



## Home education

Standard Note: SN/SP/5108  
Last updated: 5 January 2010  
Author: Christine Gillie  
Section: Social Policy Section

### Stop press:

*The home education provisions were removed from the Children, Schools and Families Bill on 8 April 2010 because no agreement on them could be reached between the Government and the opposition parties – for further information see:*

[\*DCSF News Statement on the Children, Schools and Families Bill dated 7 April 2010;\*](#)

[\*House of Lords debate on the Children, Schools and Families Bill, 7 April 2010;\*](#)

[\*House of Commons debate on the Children, Schools and Families Bill, 8 April 2010; and\*](#)

[\*Children, Schools and Families Act 2010.\*](#)

*The remainder of this Standard Note, published on 5 January 2010, is relevant for background on the unsuccessful proposals. Please note that the current position on home education is unchanged.*

In January 2009 the Secretary of State for Children, Schools and Families asked Graham Badman, former Director of Children's Services at Kent County Council, to carry out a review of elective home education in England. The review was triggered by a number of issues and representations particularly relating to concerns about the welfare of home educated children and ensuring that they receive a suitable education. The Government emphasised that it recognised the well-established right of parents to educate their children at home.

The review reported on 11 June 2009. It proposed a compulsory registration scheme, in which all parents who plan to home educate their children have to inform their local authority. Other key recommendations included providing more support to home educating families; giving properly trained local authority officials right of access to the child's home, following a minimum two week notification to the parents; and enabling local authorities to refuse registration to home educate if there is clear evidence of safeguarding concerns. Many home educators and organisations that provide advice and support to home educators expressed strong opposition to the registration proposals.

In a Written Ministerial Statement on 11 June 2009 the Secretary of State said that the review had made a compelling case for change, and a consultation document was issued on

This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as being up to date; the law or policies may have changed since it was last updated; and it should not be relied upon as legal or professional advice or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.

This information is provided subject to [our general terms and conditions](#) which are available online or may be provided on request in hard copy. Authors are available to discuss the content of this briefing with Members and their staff, but not with the general public.

arrangements for the registration and monitoring of home educated children. A fuller response to the individual recommendations of the review was published on 9 October 2009. It reiterated the Government's support for statutory arrangements for the regulation of home education, subject to consultation on the proposals. It also emphasised the Government's strong commitment to supporting home educators, and outlined a package of measures for this purpose. The consultation closed on 19 October 2009.

On the 19 November 2009 the Government introduced the *Children, Schools and Families Bill* (Bill 8, Session 2009-10), which seeks to introduce a registration scheme for home educated children in England. A power is conferred on the National Assembly for Wales to make provision about the regulation of home education in Wales.

The Children, Schools and Families Committee carried out an inquiry into elective home education. Its report, which was published on 16 December 2009, criticised the Government's approach and, amongst other things, it called for a voluntary registration scheme and better information sharing, subject to review, but said that if these arrangements did not work then a compulsory registration would be needed.

This Standard Note outlines the current position on home education, and provides background on the proposals for change. It relates to England only. This Standard Note updates and replaces an earlier version dated 1 December 2009.

## Contents

<b>1</b>	<b>Current position</b>	<b>3</b>
<b>2</b>	<b>The Review of Elective Home Education (the Badman Report)</b>	<b>6</b>
<b>3</b>	<b>Some initial reaction from representatives of home educators</b>	<b>9</b>
<b>4</b>	<b>The Government's response: proposals for legislation and other changes</b>	<b>11</b>
4.1	Written Ministerial Statement on 11 June 2009	11
4.2	DCSF consultation on a registration scheme and monitoring arrangements	12
4.3	The Government's 9 October 2009 response to the Badman Review	14
<b>5</b>	<b>Legislative proposals</b>	<b>15</b>
5.1	Government's Response to the consultation on the draft legislative programme 2009/10	16
5.2	The Children, Schools and Families Bill (Bill 8, session 2009-10)	17
5.3	Initial comment on the Bill's provisions	19
<b>6</b>	<b>The Children, Schools and Families Committee's Inquiry</b>	<b>20</b>
<b>7</b>	<b>Additional parliamentary references</b>	<b>21</b>
<b>8</b>	<b>Appendix: Recommendations of the Report of the Review of Elective Home Education in England</b>	<b>22</b>

# 1 Current position

In England, education is compulsory but schooling is not. Parents have a right to educate their children at home. Section 7 of the Education Act 1996<sup>1</sup> provides that:

“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable –

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have, either by regular attendance at school or otherwise.

‘Elective home education’ or ‘Education otherwise’ are terms used to describe home education for children of school age.

Parents may choose home education for a variety of reasons but they are responsible for ensuring that the education provided is efficient full-time education, suitable to the child’s age, ability and aptitude. The Department for Children, Schools and Families (DCSF) has issued guidelines on home education: *Elective Home Education Guidelines for Local Authorities*. As the guidance notes:

1.4 Parents may choose home education for a variety of reasons. The local authority’s primary interest should lie in the suitability of parents’ education provision and not their reason for doing so. The following reasons for home educating are common, but by no means exhaustive:

- distance or access to a local school
- religious or cultural beliefs
- philosophical or ideological views
- dissatisfaction with the system
- bullying
- as a short term intervention for a particular reason
- a child’s unwillingness or inability to go to school
- special educational needs
- parents’ desire for a closer relationship with their children.

BBC News Education has a website page on the experiences of some parents and their reasons for educating their children at home.<sup>2</sup> This includes news coverage of Essex County Council’s decision to provide £10,450 towards the costs of home tutoring for six sets of parents who did not want to send their children to the nearest allocated secondary school because it was performing poorly.<sup>3</sup>

Currently parents of children who have never attended school are not required to inform the local authority if they decide to home educate their child. Where a child is attending school

---

<sup>1</sup> Which was a consolidation Act

<sup>2</sup> <http://news.bbc.co.uk/1/hi/education/8070459.stm>

<sup>3</sup> <http://news.bbc.co.uk/1/hi/education/8040966.st>

and the parents decide to withdraw the child to educate him/her at home the parents have to notify the school, and the school must notify the local authority. Chapter 2 of the guidance sets out the law relating to home education, and refers to the relevant statutory provisions as well as case law on the matter. It notes the current statutory duties on local authorities to intervene if it appears that a child of compulsory education in their area is not receiving suitable education. As the guidelines make clear, local authorities have a duty under section 437 of the *Education Act 1996* (School Attendance Orders) to act if it appears to them that a child of compulsory school age in their area is not receiving suitable education. Under section 47 of the *Children Act 1989* local authorities can insist on seeing a home educated child if there is cause for concern about the child's safety and welfare. The *Education and Inspections Act 2006* placed a duty on all local authorities to make arrangements to identify children not receiving a suitable education. Revised guidance on local authorities' duties was issued at the same time as a review of home education was announced by the DCSF on 19 January 2009. Paragraphs 86 to 94 of the [Revised Guidance for Local Authorities in England to Identify Children not Receiving a Suitable Education](#) deal specifically with elective home education.

The [DCSF Press Notice dated 19 January 2009](#) stated:

The guidance makes clear that local authorities have a duty to make arrangements to enable them to establish that every school-age child is receiving a suitable education, and clarifies the roles and responsibilities of parents and local authorities to provide a suitable education for children.

A public consultation gathered a wide range of views – including many on home education. Some local authorities and children's organisations expressed concerns about the current system's ability to adequately support and monitor the education, safety and wellbeing of home educated children.

The review of home education will investigate the current system for supporting and monitoring home education. It will look at safeguarding and how any concerns about the safety, welfare or education of children are dealt with. There are no plans to change parents' well established rights to educate their children at home.

