

Written evidence submitted by The Centre for Personalised Education

## Education Select Committee Inquiry - Response from The Centre for Personalised Education

### Introduction and Summary

*What is Education?*

*At first you might think education is just another name for what happens at school. Actually, the idea of education is much bigger. Education means learning things.*

(Quoted from *Happy Healthy Minds* - <https://www.theschooloflife.com/shop/happy-healthy-minds/>)

The Centre for Personalised Education (CPE) is a charity which specialises in academic research into alternative education (including elective home education). The trustees who have prepared this response are all experts in alternative education either through professional research or professional practice, including liaison, advocacy and legal advice. CPE is a recognised leader in home education research and regularly acts as a consultant and policy advice unit.

We also run events and publish a journal of research, evidence and debate on alternative education issues. In addition we have a media presence, the most recent example being a recent Radio 4 programme on the benefits of elective home education, which takes a family through advice from various experts, including one of our trustees, to make an informed decision about whether to home educate. (Broadcast on Radio 4 on the 3rd November) <https://www.bbc.co.uk/programmes/m000p0zj>

We believe that evidence-based policy is important and that such evidence should be carefully evaluated. We believe that political responses to home education are too often knee jerk reactions to specific situations rather than well informed responses to the wider questions of educational options and choice. Given this, we do not support measures to register and monitor home educating families, as there is no evidence that this will be in any way beneficial to either families or authorities.

Elective Home Education is well established and supported well from within its own community. The current regulatory framework is sufficient but frequently poorly used, misunderstood or abused by local authorities.

There have been no improvements to support for home educators since the 2010-2015 Committee published its report – none of the recommendations have been taken up and indeed in many areas the treatment of home educating families by local authorities has become very much worse.

The main impacts of COVID-19 have been a lack of access to GCSEs and A-Levels and a lack of ability to meet for social and support purposes.

We provide detail on the committee's specific questions below.

## The duties of local authorities in regard to home education, including safeguarding and assuring the quality of home education

It is important that these two issues are kept separate. Their conflation has, in the past, led to widespread misunderstanding and made relationships between home educators and authorities far more difficult than need be the case. We are still dealing with the historical legacy of this and for that reason, need to be extremely careful going forward if we wish to establish harmonious and helpful relations between Local Authorities (LAs) and home educators.

### Safeguarding

The Education Departments of LAs often confuse their remit with that of Social Services. This causes them to overstep their legal boundaries. LAs have a general safeguarding duty for all children (Education Act 2002), no matter where educated. This does not give them the right to insist on visit a child's home, or to see a child simply because they are home educated. (Department for Education: Elective Home Education Guidance for LAs - April 2019).

If there is reason to believe serious harm has, or is likely to take place to a child, Social Services have a duty to investigate (Children Act, 1989, s. 47). This duty applies with regard to all children equally, regardless of their education status. Indeed the DfE highlight that Home Education is not, in and of itself, a safeguarding concern:

*'There is no proven correlation between home education and safeguarding risk. In some serious cases of neglect or abuse in recent years, the child concerned has been home educated but that has not usually been a causative factor and the child has normally been known anyway to the relevant local authority.'* (DfE Elective Home Education Guidance for LAs - April 2019, 7.3)

That 'Home Educating parents or carers are not more likely than others to abuse or neglect their children' was clearly stated in the Khyra Ishaq Serious Case Review (Birmingham Safeguarding Children Board, 2010). There is also evidence that home educated children are **less** likely to be abused than school-attending children (Charles-Warner, 2015). Similarly the purported radicalisation risk has not been found to bear up to scrutiny (Charles-Warner, 2017). The law is therefore quite clear that beyond the general duty, welfare issues are the remit of social services and not any other department of the Local Authority.

The conflation of these two may cause serious harm, as in the case of Khyra Ishaq (Mills & Reeve, 2010) There is also evidence from minority home educators, such as Muslims, that LAs may intimidate families and drive them away from official contact (Pattison, 2020a & b) through an overt and misplaced safeguarding agenda. This situation is no doubt fuelled as well by some of the non-evidential accusations made against home educators by politicians, the police and media (see Pattison 2020 a & b and forthcoming) that have played into popular and LA attitudes.

### Assuring the quality of home education

Local Authority Education departments are often mistaken as to their legal role with regards to home educated children. It is the parents' duty to ensure an education suitable to the child's age, ability and aptitude and to any special needs they may have (Education Act 1996 s.7).

