

Written evidence submitted by Suitable Education

[Note: This evidence has been redacted by the Committee. Text in square brackets has been inserted where text has been redacted.]

Response submitted by Suitable Education

Suitable Education is a website created by home educators. The site collates studies and literature reviews on cognitive science and the psychology of learning as well as articles and reports on educational practices and their outcomes. It also includes analysis of research on safeguarding children.

The site was created as a tool to help defend home education against the many attacks in recent years and to provide evidence supporting arguments against monitoring and against mandatory registration. Home educators are not a homogenous group, we do not speak for all home educators and indeed not all home educators are opposed to monitoring. Suitable Education is strongly against proposals to monitor and the site helps give a voice and support to the many who share this position.

Response submitted by Rose Arnold on behalf of Suitable Education
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This response addresses the following points.

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

Summary

Home education has come increasingly under the spotlight. It has grown in popularity and numbers, year on year, and has been the focus of continual attempts by the State and by local authorities to impose greater control and monitoring. We argue that home education is being scapegoated for many of the problems present in the school system and for anxieties present in the safeguarding system. Evidence in support of this position is outlined in this response. We ask that this Select Committee Enquiry into Home Education does not change the framework around Elective Home Education in response to problems caused elsewhere in the system.

Regarding education

We argue that **elective home education is an evidence-based approach which provides an excellent education for children and is a logical choice for many families**. We outline some of the research and evidence available which supports this.

The number of families who home educate is growing. It is likely that this is in part influenced by positive factors. The growing numbers and awareness mean that more people will know parents who home educate, it is not such a fringe movement as it perhaps once was. There is a wealth of easily accessible information available online and the widespread use of social media make it easy for parents considering home education to find support and advice as well as activities, classes, opportunities for peer interaction and community.

However, undoubtably the growing numbers also reflect increased numbers of families whose children have not thrived in the school system. There is significant evidence that **the English school system is in crisis**. For some families, in heart breaking situations, the motivation for home education is escaping the school system and the benefits of home education need to be understood in this context, of the choice available to them.

Suitable Education is part of a growing number **calling for a change in the school system**. Calls for change come from a wide range of respected individuals and institutions - including teachers, head teachers and teaching unions. The evidence shows that the current school system is failing too many children and that best practice is being disregarded.

The failings of the school system – clearly identified in the Education Select Committee 2018 report *Forgotten Children: alternative provision and the scandal of ever increasing exclusions* and numerous other places – must be resolved in order to “ensure the well-being and academic achievement” of children and young people who have been off-rolled or excluded. We argue that increasing monitoring of families who electively home educate in order to solve problems created by the school system is deeply unfair and furthermore can only fail.

We believe that elective home education is a wonderful and inspiring educational approach but that it **must be freely chosen**, it is time and resource intensive and will not be everyone’s choice. However, this does not mean that families who were effectively forced into it through negative experience cannot provide their children with a suitable education. Many families forced into it find that home education was a hugely positive outcome, there are numerous accounts on social media and on the Suitable Education website.

We are **strongly opposed to any increase in monitoring of educational provision**. The current situation, where home educators are asked to give an account or outline of their provision on an annual basis is reasonable. **Monitoring threatens many of the benefits which home education provides**; the ability to provide child-led, personalised education which allows ample room for the extensively evidenced benefits of play and which is free from the negative well documented impacts of assessment. Local authorities’ requests for “work done” are deeply misguided, both as to when and how learning happens and as to their duty. The law is clear. **Education is the legal duty of parents**.

Regarding safeguarding

Home education also throws into sharp relief problems inherent in the safeguarding system, present since the introduction of the *Every Child Matters* agenda when broader safeguarding replaced child protection. Questions must be asked as to the extent **to which the State should intrude without any specific concerns** and without any reason to suspect harm is being done. Home educating parents are being asked to accept intrusion into their families lives, not only below the s47 threshold but without even any s17 concerns.

Much of the anxiety expressed by professionals with regards to electively home educated children is that they are “unseen”. Of course, **electively home educated children are in fact regularly “seen” by numerous people**; from librarians to doctors to Brownies leaders to neighbours, other home educators, dentists and so on. Home educated children must be being “seen” by someone, being as they are referred to social services at higher numbers than school children, although at even lower efficacy rates. What “unseen” or “invisible” means is that they are not monitored and seen on a regular basis by a person whose role includes safeguarding of children.

What would assuage this anxiety? How often does the State want to monitor children in order to reassure itself of their wellbeing? In considering these questions we argue that **the likely probability of inspection preventing harm to children must be calculated and balanced against the possible harm caused**. We outline research and analysis from the safeguarding field to support our argument.

The majority of home educators are dedicated parents who want to do the absolute best by their children and are willing to invest considerable time and resources to ensure that their children are happy and well educated. This is not how local authorities treat home educators. The approach and policies of numerous local authorities appears shaped by the perception of home educators as a problem, of home educated children as a safeguarding concern, that success is reducing our numbers and getting children back to school. Indeed, many local authorities staff their teams with officers with experience from Children Missing Education teams, attendance officers, with social services and set targets relating to children ‘successfully’ returned to school.

We argue that it is a gross and unwarranted intrusion of the State to insist that families - for whom there is no specific cause for concern either as individuals or as a group - need be under surveillance. Measures that bring about such steps undermine the right to family life and will cause harm without any real expectation of uncovering abuse and of safeguarding children.

Regarding statutory registration

We reject the calls for statutory registration of home-educated children. We ask that the Committee note that home educating parents who are against mandatory registration take this position for a number of reasons. It is undermining of the legal reality that parents have a duty to educate, but more importantly there are concerns that registration is very much the “thin end of the wedge” as regards the monitoring and information held on databases on home educated children and will lead to increasing levels of data being kept. We ask that the committee read the research highlighted in this response which details the very real harm which can arise from inclusion on databases.