It will assess the effectiveness of current arrangements for parents who home educate and of local authority systems for supporting children and families. It will also make recommendations for improvements, where necessary.

The full press notice can be accessed on the link above.

Each local authority should have a written policy statement on elective home education, and be willing and able to provide guidance for parents who request it. As noted above, parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child; however there is no legal definition of "full-time". This is noted in paragraph 3.13 of the [Elective Home Education Guidelines for Local Authorities](#), which goes on to state:

The type of educational activity can be varied and flexible. Home educating parents are not required to:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable

- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards.

However, local authorities should offer advice and support to parents on these matters if requested.

Chapter 3 of the guidance sets out what a local authority should do if it appears that a suitable education is not being provided. However, the guidance stresses that there are many, equally valid approaches to education:

3.14 It is important to recognise that there are many, equally valid, approaches to educational provision. Local authorities should, therefore, consider a wide range of information from home educating parents, in a range of formats. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.

3.15 In their consideration of parents' provision of education at home, local authorities may reasonably expect the provision to include the following characteristics:

- consistent involvement of parents or other significant carers – it is expected that parents or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education
- recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences
- access to resources/materials required to provide home education for the child – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.

3.16 If a local authority considers that a suitable education is not being provided, then a full written report of the findings should be made and copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable. If the authority is not satisfied that a suitable education is being provided, and the parents, having been given a reasonable opportunity to address the identified concerns and report back to the authority have not done so, the authority should consider sending a formal notice to the parents under section 437 (see paragraph 2.7)

before moving on, if needed, to the issuing of a school attendance order (section 437(1)). See paragraphs 2.9 –2.11.

Parents' rights to educate their child at home applies equally where a child has Special Educational Needs (SEN), irrespective of whether the child has a statement of special educational needs or not. However, where a child has a statement of SEN and is being home educated, it remains the local authority's duty to ensure that the child's needs are met. Further information on this is provided in the guidance.

### ***Financial responsibility for home education***

When parents choose to home educate their children they assume financial responsibility for their children's education. Local authorities are not under a legal duty to provide financial support to parents who decide to home educate their children; however, some LEAs do provide support but this is a matter for local decision, and practice therefore varies. The [Elective Home Education Guidelines for Local Authorities](#) recommends that all local authorities should adopt a consistent, reasonable and flexible approach in respect to support and resources for home education.<sup>4</sup>

The [DCSF response to the Badman Review of Elective Home Education in England](#) (see below) proposes a package of support measures for home educated children.

## **2 The Review of Elective Home Education (the Badman Report)**

On 19 January 2009, the Secretary of State for Children, Schools and Families asked Graham Badman, former Director of Children's Services at Kent County Council, to carry out a review on elective home education. Baroness Delyth Morgan, Parliamentary Under Secretary of State for Children, Young People and Families commented on the reasons for the review:

"Making sure children are safe, well and receive a good education is our most serious responsibility. Parents are able, quite rightly, to choose whether they want to educate children at home, and a very small number do. I'm sure the vast majority do a good job. However, there are concerns that some children are not receiving the education they need. And in some extreme cases, home education could be used as a cover for abuse. We cannot allow this to happen and are committed to doing all we can to help ensure children are safe, wherever they are educated.

"This review will look at whether the right systems are in place that allow local authorities and other agencies to ensure that any concerns about the safety, welfare or education of home educated children are addressed quickly and effectively. The review will of course talk to home educating families to ensure their views and experiences are heard."<sup>5</sup>

The review was asked to investigate:

- The barriers to local authorities and other public agencies in carrying out their responsibilities for safeguarding home educated children and advise on improvements to ensure that the five Every Child Matters outcomes are being met for home educated children;

---

<sup>4</sup> *ibid.*, paragraph 5.2

<sup>5</sup> "Morgan: Action to ensure children's education and welfare", DCSF Press Notice 19 January 2009

- The extent to which claims of home education could be used as a ‘cover’ for child abuse such as neglect, forced marriage, sexual exploitation or domestic servitude and advise on measures to prevent this;
- Whether local authorities are providing the right type, level and balance of support to home educating families to ensure they are undertaking their duties to provide a suitable full time education to their children;
- Whether any changes to the current regime for monitoring the standard of home education are needed to support the work of parents, local authorities and other partners in ensuring all children achieve the Every Child Matters outcomes.

The Terms of Reference document emphasised that the Government respected the well-established right of parents to educate their children at home, and went on to say that there were no plans to change that position. However, it emphasised that where local authorities have concerns about the safety and welfare, or education, of a home educated child, then there must be effective systems in place to deal with those concerns.<sup>6</sup>

The review gathered views and evidence through a literature review, a review of law and guidance and a consultation inviting views from key stakeholders.

*The Report to the Secretary of State on the Review of Elective Home Education in England* was published on 11 June 2009.<sup>7</sup> It recognises the wide range of philosophical and practical reasons that lie behind parents’ decisions to home educate.

The report found that, despite a number of studies and reports<sup>8</sup>, it was not possible to identify with any degree of accuracy the number of children and young people currently educated at home. While the report noted that there are around 20,000 children and young people currently registered with local authorities, it said that the number of electively home educated children is likely to be double that figure, if not more, involving possibly up to 80,000 children.<sup>9</sup> The report said that while the vast majority of home educated children are safe and well, that may not be true for all.<sup>10</sup> It noted:

8.1 Of all the matters considered during the course of this inquiry the question of safeguarding electively home educated children has prompted the most vociferous response. Many parents have expressed anger and outrage that it was suggested that elective home education could be used as a cover for abuse. They have not been slow to point out that the most dangerous and damaging abuse of children is often before statutory school age or where children have been withdrawn from school or are already known to children’s social care.

8.2 Many home educators argue that press coverage of this review has cast them as “guilty” with a need to prove “innocence” just by virtue of being a home educator. And many have argued for a measured response to prevent “hard cases becoming bad law”. In addressing this issue I have tried to answer two fundamental questions:

---

<sup>6</sup> DCSF website on the *Independent Review of Home Education*

<sup>7</sup> *The Report to the Secretary of State on the Review of Elective Home Education in England*, HC 610, June 2009

<sup>8</sup> A study commissioned by the then DFES in 2006 estimated around 20,000 home educated children

<sup>9</sup> *ibid.*, para 6.1

<sup>10</sup> *ibid*

First, if there is abuse of children within the home education community, is it disproportionately high, relative to the general population?

Secondly where abuse does exist, would a change of regulation with regard to elective home education have either prevented or ameliorated such abuse?

In relation to these questions, evidence and advice was sought from protecting services and a range of third sector and other agencies engaged in child safety and child protection; in addition, recent serious case reviews were analysed by Mr Badman, and information was sought from local authorities on the number of electively home educated children subject to a child protection plan or previously on the Child protection register. Chapter 8 of the review report summarises the findings. The report quotes the views of various bodies including the views of NSPCC, which highlighted the need for strengthened monitoring of home education. In particular NSPCC pointed out that while local authorities can investigate if they have concerns about a child's home education, currently they do not have the powers to visit or meet the child and that where the child is not allowed contact out of the home then it becomes difficult to identify the child as at risk:

“We do not agree that the status quo should be maintained and do think that monitoring should be strengthened. We are concerned that the child's safety and welfare should be paramount and that there is nothing in the current guidance or framework that would prevent children from being abused by people who may claim to be home educators. The current guidance on EHE [elective home education] says that the local authority can investigate if they have a concern about the child's education, but they do not have the powers to visit or meet the child. The guidance (paragraph 2.15) refers to the ability to see a child under s47 of the Children Act 1989. In order for a professional to use s47 they “must have reasonable cause to suspect that a child who lives or is found, in their area is suffering, or likely to suffer, significant harm”. If a child who is being abused is not afforded opportunities outwith the house, then the slim chances of them being identified become even smaller than they already are. In such a situation, because there is no education concern, the local authority does not investigate, as there are no grounds to do so. If a member of the public sees the child (and this would need to be regularly) then they are unlikely to contact an appropriate body. It then becomes a catch 22 as no concern is raised, because the child or the environment in which they are cared for is not seen.”

