

Written evidence submitted by the Local Government Association

6 November 2020

1. About the Local Government Association (LGA)

- 1.1. The Local Government Association (LGA) is the national voice of local government. We are a politically-led, cross-party membership organisation, representing councils from England and Wales.
- 1.2. Our role is to support, promote and improve local government, and raise national awareness of the work of councils. Our ultimate ambition is to support councils to deliver local solutions to national problems.

2. Summary

- 2.1. The majority of parents who home educate their children do a good job and work well with their local council to make sure that a good education is being provided. Whilst the majority of parents providing home education are doing a good job, we are concerned that not all children are registered as home schooled, particularly where they have never joined the mainstream education system, or they have moved to a new area.
- 2.2. The most recent [elective home education report](#) by the Association of Directors of Children's Services, carried out in Autumn 2019, identified a 20 per cent year-on-year increase over the past five years in the number of children being home educated. Councils are reporting that this has increased further as a result of COVID-19. We are concerned that unless additional funding is made available, councils could be in danger of failing to meet their duty to identify, as far as is possible, the increasing number of children not receiving a suitable education and intervene.
- 2.3. The LGA has raised concerns that councils do not currently have the powers to fulfil their duties to ensure home schooled children are receiving a suitable education. This is because they have no powers to enter homes or to see children to satisfy themselves that this is the case.
- 2.4. We are calling on the Government to bring forward legislation to support councils in helping to make sure home-educated children receive a high quality of education. Councils need powers to enter the homes of, or otherwise see, children in order to establish whether they are receiving a suitable education and meet their duties to safeguard and promote the welfare of children. Any new duties on councils should be fully funded.
- 2.5. Recent research, including from the Department for Education, has highlighted an increasing trend of children and young people missing out on access to mainstream schools. Councils are concerned about the growing use of school exclusions, and [research commissioned by the LGA](#) found that there had been a 67 per cent increase in the number of children permanently excluded from school between 2014 and 2018.
- 2.6. These figures provide evidence of a decrease in the levels of inclusion in mainstream schools, which is being fuelled by shortfalls in funding and

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pressure from school league tables. We are calling on the Government to set national expectations on the importance of mainstream inclusion, particularly in relation to children with Special Educational Needs and Disability (SEND).

- 2.7. More children with special needs are now being educated outside of mainstream schools. Statistics show that [52 per cent of the 271,165 children and young people with Education, Health and Care Plans \(EHCPs\)](#) were placed in state special schools, alternative provision, or independent and non-maintained special schools in 2019.
- 2.8. Local Fair Access Protocols, overseen by councils, make sure that children without a place, including those who have been excluded from schools, are quickly placed in suitable settings. These local arrangements rely on the goodwill of partners and councils cannot direct academies to accept pupils, even if the local decision is that they are the most appropriate school for a particular pupil. Councils should be given the power to protect the interests of all pupils, including the power to direct academies and free schools to admit pupils that need a place.
- 2.9. The LGA has commissioned research that seeks to understand the factors that are leading to increasing numbers of pupils outside mainstream education, as well as highlighting emerging best practice in identifying, tracking and reducing the numbers of children missing out on access to mainstream education. We expect this research to be published before the end of the year and would be happy to share further information in due course.

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

- 3.1. Local authorities have a duty to identify, as far as is possible, children not receiving a suitable education and intervene. One way in which councils fulfil this duty is by issuing a school attendance order. However, local authorities have no legal duties to monitor the quality of home education on a regular basis and no powers to insist on seeing a child, in order to establish whether they are receiving a suitable education.
- 3.2. Home schooling can foster a suitable and nurturing environment, but concerns arise when the education provided is not suited to the child's aptitude and ability, where attempts are made to combine home education and caring responsibilities, or where the choice to educate at home is a further component of abuse and neglect.
- 3.3. [The Casey Review](#) highlighted the lack of a duty on parents to register their children as home-schooled and recommended that "All children outside mainstream education should be required to register with local authorities and local authorities duties' to know where children are being educated should be increased." We agree with this recommendation and would urge the Committee to consider this as part of its report.
- 3.4. Many parents are willing to work with their local councils, but in cases where parents are unwilling to engage, councils need powers to enter the homes of, or otherwise see, children in order to establish whether they are receiving a suitable education and meet their duties to safeguard and promote the welfare of children. A duty on parents to register home-schooled children with their local authority would help councils to monitor

how children are being educated and prevent children from disappearing from the oversight of services designed to keep them safe.