Contents

- 1 [The benefits of home education](#)
 - 1.1 [Failings of the school system](#)
 - 1.1.1 [School increases inequality](#)
 - 1.1.2 [Brightest students are also failed](#)
 - 1.1.3 [National Curriculum is narrow and all-encompassing](#)
 - 1.1.4 [Negative impact of exams and assessment](#)
 - 1.1.5 [Children not achieving academically](#)
 - 1.1.6 [Children and young people failed on health and wellbeing](#)
 - 1.1.7 [School system and SEND](#)
 - 1.2 [Nature and benefits of home education](#)
 - 1.2.1 [Provides an escape route from the school system](#)
 - 1.2.2 [Child-led and highly personalised](#)
 - 1.2.2.1 [Freedom to do and learn what is of interest](#)
 - 1.2.2.2 [Cognitive benefits of freely choosing activities](#)
 - 1.2.2.3 [Being free to follow intense interests](#)
 - 1.2.2.4 [Having more time for play](#)
 - 1.2.2.5 [Intrinsically motivated learning and children](#)
- 2 [Harm to education arising from monitoring](#)
 - 2.1 [Monitoring threatens key benefits of home education](#)
 - 2.2 [Local authorities and monitoring of educational provision](#)
- 3 [Wellbeing and academic achievement of home educated children, including those formally excluded from school/subject to off-rolling](#)
 - 3.1 [Problems of school system must be resolved](#)
 - 3.2 [Home education can be positive outcome](#)

- 3.3 [Safeguarding and home education should not be conflated](#)
 - 3.3.1 [Substantial safeguarding children framework](#)
 - 3.3.2 [Anxiety of professionals is a failure of the system](#)

- 4 [Statutory registration of home-educated children](#)

1. Benefits of home education

In order to understand the many benefits of elective home education (EHE) it is necessary to contrast with what parents are rejecting, that of the State school system. Increasing numbers of children and young people are not thriving, nor even coping in the school system. The evidence for this can be seen in the increasing numbers of home educated children, in the increasing numbers who are off-rolled or excluded, in the large number of parent lobby groups¹ who are fighting for changes to be made to the school system. This fact is detailed in numerous studies and reports, from educational experts, unions and from government's own select committee findings. The persistent refusal to acknowledge the overwhelming evidence is hurting generations of children. The focus instead on home education as the problem, and one which needs to be monitored by the self-same failing bodies, threatens to remove the last remaining safety net available for children.

1.1 Failings of the school system

While there are numerous intrinsic benefits of home education, and a personalised approach to learning, some of the key benefits are that children are not being failed in the following ways; across health, wellbeing, safeguarding and educational attainment.

There are detailed critiques of many of the key aspects of the current school system.

1.1.1 School increases inequality

Far from being an equaliser the school system is shown to increase inequality and the attainment gap, the Education Policy Institute 2016 paper *Closing the Gap?* concluding the following:

“Disadvantaged pupils fall behind their more affluent peers by around 2 months each year over the course of secondary school.”

“For pupils who are persistently disadvantaged (i.e. those that have been eligible for free school meals for 80 per cent or longer of their school lives), the gap at the end of secondary school has widened slightly since 2007, by 0.3 months. In 2016, it stood at 24.3 months, equivalent to over two years of learning “

The causes of this are widespread but practices such as putting children into sets or streams disproportionately impact those who are more disadvantaged.²

1.1.2 Brightest students are also failed

A 2013 Ofsted report³ found that school work is pitched to a middle level, too difficult for some but not sufficiently challenging enough for others and that scant attention is given to the progress of the most able students. In 2012 27,000 (27%) of those who had been high achieving, attending non-selective secondary schools, did not get a grade B in English and mathematics at GCSE in 2012. In one fifth of the non-selective secondary schools zero students achieved two A grades and one B grade at A Level required by the more prestigious universities.

¹ Rescue our Schools Too Much Too Soon Parents Want a Say . The Parents Union warns of a ‘perfect storm’ Not Fine In School

² <https://suitable-education.uk/the-negative-effects-of-sets-and-streaming/>

³ <https://www.gov.uk/government/news/too-many-bright-children-let-down-in-the-state-system>

1.1.3 National Curriculum is narrow and all-encompassing

There are numerous reports attesting to this.

In 2007 the Association of Teachers and Lecturers commissioned a book on the national curriculum, *Subject to Change: New Thinking on the Curriculum*, recommending a new approach.⁴

“We believe that things are so broken that they cannot be mixed by half measures.”

“That is why we advocate a skills-based curriculum. One that is focused on communication, physical, interpersonal skills and thinking and learning skills. All essential components of the educated person able to think and act effectively in the twenty first century.”

A 2009 review of primary education, the result of three years in depth investigation by Cambridge University, said that a curriculum overly focused on reading, writing and maths is failing generations of children, damaging their enjoyment of learning and of school and their natural curiosity.⁵ The warnings were not heeded, not by the Labour government, nor the Coalition government nor the subsequent Conservative governments.

In 2013 over 100 academics in the field of education wrote an open letter to Michael Gove warning of the dangers posed by the National Curriculum.⁶

“This mountain of data will not develop children’s ability to think, including problem-solving, critical understanding and creativity.”

“Inappropriate demands will lead to failure and demoralisation. The learner is largely ignored. Little account is taken of children’s potential interests and capacities, or that young children need to relate abstract ideas to their experience, lives and activity.”

1.1.4 Negative impact of exams and assessment.

Numerous reports have highlighted the negative impact of exams and assessment.

The report *Exam Factories*⁷, commissioned by the National Union of Teachers is comprehensive research into the impact exams have on education. It found that the focus on exams at all levels of school has changed the nature of education in “wide ranging and harmful ways”. The study showed that pressure is put on children to do things before they were developmentally ready and was a serious threat to wellbeing and happiness. The impacts on disadvantaged students were even more pronounced. The report explored other possible approaches which would be more effective and less harmful.