Paragraph 8.12 of the report said that on the basis of local authority evidence and case studies presented, and even acknowledging the variation between authorities, the number of children known to children's social care in some local authorities is disproportionately high relative to the size of their home educating population. However, paragraph 8.14 said that the review had found no evidence that home education is a particular factor used for forced marriage, servitude, or trafficking other than in isolated cases.

28 recommendations were made in the review report. The key recommendations include:

- that local authorities should provide more support to home educating families, e.g. through helping provide access to the national examination system, sports facilities, libraries and music tuition;
- a compulsory annual registration scheme, in which all parents who plan to home educate have to inform their local authority. While around 20,000 children are

already registered, the actual number being home educated is unknown and could be more than double this number;

- at the time of registration, parents being asked to submit a statement of their intended approach to the child's education including what they aim to achieve over the following 12 months;
- giving properly trained local authority officials the right of access to the home, following a minimum two week notification to the parents. They will check that the child is making progress against their learning statement. They will also have the right to speak to the child, to ensure they are safe and well. A written report must then be produced and shared with the parents and child; and
- that local authorities can refuse registration to home educate if there is clear evidence of safeguarding concerns.<sup>11</sup>

The report's other recommendations include that the DCSF review the current statutory definition of what constitutes a 'suitable' and 'efficient' education; that the DCSF require all local authorities to make an annual return on the number of electively home educated children and young people, and the number of School Attendance Orders and Education Supervision Orders issued in respect to home educated children and young people. The report also recommended that each local authority establish a Consultative Forum for home educating parents to secure their views and representations. Such a body could be constituted as a sub-group of the Children's Trust.

The full list of the report's recommendations is reproduced in the Appendix to this note.

### **3 Some initial reaction from representatives of home educators**

The review sparked a furious reaction from some home educators who believe that the proposals are unnecessary, and would allow the state an unprecedented intrusion into family life.<sup>12</sup> The charity, Education Otherwise, has launched a campaign against the proposals.<sup>13</sup>

BBC News Education reported Ann Newstead, from Education Otherwise, as saying:

...the issue is not lack of scrutiny by local authorities, it is the variable levels of support and differing attitudes parents encounter.

Home educating families "are getting no support from anyone", she said.

And they can tend to avoid public bodies because of the level of suspicion they receive, she said.

"If one thing could come out of this review which would mean it was not a complete waste of public money, it would be that the decision to home educate is treated with respect and as a positive choice."<sup>14</sup>

On 9 June 2009, Mark Field introduced a [Westminster Hall debate on home education](#) in which he highlighted the concerns raised by home educators. He said that there was a real

---

<sup>11</sup> [DCSF Press Notice](#), 11 June 2009

<sup>12</sup> e.g. "Report to call for crackdown on home schooling", *Guardian*, 6 June 2009, p12; "No place like home", *Sunday Times*, 14 June 2009 p9

<sup>13</sup> <http://www.education-otherwise.org/>

<sup>14</sup> "Give us respect, not suspicion", [BBC News Education](#), 10 June 2009

fear that the Government, under the 'banner of child protection', would try to interfere with freedom of choice of home educators. He stressed that the freedom so fiercely guarded by the majority of home educators is due to a fundamental rejection of the state's values, and lack of faith in the state's ability to provide a suitable education for their child. Furthermore, he said that home educators thought that concerns about child welfare should not be confused with home education:

...the Government suggested that local authorities and children's organisations had expressed concern about the current system's ability adequately to support and monitor the education, safety and well-being of home-educated children. That fits with a growing body of evidence from home educators that they are more regularly encountering social workers, who turn up, often unannounced, to make demands: evidence of class timetables, written work and so on. In considering forced marriage, the Select Committee on Home Affairs has also raised the fear that home schooling might be used as a cover for something more sinister.

However, home educators vigorously reject the attempts by the Government to mix concerns about child welfare into any review of home education. They believe that the Government's concerns in that regard are in line with the misunderstanding that a child is safe when seen once or twice by a local authority. Furthermore, home educators feel that once the proposition has been made that home education can be used as a cover for child abuse, the onus of proof has shifted on to them to prove their innocence. That is not in any way desirable.

Many home educators believe that the mixing of agendas stems partly from a fundamental misunderstanding of how they school their children. Much of the Government involvement in this area has linked work on uncovering hidden children to home education. In reality, very few home-educated children are hidden, as much of their education is conducted outside the home. Home-educated children are normally seen by a wide range of adults and children: education officers at museums, other home educators, private tutors and normal contacts such as GPs, librarians and youth group leaders.

I am not diminishing in any way legitimate concerns about child abuse. I have a great deal of sympathy for the Government in the very difficult task that they face in preventing cases similar to the appalling ones that we have heard about recently. However, we must be clear. Local authorities, as the hon. Member for St. Ives pointed out, already have powers to get involved in a family when there are concerns about abuse. Admittedly the processes involved can sometimes fail, but that is not the fault of the home educator. It is for Government to re-examine social services procedures if there are concerns.

The uncomfortable truth is that no amount of legislation will ever remove all risk. The task of Government is to balance the rights of all individuals. Given that home-educated children are not proven to be at any greater risk, it is inappropriate to throw away the liberty of parents, even in part, to choose how to educate their child, particularly when it is equally possible for a child to go to school and be abused when they return home or for children in the care of the state to suffer abuse.<sup>15</sup>

---

<sup>15</sup> HC Deb 9 June 2009 c220WH

Since the review was published there has been much press comment on the reaction from home educators to the proposals, the detailed views of two home-educating parents was published in the *Times Educational Supplement* (TES) on 31 July 2009, for example.<sup>16</sup>

## **4 The Government's response: proposals for legislation and other changes**

### **4.1 Written Ministerial Statement on 11 June 2009**

The Government believes that the Badman Report makes a compelling case for substantial changes to the arrangements for home education. In a Written Ministerial Statement on 11 June 2009, Ed Balls said that there would be public consultation on the report's proposals so that they can be introduced to Parliament at the earliest possible opportunity:

**The Secretary of State for Children, Schools and Families (Ed Balls):** On 19 January 2009 I asked Graham Badman to carry out a review of elective home education in England. The terms of reference for the review emphasised the Government's recognition of parents' well established right to educate their children at home. They also set out our commitment to keeping home educated children safe, and ensuring that they receive a suitable education. I am grateful to Graham Badman and the review team for conducting a thorough review which carefully considered extensive evidence provided by home educators; local authorities (LAs); and representatives from a wide range of organisations and individuals working with children and parents involved in home education.

The terms of reference commissioned Graham Badman to investigate the barriers to LAs and other public agencies in carrying out their safeguarding responsibilities; whether LAs were providing effective and appropriate support; and whether there was evidence of home education being used to cover child abuse. From this evidence, he was asked to identify whether any changes were needed to the current regime of monitoring home education.

