

Written evidence submitted by Ofsted

## **Education Select Committee - Inquiry on Home Education**

November 2020

Ofsted welcomes this enquiry into home education.

1. Evidence suggests that the number of home-educated children was increasing before the COVID-19 pandemic. Initial findings from our recent visits to almost 400 schools indicate that this growth is continuing.<sup>1</sup>

2. We support the right of parents to educate their children at home and believe that many who choose to home educate do it very well. It can be a positive decision when parents are well equipped to provide a good education. However, some parents whose child is home educated have not actively chosen home education. Their child may have left school because of off-rolling or COVID-19 (coronavirus). Parents may be less well-equipped to provide high-quality home education. For some children, home education means a lower quality of education and/or exposure to greater safeguarding risks.

3. Ofsted has no direct role in the regulation or inspection of home education. Our comments here draw from our inspections of schools, visits to unregistered settings, and our research project on home education.<sup>2</sup>

4. We believe that government policies relating to home education require urgent attention. We welcome DfE's proposal to create a national register of home educated children.

5. The changes that we think are needed to strengthen the regulatory framework include:

- a mandatory national register of home educated children, administered by local authorities (LAs)
- a wider range of powers and sanctions available to local authorities (LAs) to support them to identify children who are not receiving a suitable education
- legislative changes to prevent children from attending unregistered schools
- a mechanism to reduce off-rolling, such as a right of appeal to an independent body by the parent if they consider that they have been coerced into home education
- a requirement for schools to inform the schools adjudicator and regional schools commissioner (where relevant) when a child is deleted from the admission register at a non-standard transition time.

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<sup>1</sup> [Our briefing on our pilot visits to over 120 schools is here and our briefing on the next phase of our interim visits, to over 275 schools, is due to be published in mid-November.](#)

<sup>2</sup> <https://www.gov.uk/government/publications/exploring-moving-to-home-education-in-secondary-schools>

We will address the following points raised by the inquiry:

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

6. We believe there should be a statutory register of home-educated children. Without a registration requirement, LAs do not know how many children are home-educated in their area or who they are. This makes it hard for the LAs to fulfil their statutory duties in respect of home-educated children. A register would improve the ability of LAs to fulfil these duties.

7. Registration should be light touch and avoid placing unnecessary burdens on home-educating parents. There should be a duty on the LA to gather registration information for home-educated children in their area, and a duty on parents to register the details of each home-educated child and to update the details on the register if they change.

8. We think it should be mandatory for parents to supply:

- the name, date of birth and address of the child being home-educated
- the name, address(es) and date of birth of the people with parental responsibility for the child
- the name and address(es) of any out-of-home settings that are being used to provide a component of the child's full-time education, and the number of hours the child is attending the settings for
- previous schools attended (if any)
- whether the child has had an education, health and care plan (EHCP) or has been open to children's social care as a child in need, on a child protection plan, or having been in care.

9. We support the creation of a national dataset that could be locally administered. A dataset would improve consistency and ensure that information is not lost when children move between LAs. It should apply to all children, including those who, by reason of illness, exclusion from school or other reasons, may not receive suitable education unless arrangements are made by the LA under section 19.<sup>3</sup> We believe that there should be clear limits on how this information can be used. These limits should reassure home educators.

10. We believe that there should be sanctions for non-compliance, because a registration requirement is unlikely to be effective without a sanction. Sanctions already available to LAs include school attendance orders. However, in many cases, a school attendance order is disproportionate or not in the best interests of the child. If parents have not registered but the LA is satisfied about the suitability of the education the parents are providing, there should be a sliding scale of alternative sanctions available to the LA. This could include fining parents, similar to the approach taken to unauthorised absence.

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<sup>3</sup> <https://www.legislation.gov.uk/ukpga/1996/56/section/19>

11. In addition to the mandatory information, the register would be an opportunity to ask parents for additional information on a voluntary basis. This could include:

- the child's gender and ethnicity, to track whether particular groups are more likely to opt for home education, and may be facing additional barriers to accessing mainstream education
- the reason(s) for home educating
- the child's special educational needs, if any
- information about the programme of education that the parent intends to provide.

This information would help central and local government understand areas of mismatch between public provision and the needs of children and their parents.

