

Written evidence submitted by National Children's Bureau

## Education Committee Inquiry – Home Education

### A submission from the National Children's Bureau

#### About the National Children's Bureau

The National Children's Bureau (NCB) is a leading research and development charity that for 50 years has been working to improve the lives of children and young people, reducing the impact of inequalities. We work with children, for children, to influence government policy, be a strong voice for young people and front-line professionals, and provide practical solutions on a range of social issues. NCB hosts expert member networks and programmes and partnerships – which make up the NCB Family. The NCB Family includes membership organisations and programmes relevant to this submission, such as the [Anti-Bullying Alliance](#) (ABA), the [Sex Education Forum](#) (SEF), the NCB Social Care Team, and the [Special Educational Consortium](#) (SEC) and the [Independent Advice and Support Services](#) (IASS) Network, both based at the [Council for Disabled Children](#). This submission also draws on NCB's 2017 and 2018 Children Missing Education research. This research primarily focuses on children missing education, but also examines the wider issues relating to children not in school.

#### About Young NCB

This submission draws on NCB's previous consultations with young people from [Young NCB](#) around home education. Young NCB is a free membership group for children and young people to speak out about the important issues and decisions that affect them. It is open to all children and young people who live in England and Northern Ireland who are aged 18 and under, or up to 25 for those with special educational needs or disabilities.

#### Reason for submitting evidence

NCB are experts in supporting vulnerable children receive a suitable education, in spite of the many barriers they may face. We also support practitioners in developing best practice around supporting vulnerable children to receive a suitable education. In addition, we directly consult with and research the views of children, young people and professionals on their experiences and use this research to formulate evidence-based policy proposals. Our 2017 and 2018 research with local authority professionals and our work with Young NCB are directly relevant to this inquiry.

#### Questions posed by the Inquiry

- **The duties of local authorities with regards to home education, including safeguarding and assuring the quality of home education**
- **whether a statutory register of home-educated children is required**

- **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’**

NCB recognises parents’ rights to home educate and provide a suitable education at home. NCB believes that additional duties need to be placed on local authorities to support home education, including the introduction of a statutory register of children ‘not in school’. Many children not in school will be home educated but some will be ‘missing education’. It is critically important that children not in school are identified so that appropriate measures can be put in place to ensure that every child receives a full-time, suitable education - as is their legal entitlement - and to address any barriers to learning as well as any support needs they may have.

There also needs to be additional duties placed on both parents, education settings and other statutory services to ensure the successful implementation of a statutory register and to ensure that local authorities can adequately carry out their new duties.

Under the United Nations Convention on the Rights of the Children (UNCRC) Article 28 “every child has the right to an education” and under Article 19 of the UNCRC every child has a right to “protection from violence, abuse and neglect”. Under the Education Act 1996 children have a legal right to receive a ‘suitable education’. Home education is a way parents and carers can fulfil their duty to provide a suitable education to their children (NCB, 2017<sup>1</sup>). Some parents may need support from their local authority, an education setting or other service to enable them to provide a suitable education to their children.

The *Children Not In School* (2019) Department for Education Consultation asked how registration and support for children not in school might work in practice, setting out two proposals around potential statutory duties on local authorities:

- Proposal 1: the introduction of a duty on local authorities to maintain a register of children of compulsory school age who are not registered at certain schools.
- Proposal 4: the introduction of a duty on local authorities to provide support to home educating families - if it is requested by such families.

NCB supports both of these proposals.

NCB also supports the remaining two proposals set out in this consultation, which we believe are needed to ensure the successful implementation of a statutory register:

- Proposal 2 - the introduction of a duty on parents to provide information to their home local authority if their children are within the scope of such a register.
- Proposal 3 - the introduction of a duty on education settings attended by the children on the register to respond to enquiries from local authorities about the education provided to individual children.

### **A local authority-maintained statutory register**

There is currently no duty to register home educated children and as such many are unknown to local authorities (NCB 2017).

Registration of all children not in school, including home educated children, would help build a picture of all children's education in each local authority. Unless local authorities know who is being home educated it is hard to identify who isn't being home educated and who is falling through the gaps. Registration could help ensure all children are receiving their entitlement to suitable education, including via helping home educated children receive sign posting and support where necessary.

