyond that provided through the DSG under the new funding arrangements from 2013–14, where we are reviewing policies that affect home education, we will assess the potential impact on home educating families. Paragraph 17, for example, describes revisions underway to guidance on work experience.

July 2012

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#### **Further evidence submitted by the Home Education Centre**

##### **HOME EDUCATION; A VALID EDUCATIONAL OPTION, WITH POSITIVE OUTCOMES FOR CHILDREN**

(FURTHER EVIDENCE FOR THE EDUCATION COMMITTEE'S INQUIRY INTO THE SUPPORT FOR HOME EDUCATION, FROM ZENA HODGSON, TRUSTEE & SUPPORT ADVISOR FOR THE HOME EDUCATION CENTRE, CHARD, SOMERSET.)

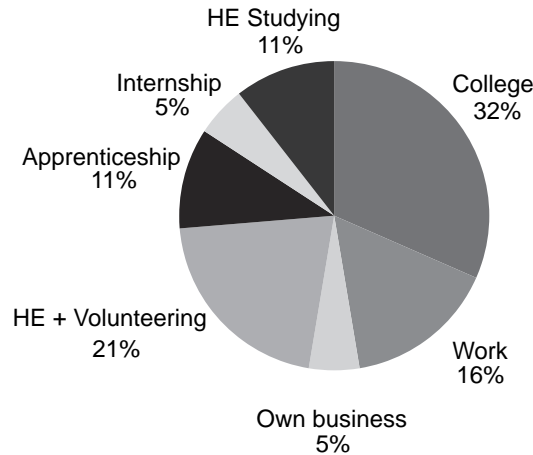
Following the Oral Evidence session of 5 September 2012, it was suggested that more research to determine the outcomes for home educated children would be useful. Given the limited time for further evidence to be submitted to the Education Committee for their current inquiry into the "support for home education" a substantial research project could not be undertaken. However, contacting families through local email lists enabled a small survey of local home educating families in the Somerset, Dorset and Devon borders area to be carried out.

A small questionnaire was sent out to families, inviting those with older children to respond. The following 8 questions were asked:

- (1) What is your child doing now (being educated at home, at college, in work, volunteering etc.)?
- (2) How did you enable them to get to college, work, placement, etc. and was it easy or difficult?
- (3) Have they gained any qualifications of any kind?
- (4) Did you approach your local authority for support, financial or otherwise? If yes, what kind of support did you request and did you get what you requested?
- (5) Would you like support, financial or otherwise, from your local authority or central government? If yes, what kind of support would you like?
- (6) Are there any other comments you would like to make?
- (7) Which is your Local Authority?
- (8) How old is/are your child/children?

Replies were received in respect of 17 young people who had been home-educated—none of them were NEET.

1.0 What is your child doing now (being educated at home, at college, in work, volunteering etc.)?



1.1 The chart below indicates what the young people are presently doing:

2.0 How did you enable them to get to college, work, placement, etc. and was it easy or difficult?

2.1 Of those young people who entered college, they did so by a variety of non-standard methods. Whether they had 1 or 2 GCSEs, level 1 and/or level 2 qualifications, Open University credits or no qualifications, all had to meet tutors usually with portfolios and references. Most families reported that the process was a difficult one. In the first instance some found it difficult to find the right person to talk to, then there followed lots of negotiation. Perseverance was needed. For one child under 16 the college was happy to offer a place, but did not know how to access funding—the parents through their MP, were put into contact with the right person at the council who could then advise the college. One family's child was refused a place at college due to lack of GCSEs despite being initially told this would not be an issue, allowing the child to go through the application process, but then refusing a place for this reason.

2.2 Parents generally found it difficult to find information, advice and the right people to talk to about their children's options. Most undertook extensive research online and talked to other HE families to learn from their experiences. Many paid for their children's exams.

One family highlighted the fact that their child's FE choices were restricted, as they were unable to find a place to sit GCSE maths and English at the proper stage, the situation made worse by financial constraints. Without those GCSEs the child was unable to have the option to study the A level course they were interested in and instead had to choose a Btec in a completely different area of study.

2.3 Volunteering work was again found through various channels, including through participating in the Duke of Edinburgh award scheme and using an independent company.

2.4 Parents of SEN children said it was particularly difficult researching the right courses and helping their children study GCSEs at home, but very rewarding and easier than finding appropriate education elsewhere. Many said that funds to purchase equipment and resources to support their children's learning needs would have been helpful.

2.5 It is worth noting here that the situation for families with SEN children wishing to take exams, can be a very expensive one. If families opt to educate at home, but ask for support, then surely Government can more than justify financial support for the costs of specialist materials (that would have been accessed through school). This includes the cost of diagnostic assessments, necessary to establish exactly what the child is doing as he/she learns and therefore receive the right support for their needs and access requirements in exams (about £400). Also the cost of sitting those exams with the extra support. For example, if it is recommended that a child have a room on their own, access to a laptop and extra time, this is a lot more expensive than sitting at the back of a hall with everyone else. Not all exam centres offer this and it can cost families a lot more for each exam.