The review makes a compelling case for substantial changes to the arrangements for supporting and monitoring home education. It recognises the wide range of philosophical and practical reasons that lie behind parents' decisions to home educate. It acknowledges that in some cases home educated children have been withdrawn from school under a range of difficult circumstances: this is reflected in the relatively high proportion of children with special educational needs who are home educated, and other cases where children have been bullied or had other experiences that leave them unable to attend school. These children and families need support from their local authorities in a way that enables them to access appropriate advice and guidance, receive specialist services, and use extended school provision and facilities such as leisure centres and libraries. The review argues for fresh thinking and further consultation with children, their families, local authorities and others involved in home education to identify ways to commission services for this very diverse sector in order to support the best possible outcomes for the children concerned.

The review also found evidence that there are a small number of cases where home educated children have suffered harm because safeguarding concerns were not picked up, or not treated with sufficient urgency, particularly where parents were unco-operative or obstructed local authority investigations. It sets

---

<sup>16</sup> "Should home educators face greater scrutiny", TES, 31 July 2009 pp 24 and 25

out specific steps that should be taken to address these risks as well as improving the monitoring of the education provided: a compulsory registration scheme; a discretion to local authorities to prohibit home education where there are safeguarding concerns; and the right for LA representatives to interview home educated children to establish whether they are safe and receiving a suitable education. I am today launching a public consultation on these proposals so that they can be introduced to Parliament at the earliest possible opportunity.

Copies of the review and our initial response have been placed in the House Libraries.<sup>17</sup>

A [DCSF Press Notice 11 June 2009](#) said that the Children's Minister Delyth Morgan had accepted in full the recommendations of the Badman Review, and the Press Notice went on to quote Mr Badman and the Children's Minister as follows:

Graham Badman said:

"I have sought in this report to balance the rights of children with the rights of parents and in so doing make recommendations that I am confident will not only aid home educators in their task but provide a new positive basis for working with Local Authorities."

Children's Minister Delyth Morgan said:

"We've always been clear that parents should retain the right to educate their children at home. Most home educators do a fantastic job and I want to ensure they get more support from Local Authorities. But we can't afford to let any child slip through the net – in terms of their education, or safety.

"There are around 20,000 children registered as home educated, but estimates suggest many more could be invisible to the system. We have to balance the rights of parents with the pre-eminent rights of children to a decent education in a safe environment.

"These recommendations are proportionate and reasonable. The fact is most developed countries require registration to home educate, with the majority also having a process of systematic monitoring. It's only right we afford our own children and young people the same checks and balances."

The [Secretary of State's letter to Mr Badman on 11 June 2009](#) said that the Secretary of State was acting immediately to address the review's recommendations on safeguarding by issuing a consultation on new statutory arrangements, and that he would reflect further on all the recommendations and would publish a fuller response to the individual recommendations of the review by the end of September 2009. This was published on 9 October 2009 (see below).

#### **4.2 DCSF consultation on a registration scheme and monitoring arrangements**

DCSF consultation on a registration scheme and monitoring arrangements closed 19 October 2009. The consultation document, [Home Education - registration and monitoring proposals](#) stated:

---

<sup>17</sup> HC Deb 11 June 2009 cc44-5WS

We propose to legislate now for registration and monitoring arrangements that will focus on safeguarding but should also improve the quality of education. They will have the following features:

- Every home educated child of compulsory school age must be registered with the local authority in which the child is resident;
- Regulations will specify the information that parents must provide which is likely to be child's name, date of birth, address, the same information for adults with parental responsibility; a statement of approach to education, and the location where education is conducted if not the home;
- Scope to extend the scheme to 18 in future;
- Regulations will specify how registration should take place;
- Any changes to registration details should be notified immediately;
- Registration must be renewed annually;
- It will be a criminal offence to fail to register or to provide inadequate or false information;
- Pupils should stay on the school roll for 20 days after a notification to home educate;
- The school must provide the local authority with a record of achievement to date and predicted future attainment;
- DCSF will take powers to issue statutory guidance relating to registration and monitoring.

The consultation document noted that:

The review recommends that local authorities should have a discretion to refuse registration where there are safeguarding concerns. In addition, if safeguarding concerns are identified after home education has begun, the LA would have powers to revoke registration. Each case would need to be considered on its merits, balancing the rights of parents to home educate, and the rights of children to receive a suitable education in a safe environment.

Views were also sought on the issue of local authorities' powers to monitor home education:

Local authorities tell us that they need greater powers to ensure that home educated children are safe, well, and receiving a suitable education. The current arrangements allow parents to submit evidence that a 'suitable education' is being provided, which could be mainly written evidence. Local authorities have no powers to interview home educated children to establish that sample material provided is representative of their work, nor to establish that they are safe and well.

We believe that local authorities should interview children within 4 weeks of home education starting, after 6 months has elapsed, and thereafter at least annually to assess the quality of education provided and ensure that children are safe and well. The local authority should visit the premises where education is conducted, and question the child about the education provided, although at least 2 weeks notice should be given before the visit is conducted. The local authority should have the right to carry out the interview without a parent being

present, if this is judged appropriate, or alternatively if the child is vulnerable or has particular communication needs, in the company of a trusted person who is not the home educator or parent/carer.

Over 5,000 responses were received.<sup>18</sup> At the time of writing, the DCSF summary of responses to the consultation has not yet been published.

#### **4.3 The Government's 9 October 2009 response to the Badman Review**

On 9 October 2009 the Government published its full response to all of the recommendations of the Badman Review: [DCSF response to the Badman Review of Elective Home Education in England](#). The following highlights aspects of it but Members interested in the response to any specific recommendation are advised to consult the relevant part of the full response.

The response document reiterated the Government's support for statutory arrangements for the registration and monitoring of home education; however it stressed that the proposals were still out for consultation and that the Government would consider the responses carefully before proceeding with legislation. The Government accepted that any national scheme would have to be underpinned by explanatory guidance and sufficient resources to allow LAs to both monitor and support home educators. The response stated that more work would need to be done to clarify what is 'suitable and effective' home education, and that a further review on this would be commissioned in early 2010.

The response document envisaged that there would be access by designated officers to where home education was taking place (usually the family's home) and that there would be a right to speak with a child alone, if appropriate, but that this would often happen in an informal and relaxed atmosphere. (N.B. the sections 5.1 and 5.2 below provide further information on this.) The response document acknowledged that parents and others had expressed concerns about these matters, and it accepted that there would be circumstances where it would be helpful to have another trusted adult present supporting the child.

The Government emphasised its strong commitment to supporting home educators, and the response document set out a series of changes to the way in which LAs collect information about home education, and it outlined a package of support for home educated children. This included more tailored support for home educated children with special educational needs; more flexible access to public examinations and exam centres for home educated children; improved access to music lessons, school libraries, work experience, sports and other specialist facilities in schools and colleges; and, arrangements for flexi-schooling, so that home educated children can have the option to attend school on a part-time basis. (It is intended that amendments will be made to the Pupil Registration Regulations 2006 for this to happen by September 2011). Local authorities would be required to analyse the reasons that parents choose to home educate, and to examine the services and support they need.

The importance of training local authority officers involved in monitoring home education was accepted. It was envisaged that any statutory guidance on the registration and monitoring arrangements would set out how local authorities should go about commissioning monitoring and support to ensure that suitably qualified and experienced staff do this work. A suitable training package would also be developed.

