



Home education

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This note provides an outline of the current position relating to home education. It covers England only.

Parents have the right to decide to teach their children at home at any stage up to the end of compulsory school age. This right applies equally for the parents of children with special educational needs.

Parents who choose to home-educate their children are responsible for ensuring that the education provided is efficient, full-time and suitable to the child's age, ability and aptitude. They do not, however, have to follow the national curriculum. Parents who choose to educate their children at home must also be prepared to assume full financial responsibility, including bearing the cost of any public examinations.

Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, they have duties to make arrangements to identify children not receiving a suitable education, and to intervene if it appears that a child is not receiving a suitable education.

This note also provides information on the proposals for reform contained in Graham Badman's *Review of Elective Home Education*, which included the establishment of a compulsory registration scheme for home educators. Provisions to establish such a scheme were included in the *Children Schools and Families Bill 2009-10* but the relevant provisions were dropped from the Bill during its passage through Parliament.

The final section of the note provides details of reports on home education.

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1 Current position

1.1 The right of parents to home educate their children

In England, education is compulsory but schooling is not. The responsibility for a child's education rests with their parents and they have the right to decide to teach their children at home full or part-time, at any stage up to the end of compulsory school age.¹ 'Elective home education' or 'home schooling' are terms used to describe home education for children of compulsory school age.

Guidance published by the then Department for Children, Schools and Families in 2007, which remains in force, states that parents may choose home education for a number of reasons, including:

- distance or access to a local school
- religious or cultural beliefs
- philosophical or ideological views
- dissatisfaction with the system
- bullying
- as a short term intervention for a particular reason
- a child's unwillingness or inability to go to school
- special educational needs
- parents' desire for a closer relationship with their children.²

Children whose parents elect to educate them at home are not registered at mainstream schools or special schools.³

1.2 Parental responsibilities

Where a child is attending school and the parents decide to withdraw them and educate them at home, the parents have to notify the school. The school must then notify the local authority. Parents do not need to inform the council unless they are taking their child out of a special school. Similarly, parents of children who have never attended school are not required to inform the local authority if they decide to home educate their child.⁴

Parents who choose home education are responsible for ensuring that the education provided is efficient, full-time and suitable to the child's age, ability and aptitude.⁵ They do not have to follow the national curriculum.⁶

¹ Department for Children, Schools and Families, *Elective Home Education: Guidelines for Local Authorities*, November 2007, paras 2.1-2.3

² *ibid*, para 1.4.

³ *ibid*, para 1.2.

⁴ Gov.uk, "Home education", last accessed 26 February 2015

⁵ *Education Act 1996*, section 7.

⁶ Gov.uk, "Home education", last accessed 26 February 2015.

With regards to what constitutes an “efficient” and “suitable” education, the departmental guidance states:

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".⁷

Parents can choose to employ private tutors to assist them in providing suitable education, but there is no requirement for them to do so.⁸ They can also ask the school to teach their child part time but the school does not have to accept the request.⁹

Learning may take place in a variety of locations and does not have to be limited to the child's home.¹⁰

Further information on the requirements of a full-time efficient education is provided in the [Elective home education guidelines for local authorities](#) (paras 3.13-3.16).

1.3 Responsibilities of local authorities

Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, they do have duties to make arrangements to identify children not receiving a suitable education, and to intervene if it appears that a child is not receiving a suitable education.¹¹

Local authorities also have a duty to make arrangements to ensure that their education functions are exercised with a view to safeguarding and promoting the welfare of children.¹² These powers allow authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern.¹³ However, departmental guidance states that these powers do not give local authorities the ability to see home-educated children for the purposes of establishing whether they are receiving a suitable education.¹⁴

The [Elective home education guidelines for local authorities](#) recommend that:

...each local authority should have a written policy statement on elective home education, and be willing and able to provide guidance for parents who request it. Local authorities should also provide clear details of their complaints procedure and deal with any complaints in a sensitive and timely manner.¹⁵

In its 2012 report, *Support for Home Education*, the Education Committee outlined the role of local authorities in home education:

⁷ Department for Children, Schools and Families, [Elective Home Education: Guidelines for Local Authorities](#), November 2007, paras 2.2-2.3.

⁸ *ibid*, para 1.2.

