



House of Commons

Children, Schools and Families  
Committee

---

**The Review of Elective  
Home Education:  
Government Response  
to the Committee's  
Second Report of  
Session 2009–10**

---

**Second Special Report of  
Session 2009–10**

*Ordered by the House of Commons  
to be printed 3 March 2010*

**HC 423**  
Published on 11 March 2010  
by authority of the House of Commons  
London: The Stationery Office Limited  
£0.00

## The Children, Schools and Families Committee

The Children, Schools and Families Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Children, Schools and Families and its associated public bodies.

### Membership at time Report agreed

Mr Barry Sheerman MP (*Labour, Huddersfield*) (Chairman)  
Annette Brooke MP (*Liberal Democrat, Mid Dorset & Poole North*)  
Ms Karen Buck MP (*Labour, Regent's Park & Kensington North*)  
Mr Douglas Carswell MP (*Conservative, Harwich*)  
Mr David Chaytor MP (*Labour, Bury North*)  
Mrs Sharon Hodgson MP (*Labour, Gateshead East & Washington West*)  
Paul Holmes MP (*Liberal Democrat, Chesterfield*)  
Fiona Mactaggart MP (*Labour, Slough*)  
Mr Andrew Pelling MP (*Independent, Croydon Central*)  
Helen Southworth MP (*Labour, Warrington South*)  
Mr Graham Stuart MP (*Conservative, Beverley & Holderness*)  
Mr Edward Timpson MP (*Conservative, Crewe & Nantwich*)  
Derek Twigg MP (*Labour, Halton*)  
Lynda Waltho MP (*Labour, Stourbridge*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk)

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at [www.parliament.uk/csf/](http://www.parliament.uk/csf/)

### Committee staff

The current staff of the Committee are Kenneth Fox (Clerk), Anne-Marie Griffiths (Second Clerk), Emma Wisby (Committee Specialist), Judith Boyce (Committee Specialist), Jenny Nelson (Senior Committee Assistant), Kathryn Smith (Committee Assistant), Sharon Silcox (Committee Support Assistant), and Brendan Greene (Office Support Assistant).

### Contacts

All correspondence should be addressed to the Clerk of the Children, Schools and Families Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6181; the Committee's e-mail address is [csfcom@parliament](mailto:csfcom@parliament)

# 1 Second Special Report

---

On 16 December 2009 we published our Second Report of this Session, *The Review of Elective Home Education*.<sup>1</sup> The Government's response was sent on 10 February 2010 and is published as Appendix 1 to this Report. The Committee's recommendations are printed in bold.

## Appendix 1

---

### Recommendation 1:

**We believe that a child who is de-registered from school to be home educated should be nominally kept on his or her school's roll for 20 school days. This would offer much greater scope for resolving problems where parents had any unease about the prospect of home educating their child. We ask the Department to confirm that the child's absence from school during the 20 days would be treated as authorised absence. (Paragraph 23)**

- We welcome the Select Committee's support for our proposal. Where a child is to be kept on the school roll following their withdrawal to be home educated we propose that the school will be able to mark their absence for that period in the register as 'educated off site', so it will not affect the school's overall attendance figures. To take this proposal forward the Department will need to make two amendments to the Pupil Registration Regulations 2006. This change will take effect from September 2011.

### Recommendation 2:

**We welcome the Badman Report's emphasis on local authorities examining the reasons why families in their area choose to home educate. The Badman Report suggests that local authorities address any issues that this process reveals through their Children and Young People's Plans. We suggest that this recommendation should be strengthened: where a parent takes the view that a school has failed his or her child and that his or her only option is to withdraw the child from the school there should be an independent assessment of why this was so, with the school asked to respond to the findings of that assessment. (Paragraph 25)**

- The Apprenticeships, Skills, Children and Learning Act (ASCL) 2009 puts the Children's Trust Board on a statutory footing and requires it to prepare and monitor the implementation of the Children and Young People's Plan (CYPP). The CYPP will set out how the local authority and its partners in the Children's Trust will co-operate to improve children's well-being in the local area. Consultation on new statutory Children's Trust guidance and CYPP regulations ended in January 2010. It is expected the new Children's Trusts guidance will be published and new CYPP regulations laid in March 2010.

---

<sup>1</sup> Second Report from the Children, Schools and Families Committee, Session 2009–10, *The Review of Elective Home Education*, HC 39-I and -II

- The Children's Trust Board will be required to conduct a comprehensive needs assessment which should include data on the reasons parents and carers choose elective home education which will contribute to the development of the CYPP. DCSF intends to include a reference to the importance of considering data on home education in the statutory Children's Trust guidance.
- While we note the views of the Committee, we do not think that these additional measures are necessary to strengthen the system.