3.0 Have they gained any qualifications of any kind?

3.1 The various qualifications obtained by these 17 young people are listed below; the numbers in brackets indicates how many children obtained that particular qualification:

Literacy Keyskills level 1—(2)

Literacy Keyskills level 2—(6)

Numeracy Keyskills level 1—(3)

Numeracy Keyskills level 2—(5)

ECDL (ICT)—(3)

Food Hygiene certificate (1)

Level 2—Sports Leadership, Sailing, & Powerboat Driving (1)

NVQ level 1—outdoor activity & sports, life guard, first aid (1)

GCSEs (A-C)—(4 students gaining; 1 GCSE, 2 GCSEs, 7 GCSEs, 8 GCSEs)

GCSE grade D—(1 student gaining 4 GCSEs)

AS levels (A-C)—(1 student gaining 4 AS)

A2 levels (A-C)—(1 student gaining 4 A2)

A level equivalent—documentary film-making (1)

FHEQ Level 4 courses with Open University 110 credits gained (1)

BA Hons 2:1—(1)

Foundation Diploma (distinction)—(1)

Btec National Diploma—(4 students(2 with distinctions))

Level 3—Electrical installation—(1)

PADI scuba—open water, advanced open water, rescue (1)

BCUI kayaking/club standard (2)

Duke of Edinburgh Bronze (2), Silver (1)

4.0 *Did you approach your local authority for support, financial or otherwise? If yes, what kind of support did you request and did you get what you requested?*

4.1 Yes—11 responses.

**Successful** support requests:

- One family was successful in gaining funding for under 16 course fees and exams.
- One family was successful in gaining funding for GCSE exam
- References from EHE advisor for one young person, for all part-time work, voluntary work and college placement.
- **Refused** support requests:
  - Access to Learning Centre for under 16 part-time study for GCSE maths & english.
  - Asked to be teamed with local school to purchase books/resources at school rates, plus access to exam centre.
  - Funding for subjects outside of parental ability to cater for, access to exam centre, laptop for SEN issues.
  - Funding for SEN support, including IT equipment.
  - Test for dyslexia

4.2 No—6 responses.

4.3 In addition, three children were given bursaries by the colleges to help with travel costs.

One child received funds from The Prince's Trust for a laptop. The student studying with Open University was funded through a non-repayable grant (no longer available).

5.0 *Would you like support, financial or otherwise, from your local authority or central government? If yes, what kind of support would you like?*

5.1 All families said Yes, they would like there to be the option for meaningful support, but there was a lot of concern about the conditions of the support, especially with any financial support. Conditions such as LA monitoring, leading to LAs giving unwanted advice and impositions to families. Families generally did not want any interference from local authorities, but would like the option to approach their LA at various times as a service provider.

5.2 Most requests were for better access to exam centres, community learning opportunities, sports, and to be on an equal footing with school children with regards access to IT, exams & resources. Many families would also like to see more visible information and advice available to parents and young people, and for colleges to be made more aware of non-standard entry home-educated students.

5.3 For families with SEN children, there were requests for better advice and support when children are young, help with purchasing specialist equipment, resources and IT to better support their learning needs and help with transition to college.

5.4 Some families would like funding for exam fees. Some would like support and funding for under 16yrs to access local courses and part-time college courses, including help with travel costs.

Two families said they would like to see a grant or voucher equivalent in value to that of the amount allocated for a school child for state education. One parent continued that it should not be means tested or restricted in any way and be for the child to spend on their education however they wish.

#### 6.0 *Are there any other comments you would like to make?*

6.1 Parents expressed a desire to see a more collaborative approach between LAs and families. One of the families had not contacted their LA, as friends who did had a bad experience, so they were put off themselves.

6.2 Families would like there to be better links with colleges, LAs and home education organisations and groups. Some of those families whose children went onto college found the whole process, confusing and difficult to navigate. Even with HE children gaining great references, it can be hard to gain access to exams and colleges as a non-standard entry.

6.3 Families would like to see better information and advice made available. One parent commented “If you in any way whatsoever deviate\* from “normal” mainstream education, it is very very very hard to find what alternatives there are for your child. \*Deviation may include dyslexia, unhappiness, illness, anything at all that affects a child’s well-being in a school environment.”

6.4 Families felt that home education was a very valid option, especially for children with dyslexia or on the autistic spectrum, who would have found school too stressful. However, they would have liked more support from LAs in choosing this option (as one parent pointed out), especially as it can be a more cost effective option for the LA.

6.5 Concerns were raised that the change to tuition fee arrangements has made access to the Open University almost impossible. This further limits families to the GCSE/IGCSE, requiring the need to revert to learning in the same fashion as in mainstream schools. Many families remove their children from mainstream schooling, as it is this narrow style of testing (that dictates learning), that can be so difficult for some children. It is a specific qualification for a specific type of learner and does not allow everyone to demonstrate their true abilities.

