

Written evidence submitted by the Home Education Advisory Service

**Inquiry into support for home education  
Submission of evidence from Home Education Advisory Service**

Home Education Advisory Service (HEAS) was founded in 1995 and was registered as a charity and as a company limited by guarantee in 1997. It exists to provide information, advice and support to families and also to local authority staff, other professionals, academic researchers, voluntary agencies and the media. HEAS gives practical advice on educational materials and resources, GCSE, special educational needs issues, information technology, legal matters, social life and curriculum design. Information is available in a range of publications and also through subscription to HEAS.

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**Summary of submission**

HEAS would like to comment on the following areas of the inquiry:

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

- We believe that local authorities have ample powers to fulfil their duties towards home educated children; our view is that the present legal framework provides the correct balance between the rights of home educators and the duties of the authorities

Is there a requirement for a statutory register of home-educated children?

- We believe that a statutory register would have no benefit for home-educated children with regard to their safety and welfare; it would be a wasteful and hugely expensive exercise which has been considered and discarded several times in the past; indeed, it has the potential to put children at risk

Comments on the quality and accessibility of support (including financial support) available for home educators and their children

- Support for home educators is minimal; however, home educating families are not universally in agreement that financial and other support is acceptable because it may come with conditions which limit their independence

Comments on 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'

- We believe strongly that the current regulatory framework provides adequate safeguards for children’s wellbeing and educational achievement; the problems which impact upon home education should be addressed at source and will not be solved by placing restrictions on home education

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

- We believe strongly that the present system is fit for purpose and we contend that it would be neither necessary nor proportionate to put measures in place to identify and regulate all home educating families; such measures would cause severe distress to the great majority of families who have made successful arrangements for their home education

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?

- We must say that the position regarding support for home educating families remain largely unchanged

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

- We note the difficulties with exams which experienced by private candidates; we note the assistance which home educators have found on many school websites which have published teaching materials and resources

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

Local authorities’ duties and the extent of their powers are defined clearly in the current document *Elective home education: Departmental guidance for local authorities* (April 2019). The guidance specifies local authorities’ powers and responsibilities in some detail, demonstrating that the existing legislative framework has always contained ample powers for local authorities to deal with any cases where concerns might be well founded. Efficient policies and timely action by individual local authorities are necessary rather than any legal changes.

Local authorities’ safeguarding duties are also explained fully in the current Departmental guidance (as above). The guidance acknowledges (section 7.3) that children about whom there might be safeguarding concerns are usually known to the local authority. This is also true of the few tragic cases where home educated children have been harmed and the point is made that home education has not been a ‘causative factor’ in these situations.

The truth of the matter is that no system, however thorough the surveillance, will ever prevent some individuals from abusing others if their mental state or other factors cause them to do so. Given that it is not possible for any system to remove all risks we believe that there is no evidence to justify imposing intrusive regulatory burdens on all home educating families at great cost to the public purse.

Quality assurance of every home education arrangement has never been a legal requirement but the local authority is empowered to act if they have cause to believe that a satisfactory education is not being provided by parents at home. Education law recognises that the duty to educate their children belongs to parents. In educational matters as well as in all other aspects of children's growth and development, the law acknowledges that it is a natural aspiration for parents to want to provide the best experience for their children which will lead to the best outcome for them in adulthood. Accordingly the law entitles parents to the presumption that their arrangements will be satisfactory because of their natural interest in their children's wellbeing. Learning is a fundamental human activity which is not dependent upon the school system.

Further, parents are entitled to the presumption that they will feed and clothe their children and nurture all other aspects of their development without having to demonstrate competence in these areas to government inspectors. Local authorities have the power to intervene in these matters if there is evidence that parents are failing, but it would be unthinkable for all parents to be inspected to ensure that they are performing their duties in these areas. Logically the same presumption should apply to the duty placed upon parents to provide proper education should they decide to make their own arrangements.

Many home educators assert that local authority officers who are trained in the process of instruction which is the basis of the maintained school system are not well equipped to make judgements about the individualised learning which occurs in home education. When children learn at home on an individual basis, the parent assists them to learn in a natural and unforced manner and progress is observed as time passes. The processes which the school system requires in order to measure progress and assure the quality of the instruction are not relevant at home. An outside observer who is employed to judge the effectiveness of the arrangements may not have the tools or the experience to make a correct assessment of education outside the classroom setting. Dr Alan Thomas, a leading academic researcher who spent much of his professional career researching home education in England and Australia, has written extensively on the pedagogy of individualised learning and home education. His research provides much evidence of the effectiveness of education at home.