⁹ Gov.uk, “[Home education](#)”, last accessed 26 February 2015.

¹⁰ *ibid*, para 1.2.

¹¹ Department for Children, Schools and Families, [Elective Home Education: Guidelines for Local Authorities](#), November 2007, para 2.7.

¹² *Education Act 2002*, section 175(1).

¹³ *Children's Act 1989*, Section 47.

¹⁴ Department for Children, Schools and Families, [Elective Home Education: Guidelines for Local Authorities](#), November 2007, para 2.12-2.15

¹⁵ *ibid*, para 3.1

The role of the local authority is clear with regard to home education. 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.¹⁶

School attendance orders

If it appears that a child is not receiving a suitable education the council can serve a notice on the parents requiring them to satisfy the local authority within a specified period that the child is receiving a suitable education. The specified period must be at least 15 days. Departmental guidance encourages councils to address the issue informally before serving a notice.

If a notice is served and the parents fail to satisfy the local authority that the child is receiving a suitable education, or the authority believes that it is expedient that the child attends school, then the authority will serve a school attendance order requiring the child to become a registered pupil at a named school. If they do not, the parents can be prosecuted.

At any stage following the issuing of the Order the child's parents can give evidence to the local authority that the child is now receiving a suitable education and apply to have the Order revoked. If the local authority refuses, parents can refer the matter to the Secretary of State. If a local authority prosecutes a child's parents for failing to comply with a school attendance order, the courts will decide whether the education being provided is suitable and efficient.¹⁷

The duties of local authorities with regards to home educated children are outlined in the [Elective home education guidelines for local authorities](#) (paras 2.5-2.17).

1.4 Funding

Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. However, departmental guidance encourages local authorities to provide support where resources permit:

As a minimum, local authorities should provide written information (which is also available through the internet) on elective home education that is clear and accurate and which sets out the legal position. Some local authorities may be able to offer additional support to home educating parents, but this will vary depending on their resources.¹⁸

1.5 Flexi-schooling

Flexi-schooling describes an approach which offers part-time attendance at school to parents who may wish to educate their child at home. In February 2013, the Department for Education issued "categorical" advice that a school could not agree to a flexi-schooling arrangement. However, in March 2013 this advice was amended to state that "where parents have entered in to flexi-schooling arrangements, schools may continue to offer those

¹⁶ [Support for Home Education](#), Education Committee, Fifth Report of Session 2012–13, Volume I Report, together with formal minutes, oral and written evidence, HC 559-I, 18 December 2012, para 10

¹⁷ *ibid*, para 2.7-2.10

¹⁸ *ibid*, paras 2.4 and 5.2.

arrangements”.¹⁹ The Department added that “in very exceptional circumstances there may be a need for a temporary part-time timetable to meet a pupil’s individual needs”.²⁰

The then Parliamentary Under-Secretary of State for Education and Childcare, Elizabeth Truss, outlined the Government’s policy on flexi-schooling in response to a parliamentary question on 10 June 2013:

Elizabeth Truss: Flexi-schooling is a combination of attendance at school and home education. Schools may enter into flexi-schooling arrangements provided they correctly mark children as absent in attendance registers when they are being educated at home.²¹

1.6 Children with special educational needs

Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). 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.²²

Under the reformed system for special educational needs, where parents and the local authority agree that home education is the right provision for children with an EHC plan, the plan should make clear that the child will be educated at home. If it does, then the local authority must arrange the special educational provision set out in the plan. Where a child’s EHC plan names a school and the parent decides to educate the child at home, the local authority does not have to make the special educational needs provision set out in the plan provided that it is satisfied that the arrangements made by the parents are suitable.²³

Parents only need to tell the council if they are taking their child out of a special school.²⁴ If a child is being removed from a special school to be home educated, the local authority must give consent for their name to be removed from the register.²⁵

Funding

[Guidance to local authorities](#) on funding provision for home educated children with SEN notes that parents assume financial responsibility for their child’s education, but encourages local authorities to take a flexible approach:

It remains the case that when parents choose to electively home educate their children they assume financial responsibility for their children’s education. However, the Department continues to recommend that local authorities should take a flexible approach to support for home educating parents where appropriate.²⁶

[The SEN Code of Practice](#), published in July 2014, states that local authorities should fund the SEN needs of home educated children where it is appropriate to do so [emphasis added]:

¹⁹ Department for Education, *Clarification on flexi-schooling*, 22 March 2013, website [taken on 27 March 2013]

²⁰ Department for Education, *Advice on school attendance*, 22 March 2013, p22

²¹ [HC Deb 10 June 2013, c130W](#)

²² *ibid*, para 3.17.

