

Local Government Association (LGA)

Home Education briefing

House of Lords

24 January 2018



Key messages

- The majority of parents who home educate their children do a good job and work well with their local council to make sure that a good education is being provided. However, we are concerned that not all children are registered as home schooled, particularly where they have never joined the mainstream education system or they have moved to a new area.
- The Local Government Association (LGA) has raised concerns that councils do not currently have the powers to fulfil their duties to ensure home schooled children are receiving a suitable education. In particular, this is because they have no powers to enter homes or to see children to satisfy themselves that this is the case.
- Councils need powers to enter the homes of, or otherwise see, children in order to establish whether they are receiving a suitable education and meet their duties to safeguard and promote the welfare of children. New duties on councils must be fully funded.
- There also needs to be a clearer definition of a school to make it easier for Ofsted or the Department for Education to classify and close down illegal schools when they are uncovered.
- A duty on parents to register home-schooled children with their local authority would help councils to monitor how children are being educated, and prevent children from disappearing from the oversight of services designed to keep them safe.

Background

Number of home schooled children

In October 2017 the Association of Directors of Children's Services (ADCS) issued a survey to all 152 local authorities in England to understand better the number of children and young people who are known to be home schooled and the support on offer to their families.¹ It found:

- 118 responding authorities recorded nearly 35,500 children and young people known to be home schooled in their localities on school census day, Thursday 5 October 2017.
- 92 per cent of respondents reported year-on-year increases in the number of children and young people being home schooled.
- 37 per cent of respondents reported they were aware of children in their area who were home schooled yet attending unregistered schools or tuition centres. Concerns about the quality of education on offer and the

¹ https://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_Analysis_2017_FINAL.pdf

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safety and welfare of attendees were reported.

At the same time that the number of children being home-schooled has increased, the number of pupils permanently excluded from schools has increased significantly.² Home schooling is an option for parents but it should never be because they are unable to find a school willing to accept their child.

Registration requirements

Parents have the right to choose to home-educate their children and are then responsible for providing suitable education, including addressing any special needs. They are not required to register with a mainstream school or with the local authority, although some local authorities operate a voluntary registration scheme.

Where a child was attending school and then has been withdrawn in order to be home-schooled the school must notify the local authority. But for children who have never attended school, there is no such requirement. As such it is difficult to ascertain exactly how many children are being home-schooled and where they are located.

Local authorities have a duty to identify, as far as is possible, children not receiving a suitable education and intervene, for example, by issuing a school attendance order. However, local authorities have no legal duties to monitor the quality of home education on a regular basis and no powers to insist on seeing a child in order to establish whether they are receiving a suitable education.

Illegal schools

Ofsted has identified a growth in the number of children being educated in illegal schools. The former Chief Inspector of Schools, Sir Michael Wilshaw, said that “those operating unregistered schools are unscrupulously using the freedoms that parents have to home educate their children as a cover for their activities.”³

As things stand, councils have no powers to shut unregistered schools, with the expectation being that they act as the ‘eyes and ears’ of the Inspectorate and DfE, where powers do sit. However concerns have been raised that neither the Inspectorate nor Department have been acting in a timely manner when councils have identified unregistered schools in their areas. Where there has been a response, councils have been asked to use fire, planning and health and safety powers to disrupt premises, an arrangement that is wholly unsatisfactory.

There needs to be a clearer definition of a school to make it easier for Ofsted or the Department for Education to classify and close down illegal schools when they are uncovered.

Protecting children

Home schooling can be suitable and nurturing environment, but concerns arise when the education provided is not suited to the child’s aptitude and ability or where the choice to educate at home is a further component of abuse and neglect.

²Permanent and Fixed Period Exclusions in England 2015 to 2016
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/645075/SFR35_2017_text.pdf

³ Letter from Sir Michael Wilshaw, 16 May 2016
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523694/Unregistered_schools_advice_note_16_May_2016.pdf

The Casey Review highlighted that the lack of a duty on parents to register their children as home-schooled means that local authorities do not “have any sure way of knowing the extent of home education in their locality, nor the quality or ‘suitability’ of education being provided outside of school settings”.

Councils need powers to enter the homes of, or otherwise see, children in order to establish whether they are receiving a suitable education and meet their duties to safeguard and promote the welfare of children. A duty on parents to register home-schooled children with their local authority would help councils to monitor how children are being educated, and prevent children from disappearing from the oversight of services designed to keep them safe.