In NCB's research (2017) local authority professionals explained that they were particularly uneasy when home educated children were unknown to authorities.

*"There are loads of children out there, we'd say there's at least double [of the amount on local authority home education lists] out there, that we don't know about because they've never registered for a school, and nobody knows about them... there's a lot of child protection issues where we don't know what's happening to children."*

***A register would increase contact between local authorities and children not in school, thereby enhancing both support and safeguarding opportunities for the small but significant proportion of children who are vulnerable yet hidden.***

Home education is not in itself a safeguarding risk but can lessen the avenues for children to speak out if they are being abused or neglected. NCB research (2017) found children not attending school are often a hidden group in local authorities, not receiving their entitlement to a suitable education and can therefore be at risk from a safeguarding perspective. Children not in school are less visible to the networks of adults around them and our research demonstrates the concerns of many local authority professionals:

- Some home educated children were *"quite a hidden group"* and there was a *"hidden population"* of children.
- Some local authority professionals *"knew [a child was home educated] when a school told them a child had been withdrawn from school for home education"*. In some cases local authority professionals only *"learn about [...] children through neighbours phoning or a health visitor visit"*.
- Local authority professionals were anxious about families who did not engage with services. This lack of knowledge made it difficult to safeguard these children and potentially put them at risk as a result. These findings about hidden children and the safeguarding risks were also expressed by the NCB's Social Care team.
- Local authority professionals felt the situation would be improved if carers were required to register: *"that is really a big concern for us and really we would like the government to say everyone has to register"*.

Currently children who are never registered at a school are unlikely to be on the local authority radar and while the provisions under the Education Act 1996 allow the local authority to make arrangements to establish, who and where these children are, experience from NCB's Information, Advice and Support Services (IASS) Network, suggests they are rarely and poorly used.

A register should increase the contact between local authorities and those not in school, ensure information is joined up and help ensure their education or assessments for safeguarding are in place.

It would be helpful for this Inquiry to consider the evidence and propose recommendations that would help address the following issues that NCB believe require further consideration:

- Those families who are most hidden are still likely to be missing from the register. Additional support will be needed by local authorities to identify these children.
- How other agencies engage and interface with the register and share information will be key. For instance how statutory agencies such as the police engage with the register.
- NCB support the proposal that implementation of registration is subject to certain conditions, particularly that sufficient financial support is provided to local authorities to deliver such a register.

**The introduction of a duty on local authorities to provide support to home educating families - if it is requested by such families.**

This is proposal 4 of the *Children Not In School* (2019) Department for Education Consultation, which NCB supports.

This duty should be introduced to ensure home educating families are able to support their children to receive their legal entitlement to a suitable education. We believe it should only be provided when requested by families rather than the support being enforced. However, home educated families need to be made aware this support is available should they request it. It would be helpful for this Inquiry to consider the evidence and propose recommendations that would help address the following issues that NCB believe require further consideration:

- When a child might not want support through their parents and carers they should be able to access support independently/ directly
- Where the parents wish for their child to return to school how they can be supported to do so.
- How disengaged parents will be made aware of support and how to access it.
- Whether there is any scope for per pupil funding to be allocated to local authorities to be spent on support for home educated children.
- How resources can be made available to parents to deliver the new Relationships, Sex and Health education curriculum.
- How this support can link to needs assessment for children, including assessments of special educational needs or early help.

**Additional duties on local authorities**

NCB believes the Government should consider placing the following additional duties on local authorities to help home educating families.

*Support to help a child return to school*

It is important that parents and carers whose children are home educated are able to change their mind and return their children to their former school. NCB's research (2017) found that parents and carers are often home educated because they felt that school was not the right place for educating their child.

However, the research found this decision could change if “they felt they had reached their limits of teaching or felt their child was not engaging in learning in this way”. The research also found “children’s choice could play a part in families’ decision for children to return to school”. If parents and carers change their mind schools should ensure a child’s right to education by allowing them to return to school and they should be fully supported by their local authority to do so.