⁴ https://issuu.com/atlunion/docs/subject_to_change_-_new_thinking_on/60

⁵ <https://www.routledge.com/Children-their-World-their-Education-Final-Report-and-Recommendations/Alexander-Armstrong-Flutter-Hargreaves-Harrison-Harlen-Hartley-Brewer-Kershner-MacBeath-Mayall-Northen-Pugh-Richards-Utting/p/book/9780415548717>

⁶ <https://www.independent.co.uk/voices/letters/letters-gove-will-bury-pupils-facts-and-rules-8540741.html>

⁷ https://www.researchgate.net/profile/Merryn_Hutchings/publication/309771525_Exam_Factories_The_impact_of_accountability_measures_on_children_and_young_people/links/5822faa408aeb45b58891444.pdf

A 2019 speech from the Joint General Secretary of the National Education Union, Kevin Courtney, included the following:⁸

“The current draconian approach to the education of children and young people is turning our schools into Exam Factories and squeezing the joy and creativity out of the classroom. As a result, more and more children and young people are being diagnosed with depression and the levels of unhappiness are soaring. The latest NEU survey of over 8,000 teachers connected to the mental health of children and young people showed 83% had seen an increase in the number of pupil/student mental health problems in the past two years.

“Education policy dictated by Government and based on the presumption that everything that can be learnt should be measured, is pushing schools and students to the limit. Testing starts as young as four-years-of-age and continues through primary and secondary. Teachers at every stage of children and young people’s education have to be less concerned about the individual and more about hitting Ofsted and Governments ever-changing targets. The end result? Many stressed children, who see their value and the value of education only in terms of the level they have reached.”

“The English education system is badly in need of new thinking. We need a curriculum that is more relevant, inclusive and creative. Many organisations from the CBI to the TUC are also calling for a different approach to education and the NEU fully supports them.”

The University of London’s Evidence for Policy and Practice Information and Co-ordinating Centre carried out a ‘systematic review of the impact of summative assessment and tests on students’ motivation for learning’. It found that a range of damaging outcomes were connected to high stakes testing and that testing invariably changed education resulting in narrower curriculums and a more formal style of teaching.⁹

1.1.5 Students not achieving academically

43% of children in school are reported to have not reached adequate levels of reading, writing and maths by the end of primary.¹⁰ 44% of students leave secondary with fewer than five GCSEs grade A* to C. The OECD PISA ratings ranked the UK 27th in maths, 15th place in science and 22nd in reading.¹¹

Outside of the ‘core’ subjects reports show that schools are not equipping pupils with the digital skills that they need,¹² nor the foreign languages¹³ and that school leavers do not have the skills such as creative thinking, problem solving, flexible working approaches and so on required to thrive in the modern world.

⁸ <https://neu.org.uk/press-releases/mental-health-exam-factories>

⁹ <https://dspace.stir.ac.uk/bitstream/1893/19607/1/SysRevImpSummativeAssessment2002.pdf>

¹⁰ Research by CentreForum and research body Education DataLab

<https://www.theguardian.com/education/2016/jan/17/school-students-england-failing-to-make-grade-report>

¹¹ <https://www.oecd.org/pisa/pisa-2015-results-in-focus.pdf>

¹² <https://eandt.theiet.org/content/articles/2017/11/uk-schools-failing-to-provide-children-with-adequate-it-skills-royal-society-warns/>

¹³ https://www.britishcouncil.org/sites/default/files/languages_for_the_future_2017.pdf

1.1.6 Children and young people failed on health and wellbeing

Numerous reports highlight higher levels of stress and mental health problems experienced at increasingly younger ages.

The Education and Health Select Committee Report *Children and young people's mental health —the role of education*¹⁴ examined how school affected children's mental health and wellbeing. It noted that wellbeing increased children's ability to learn.

Again, evidence showed that the focus on testing, on results and on academic attainment meant there was no time for physical activity nor other subjects such as music, shown to increase wellbeing and help develop life-long skills.

"Achieving a balance between promoting academic attainment and well-being should not be regarded as a zero-sum activity. Greater well-being can equip pupils to achieve academically. If the pressure to promote academic excellence is detrimentally affecting pupils, it becomes self-defeating."

The Association of Directors of Public Health, quoted in the above report, stated that: "Children with higher levels of emotional, behavioural, social and school wellbeing have higher levels of academic achievement on average".

Schools are failing to provide adequate opportunity for physical exercise across all ages. The Youth Sport Trust reported that on average schools provide under two hours PE each week with five to seven-year olds getting only 102 minutes per week. Many schools have also reduced break times and opportunities for free play.

Schools are unfortunately not always safe places for all children and young people, with bullying and sexual harassment impacting high numbers of children. A YouGov poll found four in ten students worried about returning to school after a break because of bullying. A Children's Society study found that 38% of the children surveyed had been physically attacked or hit by other children at school in the last month.¹⁵ A report on sexual assault commissioned by the National Education Union found that one in three girls had reported being sexually assaulted but that the problem was so commonplace that many did not bother to report.

Distress can also be caused by increasingly strict rules and punishment including use of isolation for minor infractions.¹⁶ Some schools restrict access to toilets, a practice which charities including Plan UK have campaigned against.

1.1.7 School system and SEND

The way in which children who have SEND issues are failed by the school system is too large a topic to cover meaningfully in our response, however they are over-represented in every issue highlighted above. Children who have SEND are more likely to be impacted and to a higher degree by all of the issues highlighted above, narrow curriculums, decrease in free time and play based learning, cultures of zero

¹⁴ Education and Health Committees *Children and young people's mental health —the role of education* 2016-2017 <https://publications.parliament.uk/pa/cm201617/cmselect/cmhealth/849/849.pdf>

¹⁵ <https://suitable-education.uk/the-bullying-problem-in-schools/>.

¹⁶ <https://suitable-education.uk/little-robots-behind-the-scenes-at-an-academy-school/>

tolerance and bullying. Strict attendance rules exacerbate problems experienced. At the same time there are funding issues which are impacting schools' abilities to provide the care families believe is needed. Between 2015 and 2016 Department of Education figures show a 35% increase in refusals from local authorities to carry out EHC needs assessments. In over 40% of cases where families did get an assessment the twenty-week deadline for approving EHC plans was missed. 4000 of the families who successfully got an EHC plan put in place had not received provision, a number which is five times that compared to 2010.

1.2 Nature and benefits of home education

In contrast to the school system elective home education provides children with a highly personalised, child-led education founded on principles of choice and natural motivation. Home education is hugely advantageous precisely because it is child led, allows ample time for play and enables children to utilise natural curiosity and motivation in learning.