²³ Department for Education and Department of Health, [Special educational needs and disability code of practice: 0 to 25 years](#), July 2014, p214-5

²⁴ Gov.uk, “[Home education](#)”, last accessed 26 February 2015.

²⁵ Department for Education and Department of Health, [Special educational needs and disability code of practice: 0 to 25 years](#), July 2014, p214.

²⁶ [Revised funding guidance for local authorities on home educated children](#), para 2, last accessed 26 February 2015.

Local authorities should work in partnership with, and support, parents to ensure that the SEN of these children are met where the local authority already knows the children have SEN or the parents have drawn the children's special needs to the authority's attention. Local authorities do not have a duty under section 22 of the Children and Families Act 2014 to assess every home educated child to see whether or not they have SEN. **The high needs block of the Dedicated Schools Grant is intended to fund provision for all relevant children and young people in the authority's area, including home educated children. Local authorities should fund the SEN needs of home educated children where it is appropriate to do so.** Guidance is available to local authorities from the Department for Education on funding provision for home educated children.²⁷

In addition, the guidance on funding provision for home educated children with SEN states that local authorities can financially support the parents of children with statements of SEN which name a school, and the parents of children with SEN but without statements. It further states that parents should not be expected to pay £10,000 before they receive any support:

As regards children with statements of SEN which name schools as the appropriate placement for a child but parents decide to educate such a child at home, it remains the local authority's duty to ensure that the child's needs are met through the provision made by the parents. The local authority can support parents financially in these circumstances under section 319 or section 19 of the Education Act 1996 (this would fall under either paragraph 18 or paragraph 20 of Schedule 2 to the School and Early Years Finance (England) Regulations 2012). In deciding how much support is needed, the local authority should be aware that, unlike schools, parents do not receive base funding from the public purse in support of SEN, and should not therefore be expected to pay £10,000 before they receive any support.

Children with SEN but without statements may also be educated at home. In these circumstances local authorities should consider whether they require support from the public purse. This provision can also be made under section 319 or section 19 of the Education Act 1996.²⁸

2 Proposals for reform

2.1 The Review of Elective Home Education (the Badman Report)

On 19 January 2009, Graham Badman, the former Director of Children's Services at Kent County Council, was asked by the then Secretary of State for Children, Schools and Families to review whether the right systems were in place to allow local authorities to ensure that concerns about the safety, welfare or education of home educated children were addressed quickly and effectively.²⁹

The report, *Review of Elective Home Education*, was published on 11 June 2009.³⁰ It made 28 recommendations, including that a compulsory annual registration scheme for home educators should be established.

Under the proposed registration scheme, all parents planning to home educate their children would have to inform the local authority; the authority could refuse registration if there was

²⁷ Department for Education and Department of Health, *Special educational needs and disability code of practice: 0 to 25 years*, July 2014, p214. A new code of practice comes into force on 1 April 2015. This paragraph is the same in the existing and revised code.

²⁸ *Revised funding guidance for local authorities on home educated children*, para 5-6.

²⁹ "Morgan: Action to ensure children's education and welfare", DCSF Press Notice 19 January 2009

³⁰ *The Report to the Secretary of State on the Review of Elective Home Education in England*, HC 610, June 2009

clear evidence of safeguarding concerns. The review further recommended that parents should be asked to submit a statement of their intended approach to the child's education, including what they aimed to achieve over the following 12 months. Local authority officials would have the right to access the home to check that the child was safe and well and making progress against their learning statement.³¹

Amongst the report's other recommendations were:

- that local authorities should provide more support to home educating families, for example through helping provide access to the national examinations system, sports facilities, libraries and music tuition;³²
- and that the DCSF should review the current statutory definition of what constitutes a 'suitable' and 'efficient' education.³³

The report received a hostile response from some home educators, who believed that the proposals were unnecessary and would allow the state an "unprecedented intrusion into family life".³⁴

2.2 Government response

In a written ministerial statement on 11 June 2009 the then Secretary of State for Children, Schools and Families, Ed Balls, announced a public consultation on the proposals to establish a registration scheme for home educators so that they could be introduced to Parliament at the earliest opportunity.³⁵ The consultation closed on 19 October 2009.