#### 7.0 *Which is your local Authority?*

Devon—(3)

Dorset—(8)

Somerset (6)

#### 8.0 *How old is/are your child/children?*

12 yrs

13 yrs

14 yrs

15 yrs (4)

16 yrs (3)

18 yrs (2)

19 yrs (2)

21 yrs

22 yrs

25 yrs

#### 9.0 *Past support survey at HEC*

In 2010 we asked our members at the Home Education Centre, if you could have unconditional support from local authority or central government, what kind of support would you like. This is the wish list that they came up with:

9.1 *Support requested by Home Education Centre members.*

- Free exams.
- Easy access to exam centres.
- Grants/vouchers for books, music lessons, instrument hire, sports lessons, swimming lessons and general consumable resources.
- Concessionary rates for HE families visiting museums/places of historical interest/theatres.
- Support with purchasing specialist resources/equipment for children with SEN.
- Support with assessments for Specific Learning Difficulties like dyslexia.
- Support and greater understanding for single parent families: currently there is no income support available for parents of children over 10 years of age. This will be dropped to 7 years of age in September 2010. Parents are offered Job Seekers allowance, but seeking employment is not always possible in the EHE situation.
- Access to sports centres/facilities during school hours, (presently they tailor services to adults during these hours).
- Extended borrowing time allowed for library books.
- Money and more political support to set up more centres like HEC.
- Information made more readily available about educational offers/discounts as supplied to schools.
- List of recommended private tutors in each area.
- Access to vocational 14—19 yrs courses.
- Support for Adult Education Centres to extend their remit and services to HE children

9.2 Families were fairly unanimous in that they would not seek out any of the above support (if offered) if it came with conditions and interference from the local authority.

November 2012

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**Written evidence submitted by Melissa Young**

1. Summary

The purpose of this submission is to show the support available for home educators, financial and otherwise, and review progress in this area since the 2009 report of the Children, Schools and Families Committee and is written on behalf of the Elective Home Education (EHE) Shared Service which consists of Warrington, Knowsley and the Wirral Local Authorities. This submission indicates that:

- The non financial support available to parents within Warrington, Knowsley and the Wirral is both accessible and of a high quality, a position enhanced through the establishment of the EHE Shared Service;
- Additional guidance and resources are required to provide parents with financial support to assist with exam preparation and entry; and
- More guidance is required from Government to set policy that will inform the expectations placed upon EHE parents and inform the duties placed on the Local Authority.

2. In response to the specific statements being raised:

2.1 *“The duties of local authorities with regard to home education.”*

The EHE shared service uses the following government guidance to inform the local authority’s duty:

The law requires Local Authorities to be satisfied that parents are providing a “full—time”, “efficient” and “suitable” education, which takes account of “their age, ability and aptitude and any special needs that the child may have.”

*“If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.”*

Education Act 1996 s437—s433

Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006 to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education.

Local authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states: “A local education authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children.”



2.1 “What support (financial and otherwise) is currently available for home educators, including from local authorities and other bodies”.

Within the Elective Home Education (EHE) Shared Service the following support is available for home educators.

- Access to the EHE shared service website, which offers support, guidance and resources. A log in area offers support specifically for families within Warrington, Knowsley and the Wirral.
- Access to a designated shared service hotline, for advice and support for families home educating or considering doing so.
- Support with SEN; access to LA professionals to support statementing.
- Face to face verbal support from an educational professional to help families achieve their end goal with regards to education.
- Family support, access to LA services and additional support eg CAHMS, CAF completion.
- Clear guidance about the LA’s role and responsibilities.
- Advice prior to deregistration.
- Access to the LA careers service to gain support and guidance re post 16 options.
- Help regarding relationship building with other EHE families, via individual referrals or signposting to EHE network groups.
- Signposting to continuing health services.

2.2 “The quality and accessibility of that support”.

The quality of support for home educating families is a very good. The high quality service has led to the development of the EHE shared service, which provides access to a wide range of high quality educational support that can be accessed by any home educating family, with additional support for families within its own local authority areas. The combined experience of educational professionals within this service is a high quality resource for home educating families.

2.3 “Whether current arrangements for financial support are adequate”.

The EHE shared service believes that current arrangements for financial support are inadequate.

Without ring fencing specific financial support for EHE exam preparation and entry, many families will be unable to access the broad curriculum available to all children in mainstream schools.

Many parents cannot afford to pay for exam entry pre 16. This will become a much larger problem when the participation age is raised to 18 and children with few or no qualifications are expected to remain in education and/or training

2.4 “*The support available for home educated students’ transition to further education and higher education*”

The EHE shared service provides information on their website about options for further education.

EHE children also have access to careers advice at the age of 15 and beyond from a designated careers advisory team.

Other charity organisations also offer EHE support with post 16 options egXPAND.

Additional support is also given via face to face communication with EHE families on annual visits or when help is requested.

2.5 “What improvements have been made to support home educators since December 2009 recommendations of the Children, Schools and Families Committee”.

The establishment of an EHE shared service has improved the quality of service on offer to the EHE families in our area.

