



Department
for Education

Elective Home Education: Call for Evidence 2018

Government consultation response

April 2019

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Introduction

1.1 From 10 April to 2 July 2018, the Department for Education held a consultation on the subject of elective home education (EHE). The consultation was in two parts:

- a. consultation on draft versions of revised departmental non-statutory guidance on elective home education, for local authorities and for parents; and
- b. a call for evidence on three issues: registration of children who are educated at home, monitoring of the suitability of their home education, and support for home educating families.

1.2 Although focussed on home education, the context for the consultation was the duty of local authorities to make arrangements to identify, so far as possible, children in their areas not receiving a suitable education. It has been apparent to local authorities for some time that the number of such children is increasing, for a variety of reasons. Although some of the children deemed to be educated at home are within that group, there are others being educated outside mainstream schools who are also of concern.

1.3 The consultation documents can be found at:

[2018 consultation papers](#)

1.4 The finalised version of the revised departmental guidance for local authorities was published in April 2019. This set out the department's view of the way in which local authorities should exercise their duties and powers which are relevant to home education. This is a complex matter, due partly to the fact that there is no legislation which deals specifically and directly with home education.

1.5 The finalised version of the revised departmental guidance for parents was also published in April 2019.

1.6 This government response document is concerned with the second part of the consultation - the call for evidence. It summarises the responses received to the questions raised in the call for evidence and the views expressed in those responses, and gives the government's response to those views. Finally, it sets out the government's conclusions on the call for evidence exercise, and its proposals for next steps.

Summary of responses received and the government's response

2.1 Overall the total number of responses received in the consultation period was as follows:

Online: 2,987

Email: 274

Hard copy: 180

2.2 Of the online responses, 2,681 were from individuals and 224 from organisations (the balance did not say which). Of the 224 organisations, 82 were local authorities, so just under half of the 152 local authorities in England responded. The geographical spread of responses was wide, with at least one response from an individual or organisation received from 148 out of 152 local authority areas; but there was a significant skewing within this: the five local authority areas with the highest number of total responses were all in south-east England. Some responses did not address all parts of the consultation. In particular, many of the hard copy responses received, some of them from children, related only to the two draft guidance documents which are referred to above.

2.3 Because of the quantity of responses received, the department contracted York Consulting LLP to undertake an analysis of the responses to the call for evidence using automated textual analysis, based mainly upon the online responses but also including so far as possible those other responses which addressed the call for evidence. The total text of responses to the open questions amounted to approximately 3.4 million words. The resulting analytical report has been drawn upon extensively in writing this government response document.

2.4 The department is grateful to all those individuals and organisations that took time to respond to the consultation. In considering the responses the main emphasis has been on drawing out the main views expressed; there were far more responses from individuals than organisations, but this has not been an exercise in assessing how many respondents held such and such a view, so much as ensuring that the main points made by respondents are reflected in this document.

Main findings from the call for evidence

3.1 As described in the Introduction, the call for evidence centred on three specific aspects of elective home education:

- a. registration of children who are educated at home: what happens now in terms of voluntary registration schemes operated by some local authorities; and the views which are held on the question of registration of these children;
- b. the monitoring by local authorities of the suitability of home education provision made by parents – how effective current arrangements are, and views on what changes might be needed;
- c. support for home educating families – what good practice there is, and whether there should be a duty on local authorities to provide support if it is required. The issue of access to public examinations comes under this heading as well.

3.2 The call for evidence touched on some other matters, notably aspects of what is known as ‘off-rolling’ – the practice of pressuring parents into removing children from school to educate them at home. This response document does not cover that issue, which is being taken forward separately.

3.3. The call for evidence sought data from local authorities about the numbers of children in their areas known to be educated at home. Not all the respondent local authorities were able to provide data; but the data which was provided was extracted by York Consulting and analysed within DfE to produce an estimate of 57,600 children of compulsory school age in England known to be educated at home. This is very similar to the estimate produced by the Association of Directors of Children’s Services, on a somewhat more complete set of data from authorities in the autumn of 2018, of 57,783¹. There is significant uncertainty associated with these estimates, and they are probably under-estimates - because there are always some children deemed to be educated at home whom councils do not know about. However, the government believes that this poses a significant policy challenge, given that this estimated total is now well over 0.5% of the relevant age group - and moreover, appears to be increasing by over 20% per annum (the ADCS estimate in the autumn of 2017 was 45,500). However, these overall numbers are likely to be only the bottom of the range of numbers who are deemed to be educated at home or for other reasons are out of mainstream school; their existence

¹ [ADCS 2018 home education survey](#)

does not alter the case which can be made for a register which would help local authorities to discharge their responsibilities

3.4 The department was aware from the start that responses to the call for evidence were likely to be strongly weighted in particular directions, given the fact that many – though not all - home educators believe that local authorities exceed their powers on this issue. Local authorities, by contrast, have made it clear to the department that they believe they need more powers in order to ensure that all children are receiving a suitable education - even though they are well aware that some families present no difficulties in this regard. Home education has been a controversial subject for many years - and more recently this level of controversy has increased further. Factors leading to this include the evident growth in the numbers of children deemed to be educated at home in the past few years, and the introduction of a recent private member's bill which set out proposals for a statutory system of registration and monitoring aimed at increasing the oversight of home educated children.

3.5 It was no surprise, therefore, that the consultation responses largely reflected existing debates on this matter, fitting into three broad themes:

a. Local authorities and other respondent organisations were strongly in favour of a statutory system of registering children deemed to be educated at home, citing the reasons why voluntary registration was thought to be inadequate; whereas a majority of individuals responding were against this – although by no means universally. The main reasons put forward by each side are explored in the analysis below;

b. Local authorities and other respondent organisations were strongly in favour of an enhanced and specific statutory framework to allow authorities to monitor and assess the suitability of the home education of individual children – again putting forward reasons why the existing legal framework does not in their view allow adequate oversight. A majority of individuals responding were opposed to any formal monitoring powers, and often viewed local authorities as being already too intrusive;

c. there was a more diverse set of views about support for home educators. Many individuals and some local authorities said that there was a need for more support. While some examples of good practice were identified, there was no unanimity on what changes were required. Difficulty accessing public examinations for home educated children was, however, identified as being in need of improvement;

3.6 Despite the lack of a consensus on the need to alter the framework within which home education operates, the government believes that there is a basis for changing the landscape for children not in mainstream school education in order to help achieve the aim that every child should receive a good education. At the heart of any change would

be the need for proportionality, parental choice and respect and recognition of the diversity of education settings.

3.7 Those conclusions are set out in the next section. For those who want more detail about the outcomes of the Call for Evidence, a detailed summary of the analysis of the responses is set out in Annex A.

Conclusions and next steps

4.1 Many of the respondents to the Call for Evidence are passionate defenders of the right of parents to educate their children at home. The government has no wish to alter that basic right. It recognises that those who are supporters of this approach to education take on a very significant task in doing so, and often produce very good results.