1.2.1 Provides an escape route from the school system

Research submitted to a select committee hearing by Merrett¹⁷ including a survey of home educating families found that quite a number of families had come to home education because of the issues outlined above. 51% of families saying one or more children had SEN and lack of SEN support in schools was a common the deciding factor. Some families had come to home education because of informal exclusions or "off-rolling", others had experienced bullying or had been labelled as "behind". "Bright" children experienced being held back.

Most respondents stated their dislike of the 'one-size fits all' approach of the school system and preferred the personalised, individualised approach of home education. Families expressed the view that the National Curriculum was "too narrow" and believed that they could offer wider and more diverse learning opportunities.

1.2.2 Child-led and highly personalised

Merrett's research found there to be many common characteristics. Almost all respondents said the education provided was "child-led". There was a high level of focus on the development of the child, outside of just academia, with happiness and wellbeing prioritised. Home educating parents in general prioritise the child's learning journey and the process of learning rather than work done. There was a high level of trust for children to direct their own learning journeys. Many home educators describe the learning process as effortless. One experienced home educator described it to Merrett as being "a wonderful, life affirming choice which enables children to learn at their own pace about things of interest to them".

Research by Rothermel¹⁸ highlighted how learning is negotiated and differentiated for each child within home educating families, enabling each child's individual

¹⁷ *The Voice of Experienced Elective Home Educating (EHE) parents: the risk of missing home-educated children in the education policy response to school closure and lessons for adapting home learning.* Written evidence submitted by Joanna Merrett (EYPS, Centre for Social Mobility, University of Exeter)

learning styles, needs and issues to be fully considered in a way most schools are simply not equipped to provide.

Research by Rudner¹⁹ and Barson²⁰ similarly noted that as home education is typically based on small groups home educators may easily pace and adapt their curriculum to suit each child's needs.

Child-led approaches with a high degree of trust in children's ability to learn are very much supported by the wider body of research around how our brains work and how we learn. There is ample evidence that children are natural learners. Extensive research by Laura Schulz, associate MIT professor of brain and cognitive sciences, and Berkeley psychologist Alison Gopnik, have shown that the way that children play and interact with the world in very systematic ways, trying out and testing different hypothesis in accordance with scientific principles, isolating variables, recognising when evidence is contrary to their assumptions and positing unobserved variables to explain novel events.²¹

Being child-led and personalised results in a host of benefits for the home educated child or young person.

1.2.2.1 Freedom to do and learn what is of interest

Home educated children benefit from being free to do and learn what interests them. Extensive research shows that we learn effectively when we are interested. Studies have consistently shown that interest increases attention, recall and levels of effort. A 1992 analysis of over 150 studies found that individual interest correlated with both academic and laboratory performance.

Research by Judith M. Harackiewicz, a researcher who carried out a seven-year study into interest, showed that levels of interest are a better indicator of success than students' prior grades.²²

“Given the role that interest plays in determining the quality of the educational experience, along with the evidence demonstrating declining interest over time, student interest should be a major issue in national, state, and local educational policy.”

Harackiewicz's research concludes that being able to follow what interests you is intrinsically important and essential for a happy life.

¹⁸ Rothermel, P. 2002 *Home-education: aims, practices and outcomes*
http://www.leeds.ac.uk/bei/Education-line/browse/all_items/123560.html

¹⁹ Rudner *achievement and demographics of home school students*: 1998
<https://epaa.asu.edu/ojs/article/view/543>

²⁰ Barson, L. S. 2004 *Communities of practice and home education (HE) support groups*
http://www.leeds.ac.uk/bei/Education-line/browse/all_items/136813.html

²¹ <https://suitable-education.uk/laura-schultz-childrens-logical-and-scientific-minds/>

²² https://www.researchgate.net/publication/229978920_The_Importance_of_Interest_The_Role_of_Achievement_Goals_and_Task_Values_in_Promoting_the_Development_of_Interest

1.2.2.2 Cognitive benefits of freely choosing activities

Even if home educated children and young people might sometimes be doing similar activities to those of school children, studies show that the factor of choice itself results in development of higher executive functioning. A study into tools such as reading logs designed to increase children's reading were found to reduce motivation and to be counterproductive.²³

1.2.2.3 Being free to follow intense interests

As home educators do not have to follow a curriculum they are able to allow and nurture any intense interests arising in their children, which research shows to be highly beneficial in the development of children's intelligence.²⁴ Many children have these intense interests, perhaps in dinosaurs, solar systems or a cartoon, between the ages of three and six years old but for most school brings about an end to those passions as they are refocused onto the curriculum.

Following these intense interests were shown, not only to advance specific knowledge, but also to increase attention and focus, hone skills related to processing of information and of complex thinking, linguistic ability and also to enhance perseverance.

1.2.2.4 Having more time for play

Whether home educated families follow an autonomous or self-determined approach to learning (also known as unschooling) or a more structured approach with one-to-one teaching home educated children inevitably have more free time outside of formal learning for other activities including free play.²⁵

Play has been recognised by a wide number of studies as being the key way in which children learn and develop a wide range of skills and aptitudes. It is also essential in safeguarding them from depression and ADHD.²⁶

Research by Dr David Whitebread from Cambridge University detailed varied benefits of play.

²³ The Effect of Mandatory Reading Logs on Children's Motivation to Read, Sarah S. Pak Princeton University Allyson J. Weseley Roslyn High School (p251-262)

²⁴ Alexander, J. M. et. Al. (2008) Short report The development of conceptual interests in young children. *Cognitive Development*; 23: 324–334.

DeLoache, J. S. et. Al. (2007) Planes, Trains, Automobiles—and Tea Sets: Extremely Intense Interests in Very Young Children. *Developmental Psychology*; 43(6): 1579 –1586.

²⁵ Thomas, A. (2002). 'Informal learning, home education and homeschooling', *The encyclopedia of pedagogy and informal education*. <https://infed.org/mobi/informal-learning-home-education-and-homeschooling-home-schooling/>.