Clear written policies are now available in each authority outlining to all parties involved their roles and responsibilities with regards to home education. These are available via the shared service website for families.

The frequency of home visits has increased for families needing additional support.

In each authority within the shared service there is a single designated point of contact for EHE families.

The EHE shared service local authorities have all promoted early intervention with families considering home educating, to address matters such as school refusal or bullying at the earliest possible opportunity.

2.6 “What guidance is available for local authorities concerning their duty to home education, and the quality of that guidance”

There is very little guidance available for local authorities concerning their duty to home education. The quality of the information given is vague and not well defined.

There is no clear definition of what is a “suitable and efficient” education.

There is also a lack of guidance to assist local authorities to identify families who may be home educated and not registered with the LA.

2.7 “Whether the Government needs to alter existing policy or arrangements concerning the support available for home educators”.

Yes. Accessibility to ring fenced financial support in every authority would enable more EHE students to continue in education for longer and improve the level of qualifications gained, giving children more options post 16.

Clear guidance about what is a “suitable” and “efficient” education is also essential.

June 2012

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#### **Further Evidence submitted by Anne Brown**

Please accept the following as an addendum to my original submission to the Select Committee’s call for evidence of support for home educators, which I reproduce below. The additional evidence refers to the following categories

##### **“The quality of the support available for home educators”**

##### **“What guidance is available for local authorities concerning their duties in regard to home education, and the quality of that guidance”**

Since I made my original submission Poole Council have provided me with a draft report on my Stage 2 complaint which states “Legal requirements for parents of Elective Home Education (EHE) pupils with Statements of SEN are different to the legal requirements for Local Authorities. As stated in 3.13 of the Department for Education, Children, Schools and Families Guidelines for Elective Home Education Parents of pupils who are EHE are not required to formally assess progress or to set developmental objectives. The Local Authority is however required to set objectives and monitor progress towards these objectives for all pupils who have Statements of SEN whether they are HE or not. “

If this interpretation of the guidance is correct then it appears both farcical and a waste of resources at a time when these are in very short supply. I would suggest that it needs urgent clarification even though I am aware that the SSEN system is not considered fit for purpose in its current form and is due to be replaced in 2014 with a new system, which I hope will contain far clearer guidance about the way that annual reviews should be conducted for those children who are home educated, often because suitable facilities have not been provided for them within the conventional system.

The paperwork relating to the statement review has also arrived, complete with the information that they were sending copies to the “Head Teacher—Home Educated.” When I asked them to clarify the statutory basis for this title, it’s duties and responsibilities and which home educated children it applied to. I was quickly told that it was a mistake and that the member of staff’s job title remained “Principle Educational Psychologist and Strategy Manager for SEN”

I am certain that using that title in correspondence with a home educating parent was a mistake, and that using it at a time when that parent is challenging the Council’s assumption of powers and duties that it does not legally possess shows at best a lack of care and consideration. At worst, it could be seen as an attempt to claim control over them, that, had I made it public, would have done further damage to the already fragile relationships that many home educators have with their local authorities because they do not trust them.

The annual round of correcting inaccuracies and challenging their attempts to assume authority they do not have and judge us by standards we do not have to set when we home educate because our children were failed by their schools not only does not support us, the two to three months it typically takes eats drastically into the very limited spare time I have because of my multiple roles of parent, educator and carer for two disabled children. (I can, if you wish, provide letters from Poole Council conceding that they were aware that my children were not receiving the facilities in their statements and were being bullied on the grounds of their disability while they were educated in council run schools and that the continuing abuse we live with has now not been investigated properly on two occasions, the second of which while the LGO was investigating the accusation of maladministration which was subsequently upheld.)

My original submission was as follows—

#### **SUBMISSION BY ANNE BROWN TO THE “INQUIRY INTO SUPPORT FOR HOME EDUCATION”**

My “area of expertise” is that I have been home educating my two children either part time or full time for the last five years. They are multiply exceptional because they are both high functioning autistic and gifted and talented. Their limitations are in their physical co-ordination and the area of human interaction and understanding the far less logical and literal mindset of the non-autistic majority of the population, and, in my son’s case, because he has elective mutism, which limits his ability to communicate with people he does not

know and trust. They also have sensory hyperacusis, which is abnormally sensitive senses of smell, hearing and touch especially when under stress, and this means that the noisy, smelly, crowded environment of a school is not a location where they can function well, let alone learn effectively. All these conditions and abilities have been formally diagnosed and documented and make up two very unusual children whose quality of life is drastically improved by the freedom that home education gives us to use facilities at quiet times and tailor lessons to their specific needs.

We came to home education not as a lifestyle choice but because there was no school provision that could accommodate their very different combinations of weaknesses and strengths. Both of them have SSSEN but they did not receive the support specified within them while they were at school. They were also systematically bullied and this bullying has continued since we withdrew them from school. In May 2012 the Local Government Ombudsman stated that Poole Council had failed to deal appropriately with the abuse we have been suffering.