4.2 If children in such families were the only children who were deemed to be home-educated, there would be a strong case for leaving the present legal framework untouched – to be operated as efficiently as possible and with the aim of ensuring that there is only minimal oversight of children being educated at home.

4.3 However, the government does not believe that the significant increase in children deemed to be educated at home which has taken place in recent years – some local authorities have reported a doubling of numbers – has arisen from any significant growth in those who believe in the virtues of home education for its own sake. Rather, it believes that the factors leading to a significant proportion of the children now receiving education at home are more negative. They include difficulty in obtaining within the school system what parents see as adequate provision (especially for children with special needs); disagreement with schools about academic or behavioural issues; and a perceived lack of suitable alternative provision for those children who would benefit from it. Parents who withdraw their children into home education for such reasons often believe that this is in the child's interests, and do their best to provide education at home. That does not mean in all cases that the education is suitable. The government recognises that work to address these concerns about school provision needs to be taken forward.

4.4 Alternatively, sometimes parents are well aware that they cannot provide home education and turn instead to the use, during the school day, of a variety of unregulated settings such as part-time alternative provision or unregistered independent schools. Sometimes attendance at such settings is legitimate as part of a properly constructed package of suitable education; but it can become an absence of education - in that the children concerned are neither in school nor actually being educated at home - although often described inaccurately as 'home educated'. These children are likely to become more vulnerable given the lack of suitable education - which of course will have a negative impact on their life chances. In some settings, given the lack of oversight, there is also potential for children to be exposed to safeguarding risks, such as extremism and radicalisation, corporal punishment and sexual exploitation.

4.5 Many local authorities have set out their fears about children who are not being well-served by home education – both in responses to the call for evidence and also in direct communications with the department. By and large, local authorities are not anxious for unnecessary expansion of their activities, especially at a time of constrained resources. It is clear, though, that many of them feel that with the substantial increase in numbers, there is a moral obligation towards children which cannot be discharged in a satisfactory

way within their existing powers and duties. However, the revised guidance being published alongside this document is aimed at helping local authorities use their existing powers in the most effective way.

4.6 That being so, the government intends to move towards a position whereby local authorities will be in a better position to take effective action to ensure that a child is receiving suitable education - when such action is necessary. The first step in this is to help ensure that local authorities are aware of the existence of children who are not in mainstream schooling.

4.7 To this end, it intends to consult on possible legislation based on the following:

a. the introduction of a duty on local authorities to maintain a register of children of compulsory school age who do not attend schools of a specified type (mostly state-funded or registered independent schools). This would apply to children who are not receiving their principal education in mainstream schools. It would not apply to those children who are in mainstream schools but are also receiving supplementary education in out of school settings - such as those who may attend an afterschool club, religious settings or a weekend club as an addition to their principal education through a mainstream school;

b. the introduction of a duty on parents to inform their local authority when their child is not attending a mainstream school;

c. the introduction of a duty on settings attended by the children on the register to respond to enquiries from local authorities as to whether a specific child attends that setting;

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

4.8 The consultation paper published at the same time as this response document sets out further details of these propositions.

4.9 The above requirements would need additional resources, as recognised by many respondents to this call for evidence. The consultation paper says more about this, and the process involved in assessing the resources needed.

4.10 The proposals above do not include:

a. any specific new powers or duties for local authorities to monitor the suitability of home education;

b. any legislation on a more detailed definition of what constitutes a 'suitable' education, either in the context of home education or other forms of provision. The call for evidence did not specifically address this, although a significant number of

respondents called for more detailed rules on suitability. The government does not believe that this would be in the interests of children, or home educators, who by and large prefer flexibility in the ways education can be provided; or local authorities, which should be free to develop their own expertise and approach to this issue.

4.11 The consultation is therefore concentrating on registration and the duty to support families, in order to gather more information to support detailed legislative proposals. The government recognises that respondents to the consultation paper issued alongside this response document may nonetheless comment on the matters noted above.

4.12 At the end of the further consultation period the government will consider responses received, and decide whether to take forward legislation and what the basis of that legislation should be. Timescales will be determined as part of the consultation but the government expects, if it does take forward legislation, that it will be done so as soon as Parliamentary time allows.

Annex A: Response analysis

Issue 1: Registration of children who are electively home-educated

Q8. How effective are the current voluntary registration schemes run by some local authorities? What would be the advantages and disadvantages of mandatory registration of children educated at home, with duties on both local authorities and parents in this regard?

A.1 There were a total of 2,833 online responses to this question, and of these respondents 213 were responses from organisations and 2,566 were individuals². Four broad themes were identified across the responses to this question as follows:

The effectiveness of registration schemes;

Advantages and disadvantages of registration schemes;

Resources, the role of local authorities and legal issues;

Other issues.

A.2 A large proportion of respondents commented on the perceived effectiveness of current voluntary arrangements. Responses relating to home educator families being free to choose whether or not to register, and the responsibilities and rights of parents to determine how and where their children are educated, were recurring. Voluntary arrangements were viewed as **effective** by many such respondents as they were seen to be striking the right balance between the autonomous choices being made by parents and the local authority's' need to know.

A.3 Those respondents who indicated that the current voluntary arrangements are **ineffective**, highlighted that:

reliable numbers for EHE children are not currently available;

there may be potential vulnerabilities among unknown or unaccounted for children posing a challenge for safeguarding responsibilities;

the difficulties faced by councils in being able to confirm that education being provided at home is 'suitable'.

² The remaining 54 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

The current arrangements were seen to be misused by some parents seeking to avoid prosecution (for their children not attending school), to keep their children hidden or to move around different areas of the country. Unaccounted for children may be recorded as Children Missing from Education (CME) when in fact they are in Elective Home Education.

“Our experience is that whilst a minority of parents do an excellent job at home education, increasingly more and more parents are exploiting this option as a means to avoid proceedings due to poor attendance or even exclusion.”

A.4 Local authority respondents expressed frustration that the current voluntary arrangements prevented them from effectively fulfilling their statutory duties as outlined in the 1996 Education Act. As such they felt that they were unable to respond to the needs of home educated children who were not registered with them. This was regarded as an area of concern, as councils were aware that there had recently been an overall increase in the number of home educated children.

A.5 The main advantages of a mandatory registration scheme as perceived by its supporters were:

in safeguarding children who might otherwise become ‘invisible’;
being able to track children and check on their wellbeing;
identification of those children who have never been on a school roll; giving children a ‘voice’;
improved data sharing between councils and other agencies;
having a clear protocol for home educating parents or carers;
having greater oversight and scrutiny of the provision;
being able to identify those parents seeking to evade prosecution;
better signposting or referral to other agencies;
information and advice for families; and
less confusion between children missing education and home education.