- 3.5. Compulsory registration of home-schooled children, and the ability to check on their education, would also support councils to identify those children potentially being taught in unregistered educational settings, and subsequently help to locate those settings. This would support Ofsted and the Department for Education to close settings that present a danger to children, for example through inappropriate education or dangerous facilities.
- 3.6. As outlined in the [UN Convention on the Rights of the Child Children](#), young people can express their own views about their lives and education. There is currently no mechanism by which a council can insist on speaking to a home-educated child unless there is a specific safeguarding concern, denying some children the opportunity to raise any problems with anyone other than their home educators.

4. Whether a statutory register of home-educated children is required?

- 4.1. Parents have the right to choose to home-educate their children and are then responsible for providing suitable education, including addressing any special needs. They are not required to register with a mainstream school or with the local authority, although some local authorities operate a voluntary registration scheme.
- 4.2. Where a child was attending school and then has been withdrawn in order to be home-schooled, the school must notify the local authority. However, for children who have never attended school, there is no such requirement. Similarly, where a child is home-educated and moves to another local authority area, there is no requirement to notify the new authority. As such it is difficult to ascertain exactly how many children are being home-schooled and where they are located.
- 4.3. Placing a legal duty on parents to register home-schooled children with their local authority would help councils to monitor how children are being educated and prevent children from 'disappearing' from the oversight of services designed to keep them safe. To complement this, councils should also be given powers to fulfil their duty to ensure that a suitable education is being provided at home. Any new duty would need to be accompanied by sufficient funding for it to be used effectively.

5. The benefits children gain from home education, and the potential disadvantages they may face?

- 5.1. The majority of children who are educated at home receive a good education and are not disadvantaged as a result. We are however concerned that the parents of some children who are home educated do not have the time or the experience to provide an adequate education or mirror the experiences that their children would have if they were being taught in the classroom.
- 5.2. It is important that children educated at home have opportunities to interact with other children socially as part of their social, cultural and emotional development. Again, this happens for the majority of home educated children, but we have concerns where children are not able to meet with others, including those from different backgrounds to

themselves which can lead to difficulties as children get older and become more independent.

5.3. Initial feedback emerging as a result of the COVID-19 pandemic and subsequent lockdown has shown that some children, particularly those with Special Educational Needs and Disabilities (SEND), some looked-after children and in some cases those at risk of exclusion, have flourished while being educated at home. It is equally true that many children have suffered, both in terms of their education and mental well-being over the same period. The Government should consider the learning from the lockdown when considering future home education policy.

6. 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.

6.1. We are broadly in support of the [Department's funding guidance](#) for councils on home educated children. The guidance is clear that when parents choose to electively home educate their children, they assume financial responsibility for their children's education, but that councils should take a flexible approach to support for home educating parents where appropriate.

6.2. When schools were closed at the height of the pandemic, the Department for Education produced a variety of new online resources to support to home, such as the online classroom developed by the [Oak National Academy](#). The Department should consider whether, in the longer term, these resources could be further developed to support home educators, particularly given the likelihood of further local, regional and national restrictions in the future.

6.3. The use of home learning or blended online and school learning could be a positive route for gaining a good education some pupils, including those who suffer from anxiety about school attendance and those that are excluded. Investment from the government in developing and maintaining good quality online resources could support these groups who are currently out of school as well as helping to make sure that all home schooled children have access to resources that support them to receive a 'suitable education'.

6.4. There was a [long-term trend to greater home-schooling](#) before the pandemic struck and it is possible that parents that have not previously considered home schooling but have been forced into it during the closure of schools will continue to home school. Feedback from councils is that home schooling is increasing directly as a result of fears about coronavirus and school safety, but the experience of families and pupils that have been forced to home school may result in a higher prevalence of home-schooling long term. The Government should consider using the growth in the availability of online lessons and resources to support standards of home education.