I am currently lead administrator on a forum for home educators who use structure some or all of the time. "A Little Bit of Structure" has made a separate submission on behalf of its 443 members, which I wrote, but my experience has been so negative that I decided to submit it as a separate report. I believe that the way that I have been treated has been caused mainly because my children do not fit any category and that whipping up controversy and encouraging people not to engage with their Local Authorities because they are frightened of what might happen to them will not improve the situation.

#### *(1) The Duties of Local Authorities with regard to Home Education*

These appear to be summed up by section 7 of the Education Act 1996, which states "The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—(a) to his age, ability and aptitude, and (b) to any special educational needs he may have, either by regular attendance at school or otherwise." This seems to place responsibility squarely on the parents, with the Council's duty to intervene only if it has reason to suspect that such an education is not taking place.

The elective home education guidelines that were issued in 2007 provide clear information for Councils on what their legal duties and responsibilities are with respect for home education. Poole Council do not follow these guidelines and I am very grateful to Mr Graham Stuart MP, chair of this committee, who has already contacted the Department for Education and requested that Poole Council are advised that their guidelines need amending. Their current guidelines may be found here—[HYPERLINK "http://www.boroughofpoole.com/education-and-learning/school-and-colleges/elective-home-education/"](http://www.boroughofpoole.com/education-and-learning/school-and-colleges/elective-home-education/)

<http://www.boroughofpoole.com/education-and-learning/school-and-colleges/elective-home-education/>  
 HYPERLINK "http://www.boroughofpoole.com/education-and-learning/school-and-colleges/elective-home-education/"  
<http://www.boroughofpoole.com/education-and-learning/school-and-colleges/elective-home-education/>

#### *(2) What support (financial and otherwise) is currently available for home educators, including from local authorities and other bodies.*

Most of the support for home educators comes from other home educators, and I welcome the wide variety of forums and groups that mean that everyone can find a group where they feel they belong. The forum I help to run, for instance, maintains a resources blog where we share details of educational resources that have worked for us and we are lucky enough to have a wide and varied membership that includes past, present and future home educators who are willing to share their knowledge in a nonjudgmental fashion.

I also belong to HE-Special, which is a forum for home educators whose children have special needs or disabilities. That has been very helpful, especially when my son added epilepsy to his already extensive list of conditions last year and I needed advice on how to manage the double impact of epilepsy and autism, and to know what questions I should be asking medical professionals.

Poole Council has always made it clear that they are under no legal duty to support home educators and have no intention of doing so even when funds are available under the "Alternative Provision". Their attitude to home educators can best be described as "guilty until proven guilty". I am aware of several cases where parents have been "door-stepped" by Education Welfare Officers who claimed rights of access and powers that they do not possess and they persistently and incorrectly conflate home education with welfare.

As part of the investigation into hate crime against my family which I referred to above CYPIS considered the curriculum we follow relevant enough to our risk of being attacked in the street to include it in a risk assessment, but did not consider the fact that the National Autistic Society's research shows that my children are at an 82% risk of attack because of their autism worthy of inclusion. Despite repeated requests, they have never explained why.

My children both have SSSEN, and are therefore subject to annual reviews, which are not handled well. At present, I am in the second stage of a complaint against Poole Council CYPIS because they decided to assess my children by targets which were both out of date and school specific even though I had complained about them doing this in 2011 and they had removed them. These targets include whether my son can sit still during an assembly and my daughter participate fully in class discussions, neither of which are relevant to the way they are now educated.

After I complained about them doing this again in 2012 they apologised for what they referred to as a “discrepancy” and informed me that they would set new targets based on the contents of our reports. They also sent fresh review forms which stated that they would assess our performance in line with National Curriculum goals even though we are under no obligation to follow this. They are aware that we have mainly chosen to use materials linked to the ISEB syllabus or Cambridge IGCSE because they have a clear and unambiguous layout and a focus on facts that suits my children far better than the National Curriculum’s more interpretative approach. They also routinely selectively quote from our provision reports to exaggerate difficulties and downplay achievements.

I would have liked to have worked co-operatively with Poole Council, and this year expressed a hope that we could begin to move away from an antagonistic relationship as part of my statement of parental views, but their response was to attempt to assume powers they do not have.

(3) *The quality and accessibility of that support*

Please see above

(4) *Whether current arrangements for financial support are adequate.*

I do not believe that they are, because they are not only optional but subject to the whims of individual officials. With families like mine, who came to home education because the school system had failed them, there is a tendency to view us as “the problem” that I have not been able to overcome.

I have previously requested support but have been told that I do not qualify for anything because I am doing an excellent job of meeting my children’s needs, both autism-related and educationally. Had I lived sixteen miles away in Hampshire I would have had access to exam centres and would have been allowed to borrow extra books from libraries and access teaching resources. My Council tax is more than a hundred pounds a year higher than it would be if I lived there, and yet I receive a far poorer level of service.