A.6 The main disadvantages of mandatory registration as perceived by those opposed to it were:

a loss of autonomy for home educators;
the undermining of freedom of choice and of parents’ rights and responsibilities to provide a suitable education;
an assumption that families are at fault without any evidence to support this;

the potential for using registers to intimidate families;
the risk of non-engagement or disengagement; and
the potential negative impact on parents and children due to additional pressure, anxiety and stress;

Difficulties for local authorities in maintaining registers accurately for children in some groups eg those families which move frequently; and
Increased costs to local authorities.

Government response

A.7 The government accepts that a register of children who are educated at home would help local authorities to deal effectively with children for whom it is not clear that the education provided is suitable, whilst having a minimal impact on the families of children who are being suitably educated at home. To this end, it is publishing a consultation paper on the issues involved.

Q9. What information is needed for registration purposes, and what information is actually gathered by local authorities? Would it help the efficacy of these schemes, and the sharing of information between authorities, if there were a nationally agreed dataset or if data could be shared by national agencies, such as DWP or the NHS?

A.8 There was a total of 2,539 online responses to this question, of which 2,313 were individuals, 122 were organisations and 82 were local authorities³.

A.9 A large number of respondents felt that collection of data about home educated children, if undertaken at all, should be restricted to a small number of basic demographic variables, for example limited to just their home education status, name and date of birth. This view was most commonly cited by those respondents who disagree with data sharing in principle but feel that if data sharing was deemed necessary it should be limited to a small number of variables. Collection of limited data was felt by some parents to function as a compromise; satisfying councils on one hand, but not interfering too greatly into the lives of families on the other.

³ The remaining 22 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

“Keeping the register minimal will give the LA the knowledge of which children are home educated without encroaching too much into personal and private family lives.”

A.10 Of those who felt that more data should be collected, suggestions were made that this should include all information currently collected on children attending mainstream schools, as well as reasons for home education and information on provision being made. This view was more commonly cited by those working in local authorities.

A.11 The issue of data sharing between agencies attracted a good deal of comment. Respondents to this question were more likely to disagree with data sharing, except in instances of safeguarding concerns, than to agree with the sharing of information. Respondents frequently used words such as ‘unlawful’, ‘unnecessary’ and ‘unacceptable’ to describe the sharing of information. Those disagreeing with data sharing were most likely to be individual respondents, with local authorities and organisations more likely to agree to the sharing of information.

A.12 The main reasons cited for disagreeing with data sharing were:

Data sharing was potentially unlawful: some respondents said that there are precedents for such information sharing to be deemed unlawful, and that it might contravene the Data Protection Act 2018 unless data sharing agreements were very carefully drafted;

Data sharing was unnecessary: there was felt to be no need for the additional collection or sharing of data about home educated children, with information currently gathered seen as sufficient. Further collection of data would, it was felt, not improve provision in any way.

Infringing on privacy of families: individual respondents frequently said that the collection and sharing of data would encroach on the right of parents to make decisions about their child’s education;

Relationships with families: linked with the above, home educating parents reported that they would see the collection and sharing of data as discrimination against their decision to educate their child at home, which could worsen engagement and relations with councils/government.

Worries about security of personal data: it was felt that the government could not provide assurances that any data collected would be stored securely.

A.13 The main reasons reported for agreeing with data sharing were:

Easier access to services: respondents felt that the sharing of information between national agencies, including the NHS and DWP, would help families access services and resources more easily.

Improved safeguarding: it was reported that there was the potential for improvements in safeguarding if information was shared amongst agencies, both in terms of speed of action and quantity of children protected.

National data set: respondents, particularly those from local authorities, supported the creation of a nationally agreed data set for home education. This, it was felt, would address inconsistencies across authorities and be an essential prerequisite for data sharing across the country. A standardised approach would aid comparisons and monitoring.

Tracking moves: it was felt, again in the majority of cases by councils, that a national data set would also be beneficial in terms of tracking children who move area. There were also suggestions that the ability to track the movement of home educated children would reduce the amount of resources needed to monitor, for example numbers of children missing in education.

A.14 Both local authority and individual respondents raised concerns about the amount of resources needed to administer the collection and sharing of data. Local authority respondents were most likely to raise concerns about pressure on the workload of already stretched staff on home education within local authorities, and the need for additional resources to be provided centrally by DfE. Individual respondents by contrast raised questions as to whether putting resources into administering a data collection scheme would be the most valuable use of the resources actually available.

Government response

A.15 The government continues to believe that data sharing between local authorities, and between local authorities and other agencies, would enhance the effectiveness of registration. However, it accepts that there are significant data protection factors, and will address the data sharing and associated data protection issues in the proposed legislation.

Q.10 Does experience of flexi-schooling and similar arrangements suggest that it would be better if the scope of registration schemes included any children who do not attend a state-funded or registered independent school full-time? If so, do you think that local authorities should be able to confirm with both state funded and independent schools whether a named child is attending that school full-time?

A.16 A total of 2,438 online responses were received to this question, with 82 from local authorities, 121 from organisations and 2,216 from individuals⁴. The majority of those responding to this question disagreed with the idea that the scope of registration should include all children who do not attend state-funded or registered independent schools full-time. This was particularly the case amongst individual respondents. Respondents often repeated their previous answers to Question 8 disagreeing in principle with registration schemes, and therefore extending it to other arrangements; and therefore did not wish to comment in detail since they had already made their position on registration clear.

A.17 Some local authority respondents felt that new guidance and legislation allowing them to confirm with educational settings that a child was registered there (going beyond the existing right to inspect the registers of schools they maintain) would be helpful in enabling them to have a good view of all children regardless of which type of education provision they attend.

“All children should be registered somewhere regardless of the type of schooling they are accessing.”

A.18 It was also felt that if all children were known to the council regardless of educational status, this could help them to carry out their safeguarding duties and help ensure the welfare of every child. It would help prevent children from becoming lost in the system and help authorities understand the scale of such arrangements.

A.19 Some local authority respondents felt that the same rules should apply for all providers and treating some schooling arrangements differently from others could be interpreted as discrimination. A small number of respondents also noted that if some alternative schooling arrangements were exempt from registration, it would make it very difficult to effectively monitor home education (if a registration scheme was in place).

A.20 On the issue of flexi-schooling itself, It was noted by some respondents that flexi-schooling arrangements are relatively rare, owing to changes in attendance codes and

⁴ The remaining 19 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

schools disliking such arrangements. On this basis, it was felt that clearer guidance should be provided by DfE so that schools and councils understand how to operate, and the impacts of, flexi-schooling arrangements. Guidance should include:

Clarity around pupil funding;

The effect on school resources;

Strategies for teachers who would be required to differentiate and make time for pupils who would be away from class regularly/intermittently;

The effect on other children, e.g. motivation and morale;

Reporting of educational outcomes/results; and

Monitoring the appropriateness of the education away from the school.