We remind the committee of the introduction to the Department for Education's own guidance on Home Education to Local Authorities:

*'This guidance is intended to help local authorities understand their existing powers, and their duties in relation to children who are being educated at home, and how those relate to the obligations of parents. It aims to enable local authorities to identify children not receiving a suitable education, and do something about it. The end result should be that every child is receiving a suitable education in a safe and appropriate setting, whether at home or in school.'* (Department for Education, 2019.)

Our experience is that most LAs are not aware of their responsibilities, and do not follow the law. The Local Authority only has a duty to act if it appears no education is taking place (Education Act, 1996, s.437). This is an important point in English Law - parents should not automatically be assumed to be guilty of the crime of not providing an education merely because they have chosen not to send their children to school.

Furthermore, LAs frequently display an ignorance about home education, confusing it with school education and hence making inappropriate assessments. For example, a common misapprehension is that of the duty of a school to provide a 'broad and balanced' curriculum, with that of a parent to provide an education suitable under s. 7 Education Act (1996). 'Broad and balanced' is not always a suitable education for an individual child. We have noted above that some families feel intimidated by their LAs and we have received reports from parents who say that they feel under such pressure that they have felt forced to adjust the nature of the education being provided to suit the preferences of the Local Authority, rather than following what they know is best for their own child. This is an extremely undesirable situation and the opposite of working cooperatively or in the best interests of children. Instead we reiterate our call for more research in order to provide a sufficient evidence base to support any changes in home education policy. We need to know, amongst other things, far more about the effects that monitoring and intervention have on families. Also it would be prudent to assess the costs to Local Authorities and the accruing benefits, if there are any, before policy is made.

LAs need to be specifically trained within agreed guidance on the philosophies and pedagogies of home education if they are to undertake any quality assurances of home education. Evidence suggests a wide range of pedagogies, approaches and learning styles in addition to the flexibility of achievement in Home Education that are unattainable in school (Pattison, 2016, Thomas and Pattison 2007). An appreciation of this variety and variation needs to be ensured; once it is, the idea of 'quality assessment' will need to be radically

rethought. Assessment based on school type pedagogy and targets is entirely inappropriate and cannot be simply applied (Pattison 2017).

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

The Education Select Committee inquiry into Home Education (2012) states that a register is not required, so it is strange that this question is being asked again, particularly as there is no new evidence on this matter. It remains unclear what data would be collected and how it would be used. A cost benefit analysis has not been undertaken.

A register of home educated children fundamentally attacks the principle of educational freedom. It *de facto* changes the opt in nature of schools, to which parents may delegate their responsibilities, to being the default educational setting from which parents would have to opt out in order to personally fulfil the educational responsibilities they hold towards their children. Unnecessary bureaucratisation undermines freedom and choice whilst promoting suspicion towards parents who are taking their educational responsibilities seriously.

We note with concern that the Children's Commissioner for England, Anne Longfield, appears to have misled the Education Select Committee on 6th October 2020, when she said, "The register was agreed. There is a commitment from the DfE for that compulsory register, but we have not yet seen it emerge." (Education Committee Oral evidence: Accountability hearings, HC 262 Q1020). As the committee knows, no such plans exist in the public domain.

Anne Longfield also, in the same session, misled the committee over the legal situation regarding home education in Jersey (Education Committee Oral evidence: Accountability hearings, HC 262 Q1021).

It is deeply concerning that the select committee is being given such inaccurate information from someone in so senior a post. It is also very harmful to the good relations that families and LAs are trying to establish, when misinformation is so freely disseminated. We have noted above, and reiterate here, the long standing difficulties and resentments caused by such dishonesty and misinformation. It is in everyone's interests that these are avoided in future.

