

[Note: This evidence has been redacted by the Committee. Text in square brackets has been inserted where text has been redacted.]

Written evidence submitted by [member of the public]

EDUCATION COMMITTEE CALL FOR EVIDENCE - HOME EDUCATION

INTRODUCTION

I'm [name], a parent and former primary teacher. I home educated my own children for several years because neither could access appropriate support from local schools. One has special educational needs (then SA+, now an EHCP) and the other has long-term health issues.

EXECUTIVE SUMMARY

1. In law, education is a parental duty. A key legal principle is that local authorities have powers to intervene in private life only if they have reasonable cause to suspect a local resident is in breach of the law - not powers to determine *whether or not* that is the case.
2. If statutory regulation is being considered, careful thought should be given to unintended and unwanted outcomes, such as local authorities trying to determine *whether or not* a child is receiving a suitable education.
3. A major advantage of home education is that the education can be tailored to what is most suitable to the child. A major disadvantage is parents not having the resources to provide such an education.
4. The quality of support for children *in school* with special educational needs, disabilities, mental health issues, or caring responsibilities has been poor for many years. My own local authority has said it can't offer support if children are home educated because that is a parental choice.
5. The Call for Evidence refers to safeguarding 'wellbeing and academic achievement', but the law does not require either to be safeguarded; wellbeing can be affected by factors beyond the scope of education, and academic achievement is merely a second order proxy for knowledge.
6. Recent reviews of home education have focused on inspection and regulation rather than support and resources, despite the latter being much more effective for quality control. Only someone who knows a child well (e.g. parent or class teacher) would be able to determine what constituted a suitable education for them. Rather than expend scarce resources on inspection, it would be more cost effective to set up local

educational resource centres.

7. In 2012 my own local authority issued guidance for parents that didn't comply with the legislation or the 2007 EHE Guidelines for Local Authorities. After representations from home educating parents, their guidance has significantly improved.

8. Parents home educating disabled children during the pandemic have reported particular difficulty with shielding - they and their children might be very vulnerable, but don't qualify for support.

MEMORANDUM

The duties of local authorities with regards to home education, including safeguarding and assuring the quality of home education:

9. The law gives parents a duty to cause their child to receive an education suitable to their age, ability, aptitude, and special educational needs. S.7 Education Act 1996 uses the singular 'him', indicating that the education should be suitable for the individual child. Parents can delegate the task of education - but not the ultimate responsibility - to a local authority, in requesting a school place.

10. Because education is a parental duty, local authorities have powers to intervene only if it appears to them that a child is *not* receiving a suitable education (s.437 EA 1996). Local authority powers should be limited in this regard; parents should not become accountable to a body whose purpose is to provide services for local residents.

Whether a statutory register of home-educated children is required:

11. If statutory registration is being considered, careful thought should be given to its purpose and likely outcomes. If it's a first step towards local authorities monitoring home education, this would in effect make parents accountable to a body that is in turn constitutionally accountable to them - an anomaly likely to lead to legal complications. Parents who actively want to avoid contact with local authorities will simply not register their children.

The benefits children gain from home education, and the potential disadvantages they may face:

Advantages

12. *Flexibility* The law requires the education to be suitable to the individual child – if it isn't, it won't be effective. Home education affords a flexibility in educational provision that's impossible in a classroom required to deliver a national curriculum.

13. *Aptitudes* A suitable education is especially relevant to the child's *aptitude*, often overlooked by a one-size-fits-all curriculum. Home education can give children the opportunity to excel in whatever they are good at. This not only boosts the child's confidence and competence, it is likely to be advantageous in adult life for the individual and the community.

14. *Coherence* Home education can also provide a level of coherence absent from the national curriculum. The curriculum I used for my own children was a chronological one beginning with the Big Bang and creation stories. My son (aged [age] with SEN) grasped the concept of sub-atomic particles, which allowed him to make sense of the basic physics, chemistry, astronomy and geology that followed. We later moved on to biology and humanities.

Disadvantages

15. *Resources* Parents might not have the resources (knowledge, books or internet access) to provide an education that's sufficiently broad or deep. It's important to note that many parents home educate not out of choice, but because local authorities are unable or unwilling to ensure their children access suitable support at school.

16. *Socialization* Lack of socialization is often cited as a downside of home education - although many home-educated children do meet regularly with others. But the research consistently shows variation in children's ability and/or willingness to socialize. School certainly offers the *opportunity* for children to socialize, but for children who aren't good at socializing school can be a miserable experience.