### **Is there a requirement for a statutory register of home-educated children?**

At present local authorities are required to maintain a list of home educated children who are known to them. Children who have been withdrawn from school by their parents are placed on the list when schools notify the local authority of the removal of the child from the roll, or if the local authority becomes aware of them by other means. Home educating families who move

into the area are not required to make themselves known to the local authority. There is no obligation upon parents to notify the local authority if they decide to continue to educate children at home once they reach the age of five; this is consistent with the fundamental legal principle that parents, not the state, are responsible for providing education for their children.

It is entirely reasonable that parents should not be obliged to notify the local authority of their decision not to avail themselves of the maintained education system. Parents are not required to inform the local authority if they choose to send their children to an independent school. Home education is a third option which is accorded equal status in law with state and independent education, therefore it is logical that parents should not be expected to register their child with the local authority. Home education should be treated with the same respect as the other two systems.

The creation of a register of home educated children would involve a massive and costly bureaucratic exercise which would hold a vast amount of information. Over England's 152 local authorities a significant number of extra staff would be required simply to maintain the registers. These registers would change on a daily basis. Our observations over the past 25 years of HEAS' existence as a membership organisation have shown that children go in and out of home education; accurate information would be impossible to achieve. Moreover, privacy campaigners, the home education organisations and other groups have expressed concerns about the safety of large collections of personal information about children ever since the days of the ill-fated ContactPoint database proposals. The existence of this data could potentially place home educated children at risk from paedophile networks because so many people would have access to it. Disclosure and barring checks give an illusion of safety but the fact remains that these measures can only exclude individuals who have been caught. The checks give no protection against others who are just as dangerous but have evaded detection.

There have been calls for a register of home educated children from time to time over at least the past 14 years. We believe that it is no accident that this measure has never been implemented. HEAS and the other home education groups have always pointed out that simply making a list of all home educated children would achieve absolutely nothing without further investigation. Nothing would be known about the children apart from the fact that they exist. No real information would be gained unless all the families on the lists were contacted with a request for details of their educational arrangements. To collect names and addresses of all home educated children without making further enquiries on the grounds of safeguarding and quality assurance would be an expensive, invasive and totally pointless exercise.

After the completion of the mammoth task of processing the data, inevitably the next step would be a demand for further information and a request for visits. Many families would find these enquiries intrusive and unwelcome. Further, conversations with many local authority officers have revealed fears that the respectful relationships that they have worked to establish with families would be badly damaged if the contact were to become mandatory. One local authority officer said: 'Enforced contact with the families would be disastrous. It would damage the mutual trust which we have built up over many years. I'm

far less likely to hear about any concerns that parents may have if they know that they are forced to talk to me.'

### **Comments on the quality and accessibility of support (including financial support) available for home educators and their children**

For families with children who have special educational needs, disabilities, mental health issues or caring responsibilities, local authorities have information about the 'local offer' on their websites. Parents may seek support from the independent information, advice and support service which each local authority is required to provide.

Young people who are making the transition to further education often find that they are obliged to wait until they are past compulsory school age before they can make an application for a course. Sometimes they cannot access a suitable post-16 course because there are entry requirements, namely GCSE passes at certain grades. There seems to be little flexibility regarding the possibility of using assessment or trial attendance to ensure that young people have the skills to complete the course successfully even if they don't have formal qualifications. They are obliged to take a level 1 course for the first year regardless of the fact that they might be able to demonstrate competence by means other than GCSE passes.

We have observed that amongst home educators there is a range of opinion on the subject of financial and other support; some parents would like more support while others value the independence that home education gives them. The following comments are typical of the views held by parents on the subject of support:

'If the Government want to put in place hoops to for us to jump through and targets to aim for, then we should have the same services as schooled children. We should have access to online schools, software and resources. We should also have places to sit exams free of charge ...'

'On the whole home ed families are responsible families who have thought long and hard about choice and take education and welfare of their children very seriously. As we have opted out of the system I don't think we can expect help and I wonder what restrictions we would have to put up with in return ...'