### **Recommendation 3:**

**The Badman Report is right to recommend that the Department take action to prevent local authorities and schools from encouraging parents of 'difficult' pupils to de-register their child from school, practice that represents a failure of duty towards the child in question. However, we are not convinced that the Department's proposed response of simply strengthening existing guidance on exclusions is sufficient; the Department should investigate what is driving this practice on the part of local authorities and schools, bearing in mind some of the findings of this Committee's recent inquiry into school accountability. (Paragraph 26)**

- The Department has looked at unofficial exclusions and has reinforced the message in the Governors Guide to the Law, published December 2009, that unofficial exclusions are unacceptable. It now states that unofficial exclusions are unlawful and schools may be legally liable if they exclude pupils unofficially. It goes on to set out that if a parent believes that a pupil has been removed from the school site and formal exclusion procedures have not been followed they may approach the headteacher, and then the governing body, and that where appropriate a headteacher can be referred by a parent or LA to the General Teaching Council for England. We think that these steps, together with changes to the exclusions guidance scheduled for September 2010 should provide the necessary protection.

### **Recommendation 4:**

**Given the lack of information on the actual numbers of home educated children, we suggest it is unsafe for the Badman review to have reached such a strong conclusion about the relative risks of a child being home educated or school educated. We believe that any intervention should start from the educational needs of the child. (Paragraph 47)**

- The Badman report was cautious about drawing any conclusions from the safeguarding data available at the time the report was published and only contained one sentence relating to the data collected in the course of the review. Graham Badman's subsequent data collection in September recorded information available to local authorities in relation to home educators known to them. No one has been able to produce any credible estimates of the number not known to local authorities, nor whether there are any safeguarding issues in this group not currently known to local authorities. We have therefore stuck to the cohort where we have reliable evidence rather than speculating about a group which may or may not be material in comparison with the population known to local authorities.

- We agree with the Committee that more reliable information on the numbers of home educated children is needed, but the document *The Prevalence of Home Education in England: A Feasibility Study* by York Consulting published in 2007 concluded that in the absence of some kind of registration arrangements no reliable estimate could be made.

#### **Recommendation 5:**

In our view it is unacceptable that local authorities do not know accurately how many children of school age in their area are in school, are being home educated or are otherwise not in school. The main argument for a registration scheme, as we see it, is to help to provide this information. Given that existing databases could not provide an equally efficient and secure means to that end, we believe that a separate registration system for home educating families should be put in place. This would assist local authorities in knowing which children were in school, which were home educated, and which were not known to be in either category. The Government should review and, where necessary, strengthen the duties on local authorities, Her Majesty's Revenue and Customs (as the holder of records of eligibility for child benefit) and other agencies—including NHS trusts and police forces—to share information relevant to this task. (Paragraph 63)

- We agree with the Committee that local authorities need to know that all children in their area are being educated and we welcome their support for the principle of a registration scheme. We also agree with the Committee that it is helpful, and cost effective for the taxpayer, for agencies with information about children to share data where this supports more efficient delivery of public services. We are grateful to the Committee for recognising the importance of the contribution that ContactPoint can make, by offering a mechanism for local authorities to identify children missing education. However, ContactPoint cannot on its own provide all the answers. The Children Missing Education report generated by ContactPoint for local authorities will list all children of school age on ContactPoint within their Local Authority who have no educational setting assigned. Including data from the proposed registration system in ContactPoint will help improve the quality of the information on the children missing education report provided by ContactPoint. However, as ContactPoint contains no case information it cannot be a substitute for a register of home educated children.

#### **Recommendation 6:**

We believe that registration would encourage local authorities and home educators to recognise that it is to their mutual advantage to have a clear record of children who are being home educated. Any registration system for home educating families should be light touch. In view of the concerns expressed by home educators about compulsory registration, we suggest that registration should be voluntary. Local authorities should publicise the benefits of registration, including the resources that will be available to registered families. The success of a system of voluntary registration (combined with improved information sharing) should be reviewed after two years. If it is found not to have met expectations—in terms of assisting local authorities in identifying and working with the families of children who are being

**home educated and those of children not otherwise at school—we believe that a system of compulsory registration would need to be introduced. (Paragraph 64)**

- We welcome the Committee’s support for a registration system but we cannot understand the logic of making it voluntary for two years given the benefits it offers to home educated children. A voluntary system is also inconsistent with Recommendation 5 which states it is unacceptable that local authorities do not know accurately how many children of school age in their area are in school, are being home educated or are otherwise not in school.
- The current arrangements already amount to a voluntary registration and monitoring system, and we know from evidence provided to the Select Committee and given in Public Bill evidence that there are a group of home educating families who will refuse to make themselves known to local authorities without some element of compulsion.
- As local authorities have a duty to identify all children in their area not receiving a suitable education, this duty currently obliges them to seek information from home educating families to ensure that they are providing a suitable education for their children. Where families do not cooperate local authorities waste time and resources establishing whether the standard of education is adequate, and this reduces their capacity to identify children in genuine need of assistance.
- We believe that the arrangements we are putting in place respect the family’s right to privacy, they are light touch, and they are necessary.