A.21 It was also felt that consideration should be given to reporting mechanisms for flexi-schooled pupils, for example establishing a separate code that does not penalise schools for the 'absence' of flexi-schooled pupils. This would, it was felt, encourage schools to offer flexi-schooling options, as such arrangements would not negatively impact on school attendance figures.

Government response

A.22 The government believes that there would be substantial advantages in extending the scope of registration beyond home education, to include all children who do not attend a state-funded or registered independent school, and the consultation proposals are based on that.

Q11. Would the sanction of issuing a school attendance order for parental non-compliance with registration be effective, or is there another sanction which would be more useful?

A.23 There were a total of 2,750 online responses to this question, and of these respondents 2,499 were responses from individuals, 82 from local authorities and 120 from organisations⁵. The responses to this question contained many re-statements of views disagreeing with the principle of registration, consequently respondents did not wish to consider sanctions for something they disagreed with.

⁵ The remaining 49 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

A.24 On balance, individuals were more likely to consider School Attendance Orders (SAOs) to be ineffective, than effective - although many had not stated a clear response as they disagreed with mandatory registration. A slightly higher proportion of local authorities considered them to be effective (but with the caveat of an action of 'last resort') than ineffective. Other organisations were split equally between considering them as effective and ineffective.

A.25 The key reason given for regarding the use of an Order as ineffective was that it was designed for a different purpose. There was a strong feeling that they are for when the LA is not satisfied that the necessary level of education is being provided and where the LA considers it expedient that the child should attend school. Many respondents, including some LAs, highlighted that lack of registration does not necessarily mean a lack of effective education. This would also be the case under a mandatory registration system. Therefore, Orders were viewed as **disproportionate** as a response to non-registration:

“The sanction of a school attendance order seems excessively harsh and would ostracise home-schoolers, who are already panicking about changes in the law.”

A.26 Other reasons given for regarding them as ineffective were:

There are better sanctions (see below);

Risked being counter-productive and alienating the family from the local authority;

Cost of in terms of time and money;

- **Difficulties of enforcing them** and identifying a school willing to accept the child

A.27 Many respondents who thought Orders might be effective were often careful to say that was so 'only as a last resort'. The key reasons given by those who regarded it as effective were:

Orders are transparent and could be challenged in court;

Accountability: *“Yes I think it would be effective, currently there doesn't seem to be much accountability for parents”.*

A.28 In those cases where respondents thought that they might be an effective response, they were keen to point out that this might demand resources from the local authorities that they may not have funding to provide.

A.29 Many respondents indicated other forms of sanction that might be more effective. Some respondents interpreted the word sanction very broadly to include additional

support. A typical response included suggestions of additional support. The broad categories of responses included:

Financial penalty;

Creation of new orders or processes;

A home visit.

A.30 Many respondents said there should not be sanctions for non-registration but better understanding of the parents' situation. The responses included:

Mediation or better parental engagement;

Use of incentives to register rather than threat;

Improved support to home educating families.

A.31 Examples of the support mentioned above included:

financial support;

provision of resources such as text books;

funding for home-school collectives, venues for groups, resource libraries, workshops;

vouchers towards books or an education card to allow free access to places of education;

incentives to register such as free exams, access to resources, free National Trust/Arts Heritage passes;

holding weekly drop-ins for information and support or where children can help plan their education and be involved.

Government response

A.32 The government accepts that there is divergence of opinion on this issue and will be seeking views in the consultation on the consequences of non-compliance with a registration requirement, although the consultation paper makes clear what the government's preferred option is within possible legislation.

Issue 2: Monitoring and assessment of elective home education

Question 14: How effective is local authority monitoring of provision made for children educated at home? Which current approaches by local authorities represent best practice?

A.33 There was a total of 2,565 online responses to this question, and of these respondents 2,342 were individuals, 117 were responses from organisations, and 82 were local authorities⁶. Both individual and authority respondents were most likely to state that *current* processes for monitoring home education provision were effective, but for very different reasons.

A.34 In the majority of cases, individual respondents said that local authorities should have no role in the monitoring of provision and sometimes also said that such monitoring may be illegal if carried out too often or on a routine basis. However, notwithstanding that view they often felt that current processes, in which monitoring by the local authority is on a basis which is more related to local imperatives and resources than existing legal requirements, are effective and do not need to be changed. Those current processes were often perceived to strike the right balance between ensuring child welfare is maintained and giving parents the primary responsibility for providing their child's education.

A.35 Where individual respondents felt that processes were ineffective, this was not linked with the actual guidelines and legislation, but with the LA's interpretation and implementation. Some councils, it was felt, often overstep their role.

A.36 LAs which took the view that current processes are effective were most likely to remark that the monitoring they currently provide is effective in the sense that at the level they choose to operate:

They monitor in line with current legislation and guidelines. For example, providing information and advice, and offering informal meetings.

They are successful in monitoring provision amongst families who choose to engage through the voluntary system. Local authorities reported varying degrees of engagement amongst families.

⁶ The remaining 24 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

A.37 However, in the vast majority of cases local authorities felt that although they are effective at operating within the current guidelines and legislation, overall their monitoring provision is ineffective in actually ensuring that children are receiving a suitable education, due to the lack of statutory duties and limited resources.

A.38 The lack of a specific duty for local authorities to monitor the suitability of home education (as opposed to making enquiries when it is not clear that such education is suitable), and unclear guidelines, were felt to be the primary factor in the inconsistencies in monitoring across councils, as authorities interpret their role and responsibilities differently. This was felt to be leading to the ineffective national monitoring of provision. Local authorities also reported that, due to the voluntary nature of current monitoring processes, current provision is only effective for those families who choose to engage and not for those who decline involvement with the authority. Another factor affecting the ability of councils to monitor home education was felt to be the limited resources available. It was reported by both local authority and individual respondents that resources that are currently in place are not sufficient to effectively monitor provision. This was primarily felt to be linked to budget cuts and increasing numbers of home educated children.

A.39 Some respondents did provide examples of current 'best practice' monitoring, these mainly related to:

The presence of well-trained, non-judgemental and respectful staff within local authority teams;

Collaborative working and the building of strong relationships between councils and the home education community;

Honouring parents' rights to decline local authority involvement and support;

Offering supportive and helpful monitoring visits on a voluntary basis, taking a 'no strings attached' approach; and

Offering access to a wide range of accessible advice and support (e.g. coffee mornings, leaflets and information/networking sessions).

Government response

A.40 The government accepts that there is a divergence of opinion about the effectiveness of monitoring of home education at present, both in absolute terms and in terms of varying practice in different local authorities.

Q 15. If monitoring of suitability is not always effective, what changes should be made in the powers and duties of local authorities in this regard, and how could they best ensure that monitoring of suitability is proportionate?

A.41 There were a total of 2,465 online responses to this question, and of these responses 2,243 were made by individuals, 82 from local authorities and 119 from organisations⁷.