The quality and accessibility of support (including financial support) available for home educators and their children, including those with special educational needs, disabilities, mental health issues, or caring responsibilities, and those making the transition to further and higher education:

17. Recent reviews of home education have focused on regulation rather than support. The only support my family received from our local authority was an extension of our borrowing capacity at the local library, guidance that diverged from the national *Elective Guidelines for Local Authorities*, and a list of national organisations. The authority did, however, expend a considerable amount of public resource on inspections and getting me to submit annual reports on my children.

18. Over recent decades the public sector has focused increasingly on regulation and inspection rather than on support and prevention. This approach ensures that the stable door is securely locked even if the horse has long gone. Inspection and regulation can improve performance, but in the case of the national education system, has not improved it significantly. Support and prevention is a much more cost-effective approach.

20. I've previously suggested that per capita funding saved when children are home-educated could form the basis of funding for local education resource centres, open to the public, making educational information, materials and advice available to anyone who might need them. Such centres would increase local authority awareness of children's needs and to improve the quality of their education.

21. Parents home-educating children with special educational needs, disabilities, mental health issues, or caring responsibilities report difficulty accessing support, but as numerous Parliamentary inquiries have found, appropriate support is difficult to access *even for children in school*.

Whether the current regulatory framework is sufficient to ensure that the wellbeing and academic achievement of home educated children is safeguarded, including where they may attend unregistered schools, have been formally excluded from school, or have been subject to ‘off-rolling’:

22. The law rightly treats *safeguarding* and *education* as different matters; a child can be safe but poorly educated, or well educated but at risk. But public bodies often assume - contrary to the evidence - that home educated children are at increased risk of harm, and have unhelpfully conflated safeguarding and education, creating unnecessary confusion.

23. The 2018 review of home education even framed the consequences of an unsuitable *education* as a *safeguarding* issue, misapplying the legislative framework. Obviously a poor education can harm a child’s later life chances, but a regulatory body could not forecast what that risk is likely to be.

24. The Call for Evidence refers to safeguarding “the wellbeing and academic achievement of home-educated children”. But the law does not require either wellbeing or academic achievement to be safeguarded.

25. A child’s *wellbeing* is at risk from many factors, including low family income, poor housing, poor health and public sector failings. No amount of regulation of home education will address such issues. Instead the law wisely gives a local authority powers to intervene only if it has reasonable cause to suspect a child is at risk of significant harm (s.47 Children Act 1989).

26. Even if the regulatory framework were to allow checks on *whether or not* home educated children are at risk of significant harm, the evidence shows that very few are; for example, all cases of significant harm to home educated children cited by the NSPCC related to children already known to the authorities, and in some cases were harmed directly by poor healthcare. I’ve analysed the case studies here. [\[weblink\]](#) Increased regulation risks resources being wasted that could be better directed to supporting families.

27. *Academic achievement* is a proxy for education, which in turn is a proxy for knowledge and understanding. What’s important for children and their communities is what they know and what they do with their knowledge, not their academic achievement as such. Low academic achievement does not prevent people contributing a great deal to society, and high academic achievement does not prevent people causing a great deal of damage.

28. The issues of unregistered schools, formal exclusions and 'off-rolling' are matters for school inspectors, not home educating families.

The role that inspection should play in future regulation of home education:

29. Inspection is necessary, but insufficient for quality control. In contrast resources (such as knowledge and equipment) are essential, for teachers and parents. To improve the quality of home education, it would make more sense to ensure that parents could access any training, resources, equipment and advice they need.

What improvements have been made to support home educators since the 2010-15 Education Committee published their report on 'Support for Home Education' in 2012:

30. In 2012 my own local authority issued guidance for parents that didn't comply with the legislation or the 2007 EHE Guidelines for Local Authorities. After representations from home educating parents, their guidance has significantly improved, but the local authority website still says; "We're required to ensure that children receive education appropriate to their needs and ability..."

The impact COVID-19 has had on home educated children, and what additional measures might need to be taken in order to mitigate any negative impacts:

31. Parents home educating disabled children during the pandemic have reported via social media, particular difficulty with shielding - they and their children might be very vulnerable, but don't qualify for additional support. Parents home educating children with SEND (often only because there's no realistic option) have enough challenges already; the government should allow GPs to refer patients and their families they consider vulnerable for additional support during the pandemic.

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