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

12. We do not think that formal routine inspection of home education (whether by Ofsted or anyone else) would be proportionate. The advantages of any inspections should be considered alongside the disadvantages of infringement of parental freedom to determine how their child is educated, privacy and the high cost of such a scheme. We do, however, think that LAs should have limited powers to make assessments of a child's home education if there are concerns about its suitability. More detail is in the next section.

13. Although we do not believe that Ofsted should inspect individual home educators, there are other ways in which our expertise could improve home education indirectly, for example through increasing the focus on home-educated children and young people with SEND in area SEND inspections. We already look at LA systems for monitoring home education in inspections of LA children's services (ILACS). We would be open to considering additional ways Ofsted could support the oversight of home education.

### **The duties of LAs with regards to home education, including safeguarding and assuring the quality of home education**

14. We welcome the new guidance issued by DfE in 2019 which helped to clarify how LAs should use their existing home education powers. The guidance advises that LAs should serve a school attendance order (SAO) if they are not satisfied that the education a child is receiving is suitable, and that a refusal by parents to provide any information in response to the LA's enquiries about the home education will likely mean that it is appropriate to issue an SAO. The guidance also makes clear that inadequate education can impair a child's intellectual, emotional, social and behavioural development, and may bring child protection duties into play if a child is not receiving a suitable education; and the use of school attendance powers has not

changed that. We would like to see LAs make more use of these existing powers where there are serious concerns about a child's education.

15. However, in some cases, an SAO is a disproportionate sanction and may not be in the best interests of the child. Often, where there are concerns about the child's education, it will be more effective for the LA to make assessments and offer support so that the home education can be improved, rather than ordering the child to attend school against their and/or their parents' wishes. In our view, the legislation should be amended to give LAs powers to visit the child's home to make assessments of home education. These powers should be limited so that they can only be used when the LA has reasonable concerns about the suitability of the home education. They should not be used routinely.

**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'**

16. We believe that these are circumstances that give rise to particular causes for concern. It is for the education of the children described above and similar children that we believe the regulatory framework should be strengthened.

***Children at risk of neglect or abuse***

17. There is no proven correlation between home education and safeguarding risk. However, a home educated child at risk of neglect or abuse may be more difficult to spot because they will not be coming into contact with professionals, such as teachers, outside of the home. Children who do not attend school can become hidden. Sadly, we know that most cases of serious maltreatment of children happen at home, at the hands of parents or family members. Some children are safer at school. In some cases, the choice to home educate may be a means to remove a child from public scrutiny, leaving the child more susceptible to abuse, neglect or even in some cases radicalisation.

18. Vulnerable children who do not attend school may be at further risk of not achieving their educational potential. They may not be able to access formal education or employment in the future if they have not gained recognised qualifications. They will also not benefit from the role that schools play in preparing children to participate fully and constructively in society.

***Children who attend unregistered schools***

19. We have serious concerns that some children are receiving almost all their education in unregistered schools. In more than a quarter of unregistered settings inspected, we have been told that there are children present who are nominally home educated. Children attending unregistered schools are at risk because there is no oversight of their education or safety. Evidence from inspections shows that too

many of these settings are badly maintained, unsafe and even squalid. We have found safeguarding or health and safety concerns in almost 40% of settings.

1. To better protect children attending these settings, we need legislative change in three main areas:

- First, the government must close the loophole that allows settings providing a very narrow curriculum to avoid registration.
- Second, Ofsted needs strengthened investigative powers so that we can seize evidence and search premises.
- Third, we need powers to close down settings that have been found guilty of operating illegally.

DfE has recognised that we need legislation in this area, but it has been slow to arrive. The government must now make it a priority.

### ***Children at risk of being radicalised***

20. For most children, home education does not pose a risk of radicalisation. However, for a small minority of children, there is an increased likelihood of exposure to extremist ideology or grooming. Children attending school will be taught about fundamental British values. Children who do not attend school may not and are less likely to be known to professional staff to whom the Prevent duty applies.

### ***Off-rolling***

21. We are concerned about cases of 'off-rolling'. Ofsted defines off-rolling as the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.