A.42 A large proportion of respondents indicated that in their view the current legislation and council arrangements for monitoring home education are satisfactory. However, a greater proportion of individual respondents had this view when compared to local authorities and organisations.

A.43 In contrast to those stating that current arrangements for monitoring are satisfactory, another significant sub-group of responses, primarily from authorities, considered that new powers are required. They felt that current legislation lacked clarity and that there was a mismatch between on the one hand the council having a duty to ensure that the home education is suitable, and on the other hand parents having the right to refuse any input from the authority. This generated problems for the oversight of home education by councils.

“The current arrangements expect accountability from the LA’s without giving them the powers in order to do this.”

A.44 Specific changes were proposed as follows:

Powers to inspect home education premises, the curriculum and children’s work;

Referrals to safeguarding in situations where the education being provided is deemed unacceptable;

Having the authority to redirect a child to school when home education does not work;

Mandatory visits to see the child and evidence of their education;

Monitoring of the suitability of the education being provided at least when the child first starts home education and thereafter on an annual basis; and

A requirement for the child’s voice to be heard.

A.45 A small proportion of respondents suggested that responsibility for monitoring and reporting on home education should rest with parents themselves. As such they would be

⁷ The remaining 21 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

expected to report on progress and provide evidence of the education provided even when this did not conform with conventional approaches. Others suggested that it should be entirely up to parents themselves how best to evidence suitability including those who have adopted a non-traditional approach.

“...it is recognised that many home educators may introduce unconventional ways for their children to learn naturally, this is understood and welcome but there must be evidence made available of learning or it is impossible to distinguish with families in chaotic situations who are unable to provide evidence of learning.”

A.46 The scope for complaining about councils was mentioned, this was seen as particularly important when families considered that they had operated outside their remit.

“To ensure monitoring is proportionate there should be a mechanism by which parents can complain about LAs that are disproportionate in their approach.”

Government response

A.47 The government accepts that the diversity of experiences of monitoring is striking but does not propose to make changes in the existing framework for this.

Q16. Should there be specific duties on parents to comply with local authorities carrying out monitoring if such LA powers and duties were created, and what sanctions should attach to non-compliance?

A.48 There were a total of 2,594 online responses to this question, and of these respondents 2,368 were responses from individuals, 82 from local authorities and 120 from organisations⁸.

A.49 More than one third of individual respondents were clear that they opposed the introduction of any changes to duties placed on parents and/or the powers of councils, compared to around one quarter of organisations and local authority respondents. Many stated and reiterated that parents have responsibility for providing a suitable education for their children and that as such there was no place for local authority monitoring (the exception being where there are concerns for child welfare). Others argued that a more

⁸ The remaining 24 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

co-operative approach between the two parties would be preferable and that this would contribute towards building respectful and positive relationships.

A.50 More than three quarters of those who were supportive of the creation of new duties on parents to comply with monitoring were local authority respondents, followed by organisations (more than one third of this respondent group) and only very few individual respondents. Many of these respondents stated that there should be sanctions for those parents who refuse to comply including:

The child being returned to school;

The family being placed under improvement measures;

Use of the same process already in place for school exclusions;

Issuing of School Attendance Orders;

Fines and/or imprisonment; and

Support to enable engagement with the council.

“The penalties should range from fines to removal of parental responsibilities.”

A.51 Some individual respondents referred instead to a need to build trust and positive relationships between families and the local authority. For example, legislation requiring mediation between parents and local authorities was proposed as an alternative to legislation giving local authorities more powers to make decisions on suitability as part of a monitoring regime. An assumption that those providing home education were doing a good job rather than being under suspicion was stated as the preferred position. For some, giving additional powers to councils was a cause for concern and some instances of local authorities allegedly abusing their existing responsibilities were provided.

A.52 Resource issues were raised by all respondent groups, although this accounted for a small proportion of responses to this question. A common view was that introducing duties on parents which then had to be enforced - but would be followed anyway by most home educators because they were already carrying out home education properly - would be a waste of resources. An alternative use for such resources would be to provide direct support to families or to allocate funds to SEND or mental health services. The absence of any state funding for home education was mentioned:

“Supporting the parents through funding to work with official partners within home schooling education is far better. Some of our families were coping with both parents in work but now have only one and are paying us [a tuition centre] on top of this”

Government response

A.53 As no changes are proposed in relation to monitoring, the issue of sanctions likewise does not arise at present.

Q.17 Is it necessary to see the child and/or the education setting (whether that is the home or some other place), in order to assess fully the suitability of education, and if so, what level of interaction or observation is required to make this useful in assessing suitability?

A.54 There were a total of 2,652 online responses to this question, and of these respondents 2,421 were responses from individuals, 82 from local authorities and 123 from organisations⁹.

A.55 Responses to this question included approaches to assessing home education, issues around evidencing an education, and requirements for new guidance or mechanisms to facilitate seeing the child and/or education setting. On balance local authority respondents were more likely to be in favour of seeing the child and/or education setting, while other respondents reported opposition to this. Overall, a larger proportion of responses indicated that it was not necessary to see the child and/or education setting.

A.56 Those opposed to this suggestion identified alternative approaches and set out reasons why this would be unacceptable. Alternative approaches proposed included:

Reviewing work completed by the child and provided by the parent;

Discussion between the council and parents;

Submission of reports by parents.

A.57 Reasons for opposition included:

Unnecessary unless there are genuine concerns about the wellbeing of the child;

Seeing the child could put him/her at risk- being interviewed by a stranger would be a cause of stress and anxiety and harmful to their health and wellbeing. This was specifically highlighted in relation to children with special needs such as autism;

Mandatory powers would not be 'light touch';

⁹ The remaining 26 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

It would be inappropriate as home education is individualised and takes place across multiple environments and settings;

Any council visit would just be a 'snapshot' and would fail to capture the breadth of the education being offered;

Children educated in schools are not subject to home visits and so home education visits would be discriminatory;

Many stated that home education does not take place within a defined 'school day' and as such this would make any assessment meaningless. Others indicated that it was unreasonable to compare home education to state education settings and that children in failing schools are not sent on to other schools.

“Trying to replicate a school environment at home for the sake of a LA assessment is not useful. Many schools for example are deemed inadequate or failing by OFSTED - those children are not then sent to other schools.”

A.58 Two thirds of local authorities said that it was necessary to see the child to effectively monitor home education, compared to just under half of organisational respondents and very few individual respondents.

A.59 Amongst such respondents, speaking to the child was regarded as essential because of the need to ensure their safety and the quality of their education. It would support the council in confirming that the child was happy to be educated at home. Some felt that this should be undertaken with the child alone to avoid any parental influence on responses.

“Yes. Seeing the child would enable an assessment to be made around appropriate education, to hear the voice of the child and understand if they are happy being educated out of school and content with current arrangements.”

A.60 Some respondents suggested that there should be unannounced visits, and others that discussion with the child would need to be age-appropriate. The need to be aware of caring responsibilities among home educated children was also highlighted by some.