**Recommendation 7:**

**The law relating to the duties and powers of local authorities with regard to home educated children has become very complex and difficult to interpret. This is reflected in the Department’s existing guidelines on home education. The Department should take the opportunity provided by the Children, Schools and Families Bill to provide a definitive, succinct statement of the applicability of the Children Act 2004 and the Every Child Matters outcomes to home educated children. The Department should then provide guidelines that better enable local authorities to translate the law into practice, especially in relation to the safeguarding of home educated children as well as children with no record of school attendance. (Paragraph 74)**

- Both the Children Act 2004 and the Every Child Matters outcomes apply to all children, including those who are home educated. We will ensure that our guidance makes it clear that any safeguarding matters will have to be considered, as they are now, under the Children Act 2004. We will also be clear in guidance that we would expect decisions in relation to welfare and whether home education is appropriate, to be taken only with input from safeguarding colleagues.
- We would expect local authorities to consider the Every Child Matters outcomes in designing services and support for home educating families: we would expect support to consider the full range of public services a home educating family might want to access, not only those focused on educational attainment. The Children, Schools and Families Bill focuses on the education of children and makes no changes to



safeguarding legislation, we recognise though that statutory guidance will need to be clear about how we think local authorities should support home educating families.

**Recommendation 8:**

We do not believe that annual home visits by local authority officers to home educating families would represent an improvement on existing safeguarding legislation. However, the wider evidence that we received illustrated the potential value of the requirement for annual meetings between home educating families and local authority officers for the purpose of supporting home education provision. We believe that local authorities need a guaranteed means of engaging with these families. (Paragraph 81)

- We are very pleased that the Select Committee recognises the value of an annual meeting and that local authorities need a guaranteed means of engaging with these families and we are pleased that they have placed an emphasis on support.
- In the policy statement on home education that we published for the Committee stage of the Children, Schools and Families Bill we set out in more details our proposals for the annual meeting. For the vast majority of families an informal meeting with the parents and the child once a year to discuss the progress the child has made and any additional support that might be needed is all that will be required. The statutory guidance will make it clear that the focus of the meeting will be on support and encouragement.

**Recommendation 9:**

Accordingly, we recommend that home educating families be required to meet with their local authority officer within three months of the child's home education commencing and thereafter on an annual basis. (Paragraph 82)

- Through the Children, Schools and Families Bill we have the power to publish regulations and statutory guidance about registration and monitoring. We agree that local authorities should meet a home educating family soon after home education starts, and three months seems a reasonable time within which that initial meeting should take place. We will take into account the views of the Committee when drafting statutory guidance, which we will consult on widely.

**Recommendation 10:**

The Children, Schools and Families Bill does not stipulate that meetings between home educating families and local authority officers have to take place in the family home, unless that is the only place that a child's education is provided. We are not convinced that these meetings need take place in the family home under any circumstances. We believe that two weeks is sufficient notice of a meeting. (Paragraph 83)

- We believe that it is important for local authorities to visit the place that parents have told them their child's learning mostly takes place as part of what will be very light touch monitoring arrangements This will help establish that the child is in an

environment that is conducive to learning. While in most cases this is likely to be the home, it is not the only place home education may be conducted.

- In many cases a meeting in the home should be more convenient for the family and more comfortable for the child who will be in familiar surroundings. The Bill requires local authorities to give 2 weeks' notice of any proposed meeting and our guidance will ask local authorities to be flexible in making arrangements that suit the circumstances of parents.

#### **Recommendation 11:**

**As is already the case with many voluntary arrangements between home educating families and local authorities, the primary purpose of these meetings should be to offer guidance and support to and gather feedback from families, not inspection or to impose school-based frameworks. Local authority officers should focus on matters of educational provision, but be trained to be able to identify signs of harm and know who to refer the family to in such instances. (Paragraph 84)**

- Our response to the Badman report makes clear that all LA 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. This will provide reassurance to home educators that they will not be forced by local authorities into a formal 'school at home' style curriculum.