The document said that a number of other matters would be addressed in changes to regulations and/or in new statutory guidance or in strengthened guidance. There would be a

---

<sup>18</sup> [Draft Legislative Programme 2009/10 – Government Response and Summary of Consultation](#) p22

legal requirement that a school to keep a child on its roll for 20 days where parents decide to home educate so that parents have time to consider the benefits and drawbacks of home education and so that schools, LEAs and parents have the opportunity to address any concerns that led to the parents' decision to opt for home education. It was envisaged that a change would be made to the Education (Pupil Registration) (England) Regulations 2006, following consultation; subject to taking account of any views, it is intended that the change would be made on 1 September 2011.

It was also envisaged that new statutory guidance would cover data collection on home education, arrangements for setting up a consultative forum for home educators, and various aspects of improved support for home educators. There would also be strengthened guidance for public authorities on sharing information relating to safeguarding concerns about children, and strengthened guidance on school exclusions to ensure that schools and local authorities do not advise parents to consider home education to avoid permanent exclusion or using this to deal with behavioural issues.

The response document noted that the financial implications of changes fall into three categories, namely:

- Support, registration and monitoring activities carried out or commissioned by local authorities;
- Support for specific categories of home educated children, such as those with SEN or older children wishing to take college courses leading to GCSEs;
- Support for various supplementary activities for younger children

The registration and monitoring costs were estimated to be £21 million in the first year with additional ongoing annual costs for the current cohort of £9.7 million. The Government said that home educated children receiving significant support from the LA should already be included in its 'Alternative Provision Return' and that the LA will therefore receive pupil funding for the child through the Dedicated School Grant. The Government plans to clarify the school census guidance to ensure that LAs know how they can include children that they are supporting significantly. Further details were set out in the response document (and since then detailed information on the costs of the proposals has been provided in the Impact Assessment on the Children, Schools and Families Bill - see below).

The Government emphasised that that it had set out the right balance between parents' rights and ensuring that children receive a suitable education, in a safe environment.

The home education charity, Education Otherwise, said that trying to define 'suitable' education would create another layer of hard-to-define benchmarks.<sup>19</sup> Education Otherwise responded to the DCSF consultation paper and commented on other recommendations made by the Badman Review. Reaction to specific proposals was posted on the [Education Otherwise website](#).

## **5 Legislative proposals**

During the Second Reading debate on the Apprenticeships, Skills, Children and Learning Bill in the House of Lords on 2 June 2009, Lord Lucas raised the issue of home education, and sought assurances that clauses relating to the regulation of home education would not be

---

<sup>19</sup> [BBC News Education, 9 October 2009](#)

rushed into that Bill.<sup>20</sup> Responding for the Government, Baroness Morgan said that there was no intention to do so.<sup>21</sup>

The Government's draft legislative programme published in *Building Britain's Future*, which was presented to Parliament by the Prime Minister in June 2009, stated that an Improving Schools and Safeguarding Children Bill would be presented in the next Session, and that provision would be made to improve monitoring arrangements for children educated at home. Consultation on the proposed programme closed on 21 September 2009.<sup>22</sup>

## **5.1 Government's Response to the consultation on the draft legislative programme 2009/10**

The Draft Legislative Programme 2009/10 – Government Response and Summary of Consultation, was published in November 2009.<sup>23</sup> On the proposals relating to home education, the document noted the strength of feeling against the proposed changes, and said that in framing the legislation the Government had taken into account concerns raised by home educators particularly about interviewing children without their parents being present:

37. While some local authorities thought improving monitoring arrangements for children educated at home was important, over 200 people had concerns. They felt that it was expensive and inappropriate for the Government to intervene and especially to interview children without their parents being present. They also pointed out that the Department for Children, Schools and Families was still consulting on the Review of Home Education in England and were concerned that there would not be sufficient time to take responses into account in the Bill.

Government response: A public consultation on a proposed system of registration and monitoring of home educated children closed on 19 October after an extended 18 week period.<sup>1</sup> Over 5,000 replies were received and the Government hopes to publish a response by the end of November. The consultation responses and any report from the Children, Schools and Families Parliamentary Select Committee will be used to help set out the detail of regulations and statutory guidance.

The decision to legislate for a registration and monitoring scheme for home educated children was taken because the Badman Review confirmed that the current system is not working and that the Government cannot be sure that all home educated children are receiving a suitable education and are safe and well.

In framing primary legislation, the Government has taken into account the concerns raised by home educators about interviewing children without their parents being present. Where there is good cooperation between local authorities and parents, it will be rare for a local authority officer to need to see a child without its parents being present. However, the Government also believes it is right that local authorities should be able to seek confirmation direct from a child that he or she is receiving a suitable education, where there are doubts over the evidence provided by parents.<sup>24</sup>

---

<sup>20</sup> [HL Deb 2 June 2009 c143](#)

<sup>21</sup> *ibid.*, cc206-7

<sup>22</sup> Cm 7654, p111

<sup>23</sup> Cm 7739, November 2009

<sup>24</sup> p22

## 5.2 The Children, Schools and Families Bill (Bill 8, session 2009-10)

The *Children Schools and Families Bill* was introduced in the House of Commons on 19 November 2009.<sup>25</sup> Part 1 of the Bill seeks to give effect to aspects of the white paper *Your child, your schools, our future: building a 21st century school system* to introduce pupil and parent guarantees; amend existing legislation on home-school agreements; make changes to the way schools operate together; and introduce a licensing scheme for teachers. The Bill also seeks to implement the recommendations of a number of independent reviews, including the *Report to the Secretary of State on the Review of Elective Home Education in England*. The other reviews related to the school curriculum. In addition the Bill makes other changes to pave the way for the introduction of School Report Cards, and extend the remit of School Improvement Partners (SIPs); these reforms followed several earlier consultations. Other reforms are proposed by the Bill including changes to family court proceedings. This Standard Note covers the home education provisions only. (Library Research Paper 09/95, which outlines the main provisions of the Bill, has been prepared for the second reading debate on 11 January 2010.<sup>26</sup>)

*Explanatory Notes* on the Bill have been published by the Department for Children, Schools and Families (DCSF).<sup>27</sup> An *Impact Assessment* has been published jointly by the DCSF and the Ministry of Justice,<sup>28</sup> and there is a separate *Equality Impact Assessment. A Memorandum for the House of Lords Committee on Delegated Powers and Regulatory Reform* from the DCSF has also been published.<sup>29</sup> Further documents may be found on the [DCSF Bill page website](#).

Clauses 26, 27 and schedule 1 cover home education.

**Clause 26 and Schedule 1** would introduce a new requirement for local authorities in England to keep a register of all children of compulsory school age in their area who are entirely educated at home, and to monitor those children to ensure that they are receiving a suitable education and are safe and well. New sections 19A to 19I would be inserted into the Education Act 1996. There are new regulation making powers under schedule 1 in new sections 19A, 19B, 19C, 19F, 19G and 19H. These allow for the procedural detail of the new registration scheme and how it will operate to be set out in regulations.

The *Explanatory Notes* describe the provisions contained in Schedule 1 to insert new sections 19A to 19I into the Education Act 1996. The following highlights the key provisions but Members are advised to look at the Bill and the Explanatory Notes for full details.

In brief, new section 19A requires a local authority to keep a register of all children of compulsory school age in their area who are being educated entirely at home (i.e. where none of the education is provided at a school, or under section 19 of the Education Act 1996 (exceptional provision of education in pupil referral units/short stay schools or elsewhere).