A.61 A need to see the setting was justified to ensure:

safeguarding;

that a suitable education is being provided;

that the education is fit for purpose;

that learning needs are being met;

that a safe learning environment was being provided;

that the child is progressing developmentally;

the provision of advice, information and support to families; and that a suitable level of support is in place.

A.62 Answers to the question relating to interaction with the child included:

Following the Ofsted inspection format;

Speaking directly to the child;

Observation of the education in practice;

Asking children to complete a short exercise;

Observation of the home-schooling environment;

Examining examples of the child's work;

Unannounced visits to families;

A qualified teacher visits the home to assess the work;

Viewing lessons plans and/or a curriculum;

Photographic evidence of activities;

The use of technology e.g. Skype; and

- Agreeing suitable evidence in consultation with EHE groups through a collaborative approach.

A.63 Some individual respondents stated that home visits for all home educating families would have significant resource implications for the local authority. In the light of current funding arrangements, it was argued that authorities would be unable to provide regular engagement with families, making an assessment of suitability unaffordable. Some of the local authority respondents also felt that without additional funding they would be unable to effectively monitor the suitability of home education. There would be substantial resource implications which would exceed current capacity and funding levels already in place. Due to the likely resource implications, some suggested that such visits should be limited to situations where there are legitimate concerns.

Government response

A.64 The government accepts that there is a case to be argued for ensuring access to a child when the parents have not been able to satisfy the local authority under s.437(1) of the Education Act 1996 that the education provided is suitable. However issues related to monitoring are not being taken forward.

Q18. What can be done to better ensure that the child's own views on being educated at home, and on the suitability of the education provided, are known to the local authority?

A.65 There was a total of 2,615 responses to this question, of which 82 were local authorities, 124 were organisations and 2,384 were responding as individuals¹⁰. Within the answers to this question, the majority of respondents felt that it was inappropriate for the views of children to be taken into account, repeating answers from previous questions that this represented unnecessary interference in the lives of children. A smaller number of respondents, predominantly from authorities, felt that it was important to gather the opinions of children.

A.66 A large proportion of individual respondents felt that taking the child's views into account was inappropriate for home education, except in instances where there are safeguarding concerns. There were three main reasons for respondents taking this view:

The creation of a discrepancy between home educated children and those attending school;

Encroachment on the parents' responsibility to educate their child; and

Concerns about the impact of engagement with children.

A.67 A significant number of individual respondents said that although school inspections usually feature discussion with pupils, children who are schooled in mainstream education are not asked systematically for their opinion on either the quality of their education or on the principle of being educated within a school environment. On this basis, it was felt to be unnecessary, and discriminatory to treat home educated children differently by seeking to gather their views on their home education.

A.68 In answer to this question, many respondents repeated views that the education of children should be the sole responsibility of parents, without interference from the local authority. In line with this view, responses focused on how gathering the views of children was not the responsibility or remit of the authority; parents should have sole responsibility for their child's welfare and for ensuring that they receive a good standard of education.

"Parents are in the best position to see how the child enjoys their education, and to make adjustments and improvements to maximise their child's love of learning and success."

¹⁰ The remaining 25 respondents did not answer whether they were responding as an individual or on behalf of an organisation or LA.

A.69 Concerns were also raised about the motivations of councils in gathering the views of children. It was felt that, in some instances, authorities might misinterpret information gathered from children about home education and impose what would be unnecessary monitoring or restrictions on families. Some concerns were also raised about the potentially negative impacts on children of obtaining their views (replicating to some extent views expressed about the impact of monitoring which involved seeing the child, as mentioned above).

A.70 By contrast, the majority of local authorities felt that it was important for children to have opportunities to express their opinions and have their voice heard and it was felt that processes for doing this should be improved. The need for new legislation to ensure that LAs are entitled to gather the opinions of children - even against the wishes of parents - was suggested. New legislation, it was felt, would also help establish consistency of approach.

“There should be an expectation that a child’s voice is heard and views captured.”

A.71 It was felt that simply ‘asking children’ was the best way of gathering their opinions, suggestions for doing this included:

Meeting face-to-face with the child;

Questionnaire/survey: some respondents felt that less formal methods for gathering the views of children should be adopted, e.g. through online platforms or surveys for them to express their views and give feedback on their education;

Child’s choice: a small number of respondents felt that it should be the choice of the child on how and when they provide their views to the council, e.g. by providing a voluntary letter or drawing a picture; and

Mentoring or advocacy: a small number of respondents felt that independent advocates or mentors would be a good way to gather the opinions of children on home education.

Government response

A.72 The government believes that it is important that children should be able to have their views heard on home education, even though a decision to educate a child at home rests with the parent and not the child. To this end, its newly published guidance to local authorities emphasises this point and identifies the extent to which information from a child can legitimately affect a conclusion as to suitability. The government does not, however, propose to introduce any formal framework for children’s views on home education to be expressed to agencies outside the family.

Q.19 What are the advantages and disadvantages of using settings which are not registered independent or state schools, to supplement home education? How can authorities reliably obtain information on the education provided to individual children whose education ‘otherwise than at school’ includes attendance at such settings as well as, or instead of, education at home?

A.73 A total of 2,458 online responses were received to this question, with 82 from local authorities, 114 from organisations and 2,245 from individuals¹¹.

A.74 Three main groups of ‘other setting’ mentioned within the responses were:

Unregistered settings, where nearly all of the education is provided by this provider;
Alternative education providers who provide part-time education provision in school hours; and
Groups and activities run by the home education community.

A.75 There was consensus amongst those considering unregistered settings that, as they are ‘illegal’ (which may or may not be actually the case, depending on the circumstances of the setting in question), action should be taken by the local authority and DfE to close them down.

A.76 A large number of individual respondents provided examples of the advantages of home educated children attending alternative education providers or groups/activities run by the home education community. These included:

Diversity of provision and curriculum options;
Access to social interaction with other adults and children;
Personalised and tailored provision;
Economies of scale for parents in terms of cost, time and resources;
Enabling parents to take time away from their children;
Specialist provision;
Opportunities for resource sharing;
Networking for parents; and
Allowing children to be seen by adults other than their parents.

¹¹ The remaining 17 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

A.77 However, a large number of individual respondents raised concerns that alternative education providers and home educator groups do not have to comply with regulation and checks that registered settings are legally required to meet, e.g. DBS checks, leaving children at increased risk. Some respondents felt that all settings should be open to scrutiny by councils and Ofsted, and legally obliged to provide information about the education they provide.

A.78 Amongst local authorities, there was also agreement that one of the disadvantages of other settings is that currently councils are unable to carry out sufficient monitoring and scrutiny of those settings. This could have negative impacts in terms of safeguarding and health and safety, but also in terms of quality of education being provided and culture of the setting.