²⁶ Play in children's development, health and well being. Literature review by Jeffrey Goldstein (Toy Industries of Europe, Feb 2012) <http://www.ornes.nl/wp-content/uploads/2010/08/Play-in-children-s-development-health-and-well-being-feb-2012.pdf>

“Psychological research has established that there are five fundamental types of human play, commonly referred to as physical play, play with objects, symbolic play, pretence or socio-dramatic play, and games with rules. Each supports a range of cognitive and emotional developments, and a good balance of play experience is regarded as a healthy play diet for children. Some types of play are more fully researched than others, and much remains to be understood concerning the underlying psychological processes involved.”²⁷

“We also now have extensive evidence of the inter-relationships between the complexity and sophistication of children’s play, particularly their symbolic or pretend play, and their emotional well-being (sometimes assessed through physiological measures of stress).”

Research by Fisher described how play gave a concrete foundation for conceptual understanding.

‘Children at play begin to learn essential maths skills such as counting, equality, addition and subtraction, estimation, planning, patterns, classification, volume and area, and measurement. Children’s informal understanding provides a foundation on which formal mathematics can be built’.

Play is so vital that it is included in the UN Convention on the Rights of the Child.

“That every child has the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.” Article 31

Wales legislated to protect and enshrine children’s rights to play. The British government was found by a 2016 UN committee to be failing children.²⁸ A recent UK study commissioned by the National Trust found that children spend half the time playing outside that their parents did.²⁹

1.2.2.5 Intrinsically motivated learning and children

Research by educational psychologist and Clinical Professor of Adolescent Special Education Dr Gina Riley found that home education enabled intrinsically motivated learning.³⁰

Riley’s work built on the highly influential work of Deci and Ryan which details how three psychological needs must be fulfilled to enable self-motivation; competence, autonomy and relatedness to parents and their learning community. Work by Dr Riley compared home educated and

²⁷ The importance of play Dr David Whitebread University of Cambridge

<http://www.csap.cam.ac.uk/media/uploads/files/1/david-whitebread---importance-of-play-report.pdf>

²⁸ <http://www.playengland.org.uk/un-committee-says-british-government-is-failing-children/>

²⁹ <https://www.childinthecity.org/2018/01/15/children-spend-half-the-time-playing-outside-in-comparison-to-their-parents/?gdpr=accept>

³⁰ Riley, G. (2016). The role of self-determination theory and cognitive evaluation theory in home education. *Cogent Education*, 3(1), 1163651

traditionally educated children on these three, finding that they scored the same on relatedness but that home educated children scored higher on competence and autonomy. That home education supports these three elements is why it is such an effective way educational approach. The school system does not typically provide this, instead being based on external rewards and punishments which rarely create self-motivation.

A common factor behind parents removing their children from school was realising that their children no longer loved learning.

The paper cited research which showed home educated students achieving higher academic success.³¹ Other research showed that success was measured by home educators in more 'whole person' terms, that of the "freedom to learn, to create, to grow, to be".³²

The paper concluded:

"It is reassuring to note that those who have been home educated have had positive outcomes when it comes to levels of intrinsic motivation and self-determination, as we know that high levels of intrinsic motivation lead to high levels of engagement, achievement, happiness, and success. Stakeholders within the realm of education should take note, as intrinsically motivated, self-directed learning truly seems to be the future of education itself."

2 Harm to education arising from monitoring

We strongly reject the constant moves for greater levels of intervention and of monitoring of academic provision.

The current situation, whereby home educators are required to detail their educational provision on an annual basis, is satisfactory, at least where local authorities do not overstep and demand 'evidence' of work. An account of a child's education does not require any interruption of a child's learning. Any requirement for evidence or for work is quite different and will substantially alter and harm children's education. The desire to be able to measure what children know is akin to pinning a butterfly in order to examine it. What is involved in a child's learning and understanding of a topic is entirely different from that required to evidence this understanding. Local authorities' desire to see a child's work lacks an acknowledgement of where and how learning happens.

2.1 Monitoring threatens key benefits of home education

Monitoring is likely to make home education move to being more like school, along with the problems inherent in the school system. For many parents the narrow curriculum and focus on assessment are key reasons they chose an alternate education. The ability for children to choose their own interests and activities, to learn through play and not to

³¹ The benefits of intrinsically motivated learning can be seen in home educated students in terms of academic success which tends to be better than or equal to children who went to traditional schools.(Cai, Reeve, & Robinson, [2002](#)). Research by Cogan ([2010](#)) found home educated students tend to score higher on standardised tests and graduate at a higher rate. .

have to produce 'work' merely to satisfy the needs of an external authority are all threatened by monitoring.

Home educating parents being monitored by local authorities tend to adapt their approach to one which looks more like school, even when they can see that it is not the best way for their child to learn.

Monitoring is highly likely to lead to the need for accepted quality standards, to benchmarking for quality and to some level of assessment. There is extensive evidence to show that assessment damages education. A literature review found clear evidence of numerous negative impacts.³³ When the National Curriculum tests were introduced, children's self-esteem was shown to be impacted. Suddenly, attainment and self-esteem were closely linked, which had not been the case prior to the national testing. The gap between high and low achievers increased, perhaps in part due to the reinforcing effects of the children's self-esteem. Inevitably testing leads to a focus on measurable qualities, narrower curriculum, more traditional teaching styles based on transmitting specific facts and children spending time learning how to pass tests. Overall assessment has been shown to reduce motivation, increase anxiety, resentment, cynicism and mistrust of standardised achievement tests.

2.2 Local authorities and monitoring of educational provision

We reject the implication that local authorities have better insight into the needs of individual children than their own parents. It is galling, especially so given the extent to which school is failing children, as detailed above.

Moves to increase monitoring are not consistent with the legal fact of education being a parental duty. There is a real difference between minimal checks that parents are not delinquent in respect to their duties, and monitoring.

The practicalities of dealing with local authorities is difficult for many parents. Local authority EHE officers are reported as often having little to no educational background, often their experience is connected to social work, CME or truancy. If they do have an educational background it is grounded in the school system as opposed to home education. Understanding of autonomous education is even less. Parents report that dealing with local authorities is a postcode lottery.