---

<sup>25</sup> *Children Schools and Families Bill*, Bill 8 of Session 2009-2010

<sup>26</sup> *Library Research Paper 09/95, 16 December 2009, Children, Schools and Families Bill* (Bill 8 of session 2009-2010)

<sup>27</sup> *Explanatory Notes, Children Schools and Families Bill, Bill 8, as introduced in the House of Commons on 19 October 2009*, DCSF

<sup>28</sup> *Impact Assessment Children Schools and Families Bill*, DCSF/Ministry of Justice, November 2009

<sup>29</sup> *Children Schools and Families Bill, A Memorandum for the House of Lords Committee on Delegated Powers and Regulatory Reform*, DCSF November 2009

What is meant by a “home-educated child” and “home education register” is defined in new section 19A. New section 19B sets out what a local authority is required to do when the parent of a home educated child applies for registration. New section 19C confers power on the Secretary of State to make regulations about steps to be taken by a local authority in connection with an application for registration. New section 19D makes provision about how long registration will last. It also provides that, for enforcement purposes, a child will be treated as registered as soon as an application for registration has been made.

New section 19E obliges a local authority to make arrangements to monitor the education provided to a child on their home education register. The *Explanatory Notes* state that the objective of the arrangements is to ascertain, as far as reasonably practicable, whether the child is receiving a suitable education, whether the education accords with the information given about it, what the child’s wishes and feelings about it are, and whether it would be harmful for the child’s welfare for the education to continue. Subsection (2) of new section 19E defines what is meant by a suitable education for this purpose. Subsection (3) provides that the arrangements made by a local authority under new section 19E must include arrangements, in each registration period, for meetings and visits. The duty requires an authority to see a child, the parent and the place (or at least one of the places) where the education is to take place, at least once in any registration period. Where a local authority considers that someone other than the parent is primarily responsible for providing education then the local authority will be under a duty to see that other person as well, at least once in any registration period. The *Explanatory Notes* state that for most home educated children, these visits will be carried out concurrently. Subsection (4) explains that the local authority cannot make arrangements to see the child on their own if the child or the parent objects to such a meeting. Subsection (5) requires a local authority to give at least two weeks written notice of a proposed meeting or of a visit to a place where education is provided.

The Badman Review recommended that local authority officers should have a right to speak to a home educated child alone, if that is deemed appropriate. There were strong representations against this, and the Government has taken these into account in framing the legislation. In the debate on the Address, Ed Balls stressed that the Bill makes it clear that there is a right to see the child on their own only with the permission and agreement of the parent:

Local authorities have the right under existing legislation to enter the home where a child is at risk and there is a concern about safeguarding. On the quality of education - that is what is new in the Bill-the Bill makes it clear that there is a right to see the child on their own only with the permission and agreement of the parent and the child. There is no right for the local authority to enter the home or see the child without their agreement. That is clear in the Bill.<sup>30</sup>

New section 19F gives a local authority the power to revoke registration on their home education register in certain circumstances. New section 19G requires regulations to provide for a parent to be able to appeal against a local authority’s decision to refuse or revoke registration. New section 19H permits the Secretary of State to make regulations requiring information relating to a child to be supplied to a local authority in England, in certain circumstances, for the purposes of the exercise of their home education functions. New section 19I requires local authorities to have regard to any statutory guidance issued by the Secretary of State when exercising their functions under new sections 19A to 19H. Provision is also made in Schedule 1, paragraph 3, to require a local authority in England to make

---

<sup>30</sup> [HC Deb 19 November 2009 cc175-6](#)

arrangements to identify unregistered children of compulsory school age who are not receiving education.

The new registration scheme is to be enforced through the existing system of school attendance orders. Paragraphs 5 to 10 of Schedule 1 amend the Education Act 1996 to provide for this. Section 443 of the 1996 Act makes it a criminal offence to fail to comply with a school attendance order. The [Explanatory Notes](#) state that the effect of paragraph 9 of Schedule 1 would be that where a school attendance order has been served by a local authority in England, a non-complying parent will not be guilty of an offence if the child is registered on the authority's home education register. Nor will a non-complying parent be guilty of an offence if he or she can prove that the child is registered on another authority's home education register, or is receiving suitable education provided under section 19 of the 1996 Act.

The registration system is due to come into effect from April 2011. The [Impact Assessment](#) on the Bill gives further details including the associated estimated costs.<sup>31</sup> The [Explanatory Notes](#) comment on the Government's view of the provisions in relation to the European Convention of Human Rights.<sup>32</sup> The Government points out that the scheme will pursue a legitimate aim to ensure that home educated children receive a suitable education and are safe and well. The rights of parents, it states, are not absolute and cannot take precedence over those of their children. While the requirement to register for home education to be monitored will engage Article 8 rights of both parents and children, the Government considers that any interference with this right will be necessary and proportionate and pursue the legitimate aim of protecting the child. On the same basis, the limited sharing of information between local authorities is considered as justifiable. Likewise, any interference resulting from refusal or revocation of registration is considered justified and proportionate. The [Explanatory Notes](#) also point out that there will be a right of appeal against the refusal of registration to an independent panel; that parents would also be able to seek judicial review of any refusal of registration by the local authority, and would be able to complain to the local government ombudsman.

## Wales

**Clause 27** of the Bill confers power on the National Assembly for Wales to make provision about the regulation of home education in Wales and the inspection of services provided by local authorities for persons involved in providing home education. A [Welsh Assembly Government Memorandum on Framework Powers Conferring Legislative Competence on the National Assembly for Wales](#) in respect to the regulation of home education in Wales has been published.

### 5.3 Initial comment on the Bill's provisions

[Education Otherwise](#) issued a [Press Release on 20 November 2009](#) strongly criticising the Bill's proposals. Fiona Nicholson, a trustee of Education Otherwise, was reported as saying that the charity was seeking legal advice on the Bill as presented.<sup>33</sup>

In the Debate on the Address, Graham Stuart (Conservative) said that local authorities already have sufficient powers to intervene if a home educated child gives cause for

---

<sup>31</sup> [Impact Assessment](#), pp 83 to90

<sup>32</sup> [Explanatory Notes](#), paragraphs 213 to 217

<sup>33</sup> "Home educators in a headlock", [Education Otherwise Press Release](#), 20 November 2009

concern<sup>34</sup>, and Michael Gove the Conservative Shadow Secretary of State for Children, Schools and Families acknowledged the importance of not stigmatising those who choose to educate their children at home.<sup>35</sup>

Later in the debate, Mr Stuart urged the Government not to proceed with the proposals but instead to invest in more research to get a better understanding of who is not in school and who is being educated at home, and what the problems are. He also suggested a voluntary registration scheme, perhaps linked to additional financial support for home educators.<sup>36</sup>

For the Liberal Democrats, David Laws said that they accepted the Government's approach for home educators to be registered but had concerns about whether 'the registration process will involve imposing a central vision of education by the back door.' He said that he was also concerned that home educators had gained the impression that there is seen to be a particular relationship between home education and child protection, and that this had created a lot of anger throughout the country.<sup>37</sup>

## **6 The Children, Schools and Families Committee's Inquiry**

The Children, Schools and Families Committee has undertaken a short inquiry into elective home education. It took evidence from Graham Badman, Diana Johnson, Parliamentary Under-Secretary of State, and Penny Jones from the DCSF as well as from home educators and bodies representing them, and other interested bodies including the National Children's Bureau, the Association of Directors of Children's Services, and the National Society for the Prevention of Cruelty to Children.