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

In its response the Government also agreed that home educators should have access to educational facilities and services such as work experience, libraries, and specialist music tuition. It stated that local authority staff supporting home educators would need to work with schools to see how such services could be provided.³⁶

Children Schools and Families Bill

The *Children Schools and Families Bill* was introduced in the House of Commons on 19 November 2009. It sought to implement the recommendations of a number of independent reviews, including Graham Badman's *Review of Elective Home Education in England*.³⁷

The Bill as introduced included provisions to introduce a new requirement for local authorities in England to keep a register of all children of compulsory school age in their area who were entirely educated at home. Authorities would be required to monitor those children to ensure that they were safe and well and receiving a suitable education. The Bill also included new

³¹ *ibid*, p38 & 40

³² *ibid*, p41

³³ *ibid*, p39

³⁴ For example, see "Get tough on home tuition to weed out abuse, says review", *Guardian*, 5 June 2009 and "No place like home", *Sunday Times*, 14 June 2009 p9

³⁵ [HC Deb 11 June 2009 c44-5WS](#)

³⁶ Department for Children Schools and Families, *DCSF response to the Badman Review of Elective Home Education in England*, October 2009.

³⁷ *Children Schools and Families Bill*, Bill 8 of Session 2009-2010

regulation making powers to allow the procedural detail of the new registration scheme, and how it would operate, to be set out in regulations.

The Badman Review had recommended that local authority officers should have the right to speak to a home educated child alone, if that was deemed appropriate. There were strong representations against this and the Government stressed that under the provisions in the Bill, the right to see the child alone would only be with the permission and agreement of the parent:

Local authorities have the right under existing legislation to enter the home where a child is at risk and there is a concern about safeguarding. On the quality of education - that is what is new in the Bill-the Bill makes it clear that there is a right to see the child on their own only with the permission and agreement of the parent and the child. There is no right for the local authority to enter the home or see the child without their agreement. That is clear in the Bill.³⁸

2.3 Children, Schools and Families Committee inquiry

Following a short inquiry, the Children, Schools and Families Committee published a report on home education on 16 December 2009, shortly after the publication of the *Children, Schools and Families Bill*.³⁹

The report supported proposals to introduce annual registration for home educating families. However, in view of the concerns expressed by home educators, the report suggested that registration should be voluntary. It further recommended that the voluntary registration system should be reviewed after two years and that if the arrangements did not meet expectations then a system of compulsory registration should be introduced.

The report also supported the requirement for home educating families to provide some form of statement of their intended approach to their child's education and stated that this should be supplemented by meetings between home educating families and local authority officers on at least an annual basis.

The committee suggested that existing safeguarding legislation was the appropriate mechanism for the purpose of safeguarding and promoting the welfare of home educated children, and that the proposed annual visits would offer little direct safeguarding benefit over and above this. The Committee strongly discouraged the notion that local authority home education teams should be given a more overt safeguarding role.⁴⁰

2.4 Removal of the home education provisions from the Children, Schools and Families Bill

The *Children's Schools and Families Bill* provided for the registration system to come into effect from April 2011. However, the relevant provisions were removed from the Bill on 8 April 2010 because no agreement on them could be reached between the Government and the opposition parties before the dissolution of Parliament for the 2010 general election.⁴¹ They were therefore not included in the Bill that became the *Children, Schools and Families Act 2010*.

³⁸ [HC Deb 19 November 2009 cc175-6](#)

³⁹ Children, Schools and Families Committee, [The Review of Elective Home Education](#), 16 December 2009, HC 39-I.

⁴⁰ *Ibid*

⁴¹ DCSF, [Statement on the Children, Schools and Families Bill](#), 7 April 2010.