3 Wellbeing and academic achievement of home educated children, including those formally excluded from school/subject to off-rolling

This Select Committee posed the question of 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 argue that this question compounds a number of different issues which need to be addressed separately.

3.1 Problems of school system must be resolved

³³ Harlen W, Deakin Crick R (2002). A systematic review of the impact of summative assessment and tests on students' motivation for learning (EPPI-Centre Review, version 1.1*). In: Research Evidence in Education Library. Issue 1. London: EPPI-Centre, Social Science Research Unit, Institute of Education.

The EHE regulatory framework is entirely the wrong place to address these important issues. We have a robust examination of these issues and of the causal factors available to us, provided by the 2018 Education Select Committee in their report. *The Forgotten children: alternative provision and the scandal of ever increasing exclusions*.³⁴ It found clear evidence of systemic failure in the school system resulting in off-rolling and rising numbers of exclusions. These are the issues which must be tackled to safeguard the wellbeing and academic achievement of children and young people.

Key factors identified by the committee were:

- the accountability system, in particular Progress 8
- the narrow curriculum
- zero tolerance policies and isolation
- an adversarial and difficult system for parents and children to navigate

The report of this Select Committee was clear on its findings that **the system as a whole was at fault**.

“We do not think that Ofsted should take sole responsibility for tackling off-rolling. Off-rolling is in part driven by school policies created by the Department for Education. The Department cannot wash its hands of the issue, just as schools cannot wash their hands of their pupils.”

The report found that disadvantaged children and young people were more likely to be excluded.

“According to the Institute for Public Policy Research (IPPR), some groups of children are more likely to be educated in alternative provision, or excluded, than other children. Children in care, children in need, children with special educational needs and disabilities (SEND) and children in poverty are all more likely to be excluded than their peers. Pupils with SEN support are almost seven times more likely to be permanently excluded than pupils with no SEN. Boys are more likely to be permanently excluded than girls; for every girl permanently excluded last year, over three boys were permanently excluded. Some ethnicities are disproportionately represented in alternative provision, including Black Caribbean, Irish traveller heritage and Gypsy Roma heritage pupils.”

3.2 Home education can be positive outcome

The number of home educators has been swelled in recent years by the failures of the educational system. It is perverse for that same system to insist at this point that it will now provide this safeguarding where it has previously failed.

Anecdotally many families who have experienced this report being treated in a negative way by local authorities. Suitable Education calls for an end to an end to such discriminatory treatment. Families who home educate as a response to this failure of the State to ensure the well-being and educational achievement of their children are to be commended and should be treated with respect.

³⁴ *The Forgotten children: alternative provision and the scandal of ever increasing exclusions* – The Education Select Committee (18 July 2018)
<https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/34202.htm>

Parents who have not freely chosen to undertake home education might face additional challenges but they are not without support. Online information and the prevalence of social media use for EHE means they can access support, advice and community.

There are numerous groups such as *Not Fine in School* as well as home educating forums which regularly have parents recounting horrific stories of ill treatment from within the school system and harm done, including children expressing suicidal intentions and there are numerous personal accounts of how home education turned things around. Suitable Education has a section of personal stories which includes such accounts. That a parent did not freely choose home education does not mean that home education was not a positive outcome.

One mum [name] who shared her family's experience on Suitable Education said: *[potentially identifying information]*³⁵

In *Education without School Discovering Alternatives* Dr Helen Lees shares interviews from parents who have discovered home education following difficult experiences of the school system.³⁶

"Finding an alternative to their previous understanding of education has been personally impactful for these individuals. Their relief is connected to their love for their children and their personal and educational well-being. It is also part of their status as parents and the responsibility they hold, in law, to ensure an education. Instead of a difficult educational scenario they have found one that works for them personally and thus for their familial responsibilities and family members."

Wray and Thomas conducted surveys with 20 families, and further in-depth interviews with five of these shared parent's reports. They found that the children's physical and psychological symptoms associated with school refusal reduced or disappeared upon being home educated. Although these families had taken on home education as an emergency measure the majority chose to continue having seen their children thrive, both academically and socially.

Likewise, a paper by McIntyre-Bhatty on truancy concluded that while local authorities flagged that families turn to home education to avoid prosecution for their children's truancy this did not mean home education was necessarily a negative outcome.

"..regardless of how students arrive at home education, the benefits have been well established. A growing body of international research has served to demonstrate the educational efficacy of this alternative practice; achievement levels have been proved to be high, self-esteem and engagement levels have similarly been seen to improve in children educated in this manner, and concentration levels have demonstrably improved in children with specific educational difficulties such as attention deficit disorder."

The paper recommended that home education be an option which is supported and recommended. This perhaps could be argued to be what is happening informally within the school system and may not be as nefarious a practice as it seems. However, due to the pressure on student's outcomes it might be more for the benefit of the school than for the individual child or young person.

³⁵ [weblink]

³⁶ *Education Without School: Discovering Alternatives*, Helen Lees, Policy Press

3.3 Safeguarding and home education should not be conflated

Calls for monitoring of elective home education are in large part motivated by concerns over safeguarding. Suitable Education argues that while this is a complex issue it is vital that 'safeguarding' and 'elective home education' are not conflated.

3.3.1 Substantial safeguarding children framework

The EHE framework is not where safeguarding should be addressed. There is already a substantial safeguarding children framework which includes clearly defined levels of duty of care of the State and clear thresholds for intervention. If there is a need to change processes around safeguarding children, then it is within this framework that changes should be made.

Recent proposals as to home visits and monitoring mean that home educating parents are being asked to accept extraordinary levels of State intrusion, not only below the s47 threshold but without even any s17 concerns, for the sole factor of being home educators. We argue that this cannot be lawful.