Home educator witnesses stressed that, in their view, the Badman Review had been hasty and ill-considered; they were concerned that the proposals would undermine the achievements that had been made between the home education community and local authorities. There was general agreement that more research was needed. Paul Ennals, chief executive of the National Children's Bureau and a member of the advisory group for the Badman Review, explained that he had long felt that much more support could and should be made available to home educators. He also felt that there were some genuine and significant safeguarding concerns about a very small proportion of home educated children. Peter Traves, from the Association of Directors of Children's Services (ADCS), said that ADCS broadly welcomed the review and thought it to be balanced and generally sensitive. However, he stressed the importance of there being a positive relationship between home educators and local authorities. Phillip Noyes, director of public policy at the National Society for the Prevention of Cruelty to Children, expressed concern about children who are completely 'under the radar', and said that NSPCC supported the Badman report.

The Committee's report was published on 16 December 2009.<sup>38</sup> It noted the dearth of information on home educated children in England, not least basic data about the number of these children. The Committee suggested that local authorities needed improved means of identifying and differentiating between the children in their area who are in school, who are being home educated, and who are otherwise not in school. The report also said that

---

<sup>34</sup> HC Deb 19 November 2009 c164

<sup>35</sup> HC Deb 19 November 2009 c165

<sup>36</sup> HC Deb 19 November 2009 cc 208-210

<sup>37</sup> HC Deb 19 November 2009 c176

<sup>38</sup> Children, Schools and Families Committee, Second Report of Session 2009-10, The Review of Elective Home Education, HC 39-I and 39-II

parental responsibility in relation to the provision of home education should be strengthened, and that therefore the Committee supported proposals to introduce annual registration for home educating families. However, in view of the concerns expressed by home educators about compulsory registration, it suggested that registration should be voluntary. Any registration system should, it said, be accompanied by better information sharing between local authorities, Her Majesty's Revenue and Customs and other agencies—including NHS trusts and police forces—to help identify which children are in school, which are being educated at home, and which are in neither category. The Committee said that the voluntary registration system and improved information sharing should be reviewed after two years, and that if these arrangements do not meet expectations then a system of compulsory registration would need to be introduced. The requirement for home educating families to provide some form of statement of their intended approach to their child's education was supported, and the Committee felt this should be supplemented by meetings between home educating families and local authority officers on at least an annual basis. The Committee said that there needs to be a more precise definition of what constitutes a "suitable" education.

The Committee concluded that the Badman Report and the proposals in the Children, Schools and Families Bill had run into difficulty in their conflation of education and safeguarding matters. The committee suggested that existing safeguarding legislation was the appropriate mechanism for the purpose of safeguarding and promoting the welfare of home educated children, and that the proposed annual visits would offer little direct safeguarding benefit over and above this. The Committee strongly discouraged the notion that local authority home education teams should be given a more overt safeguarding role.

At the time of writing, the Government's response to the Committee's report has not yet been published.

## **7 Additional parliamentary references**

Many petitions have been presented to the House of Commons expressing concern about the Badman Review.<sup>39</sup>

Several Early Day Motions have also expressed concern about the proposals (N.B. click on the embedded link to see the signatures as listed on PIMS):

[\*EDM 409 HOME EDUCATION AND THE BADMAN REVIEW 09.12.2009\*](#)

Letwin, Oliver

That this House acknowledges and celebrates the hard work of the many home educators in Britain who teach their children to an exceptionally high standard; recognises the excellent value they represent to the Government; notes with concern the conflation of welfare concerns with education issues in Government statements on home education; further notes with concern the recommendations of the Badman Review which suggest closer monitoring of home educators, including a compulsory annual registration scheme and right of access to people's homes for local authority officials; and calls on the Government to focus on its own ability to fulfil the Every Child Matters

---

<sup>39</sup> e.g. HC Deb 2 December 2009; HC Deb 3 December 2009; HC Deb 7 December 2009; HC Deb 8 December 2009; HC Deb 10 December; HC Deb 14 December 2009; HC Deb 15 December 2009; HC Deb 16 December 2009;

objectives rather than undermine the independence and integrity of home educators by enforcing the Badman recommendations.

*EDM 1784 HOME EDUCATION 01.07.2009*

Farron, Timothy

That this House recognises that an estimated 45,000 to 150,000 children are educated at home; believes that parents should be allowed and supported to home educate; notes with concern the proposals put forward in the recent Badman Review; expresses particular concern at the lack of consultation involved in conducting the review; considers it unacceptable that local authorities are able to circumvent their responsibilities to pupils who are being home educated; accepts the need for a system of support to ensure that home educated children receive a good quality of education without creating an excessive and damaging degree of bureaucracy; and calls on the Government to strike the right balance between allowing parents the freedom to give their children the widest possible educational opportunities and ensuring that all children receive a well-rounded education.

*EDM 1785 HOME EDUCATION AND THE BADMAN REVIEW 01.07.2009*

Field, Mark

That this House acknowledges and celebrates the hard work of the many home educators in Britain who teach their children to an exceptionally high standard; recognises the excellent value they represent to the Government; notes with concern the conflation of welfare concerns with education issues in Government statements on home education; further notes with concern the recommendations of the Badman Review which suggest closer monitoring of home educators, including a compulsory annual registration scheme and right of access to people's homes for local authority officials; and calls on the Government to focus on its own ability to fulfil the Every Child Matters objectives rather than undermine the independence and integrity of home educators by enforcing the Badman recommendations.

## **8 Appendix: Recommendations of the Report of the Review of Elective Home Education in England**

The following reproduces chapter 12 of the report: summary of recommendations.

### **Recommendation 1**

That the DCSF establishes a compulsory national registration scheme, locally administered, for all children of statutory school age, who are, or become, electively home educated.

- This scheme should be common to all local authorities.
- Registration should be renewed annually.
- Those who are registering for the first time should be visited by the appropriate local authority officer within one month of registration.
- Local authorities should ensure that all home educated children and young people already known to them are registered on the new scheme within one month of its inception

and visited over the following twelve months, following the commencement of any new legislation.

- ■ Provision should be made to allow registration at a local school, children's centre or other public building as determined by the local authority.

- ■ When parents are thinking of deregistering their child/children from school to home educate, schools should retain such pupils on roll for a period of 20 school days so that should there be a change in circumstances, the child could be readmitted to the school. This period would also allow for the resolution of such difficulties that may have prompted the decision to remove the child from school.

- ■ National guidance should be issued on the requirements of registration and be made available online and at appropriate public buildings. Such guidance must include a clear statement of the statutory basis of elective home education and the rights and responsibilities of parents.

- ■ At the time of registration parents/carers/guardians must provide a clear statement of their educational approach, intent and desired/planned outcomes for the child over the following twelve months.

- ■ Guidance should be issued to support parents in this task with an opportunity to meet local authority officers to discuss the planned approach to home education and develop the plan before it is finalised. The plan should be finalised within eight weeks of first registration.

- ■ As well as written guidance, support should encompass advice from a range of advisers and organisations, including schools. Schools should regard this support as a part of their commitment to extended schooling.

- ■ Where a child is removed from a school roll to be home educated, the school must provide to the appropriate officer of the local authority a record of the child's achievement to date and expected achievement, within 20 school days of the registration, together with any other school records.

- ■ Local authorities must ensure that there are mechanisms/systems in place to record and review registrations annually.

## **Recommendation 2**

That the DCSF review the current statutory definition of what constitutes a "suitable" and "efficient" education in the light of the Rose review of the primary curriculum, and other changes to curriculum assessment and definition throughout statutory school age. Such a review should take account of the five Every Child Matters outcomes determined by the 2004 Children Act, should not be overly prescriptive but be sufficiently defined to secure a broad, balanced, relevant and differentiated curriculum that would allow children and young people educated at home to have sufficient information to enable them to expand their talents and make choices about likely careers. The outcome of this review should further inform guidance on registration. Home educators should be engaged in this process.