### **Comments on 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'**

We believe that the current regulatory framework should not be changed. It is necessary to tackle the problems which impact upon home education, rather than attempting to regulate it further. The three examples quoted are significant. The existence of unregistered schools, the vulnerability of children who are out of education after permanent exclusion and the known problems of

off-rolling are all serious issues which require action. All of these problems could potentially have an impact on children who are home educated by force of circumstance but it is self-evident that home education is a casualty and not a cause of these unacceptable practices.

First, unregistered schools which are causing concern should be tackled individually and closed down. They are a threat to the welfare of all children who attend them, not just to home educated children. Evidence from the recent past shows that school attendance is not enough to prevent children from coming under the influence of individuals who hold extreme views of various kinds. Again, it would be both irrational and counter-productive to attempt to address the issue of unregistered schools by greater regulation of home education.

Second, permanently excluded children who are without provision are among the most vulnerable of all. It must be acknowledged that the duty remains with the local authorities to provide full-time education for these children which must begin no later than the sixth day after the permanent exclusion. Information from parents in numerous local authorities indicates that a lack of suitable provision for permanently excluded children may mean that their child is left without provision after the six days have ended. Parents may decide to educate the child at home instead of accepting a place at the local pupil referral unit or similar alternative provision. Again, home education is not the cause of the problem. Local authorities should be encouraged to invest in a greater range of good quality alternative provision for children who are at risk of failure in the mainstream for reasons which are often complex and intractable.

Third, conversations with parents and with local authority officials confirm that off-rolling remains a matter of concern in some areas. We believe that some occurrences of off-rolling may be caused by lack of information about home education among school staff. Parents have contacted HEAS and told us that the school has instructed them to get in touch with us and ask for packs of work to be sent to them for their children. We have always been clear in our information that HEAS doesn't provide tuition services. Others have said that the school told them that the local authority has advisers who will provide work and guidance to enable the child to study at home. Some parents report that the school has advised them to consider home education in order to avoid a permanent exclusion.

These situations are ambiguous and while misinformation may play a part in some instances of off-rolling, we consider that more could be done by local authorities to make the position clear to the schools in their area. We don't think that home educators should be further penalised by making the deregistration process more difficult. The dissemination of accurate information about home education both to schools and to parents would do more to mitigate the problem than placing barriers in the way of deregistration.

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

The cost of registering and inspecting all home educated children would require an enormous commitment of public funds when there is no concrete evidence that further regulation is necessary. Resources and funding would have to be

diverted away from other much-needed areas including tackling the problems of unregistered schools, permanently excluded pupils without alternative provision and the pernicious practice of off-rolling.

We consider that the present system is adequate and in over 25 years of working with and for home educators we have seen no evidence to suggest that there is a need to investigate and regulate the arrangements of families who are not known to the local authority.

We believe that it would be wholly disproportionate to go to extreme efforts to identify unknown families in order to inspect their educational arrangements in case they are failing in their duty. This unjustified intervention would not represent a responsible use of public funds. Moreover, needless intrusion would cause severe distress and actual harm to thousands of decent and capable families who are providing good educational arrangements for their children.

**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?**

We have to say that the position regarding support for home educators has remained largely unchanged. There are still barriers which hinder access to exam centres and to further education colleges, and some parents of children with special educational needs report that they struggle to make provision for their children who are unable to attend school. The lack of special school places is of concern. Many parents feel obliged to take on home education to avoid the distress caused when the child is languishing in a mainstream environment which is totally unsuitable.

We would like to observe that in general there does appear to be an improvement in the tone of communications between local authorities and home educating families, and this in itself is supportive.

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

It is fair to say that the unprecedented problems caused by the pandemic have had a serious impact on home educated children and school pupils alike, particularly for those young people who are taking exams. We understand that plans for the summer exams in 2021 are under consideration and we hope that the needs of private candidates studying alone who don't have teacher assessments on record will be recognised.

Some schools share topics and materials on their websites and these educational resources are available to parents; this has been very helpful to parents and it should be encouraged (perhaps with modest project funding which could be made available via the DfE?). This is perhaps one of the few positive outcomes which have helped parents during this very challenging time.

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