A.79 The respondents who felt that monitoring of other settings should take place made suggestions including on how local authorities could reliably obtain information on the education provided in them to pupils whose education was being assessed as to suitability. These included:

Registration of all settings;

Families required to report: local authority responses frequently noted that the only way to reliably obtain information on the education being provided to families is by asking parents to provide evidence (this links to the earlier point about scope of registration of children educated at home);

Questionnaire for providers: suggestions were made that information on the education provided to children in other settings could be gathered by asking providers to complete a questionnaire about each child;

Inspection visits: monitoring and inspection visits of every provider could be undertaken, so that councils have first-hand experience of the education each setting provides. This would also help councils to provide information and advice on the suitability of different education settings.

Government response

A.80 As noted above the further consultation includes the proposition that a register will include in its scope all children not attending state-funded or registered independent schools; but also the possibility that there should be a duty on other settings to provide information about the educational provision made for individual children. This would not amount to a power for local authorities to inspect such settings; the focus would be on the individual child.

Q.20 What are the advantages and disadvantages of using private tutors to supplement home education? How can authorities best obtain information on the education provided to individual children whose education at home includes private tuition, or whom attend tuition away from home?

A.81 There were a total of 2502 online responses to this question, and of these respondents 2290 were from individual respondents, 81 were from local authorities and 110 were from organisations.

A.82 Respondents generally considered that the use of private tutors should be the responsibility of parents. A proportion of all the respondent groups discussed the need for oversight of private tutors although local authority respondents were more likely to mention this issue. There was recognition that private tutors are widely used by home educating families, but also that their services can vary in quality and cost.

A.83 Among the many advantages of private tutors cited were:

Tutors offer education beyond the capacity of parents and offer a source of additional help for specific areas;

They provide tailor made provision that can address any special needs and a wider curriculum, delivered at a time and place to suit parents; and

They offer familiarity with the exam system and more focused and one-to-one provision.

A.84 Among the many disadvantages of private tutors cited were:

They can be too aligned to the 'traditional' school approach;

Potentially high costs or that costs and quality may be variable;

Children may become very reliant on the tutor;

Difficulties in evidencing that they have the right qualifications; and

Lack of assurances regarding safeguarding.

A.85 Some respondents stated that the provision of information for parents regarding recruiting a private tutor would be helpful. This could outline the things to consider including a need to make checks and secure a reference. It was suggested councils should signpost to tutor agencies and to those who meet standards e.g. in relation to safeguarding. Others felt that the local authority could hold lists of tutors who are registered and have had DBS checks completed and then make this available to families. Some respondents expressed specific concerns about a lack of regulation in this area.

A.86 However, many of those responding to this question indicated that the use of private tutors was the responsibility of parents and that it was their choice and not a role for the local authority. There was no difference between home education and children attending school in the decision to use a private tutor.

A.87 A large proportion of the local authority respondents and to a lesser extent organisation and individual respondents, felt that private tutors should be checked and required to register. Some expressed a view that parents should be asked to provide details of the private tutors they are using, others that it is necessary for such tutors to undergo the same checks as teachers.

A.88 It was widely suggested that there needs to be a national registration scheme and DBS checks on private tutors, although some felt that this was a separate issue from home education. A few respondents outlined that a small number of local authorities choose to help families by providing DBS checks for free on home tutors. However, it was also noted that if checking and registering of private tutors became a local authority responsibility it would have significant resource implications.

A.89 Approaches by councils to obtaining information on the education being provided by tutors were offered by some respondents. These included:

Assessment of written work;

Testing;

Monthly updates on a child's performance;

On-going discussion with parents/carers;

A written report from the tutor;

Tutors being asked to evidence the learning that is taking place e.g. examples of work;

Meetings between parents, the private tutor and the council's home education officer;

Provision of an Education Programme from the tutor; and

Councils discussing the provision with tutors.

A.90 Some respondents mentioned online learning resources or tutors that they were aware of or had accessed. Responses included discussion of the advantages offered through the use of web-based resources for home education and a few respondents also highlighted their concerns about the lack of regulation of online schools:

“Online schools are now beginning to emerge where children have face to face contact with tutors over the internet. I think there needs to be more work done to ensure these tutors are vetted and this type of online provision is monitored/regulated.”

Government response

A.91 There is some guidance on the use of private tutors in the recently issued DfE guidance document on home education. The government does not at present propose to introduce any regulation of private tutors in relation to home education. However, as noted by some respondents, this is a wider issue than just home education. The

government is considering how the issue of online schools should be addressed within the wider landscape or regulation of independent schools.

Q22. Are there other matters which stakeholders would wish to see taken into account in this area?

A.92 There were a total of 1,609 online responses to this question, and of these respondents 1,445 were responses from individuals, 63 from local authorities and 85 from organisations¹².

A.93 Comments were made about the DfE approach by a large proportion of respondents to this question. Issues raised included: the approach taken by the DfE to this consultation; the associated guidance and/or the delivery of education; and associated policies nationally. Some provided criticism of the draft DfE guidance - primarily stating opposition to formal proceedings against parents through school attendance orders and raising concerns that the guidance would help criminalise families.

A.94 Some respondents suggested that the focus should be on schools rather than on home education, to understand and respond to the reasons why parents choose to home educate. For example, this would include exploration of why schools might be regarded as unsatisfactory and why they are not seen to be meeting the needs of children.

“This whole exercise seems a rather wasted opportunity for a more thorough examination of, for instance, why increasing numbers of parents find school unsatisfactory and who therefore home educate. An emphasis on regulation and inspection is an unhelpful waste of public money.”

Government response

A.95 The government believes that the many respondents to the consultation and call for evidence had adequate opportunity to express their views and provide information.

¹² The remaining 16 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

Issue 3: Support for home educating families

Q.23 What might be done to improve access to public examinations for children educated at home?

A.96 There were a total of 2,516 online responses to this question, of which 82 were local authorities, 116 were organisations and 2,297 were individuals¹³. The majority of respondents to this question stated that improvements should be made to help home educated children access public examinations. A small number of respondents felt that the current situation was adequate and did not report any problems arranging public examinations or with the information and guidance available. The main suggestions for improving access to public examinations were ensuring greater accessibility and providing funding.

A.97 Accessibility was most commonly cited as a way of improving access to public examinations, as arranging exams can currently be difficult and functions as a barrier to home educated children sitting exams. Respondents reported: having difficulties persuading venues to allow children to sit exams: having to travel significant distances to venues that would accommodate them: and having to pay high costs to sit exams.

A.98 The main methods proposed for improving access to exams were:

Accommodating home educated children in schools and further education colleges: respondents felt that the children should be able to sit exams in schools or further education colleges and that this should be easy to arrange. A number of suggestions were made to improve the ease with which this can be arranged:

- DfE and councils should provide schools and further education colleges with incentives and place a duty on schools and colleges to accept a minimum number of home educated children per year.
- Results should not be included within the school's examinations statistics, as this could reassure schools that accepting private candidates would not impact on school results or league table position.