#### *Support to access exams*

Young NCB were clear that it could be difficult for home educated children to receive support, such as with taking exams.

*“It’s often difficult to take some GCSEs/A-Levels as external students. Whilst the core subjects can be taken outside of school, often parents/guardians have to pay for this. For those families on limited income this could certainly be a challenge. Of course whilst exams themselves have their drawbacks, many home-educated students still want to achieve the same grades as other students who attend school.”*

Children who are home educated should have the same access to examinations as other children. Schools and local authorities should be required to allow home educated children to sit public exams and there should be a straightforward process for parents and carers to sign up to these examinations. Local authorities should have a duty placed on them to raise awareness of the process amongst parents and carers, and all those registering to home educate children of the appropriate age should be provided with the appropriate information. Financial support for home educated children to sit exams should be available where necessary.

#### **Central Government duties to facilitate effective home education through different types of support**

As support varies so much between local authorities, NCB believes that the Government should consider several national or central duties to facilitate different types of support for home educators.

#### *Support with RSHE*

It is important resources can be made available to parents to deliver the new Relationships, Sex and Health education curriculum. Parents are second only to school as young people’s preferred main source of information about sex when growing up (Tanton, 2015<sup>ii</sup>). In an independent poll commissioned by the Sex Education Forum (2014) 7 out of 10 parents said they would welcome support [from school] in relation to educating their children about sex and relationships. The Sex Education Forum recommend that the Government focus on a national or central Government duty to provide advice and support to all parents and carers on provision of relationships and sex education (RSE) and for those parents and carers electing to educate at home or electing to withdraw their child from RSE. This would be the most efficient approach in relation to RSE because resourcing for support with RSE varies greatly between local authorities.

The Government should ensure the provision and dissemination of guidance and information designed for parents and carers to support them in their role as educators about relationships and sex. This could take the form of:

- Good practice examples
- An adapted version of the updated RSE guidance for schools
- Signposting to key organisations and resources including information about young people friendly sexual health and advice services.

### *Support with mental health*

It is also critical that other support offered to children at school, is available to children who are not in school. As schools are becoming a focus for mental health support following the joint Department for Health and Social Care and Department for Education 2017 green paper on mental health<sup>iii</sup>, it is key children not in school do not miss out on that support. The Government should consider how mental health support offered in schools can be made available to children who are not in school, including how best central Government can support facilitate local authorities and local health bodies working together to provide mental health support to children not in school.

### **Duties on parents, education settings and other services**

As well as the implementation of a local authority-maintained statutory register, there are certain duties that need to be placed on parents, education settings and other services in order to support the successful implementation of the statutory register to ensure it is used as a vehicle to identify any support needs of the child.

NCB supports the implementation of proposals two and three of the *Children Not In School (2019)* Department for Education Consultation

- Proposal 2 - the introduction of a duty on parents to provide information to their home local authority if their children are within the scope of such a register.
- Proposal 3 - the introduction of a duty on education settings attended by the children on the register to respond to enquiries from local authorities about the education provided to individual children.

### ***A duty to share data***

NCB has highlighted how home education in itself is not a safeguarding risk. However, to identify those children who are both vulnerable and hidden it is critical that all statutory services have a duty to share relevant data and the technological means (and therefore the financial resource from central Government) to do so in both a time-efficient and effective way. In particular, sharing data between education settings, and health and social care services would help to ensure both the education and safeguarding of children educated at home.

- **the role that inspection should play in future regulation of home education**

For those children who are missing education, inspection or monitoring of elective home education may enable effective support to be put in place and ensure children receive their right to education. However, monitoring of home education should not interfere with parents' and carers' legal right to home educate, and provide a suitable education in a way they see fit.

In relation to children with SEND, any monitoring arrangements should be based on the local authorities' duty to promote high standards and the fulfilment of potential (Section 13A Education Act 1996) and should include assessment of any potential SEND.

It is vital that local authorities develop a language, culture and ethos around inspection and monitoring that empowers parents as home educators, helps them feel confident and supported, and aware of where and who to go to for support. Parents must be seen as partners in the process of ensuring that their child

receives a suitable, full-time education and that appropriate measures are put in place to address any support needs or barriers to learning.