7. 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’.

- 7.1. We do not believe that the existing 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’.
- 7.2. Councils have raised concerns about the use of improper or unlawful exclusion strategies such as part-time timetabling, managed moves, encouragement to home school or other types of informal exclusion activity which is not captured in national datasets. While this ‘off-rolling’ impacts on all children, we are particularly concerned about the impact on children with SEND.
- 7.3. Being in education is one of the strongest protective factors for vulnerable children and young people, including those with SEND. Exclusion can exacerbate safeguarding issues, such as gang involvement, and there is a well-proven link between offending behaviours and not being in suitable, full time education or training.
- 7.4. Exclusion can be more attractive to school leaders than managing a ‘difficult’ child as it represents a quicker, cheaper solution for the school. In the short-term, councils pick up the bill for the alternative provision package put in place, and society picks up the long-term bill for ill-educated children. Exclusion is very rarely in a child’s best interests.
- 7.5. Councils are reporting that the numbers of unregistered schools is increasing, yet as things stand, they have no powers to shut these settings, with the expectation being that they act as the ‘eyes and ears’ of Ofsted and the DfE, where powers do sit. However, concerns have been raised that neither the Inspectorate nor Department have been acting in a timely manner when councils have identified unregistered schools in their areas. Where there has been a response, councils have been asked to use fire, planning and health and safety powers to disrupt premises, an arrangement that is wholly unsatisfactory.
- 7.6. There needs to be a clearer definition of a school to make it easier for Ofsted or the Department for Education to classify and close unregistered schools when they are uncovered.

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

- 8.1. As already mentioned, there is a clear need for greater oversight of children being educated at home. We would be concerned that Ofsted, or another national regulatory body, would not have the capacity or local knowledge to regulate home education. Councils, with their existing duties to ensure home schooled children receive a suitable education, as well as knowledge of local education systems and their local communities, are ideally placed to ‘regulate’ home education, but they need additional powers and funding to fulfill this role effectively. Any ‘regulation’ of home education should be light touch, and only to ensure the safety and holistic wellbeing of children.

9. 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?

9.1. We believe that the [Department’s guidance on home education](#), provides a helpful framework within which councils can use their local discretion as to how best to support families educating their children at home.

9.2. No progress has been made however in making it a requirement for parents’ home-educating their children to register with their council. As mentioned elsewhere, such a duty, when accompanied by additional funding, will help councils to monitor how children are being educated and prevent children from disappearing from the oversight of services designed to keep them safe.

10. 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.’

10.1. Since schools re-opened to all pupils in September, feedback from councils has been that an increasing number of families are deciding to educate their children at home. As mentioned elsewhere, while many parents do an excellent job of educating their children at home, councils are concerned that as more children are home educated, an increasing number will not be receiving a suitable education and councils do not have sufficient powers to check on these children.

10.2. Home educated children were also impacted by the cancellation of examinations as a result of COVID-19, where home educated children [did not have access](#) to teacher-assessed grades. This led to incredible anxiety for young people and parents, either needing to re-sit exams in summer or having to [complete another academic year](#). Furthermore, this could unfairly impact young people who had opted into private exams due to illness or disability.

10.3. Councils are very concerned about additional vulnerabilities arising from the COVID-19 pandemic. This includes more families living in poverty; mental health issues amongst both children and parents; increasing domestic abuse; and increasing substance misuse issues. In particular, councils are concerned that falling referrals to children’s social care following the partial closure of schools means that children are experiencing ‘hidden harm’, which may only come to light as we move beyond a second set of national restrictions and into recovery. Work is taking place locally to try to ensure that partners and communities are engaged in identifying children at risk, however councils are also planning for a spike in referrals when all children return to school.

10.4. It is likely that the impacts of these issues on children will be far-reaching, lasting far beyond the recovery period for some, resulting in ongoing pressures for children’s services after other areas may have recovered. It is vital that the Government considers this in its recovery planning, ensuring that the right services are available to provide children and their families with support to come to terms with any trauma suffered during the pandemic, and to go on to live happy, healthy lives.

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