LAs to provide exam centres: it was suggested that councils could operate their own exam centres, as one venue in each authority area could help facilitate improved access to exams for home educated children. In order to encourage this and aid consistency

¹³ The remaining 21 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

across the country, it was felt that, DfE guidance should outline the roles and responsibilities of local authorities.

More advice and support: linked to this, some respondents felt that councils should play a greater role in providing information and support around examinations, for example providing a list of exam venues. It was also felt that their role should include encouraging schools and colleges to accept home educated children.

Consideration of SEND issues: currently, it was felt that, accessing examinations for children with SEND issues is particularly challenging and there is room for improvement in terms of ensuring venues are accessible and equipped to deal with the full range of SEND.

A.99 There was no discernible support for the option of requiring examining bodies to provide access to private candidates at centres run by those bodies, although this has been done in the past.

A.100 Many respondents noted the importance of increasing available funding in improving access to public examinations for children educated at home. Some comments were also made on the cost savings for the government associated with home education and how this money should be given to families to fund the cost of home education, including the cost of examination entry. It was also felt that DfE guidance on what constitutes a reasonable cost would help address geographic variation in the cost of examinations across the country.

A.101 The views amongst respondents around how to best use additional funding differed between those who felt that exams should be free to home educated children and those who felt that the costs should be reduced/subsidised. Recommendations were also made for funding to be available for other aspects of exam provision, e.g. revision guides, tutors etc.

A.102 However, it was noted by many individual respondents that funding of examinations should not be linked with any other involvement by the local authority; though it was felt that greater funding could help councils gain greater knowledge of home education, without any direct interference, and would also improve their relationships with the home educator community.

Government response

A.103 The government accepts that the current variability in access to public examinations for children educated at home is not satisfactory, and the further consultation document asks about this.

Q24. What good practice is there currently in local authority arrangements for supporting home-educating families? Should there be a duty on local authorities to provide advice and support, and if so how should such a duty be framed?

A.104 There were 2,490 online responses to this question, of which 82 were from local authorities, 110 from organisations and 2,275 from individuals¹⁴. In line with responses to other questions, many individual respondents felt that there should be no duty on authorities to provide advice and support, as they should not be interfering in the lives of home educator families. There were also comments suggesting that advice and support from the local authority was unnecessary, as the home education community already enables access to a wide range of information and resources.

A.105 Conversely, some respondents felt that it would be helpful if councils provided more advice and support, with individual respondents using words such as ‘important’, ‘essential’ and ‘reassuring’ to describe the potential role of council advice and support.

A.106 The main themes identified under this head were:

Optional support: many individual respondents noted the need for advice and support provided by the local authority to remain optional. Councils should have to offer advice and support, but accept and respect cases where families wish to decline this. It was felt that if advice and support was offered on a ‘no strings attached basis’ that families would feel reassured by the availability of support if they felt it was needed;

Motivations behind the provision of advice and support: linked to the above, individual respondents noted the need for advice and support to be not linked to increased interference or monitoring by the local authority. Both individual and authority respondents felt that the provision of advice and support, without conditions attached, would be an effective method for councils to build positive working relationships and maintain links with the home educator community;

DfE framework and support: some respondents noted the need for DfE to provide strategic leadership and direction, for example through developing a framework for authorities to follow and a centralised website for advice and support for families;

¹⁴ The remaining 23 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

LAs sharing of good practice examples: it was felt that any support provided should be consistent across authorities and that good practice should be shared nationally;

Local authority resourcing issues: respondents noted that placing additional expectations on local authorities to provide advice and support would only be possible with increased funding and resources;

Improved training for council officers: individual respondents made frequent reference to the need for increased training for officers, in order to ensure they have the knowledge and skills to support and advise families. It was felt that currently there were gaps in knowledge and skills amongst officers in some authorities. Previous experience of home education and/or teaching qualifications were felt to be fundamental prerequisites for undertaking the role of a home education officer. It was also felt that having a separate home education team (i.e. not a combined with the children missing in education team) was essential.

A.107 A number of respondents, predominately local authorities, provided examples of what they consider good practice in providing support. These include:

Provision of up-to-date information and signposting on relevant local contacts, support groups, activities and resources available in their local community including libraries, and museums;

Help with arranging exams and work placements;

Distributing regular Newsletters to keep-in-touch with families;

Tailoring and personalising advice and support;

Providing face-to-face advice and support e.g. opportunities for families to network and meet other home educator families;

Ensuring a named point of contact within the authority and that their contact details are widely circulated; and

Ensuring that there is available information about SEND, general advice, and support such as health services (e.g. relating to immunisations).

Government response

A.108 Although there was in general a view that there should not be a duty on local authorities to provide support to families which educate children at home, the government believes that this issue should be explored further, in the sense of a duty to provide support but only when it is requested. There are significant issues as to what forms this could reasonably take, and the resources involved, and the further consultation

document covers these, as well as the possibility of direct DfE support for home educating families.

Q28. Are there any other comments you wish to make relating to the effectiveness of current arrangements for elective home education and potential changes?

A.109 2,522 online responses to this question were received, including 77 local authority, 108 organisation and 2,279 individual responses¹⁵. The majority of responses to this question reiterated answers to previous questions. Some additional points raised were:

Comments on the consultation process: a large number of individual respondents felt that greater consultation with families needed to be undertaken. Requests were made for events to be held where families can attend to express their opinions face-to-face on the proposed changes. It was also felt that the current consultation had been undertaken in a way that excluded many home educator parents and children, i.e. due to the complex nature of the questions and the relatively short timeframe in which to complete the questionnaire. Better publicity for the consultation would also have been welcomed;

Negative perception of home education: linked to the above, it was felt that the tone and view of home education within the consultation documents and by the government more widely had negatively impacted on families;

Safeguarding: some respondents highlighted the need for safeguarding and the welfare of children to be at the forefront of any changes to guidance on home education; and

Reform of the school system: some respondents felt that reform of home education was simply dealing with the 'symptoms' of a system-wide problem affecting education in England.

Government response

A.110 As stated above the government believes that the consultation process gave respondents adequate opportunity to set out their views. It fully supports the right to educate children at home but believes that the needs of children who are not receiving a

¹⁵ The remaining 58 respondents who answered this question did not comment on whether they represented an individual, organisation or LA.

suitable education in this way are important and the issues arising from those needs have to be properly covered in consultation, as does the risk relating to safeguarding.

A.111 The government accepts there is a need for greater oversight of children not educated in mainstream schools, given the increasing number of children being educated in this way. All settings should provide a suitable education and ensure the welfare and safety of children. Any oversight will have implications for the individuals and schools involved, and the accompanying consultation considers these.

Annex B: List of organisations that responded to the consultation

Because of the number of respondents, a list is not being published in this document. A list is available separately in electronic form until the end of 2019 from the following email address:

HomeEducation.CONULTATION@education.gov.uk



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