22. We are concerned about the numbers of pupils leaving their school, which is also referred to as pupil movement. While analysis of pupil movement is not proof in itself of off-rolling, we believe it may be a helpful signpost. We recognise that some of these pupils may have moved to an independent school (including special schools and alternative provision) and that other children are being home educated by well-equipped parents. However, we believe that there is a greater risk that some children who leave a school may become 'missing' in education and therefore may be more susceptible to harm. Using pupil-level data from the DfE's school census, we tracked pupils in Year 10 in 2018 and would be expected to be in Year 11 of the same school in 2019. Nearly 20,000 pupils did not progress from Year 10 to Year 11 remaining in the same state-funded secondary schools. Many of these pupils moved to another state-funded school, but just over half did not reappear in the census of a different state-funded school. Children with special educational needs, children eligible for free school meals, children who are looked after and some minority ethnic groups are all more likely to leave their school.

23. In May 2019, we published a YouGov survey on teachers' views of off-rolling. The survey found that most teachers believe that pupils who had less engaged and/or less informed parents were more likely to be off-rolled by schools.<sup>4</sup> More could be done to ensure that parents understand their rights, including that they cannot be required to home-educate their child. Thought should also be given to introducing a checking mechanism, for example a right of appeal to an independent body by the parent if they consider that they have been coerced into agreeing to home education. In addition to the LA, the schools adjudicator and regional schools commissioners (where relevant) should also be informed of deletions from the admission register at a non-standard transition time.

24. Ofsted will continue to seek to identify any inappropriate or unfair action by schools through inspection. If inspectors identify any specific measures being adopted by a school, for example having a template letter prepared which parents considering home education are asked to sign, inspectors will consider the appropriateness of those measures as part of their evaluation of the leadership and management at the school. However, the current suspension of school inspections prevents us from scrutinising off-rolling.

### **The impact COVID-19 has had on home educated children, and what additional measures might be needed to mitigate any negative impacts**

25. COVID-19 has had a significant impact on the lives and education of all children in the country, although the disruption to children who were already home-educated may be less than those who normally go to school. It will take time to see the full effect: clearly there have been considerable short-term losses, and we do not yet know how longer-term educational outcomes will be affected. Social isolation appears to have increased the risks to the children already vulnerable to abuse and neglect. The evidence suggests that more children have been abused at home since the pandemic began, with the NSPCC reporting they had received a third more calls about the impact of domestic abuse on children during lockdown than the start of 2020.<sup>5</sup>

26. COVID-19 appears to have led more parents to elect to home educate. This term, Ofsted is making interim visits to schools. In the first month we visited just over 275 schools, almost half of which told us that parents had removed pupils from their school roll since last year, to home educate them. Schools mostly reported that this choice stemmed from family anxiety about COVID-19, rather than because home educating in lockdown had been successful. We are concerned that misinformation about COVID-19 risks may be playing a part in these decisions. On the other hand, elsewhere, we hear from parents concerned that schools are making the school experience unduly restrictive. We will continue to report on findings from the interim visits, including any findings relating to home education.

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<sup>4</sup> <https://www.gov.uk/government/publications/off-rolling-exploring-the-issue>

<sup>5</sup> [www.nspcc.org.uk/about-us/news-opinion/2020/Calls-about-domestic-abuse-highest-on-record-following-lockdown-increase/](http://www.nspcc.org.uk/about-us/news-opinion/2020/Calls-about-domestic-abuse-highest-on-record-following-lockdown-increase/)

27. COVID-19 has also created significant risk for children with special educational needs and disabilities. A survey, 'Left in Lockdown', published by the Disabled Children's Partnership, found that the lockdown period:

- (a) had negative impacts on children and young people's mental and physical health
- (b) had stopped or reduced vital care, therapies and support and
- (c) had delayed statutory processes such as annual reviews of education, health and care plans.<sup>6</sup>

28. For these children and young people, the result of not receiving the essential support they need will be significant and could be irreversible. There also may be concerns from parents about children with specific health needs returning to school.

29. One additional measure to help understand the impact of the pandemic may be a survey of a sample of the parents of children who were registered at a school last academic year but who have been withdrawn this year. The survey could ask for the main reason for home educating, such as medical reasons preventing the child returning to school, anxiety about catching COVID-19, concerns relating to the changes the child's former school implemented due to the pandemic, or positive home schooling experiences. It could also explore how long they plan to continue home schooling, how they are home schooling and what their main resource/support needs are. This would give a fuller picture of the impact of the pandemic on home education.

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<sup>6</sup> <https://disabledchildrenspartnership.org.uk/wp-content/uploads/2020/06/LeftInLockdown-Parent-carers-experiences-of-lockdown-June-2020.pdf>