### **Recommendation 3**

That all local authorities analyse the reasons why parents or carers chose elective home education and report those findings to the Children's Trust Board, ensuring that this analysis contributes to the debate that determines the Children and Young People's Plan.

### **Recommendation 4**

That the local authority should establish a Consultative Forum for home educating parents to secure their views and representative opinion. Such a body could be constituted as a sub-group of the Children's Trust with a role in supporting the development of the Children's Trust, and the intentions of the local authority with regard to elective home education.

### **Recommendation 5**

That the DCSF should bring forward proposals requiring all local authorities to report to the Children's Trust Board making clear how it intends to monitor and support children and young people being educated at home, in accord with Recommendation 1.

### **Recommendation 6**

That local authorities should where appropriate commission the monitoring and support of home education through the local Children's Trust Board, thereby securing a multidisciplinary approach and the likely use of expertise from other agencies and organisations including the voluntary sector.

### **Recommendation 7**

The DCSF should bring forward proposals to change the current regulatory and statutory basis to ensure that in monitoring the efficiency and suitability of elective home education:

■ ■ That designated local authority officers should:

– have the right of access to the home;

– have the right to speak with each child alone if deemed appropriate or, if a child is particularly vulnerable or has particular communication needs, in the company of a trusted person who is not the home educator or the parent/carer.

In so doing, officers will be able to satisfy themselves that the child is safe and well.

■ ■ That a requirement is placed upon local authorities to secure the monitoring of the effectiveness of elective home education as determined in Recommendation 1.

■ ■ That parents be required to allow the child through exhibition or other means to demonstrate both attainment and progress in accord with the statement of intent lodged at the time of registration.

### **Recommendation 8**

That reasonable warning of intended visit and invitation to exhibit should be given to home educators, parents and carers, not less than two weeks in advance. A written report of each visit must be filed within 21 days and copied to the home educating parent and child. A

suitable process for factual correction and challenge to the content must be in place and made known to all parties.

### **Recommendation 9**

That all local authority officers and others engaged in the monitoring and support of elective home education must be suitably trained. This training must include awareness of safeguarding issues and a full understanding of the essential difference, variation and diversity in home education practice, as compared to schools. Wherever possible and appropriate, representatives of the home educating community should be involved in the development and/or provision of such training. It is recommended that all officers be trained in the use of the Common Assessment Framework.

### **Recommendation 10**

That all local authorities should offer a menu of support to home educating families in accord with the requirements placed upon them by the power of wellbeing, extended schools and community engagement and other legislation. To that end local authorities must provide support for home educating children and young people to find appropriate examination centres and provide entries free to all home educated candidates who have demonstrated sufficiently their preparedness through routine monitoring, for all DCSF funded qualifications.

### **Recommendation 11**

That in addition to Recommendation 10 above, local authorities should, in collaboration with schools and colleges:

- ■ Extend and make available the opportunities of flexi-schooling.
- ■ Extend access to school libraries, sports facilities, school visits, specialist facilities and key stage assessment.
- ■ Provide access to specialist music tuition on the same cost basis.
- ■ Provide access to work experience.
- ■ Provide access to post 14 vocational opportunities.
- ■ Signpost to third sector support where they have specialist experience and knowledge, for example, provision for bullied children.

### **Recommendation 12**

- ■ BECTA considers the needs of the home educating community in the national roll out of the home access initiative
- ■ That local authorities consider what support and access to ICT facilities could be given to home educating children and young people through the existing school networks and the use of school based materials
- ■ That the QCA should consider the use of ICT in the testing and exam process with regard to its impact on home educated children and young

### **Recommendation 13**

That local authority provision in regard to elective home education is brought into the scope of Ofsted's assessment of children's services within the Comprehensive Area Assessment through information included in the National Indicator Set (Recommendation 25), the annual LSCB report (Recommendation 21) and any other relevant information available to inspectors.

### **Recommendation 14**

That the DCSF require all local authorities to make an annual return to the Children's Trust Board regarding the number of electively home educated children and young people and the number of School Attendance Orders and Education Supervision Orders as defined in the 1996 Education Act, issued to home educated children and young people.

### **Recommendation 15**

That the DCSF take such action as necessary to prevent schools or local authorities advising parents to consider home education to prevent permanent exclusion or using such a mechanism to deal with educational or behavioural issues.

### **Recommendation 16**

That the DCSF bring forward proposals to give local authorities power of direction with regard to school places for children and young people returning to school from home education above planned admission limits in circumstances where it is quite clear that the needs of the child or young person could not be met without this direction.

### **Recommendation 17**

That the Ofsted review of SEN provision give due consideration to home educated children with special educational needs and make specific reference to the support of those children.

### **Recommendation 18**

That the DCSF should reinforce in guidance to local authorities the requirement to exercise their statutory duty to assure themselves that education is suitable and meets the child's special educational needs. They should regard the move to home education as a trigger to conduct a review and satisfy themselves that the potentially changed complexity of education provided at home, still constitutes a suitable education. The statement should then be revised accordingly to set out that the parent has made their own arrangements under section 7 of the Education Act 1996. In the wake of the Ofsted review, changes to the SEN framework and legislation may be required.

### **Recommendation 19**

That the statutory review of statements of SEN in accord with Recommendation 18 above be considered as fulfilling the function of mandatory annual review of elective home education recommended previously.

### **Recommendation 20**

When a child or young person without a statement of special educational needs has been in receipt of School Action Plus support, local authorities and other agencies should give due

consideration to whether that support should continue once the child is educated at home – irrespective of whether or not such consideration requires a new commissioning of service.

### **Recommendation 21**

That the Children’s Trust Board ensures that the Local Safeguarding Children Board (LSCB) reports to them on an annual basis with regard to the safeguarding provision and actions taken in relation to home educated children. This report shall also be sent to the National Safeguarding Delivery Unit. Such information should be categorised thereby avoiding current speculation with regard to the prevalence of child protection concerns amongst home educated children which may well be exaggerated. This information should contribute to and be contained within the National Annual Report.

### **Recommendation 22**

That those responsible for monitoring and supporting home education, or commissioned so to do, are suitably qualified and experienced to discharge their duties and responsibilities set out in Working Together to Safeguard Children to refer to social care services children who they believe to be in need of services or where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm

### **Recommendation 23**

That local authority adult services and other agencies be required to inform those charged with the monitoring and support of home education of any properly evidenced concerns that they have of parents’ or carers’ ability to provide a suitable education irrespective of whether or not they are known to children’s social care, on such grounds as

- alcohol or drug abuse
- incidents of domestic violence
- previous offences against children

And in addition:

- anything else which may affect their ability to provide a suitable and efficient education
- This requirement should be considered in the Government’s revision of Working Together to Safeguard Children Guidance.

### **Recommendation 24**

That the DCSF make such change as is necessary to the legislative framework to enable local authorities to refuse registration on safeguarding grounds. In addition local authorities should have the right to revoke registration should safeguarding concerns become apparent.

### **Recommendation 25**

That the DCSF, in its revision of the National Indicator Set indicated in its response to the recent Laming Review, should incorporate an appropriate target relating to the safeguarding of children in elective home education.

**Recommendation 26**

DCSF should explore the potential for Centre for Excellence and Outcomes in Children and Young People's Services (C4EO) and other organisations, to identify and disseminate good practice regarding support for home education

**Recommendation 27**

It is recommended that the Children's Workforce Development Council and the National Safeguarding Delivery Unit include the needs of this group of officers in their consideration of national training needs.

**Recommendation 28**

That the DCSF and the Local Government Association determine within three months how to provide to local authorities sufficient resources to secure the recommendations in this report.