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

Home education is a legal position, not a form of pedagogy. In fact, HE covers a multitude of experiences of education which would have to be addressed separately for their 'benefits' and 'disadvantages' to be illustrated. Generally, questions about this issue assume school education is a benchmark against all other types of education should be measured. Such comparisons are worthless. Many home educators have different goals in terms of academic and personal development. A distinction needs to be drawn between the ways in which

home education is better than school education and the ways in which it is different to school education. This distinction renders comparisons futile (Pattison, 2018). Nevertheless, there is evidence of inherent advantages to the personalised education inevitably offered through home education. This in comparison to school education in which one adult delivers standardised material in a prescribed format to groups of up to 30 pupils drawn together on the basis of geography and age. The following sources provide a taste of home education evaluations in comparison to school outcomes:

- Home educated children have better socialisation (Rothermel, P. (2015) *Home Education: A Desperately Dangerous Notion?*, International Perspectives on Home Education, pp 189-207.)
- Working class home-educated children have better exam outcomes than middle class children (Rothermel, P. (2004), *Home Education: Comparison of Home and School Educated Children on PIPS Baseline Assessments*, Journal of Early Childhood Research.)
- Home educated children have better outcomes in general - across education and in life (UKEssays. November 2018. Is Home Schooling Better Than Public Schooling?. [online]. Available from: <https://www.ukessays.com/essays/education/is-home-schooling-better-than-public-schooling-education-essay.php?vref=1> (Accessed 29 October 2020)

Home education provides children with an education that is suitable and appropriate to their age, ability and aptitudes, including specific areas of interest not always easily accessed through school provided education.

The disadvantages of home education have to some extent already been outlined above, where discrimination, prejudice and the peddling of misinformation (including by those in positions of authority) have raised populist misunderstandings which work against children and families, just as any other form of discrimination would. The main other disadvantages is limited access to GCSEs and A Levels due to a lack of exam centres, cost and the difficulty in accessing practical elements and coursework assessment.

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

Financial support is not available. Home educators bear all the costs of home education, including exam entry fees. There is no evidence to suggest that home educators would accept financial support if strings (such as registration, monitoring or following a prescribed educational style or curriculum) were attached. Any potential financial support should avoid being coercive in any way.

In terms of other support, the picture is extremely patchy with little by way of supporting information. Despite tens of thousands of children in the UK being educated outside school, the lack of support from 'officialdom' has been consistently ignored in policy (Merrett 2020, see also Pattison, 2020 a and b). In particular, issues such as school refusal including school refusal with underlying autism, are known to be prevalent but under researched (the issue has been highlighted in research conducted by researchers at Oslo University Hospital (Ingles, Gonzalez-Macia, Garcia-Fernandez, Vicent, & MartinezMonteagudo, 2015).

Home educating families are, however, well supported from within their own community. There are local and national support groups and charities with varying remits such as legal advice, practical advice and advocacy. There are also local groups which provide group activities and social interaction as well as moral support. This makes the home educating community particularly self-sufficient, which unfairly seems to unsettle a number of departments in LAs.

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'

The wording of this question is inappropriate and confusing. Children formally excluded and those attending unregistered schools are not home educated. Off rolling is an issue which should be tackled through the schools who are guilty of this; not through parents attempting to pick up the pieces after being let down by the system.

We have explained above that home education takes place in ways often different to those employed in schools, offering flexibility and personalisation on a scale impossible in educational institutions. This means that children may follow learning trajectories which are right for them, but may be unknown in formal pedagogy. For example, in learning to read, research shows that home educated children may attain reading fluency in a variety of different ways and across a much wider age range than would be accepted in school. The evidence is overwhelming that these children become competent readers and writers often with high levels of enjoyment, however their path to fluency may bear no resemblance to the age or achievement scales used across mass education (Pattison, 2016).

On the other hand, the record of achievement and well-being of schooled children in the UK gives consistent cause for alarm; an alarm which frequently lies behind decisions to home educate. For example:

- Unicef's research says that children in the UK are the unhappiest in the world (<https://www.unicef-irc.org/publications/683-child-well-being-in-rich-countries-a-comparative-overview.html>).(<https://www.unicef.org/press-releases/worlds-richest-countries-grappling-childrens-reading-and-math-skills-mental-well>)
- The Children's Society says that British children have low levels of happiness (<https://www.childrensociety.org.uk/good-childhood>).
- The mental health of the nation's children has deteriorated in recent years, according to the NHS surveys conducted in 2004 and 2017, <https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-of-children-and-young-people-in-england/2017/2017> and cited by the Mental Health Foundation <https://www.mentalhealth.org.uk/blog/what-new-statistics-show-about-childrens-mental-health>
- Bullying is endemic in UK schools (<https://iscweb.org/?CategoryID=175>).
- One fifth of children in schools are bullied (<https://www.ditchthelabel.org/research-papers/>).
- Isolation booths are allowed in UK schools even though they would not be allowed in Young Offenders' Institutions (Ban the Booths Campaign). These are in plain sight and repeatedly reported in the media, and yet Ofsted, Social Services and the Local Authority do not intervene to prevent their use or sanction schools who do so. This suggests a severe lack of judgment on the part of those running and regulating

schools as to what constitutes an acceptable standard of child protection and welfare (Ford, T., Parker, C., Salim, J., Goodman, R., Logan, S., & Henley, W. (2017).