(5) *The support available for home-educated students’ transition to further education and higher education.*

None is available in Poole. Last year I asked the Council for help in identifying schools that might be able to meet my daughter’s needs as she approached the age for transfer from primary to secondary education. My first letter was ignored, and even when I persisted no attempt was made to help or support us as we considered the options for her education at a natural transition point, so it was a profound relief when she chose to continue to be home educated.

(6) *What improvements have been made to support for home educators since the December 2009 recommendations of the Children, Schools and Families Committee.*

None. There was none then. There is none now. A freedom of information request made by Fiona Nicholson of Ed Yourself which is available here—[HYPERLINK](#)

“<http://edyourself.org/articles/poolefundingfoi.pdf>”

<http://edyourself.org/articles/poolefundingfoi.pdf>—shows that there are no plans to provide any support next year either.

(7) *What guidance is available for local authorities concerning their duties in regard to home education, and the quality of that guidance*

The EHE guidelines referred to above, supplemented by the Guidance Letter for Home Educated Children with Special Educational needs and its clarification which were issued in February 2010. There are also brief mentions of Elective Home Education in the SEN code of practice.

I believe that the quality of the guidance is excellent and does not need to be altered. What does need to be drastically and rapidly altered is the attitude of those who are charged with implementing this guidance, some of whom currently appear to view any child not in school as a problem, regardless of the quality of education they are receiving. Poole Council routinely attempt to assume powers and duties that they do not have and waste money that could be far better used to support children whether or not they are home educated. For example, they state that a Monitoring Officer will visit families twice a year and more often if the officer considers it necessary. They have no legal duty to monitor home education, so this is an unnecessary expenditure at a time when they are cutting jobs and services.

(8) *Whether the Government needs to alter existing policy or arrangements concerning the support available for home educators*

I do not believe that these need to be altered. I believe that if the existing policy and arrangements were implemented fairly and consistently and home educators were treated with courtesy and respect rather than suspicion and hostility then we could begin to move towards a situation where home educators would interact more with their Local Authorities because they would see real benefits in doing so.

When I began to home educate my children I attempted to work cooperatively with my Local Authority. After being repeatedly provided with incorrect information and having conversations misreported and correspondence ignored I now provide detailed written reports of our provision every year but do not accept contact either by visit or telephone and make formal complaints whenever they overstep their authority. As I have already stated, I had hoped that the LGO judgement could mark a watershed and allow us to move forward more positively, but Poole Council responded to my attempt to do so by trying yet again to assume powers that they do not have.

I think it is important that the Committee are aware that many of those who do not engage with their Councils are doing so for the same reasons as I am and that any legislation that forces contact will not only not resolve this, but encourage further abuses of power.

### Written evidence submitted by Alison Sauer, SC Education

1. My name is Alison Sauer. For the last decade I have been involved with Local Authorities (firstly in Scotland and now in England and Wales) with regard to their duties under law with respect to Elective Home Education. Through my company, The Sauer Consultancy Limited, I train and provide consultancy to Local Authorities (LAs) in their duties and the law pertaining to those duties with respect to home education and flexischooling. I also assist LAs in rewriting their policies and documentation to fit better with the law and best practice. During 2009 I met twice with Mr Badman, at his request, in the lead up to his Review of Elective Home Education in England in June 2009 and gave written evidence to the Select Committee's subsequent enquiry.

2. Recently my company has undertaken its second annual survey of the Home Education web pages and associated documentation of all 152 Local Authorities in England. Our findings along with our professional knowledge of a significant number of LAs have been used to inform this document.

#### SUMMARY

3. Many Local Authorities (LAs) either do not understand or choose to ignore the limitations of their duties with respect to home education. In fact most LAs make demands or infer demands that are beyond their remit. It is my opinion that if these LAs were to remain within the law and guidance and act with supportive respect rather than censorious suspicion they would have more and better contact with home educators.

4. Those LAs that do operate within the law and guidance suffer from the behaviour of the others because many home educators are defensive and resistant to contact as they fear the impact and consequences that any contact may have.

5. Access to GCSEs or IGCSEs is difficult and not facilitated by most LAs.

6. Access to Alternative Provision Funding is rare and sometimes the funds available are restricted. Many LAs refuse to utilise the funding.

7. The price of receiving support from an LA (where it is available) is often ongoing monitoring which is, on the whole, unwelcome and against guidance.

#### THE DUTIES OF LOCAL AUTHORITIES WITH REGARD TO HOME EDUCATION

8. LAs have very few legal duties with regard to home education. This seems in itself to be confusing to LAs and most of them assume responsibilities that do not exist in law. In the home educating community these are commonly referred to as "*ultra vires*" (UV) demands.

9. The primary duty of an LA is that it should intervene where it appears a suitable education is **not** taking place. Their only other duties to home educated children are to intervene where it appears a child is at risk of significant harm (as with all children) and to ensure the needs of a child with Special Education Needs are met (this includes identification and assessment duties).

10. In law<sup>1</sup> the duty to educate rests primarily with the Parent. This can be delegated to a third party but does not have to be. Many LAs seem to be under the misconception that they must ensure the parents fulfil this duty. As can be seen from this typical example from Suffolk County Council<sup>2</sup>

"What are the duties of Local Authorities?"