- **the benefits children gain from home education, and the potential disadvantages they may face**

It is critical to ask children who are home-educated about their experiences to ascertain the benefits being gained by that individual child and to identify challenges to succeeding so that appropriate support can be put in place by the local authority. Needs will differ, for example, one child may be very happy with their home education overall but require specific input around RSHE. Another child may have undiagnosed learning difficulties which may come to light by seeking out their specific feedback, as the parent may not be aware of the hidden need.

NCB recommends that the child's views should be sought and recorded as part of the registration process. Young NCB members who we consulted were clear children should be able express their views on their education, and the reasons for not being in school, and wanted to feel like their opinion is valued.

*"It's important for children to be able to voice their views in order to have access to the right education system."*

*"Yes – ultimately this wouldn't mean their word is final, it just means that they are being heard and they feel like their opinion is valued."*

*"I think they should have more opportunities to express their opinions – at the end of the day, this is the only way we can identify and explore the [...] positives and negatives."*

Young NCB suggested an 'a survey online' could be used to capture their views.

- **the quality and accessibility of 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**

Without a statutory register of 'children not in school' it is very hard to assess the quality and accessibility of support available to home educators and their children. Registration should act as a vehicle for identifying children who might need support or assessments and would also allow collation of data on children not in school to build a national picture of the cohort, including numbers and demographics. It would be useful to have a nationally agreed data set for information required as part of registration.

NCB's 2018<sup>iv</sup> research on children missing education found that there was variation between local authorities in how children missing education data was recorded, and there was no national data set. This meant comparison between areas was difficult, and it is hard to assess variation between local authorities and provide support. NCB's research recommended the Department for Education (DfE) should 'collect and analyse national-level data on children missing education' and it would be helpful if the same approach was taken with all children not in school. Registration of children not in school could allow analysis of the cohort to identify if certain vulnerable groups had a higher propensity to not be in school. This may include: ethnic minority groups; those with English as a second language; children previously in receipt of free school

meals; young carers; Gypsy, Romany and Traveller children; looked after children; and those known to social services.

It is key all local authorities know what type of education all children in their area are receiving. Due to lack of registration it seems some vulnerable children may be falling through the net and not receiving home education or any other suitable form of education.

Registration would also allow collation of data on home educated children to build a national picture of the cohort including numbers and demographics. Currently there is evidence that home education is rising. The Local Government Association (LGA 2018<sup>v</sup>) found 92 per cent of local authorities reported year-on-year increases in the number of home educated children. However, the exact number of home educated children is unknown. Registration should not be a licence scheme, but a record of who is being home educated.

For children with special educational needs and disabilities (SEND) specifically, mandatory registration could be used to establish:

- whether the child is being electively home educated as a positive choice and what, if any support local authorities can offer around assessment and provision;
- where the child is being educated at home because there is no viable alternative due to the child's particular needs;
- where the child is at home because of exclusion (formal or informal) or another reason related to their need (increasingly anxiety and bullying).

In establishing the circumstances in which a child with SEND is being educated (or not) at home the local authority can then determine and exercise its appropriate duties to the child.

A national dataset would also allow for comparison between local authority areas which would enable targeted support, financial or otherwise, to be allocated to those local authorities who required it to support the particular needs of the home educators and their children.

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<sup>i</sup> *Children Missing Education*, National Children's Bureau (2017)

<sup>ii</sup> *Patterns and trends in sources of information about sex among young people in Britain: evidence from three National Surveys of Sexual Attitudes and Lifestyle*, Tanton, C et al (2015) *BMJ Open*; 5:e007834 doi:10.1136/bmjopen-2015-007834

<sup>iii</sup> *Transforming children and young people's mental health provision: a green paper*, Department for Health and Social Care and Department for Education (2017) <https://www.gov.uk/government/consultations/transforming-children-and-young-peoples-mental-health-provision-a-green-paper>

<sup>iv</sup> *Children Missing Education*, National Children's Bureau (2018)

<sup>v</sup> *Home Education Briefing: House of Lords*, Local Government Association (LGA) (2018)

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