A 2017 paper, *Rethinking child protection strategy: Progress and next steps* by Dr Devine elaborates on the thresholds for State intervention.³⁷

"The state was to interfere coercively only when the threshold of 'reasonable suspicion of significant harm' under s.47 was reached. All other intervention was to be consensual and based upon a principle of partnership working between parents and the state. Unless the state has a lawful reason via a power or a duty to interfere into private life, any such interference is de facto unlawful and ultra vires unless it is consensual. The Children Act 2004 and subsequent statutory guidance created the ostensible gateway for expanded intervention but it remains the case that unless the threshold for s.47 has been reached interventions should be consensual, not coercive."

3.3.2 Anxiety of professionals is a failure of the system

We argue that the evidence shows not that there is an unaddressed safeguarding risk but instead that the existence of home educated children shows just how anxious and risk averse the system has become. How often do children have to be seen and monitored for authorities to be sure that they are safe? If being seen equals being safe how is it possible that the abuse of children who attend schools is not detected?

While home education is not itself a safeguarding risk - as stated numerous times by numerous professionals and professional bodies – nevertheless registration and monitoring on safeguarding grounds is repeatedly recommended because of fears that children are 'invisible'.

The 2009-2010 Children, Schools and Families Select Committee *Review of Elective Home Education* includes discussion on the anxiety of local authority officers about parents refusing them access to see home educated children.

³⁷ *Rethinking child protection strategy: Progress and next steps*, Dr Devine, UWE, Seen and Heard Journal, March 2017

“I have a family where we haven’t seen the children for five years. We have no rights to see those children in the current situation. Clearly, our concern that we haven’t seen them does not constitute a risk of significant harm and therefore we can’t raise a question with social care... That’s not sufficient. It is a limbo situation.”

We believe this accurately represents the views of many local authorities. Focused as they are on safeguarding and their statutory duties, from their point of view and seeing themselves as a benign body, they do not understand why parents with nothing to hide would object to them seeing the child. Whereas from the perspective of many home educating parents there is no benefit gained from seeing the local authority. Most children are seen regularly by an entire array of people, from librarians to neighbours to dentists to friends and families and many of us feel that there is no particular reason why a local authority officer should expect to see them in the absence of specific concerns. Moreover, because of the ongoing push for monitoring and for local authorities to see children there is a push back from home educators as a community. Advice is shared strongly recommending refusal of in person visits and that everything must be kept in writing. There are numerous cases of horrendous treatment from local authorities to justify this caution.

Research suggests that this anxiety from professionals is a failure of the system, in part a result of the high stakes impact of making a mistake. It is not an adequate basis for contravening the rights of children and families.

*The Munro Review of Child Protection: Final Report A child-centred system*³⁸ describes the problem.

“It is major challenge to all involved in child protection to make the system less ‘risk averse’ and more ‘risk sensible’.”

5% of all families are referred to social services annually. Research by Dr Devine and Mr Parker showed a key factor for this is that professionals such as teachers did not understand what should be reported and were encouraged to over-refer. The research also showed harm to the families involved and also substantially increased workloads for children’s services.

*“The system is having to process this large number, most of which are not cases which reach a s.47 threshold even following assessment. Because of this the efficiency at referral and assessment stage has fallen leaving the problem of how serious child abuse is to be addressed. The increase of families investigated has not decreased child abuse as the efficiency rate of referrals to detections had dropped from 24% to 7%.”*³⁹

Home educating families are subject to even higher levels of scrutiny. Freedom of Information requests found that home educating families are twice as likely to be referred to social services although with the higher referral rates there are even lower efficiency rates in terms of leading to a Child Protection Plan.⁴⁰ It cannot be

³⁸ The Munro Review of Child Protection: Final Report A child-centred system (commissioned by the Secretary of State for Education, Michael Gove to review child protection in England in 2010).

³⁹ (Devine and Parker, 2015).”

⁴⁰ *Home Education and the Safeguarding Myth: Analysing the Facts Behind the Rhetoric*. Wendy Charles-Warner, February 2015 <http://www.home-education.org.uk/articles/article-safeguarding-myth.pdf>

true to say that home educated children as a group are 'invisible', it is logically true that they must be being seen in order to be being referred to social services.

The role of the media with regards to perceptions of home education and safeguarding cannot be underestimated. News sources regularly conflate home education with CME as well as abused children, trafficked children, child brides and radicalisation. The narrative around radicalisation in terms of the Prevent agenda and Muslim home educators is one which is particularly prevalent despite not being supported by evidence.

Research published by Harriet Pattison, *Muslim Home Educators in the Time of Prevent* details this lack of supporting evidence.⁴¹

"In fact, and still in the only current research on the issue, of all 152 English Local Authorities approached through Freedom of Information requests by Charles-Warner, 146 filed nil returns when asked to submit any recorded case in which a home educated child had been radicalized (Charles-Warner, 2017). The remaining six Authorities refused to respond. Nor was Charles-Warner able to extract any evidential basis for subsequent remarks made by Nicky Morgan about the connection between home education and radicalization. A Freedom of Information request submitted by Katarzyna Sinclair in 2018 requesting the evidence on which Basu's comments had been based was refused on grounds of cost, although the reply contained an excerpt from a letter in which Basu claimed that his quoted words had been taken out of context (What Do They Know, 2018). In short, no evidence to support the link between home education and radicalization is forthcoming."

Dr Helen Lees discusses the pervasive negative perception of home education from authorities in *Education Without School: Discovering Alternatives*.⁴²

"Ignorance is not just within local authority education departments. It is rife in social services. I can testify personally that a prospective adopter wishing to suggest EHE might be a positive approach for an adopted child was told – without any knowledge of EHE as educational practice on the part of the adoption social worker - that such a scenario is "abusive" and "neglectful" because it denies a child schooling. I have heard anecdotally from a former senior social worker that most social workers view EHE with great suspicion as a serious potential safe-guarding issue."

The 2009-2010 Children, Schools and Families Select Committee *Review of Elective Home Education* reached the following conclusions with regards to safeguarding:

"Given the lack of information on the actual numbers of home educated children, we suggest it is unsafe for the Badman review to have reached such a strong conclusion about the relative risks of a child being home educated or school educated. We believe that any intervention should start from the educational needs of the child."