2.5 Recent developments

A parliamentary question from Barry Sheerman on 14 October 2014 asked if the Government would collect information on the children being educated at home in England. On 20 October 2014, the Minister of State for School Reform, Nick Gibb, responded:

There are no current plans to collect personal information on children receiving elective home education. The Department for Education is aware, however, of some concerns amongst local authorities about the information they have on such children in their areas. We have recently begun discussions with a range of representative bodies about these concerns and other home education issues, especially in relation to safeguarding.⁴²

An answer to a further parliamentary question on 4 December 2014 indicated that the discussions with local authorities were ongoing:

At present, as I indicated in the Answer I gave to the hon. Member on 20 October (210289), we are discussing with local authorities the concerns they have about information available on children who are educated at home. We have not yet reached any conclusion as to whether any changes are needed to the Department's guidance document or the current framework within which home education operates.⁴³

3 Reports on home education

3.1 2012 Education Committee report – Support for Home Education

In December 2012, the Education Committee published [a report into home education](#). The report focused on the support available to home educators, and the relationship between home educators and local authorities. The report:

- Found that some local authorities may be acting outside the law and most had *ultra vires* statements on their websites with regards to home education [paras 10-12]
- Noted evidence that the guidance on home education was not clear enough as to what constitutes suitable and efficient education. The report concluded that the case law in this area was sufficient but recommended that the Department conduct a review of the guidance [paras 13-15]
- Found evidence of inconsistency in local authority practice across the county, leading to a 'postcode lottery' for home educators. The report suggested that the establishment of a professional association/annual conference of home education officers could help spread best practice [para 16-21]
- Recommended against any system-wide changes to financial support for home educators but recommended that the Government should better explain where funding that is available can be obtained [para 34]
- Recommended that the state should meet the cost of home educated children sitting public examinations [para 44]

⁴² [PQ 210289 \[Home education\], 20 October 2014.](#)

⁴³ [PQ 216354 \[Home education\], 4 December 2014.](#)

- Recommended that the Government monitor local authorities' provision of advance regarding transition to further education for home educated young people [paras 45-46]⁴⁴

Government response

The [Government response to the report](#) was published in March 2013. The Government stated that it had no plans to review or change the guidance on home education, and that it was not for the Government to audit local authorities on their performance on home education.⁴⁵ The Government also rejected the Committee's recommendation that the cost of public examinations should be met by the State:

The Government respects the right of parents to educate their children at home. It is possible for local authorities to provide financial support for home educators such as examination fees under section 19 of the Education Act 1996.

However, home educating parents have always taken on the financial responsibility for the education of their children and the Government is not seeking to change this principle.⁴⁶

3.2 Other reports on home education

NSPCC briefing

In March 2014, the NSPCC published a briefing based on seven case reviews published since 2008. The briefing stated that home-educating parents were not more likely than others to abuse or neglect their children but that:

There is, however, a risk that home-educated children can become invisible to the authorities. Under current legislation and guidance, there is no formal registration process for elective home education which means that some home-educated children may be completely unknown to the local authority.⁴⁷

Effect of homeschooling on children's levels of tolerance

Also in March 2014, Albert Cheng published an article in the *Journal of Social Choice* on whether home education or private schooling promoted intolerance. The article concluded that greater exposure to home education is associated with greater political tolerance.⁴⁸ A TES article commented on the research:

Young people who are homeschooled are more politically tolerant than their state-educated peers, according to new research suggesting that children become more open-minded the longer they are taught at home.

The findings contradict the stereotype of marginalised and isolated home-educated students who lack interaction with different types of children. Instead, homeschooled students were found to be more tolerant than young people at state schools towards social and political groups whose views they did not share.

⁴⁴ [Support for Home Education](#), Education Committee, Fifth Report of Session 2012–13, Volume I Report, together with formal minutes, oral and written evidence, HC 559-I, 18 December 2012.

⁴⁵ [Support for Home Education: Government Response to the Committee's Fifth Report of Session 2012–13](#), HC 1013, 18 March 2013, p2

⁴⁶ *Ibid*, p4

⁴⁷ NSPCC, [Home education: learning from case reviews](#), March 2014, p1

⁴⁸ Albert Cheng, "Does Homeschooling or Private Schooling Promote Political Intolerance? Evidence from a Christian University" in *Journal of School Choice* 8, no. 1 (2014): 49-68

The personalised nature of home education enables children to become “comfortable with their identity”, the researchers suggest, which helps them to accept different kinds of people.⁴⁹

⁴⁹ [“How homeschooling breeds broader minds”](#), TES, 29 April 2014.