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

We refer you to the Education Committee Report (2012):

*'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.'*

As there has been no new evidence to suggest a change of policy we are again unsure as to why this point should have been raised in this consultation. We also point out that any policy which both registers and inspects home education is actually a licence scheme and that, if this is the intention, this should be made clear from the outset. If it is not the intention, then we see no justification for inspection, there being no evidence of any benefit justifying the cost of this. Indeed, given the variability within home education and the lack of understanding of and knowledge about home education within LAs, the form and remit of inspection is impossible to either define or introduce with any perceivable benefit.

## 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

There have been no improvements since the publication of this report. The situation has worsened in terms of the disrespect and discrimination shown to home educators by some schools, Local Authorities and the DfE. The questions in this call for evidence suggest that the committee has not read its own report of 2012 (for example, suggesting registration and monitoring after this had been dismissed in the last report).

A very recent inspection of LA websites concluded that of the 152 LAs in England only 20 had information online that was fully compliant with legislation and guidance. This is a reduction from 30 as seen in 2012 (from the results of a survey carried out by Alison Sauer and used in evidence for the Support for Home Education inquiry in 2012).

Both the The Department for Education's Elective home education Departmental guidance for parents (2019) and the aforementioned sister guidance for Local Authorities misinterpret s. 436A of the Education Act (1996) with the result that LAs now mistakenly believe their duty to find Children Missing in Education (CME) means that all Home educated children should be listed as CME until proven otherwise, which by definition they are not.

In the last few days, the Department for Education has released an inaccurate blog post and information to parents:

*If you think EHE might be in the best interests of your child, the Government expects your LA to coordinate a meeting with you involving your child's school and social workers where appropriate. We strongly recommend you meet with your LA to consider whether EHE is appropriate for your family and your child before you decide whether to withdraw them from their school's roll. (All you need to know about home-schooling and elective home education (EHE) 20 Oct 2020)*

This suggests that a meeting between the school, Local Authority and parents must be convened before an instruction to remove a child from the school's roll is actioned. This is a demand which is unlawful (The Education (Pupil Registration) (England) Regulations 2006, r.8(1)(d)) and shows the DfE's lack of regard for the parents' educational responsibility.

## 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.'

Home education, until this week, has not been recognised in COVID policy. Even given this new mention which refers to 'educational' purposes only, no exemptions have been made for home educating groups in terms of social gathering limitations. No consideration has been made of the detrimental impact on education. Social gatherings of home educated children are forbidden and yet their peers in school are meeting in groups at recreation breaks. Guidance on home education gatherings was confusing and did not understand how home-education works. Instead, it focussed on activities which were more like 'classes', which aren't relevant for every home-education gathering. The result is that most home educators ceased to meet up at all. Not only does this show how policy-makers conflate home-education with the methodology of 'schooling', it is systemic discrimination.

The situation for home educated students who missed out on exams this summer which they had entered as private candidates has not been considered (Merrett, 2020). To date those young people are still not being catered for and their educational opportunities are being reduced by this additional systemic discrimination.

We also observe that home educating families were targeted for updates, during the initial lockdown period of March to September, by the Local Authority even though no school-using families were asked to supply the LA with information on their educational provision during the school closure period of March to August. In addition Ofsted suspended inspections. We believe that this constitutes further discrimination against home-educating families.

Feedback from our subscribers shows that many families who were fearful about returning children to school in September were threatened with fines rather than their concerns being taken seriously and addressed. As a consequence, some of these families chose to

deregister children and begin home education. CPE, and other organisations, contacted the DfE to raise these issues at the time, but our advice to disallow fines in England was ignored.

We also find it disingenuous that the Head of Ofsted was reported in the press to have said that families were deregistering due to believing social media misinformation. This is not our experience having, through the voluntary work of our trustees, supported thousands of families wrestling with the decision. (The Guardian 30<sup>th</sup> Sept 2020, Dept for Education Blog 6<sup>th</sup> Oct 2020)

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