Devastatingly children are sometimes killed and in a number of cases these children were not attending school. The Serious Case Review notes show however that they were not "invisible", they were known to authorities, many were involved with

⁴¹ Muslim Home Educators in the Time of Prevent, Harriet Pattison, Liverpool Hope University, April 2020, <https://journals.sagepub.com/doi/full/10.1177/1940844720908572>

⁴² *Education Without School: Discovering Alternatives*, Helen Lees, Policy Press

multiple agencies. In the case of Khyra Ishaq⁴³ her school and teachers had contacted social services numerous times with distressing accounts and her withdrawal from school should have flagged an immediate social services response. Instead a home education officer visited the family whereas clearly social services involvement was critical. Although her plight was flagged with social services numerous times the assessment was never completed.

Serious Case Reviews have included recommendations with regards to home education, however there is real reason for caution and more in-depth investigation before imposing policy changes on this basis.

Dr Devine discusses Serious Case Reviews in *Rethinking child protection strategy: Progress and next steps*.

“We have obtained and reviewed the recommendations of all available Serious Case Reviews. We established that findings are frequently vague and general, but inevitably slanted towards more intrusive and coercive surveillance and data sharing without understanding of the wider impact on all cases. They have also contributed to a culture of individual and organisational blame. This contributes to the fear of ‘missing something’. Creating sanctions for under-interventions but few sanctions for over-intervention is not resulting in a balanced strategy. Our overall finding is that Serious Case Reviews are costly, and provide no reliable research findings on which to base future policy to be applied generally in non-fatal cases.”

The Munro Review of Child Protection summed up the dilemma facing child protection.

“As the review has described, abuse and neglect can be hard to see, with many of the indicative signs or symptoms being ambiguous and possibly having other benign explanations. Moreover, some parents go to extreme lengths to conceal the truth. There is a degree of uncertainty about recognising that children and/or young people are suffering significant harm that cannot be eliminated, though training helps professionals to know what to look for and procedures help them know what to do with their concerns. Managing this inescapable uncertainty is a problem that bedevils child protection services around the world and examples from this country illustrate how this central problem influences priorities in practice. If uncertainty is managed by referring even small signs of concern to children’s social care, then the level of demand for assessment is so high that it absorbs the bulk of resources, and provision of early help to children and families is cut in consequence. Families then only get access to help when problems are very severe and hard to resolve. Moreover, it means that many children are subject to intrusive and distressing enquiries but the families are finally deemed non-abusive and offered no help.”

4 Statutory registration of home-educated children

We reject the calls for statutory registration of home-educated children on the basis that they would be unlawful and potentially harmful.

⁴³ Birmingham Safeguarding Children Board, Serious Case Review
https://northshropshe.files.wordpress.com/2015/07/khyra_ishaq_scr.pdf

There are of course numerous scenarios where keeping records on children and sharing data about them is necessary and proportionate and safeguarding framework is clear on this. (Clarification from the *Working Together to Safeguard Children* document is provided in the footnotes.⁴⁴) Children for whom there are no specific safeguarding concerns have not reached the threshold to justify this necessity. We understand the motivations, for example around making it easier for local authorities to identify children who are missing from education (CME) and safeguarding children but ask that this committee consider what this might mean for the vast numbers of children and families who are not CME and who are fully acting in accordance of their duties and responsibilities.

Advice received from [name of QC] is that mandatory registration and sharing of data on the basis merely that a child was home educated would not be lawful.

A 2006 report for the Information Commissioner, *Children's Databases – Safety and Privacy* by Anderson et al recommended that: “disclosures and sharing of data on minors for less urgent reasons (such as for social welfare in a broad sense, or for general rather than specific crime prevention) should be strictly limited – and require clear and specific legal authority, preferably in primary legislation.”

The report also commented on the tangible harm that sharing can do.

“Government documentation and guidance is mostly unbalanced in that it ignores the dark side; it pays little heed to family values, therapeutic effectiveness, trust and privacy. By failing to respect the users of the social-care system, it risks deepening rather than ameliorating social exclusion. There is specific harm: in a disturbing recent case, a nine-year-old was wrongly taken into care after social workers misunderstood medical information. Increasing the amount of poor-quality data available will lead to more errors, and out-of-context information can easily cause risk-averse staff to panic, with serious consequences.”

Database State,⁴⁵ a study into similar databases likewise flags how damaging the effects can be with life-long impacts. The report flags the prevalence of government databases which are illegal,

⁴⁴ Myth-busting guide to information sharing

Sharing information enables practitioners and agencies to identify and provide appropriate services that safeguard and promote the welfare of children. Below are common myths that may hinder effective information sharing. Data protection legislation is a barrier to sharing information No – the Data Protection Act 2018 and GDPR do not prohibit the collection and sharing of personal information, but rather provide a framework to ensure that personal information is shared appropriately. In particular, the Data Protection Act 2018 balances the rights of the information subject (the individual whom the information is about) and the possible need to share information about them. Consent is always needed to share personal information No – you do not necessarily need consent to share personal information. Wherever possible, you should seek consent and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on. When you gain consent to share information, it must be explicit, and freely given. There may be some circumstances where it is not appropriate to seek consent, because the individual cannot give consent, or it is not reasonable to obtain consent, or because to gain consent would put a child's or young person's safety at risk. Personal information collected by one organisation/agency cannot be disclosed to another No – this is not the case, unless the information is to be used for a purpose incompatible with the purpose for which it was originally collected. In the case of children in need, or children at risk of significant harm, it is difficult to foresee circumstances where information law would be a barrier to sharing personal information with other practitioners¹⁴. The common law duty of confidence and the Human Rights Act 1998 prevent the sharing of personal information No – this is not the case. In addition to the Data Protection Act 2018 and GDPR, practitioners need to balance the common law duty of confidence and the Human Rights Act 1998 against the effect on individuals or others of not sharing the information. IT Systems are often a barrier to effective information sharing No – IT systems, such as the Child Protection Information Sharing project (CP-IS), can be useful for information sharing. IT systems are most valuable when practitioners use the shared data to make more informed decisions about how to support and safeguard a child.

including the electronic Common Assessment Framework (CAF) and the now dismantled ContactPoint.

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