The Local Authority (LA) has to ensure that the education each child receives is suitable to the child's age, ability, aptitude and any special educational needs. The LA needs to satisfy itself that:

- the parent is willing and able to ensure that effective education can be provided
- the child is receiving suitable education."

<sup>1</sup> Education Act 1996 s7

<sup>2</sup> <http://www.suffolk.gov.uk/education-and-careers/schools-and-support-in-education/general-information/educating-your-child-at-home/>

11. Significantly more LAs are assuming this “duty to ensure” than last year<sup>3</sup>, I believe this is the result of incorrect information put on the DirectGov site<sup>4</sup> and corrected earlier this year.

12. As previously mentioned LAs demand a great many things outside of the law and guidance. Our analysis concentrated on 13 specific such UV demands (the most commonly reported ones) and took note of others. **Only 30 LA websites contain no UV demands.** The worst offender, South Gloucestershire, makes or implies 15 UV demands.

13. More and more authorities are demanding or implying:

- That parents must ask permission to home educate
- That parents must inform the LA
- Regular monitoring of the education by the LA is a duty
- Parents must satisfy the authority of the suitability of the education provided
- Home visits are compulsory
- They must see samples of work
- That the provision in a statement of educational special need is made by the parent (the parent is in law responsible for meeting the needs of the child, **not** making specified provision)

14. Not only is it the case that in law there is no right to demand the above but the Elective Home Education Guidelines<sup>5</sup> specifically forbid LAs from making many of the above demands.

15. The following UV demands have become less widespread:

- To see the child
- That parents provide a “broad and balanced” curriculum (a legal quote which applies only to the National Curriculum)
- That parents ask permission before home educating a child with SEN
- That parents have regard to the Every Child Matters outcomes

16. Liverpool has the most compliant web pages in England followed closely by Cumbria, Bournemouth, Gloucestershire, Lancashire, Sheffield and Stockport. Most of these LAs deal well with families too. What is significant about these Authorities is that they either have had ongoing input over a period of time from local home educators or have a strong knowledgeable member of staff who is willing to stick to the law in the face of pressure from others, or both.

17. Whether or not one encounters an LA that sticks to the law is very much a postcode lottery. And of course an LA who on paper is compliant may not be compliant at all in practice or vice versa. There is a lot of anecdotal evidence showing LAs merely paying lip service to law and guidance. Conversely there are also LAs who seem to be very demanding on paper but who are in fact not difficult to deal with at all and are often quite helpful.

18. Section 436A of the Education Act 1996 and its accompanying guidance<sup>6</sup> are problematic because the emphasis is inconsistent with section 7 of the Act.

19. From the guidance:

Section 436A of the Education Act 1996 requires local authorities to make arrangements to establish (so far as it is possible to do so) the identities of children who are not pupils at schools and who are not otherwise receiving suitable education. In order to comply with this duty local authorities need to make arrangements which will as far as possible enable them to determine whether any children who are not pupils at schools, such as those being educated at home, are receiving suitable education. In order to do this local authorities should make inquiries with parents educating children at home about the educational provision being made for them.

20. This would suggest an investigative stance rather than a reactive one. It conflicts with the assumption of compliance congruent with the tenets of English law and leaves LAs in confusion.

21. It also assumes all school pupils are receiving a suitable education whereas all home educated children may not be, which is somewhat discriminatory. In essence it separates off schooled children automatically and insists on scrutiny of the suitability of the education of home educated children merely because they are home educated.

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<sup>3</sup> almost half of the 134 who have a web page on home education mention this or something very similar this year compared with about a third last year

<sup>4</sup> [http://www.direct.gov.uk/en/Parents/Schoolslearninganddevelopment/Gettinginvolvedwithschoolsandyourchildseducation/DG\\_4016124](http://www.direct.gov.uk/en/Parents/Schoolslearninganddevelopment/Gettinginvolvedwithschoolsandyourchildseducation/DG_4016124)

<sup>5</sup> *Elective home education: Guidelines for local authorities DCSF 2007*

<sup>6</sup> Revised statutory guidance for local authorities in England to identify children not receiving a suitable education DCSF Jan 2009

22. A better stance would be to find children who have no place of education, ie are neither schooled nor home educated, as they do in Scotland. The suitability, or lack thereof, can then be looked at only if there are concerns.

#### SUPPORT FOR HOME EDUCATORS

23. Support can only be defined by the person receiving such support. In my experience most successful home educators need support at some point in their home educating. This could be, for example, help with the decision to home educate, how to deregister, methods and philosophies, how to access GCSEs or how to deal with a particular special educational need. Sometimes home educators also need some form of moral support.

24. Many glean this support from organisations such as Education Otherwise or HEAS, along with contact with other home educators both in the flesh and over the internet. Much of the home educating community is increasingly networked via the internet using such media as Yahoo groups, Facebook groups and other online forums.

25. For many the idea that the LA can or does provide support is treated with derision. For others however having input from a supportive LA officer is invaluable in validating their choice to home educate or helping out with a particular issue.

26. Two examples from today illustrate the difference in both need and perception amongst home educators and a difference in attitude between two LAs.

27. The first, a letter to a family from Connexions, came not as an offer of information and support but as a letter demanding details and contact. The family, including the young person, were quite affronted by the assumption that the service would both be needed and used. They were surprised too by the perceived aggressive tone. There was fear too because the path to opting out of such a service is not clear and other home educators have experienced cold calling (referred to as doorstepping) from Connexions when the service is not welcomed.

28. The second, a visit to a home, was welcomed with open arms by a new home educator who found their visitor to be facilitative, respectful and reassuring.

29. LAs sometimes have a curious definition of support and benefits as this example from Essex<sup>7</sup> shows:

The benefits of registering with the Home Education Service are that we are able to:

- offer a monitoring, advisory and support service to all families who are registered with us;
- share good practice and host annual events for children and their families.

30. Essex goes on to say:

What happens when you register

The local authority will make informal enquiries in order to establish the suitability of your child's home educational programme. This means you may be offered an appointment, usually in your own home or a mutually agreed venue. This will be your opportunity to show you are providing a suitable home educational programme.

We will write a brief factual report on your programme and you will receive a copy. If the advisor is satisfied you will be informed at the meeting.

If you wish to submit your own written plan or report of your educational programme instead of attending a meeting, please let us know when we contact you.

We will continue to meet with you on an annual basis to update our information on the progress of your child.

If the advisor is not satisfied that your child is receiving a suitable education you will be informed in writing. You will be given specific reasons and advice on what improvements to make. You will also be given a reasonable period of time to make the recommended changes.

If at the end of this period the advisor still does not believe your child is being suitably educated you will be advised to enrol your child at a school. At this stage the Education Welfare Service may be brought in to ensure that your child does enrol. This could involve legal action.

31. So essentially the support a home educator can expect from Essex, through the benefit of registering is; annual monitoring through a visit to the home to ensure the home educator satisfies the LA that they are fulfilling their duty. If they do not satisfy the authority then legal action may result.

32. Little wonder that many home educators choose not engage with the LA.

33. There are a number of examples of good support offered by some LAs. North Yorkshire offers access to its school library service, gives out an enormous list of useful contact details, both local and national, offers a place to sit selected GCSEs and has in the past run workshops and study days.

<sup>7</sup> <http://www.essex.gov.uk/Education-Schools/Schools/Learning/Home%20education/Pages/Benefits-of-registering-with-the-Essex-Home-Education-Service.aspx>

34. Even where support is good home educators may be reluctant to engage with the authority in order to access the support because almost inevitably they will be subjecting themselves and their families to some form of monitoring.

#### GCSEs

35. Access to GCSEs or IGCSEs examinations is fraught with difficulty for home educators.

36. Firstly any GCSE which includes any form of assessment is virtually impossible to access as facilities for such supervised assessment are more or less non-existent. So home educators tend to opt for linear or exam only versions.

37. Many schools and colleges will not allow external candidates. Various reasons are given, for example it may adversely affect the school's statistics (not true because an external candidate does not appear in the statistics).

38. Those centres that do accept external candidates charge widely varying fees. A school in Skipton, North Yorkshire charges a reasonable £40 per subject (which is the registration fee plus a small amount to cover administration). A school in Stockport charges £40 per subject plus £10 per hour for invigilation, despite the fact there are no additional staff costs incurred. (This means in order to take a single subject with 5 hours of examination time the parent is charged £90). Other centres are even more expensive—one in London, for example, charging £130 per subject this year.

#### ALTERNATIVE PROVISION FUNDING

39. Following the APG in September 2011 the DfE issued guidance in the form of a FAQ<sup>8</sup> which explains how LAs may include home educated children on the Alternative Provision Census under the category Not a School in cases where the LA has assumed a degree of financial responsibility eg by paying for FE courses or SEN support.

40. This was welcome news to many home educators, particularly those who have gifted children or those who required more assistance with financing aspects of educational provision for their children with SEN. However the granting of this funding has been infrequent.

41. Many have decided that they will not be offering this funding and West Sussex has imposed a cap of £2900 on the funding it is willing to pass on.<sup>9</sup>

#### IMPROVEMENTS TO SUPPORT SINCE DECEMBER 2009

42. I have not found any improvements to support from LAs overall in this time period. There are individual notable examples of good support but I am unsure that the committee's recommendations have had any positive influence.

43. LAs that are supportive, such as Gloucestershire, have in common good, knowledgeable staff and a good relationship with local home educators.

July 2012

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<sup>8</sup> <http://www.education.gov.uk/schools/pupilsupport/parents/involvement/homeeducation/a0073322/funding-current-position>

<sup>9</sup> <http://www.westsussex.gov.uk/idoc.ashx?docid=9a86cc0d-061b-45dd-8fd4-3bf840b5d12b&version=-1>

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