#### **Recommendation 12:**

**We do not believe that local authority officers responsible for liaising with home educating families should be given the right to interview a child away from the child's parents. That right should be reserved for colleagues who have primary responsibility for child safeguarding, including social care services and the police. A parent's or child's refusal for such an interview to take place should not be included as grounds for revoking registration to home educate. Any related concerns on the part of the home education team should be passed to social care services. (Paragraph 90)**

- **Section 19E(4)** of the Children, Schools and Families Bill includes a power for local authorities to see the child alone without the parent present. This means that local authorities may ask to see the child on their own, but the child and/or the parents can refuse to agree to such a meeting. In most cases there will be no need to see the child alone and in some cases it will not be appropriate—for example children with particular types of special educational needs, and young children who may not be accustomed to speaking to people they rarely meet. The local authority should consider whether it is most appropriate for two people to be present when the child is seen alone, and there may be cases where it might be beneficial to have another adult present that the child knows and trusts, if the interview is being conducted without the parents present.
- The guidance will set out the sorts of circumstances where this power may be exercised. We envisage this would be where there is no evidence that the child has received the



education described by the parents, little or no evidence that the education meets the needs of the child, or where there are doubts that the child is resident at the registration address—and where these matters can only be resolved by talking to the child without their parents present. These circumstances will be rare, but it is important that the power is available when all other efforts to establish whether education is ‘suitable’ have failed.

### **Recommendation 13:**

**It is not clear from the Badman Report, the Department’s registration and monitoring proposals or its full response to the Badman Report that sufficient attention has been paid to the conduct of monitoring where a home educated child has special educational needs. The Department must set out how its proposals around the training of local authority staff and commissioning of expertise from other agencies would encompass the particular concerns of these families. (Paragraph 94)**

- In our response to the Badman report we said that the training package for LA officers involved in home education, that we will be developing with the Children’s Workforce Development Council, will cover “equalities” and that would include children with special educational needs and their families.
- The 2020 Children and Young People’s Workforce Strategy sets out a long-term vision that everyone in this workforce should meet the highest professional standards and have the capacity to make a positive difference for all children and young people, but especially the most disadvantaged and vulnerable.
- We are currently consulting on draft statutory guidance on co-operation arrangements, including the Children’s Trust Board and Children’s and Young People’s Plans (CYPP). The draft guidance highlights the need for the CYPP to set strategic priorities for disabled children and young people and those with SEN, including those who are home educated. The guidance uses the example of children with autism to suggest that the Plan should set out what arrangements are in place to commission services to meet their needs and how parents are being involved in developing relevant local services.
- The training CWDC is developing will be able to take into account the training for LA SEN casework officers that is being developed following a recommendation from the Lamb Inquiry into parental confidence in the SEN system. That training will emphasise the importance of working effectively with parents as the experts in their children’s needs.
- In our response to Badman we said that we would send a guidance letter to all LAs on their SEN duties towards home educated children, following publication of the Lamb Inquiry report (16 December). That letter will explain that for home educated children with SEN statements we envisage that once the new legislation is in place the annual review of the statement will also be the mandatory annual review of elective home education.

**Recommendation 14:**

**Given the evidence that we have received and the nature of the registration and monitoring proposals presented in the Children, Schools and Families Bill, we do not believe that the Department has put forward a realistic appraisal of the likely costs of those proposals. (Paragraph 99)**

- We have always said that the cost estimates for the Home Education proposals were subject to discussion with the Local Government Association and would need to be reviewed in light of their comments. We have now received those comments and revised our costs, and will continue to keep them under review if further information is submitted by LGA or others. We have published a revised Impact Assessment that includes both the revised costs and benefits for our proposals. We are committed to meeting the full costs of registration and monitoring.

**Recommendation 15:**

**We believe that local authorities should have the right, on safeguarding grounds, to refuse or revoke registration to home educate. However, this should only be where a child is already subject to child protection measures, not solely on the basis of unsubstantiated safeguarding concerns. There is also a strong case for requiring any decision to refuse or revoke registration to be subject to approval from an independent person or body, rather than have responsibility rest with local authority home education advisors. We recognise that in some instances a child being subject to child protection measures would not necessarily preclude home education. (Paragraph 107)**

- We are pleased that the Committee accepts that some children should not be home educated where it could be harmful to their welfare. In the Children, Schools and Families Bill we are taking powers (under section 19B of Schedule 1) to require LAs to refuse registration where they consider that home education would be harmful to the child's welfare.
- Regulations and guidance will set out the sorts of circumstances in which this will or will not be appropriate and what steps local authorities will have to take in reaching any decision on a child's welfare. The sorts of circumstances where we envisage that local authorities may have to consider carefully whether in their view home education may be harmful to the child are, for example, where a child has a child protection plan which specifies that the child must attend school, or where the local authority considers that the child is a child in need (s17 Children Act) because they are suffering or likely to suffer significant harm. This may include cases where there is a history of domestic violence, serious neglect, domestic chaos related to mental illness or addiction, or other forms of child abuse. Local authorities may also decide that children who are the subject of a section 47 Children Act enquiry may not be registered because of the circumstances that triggered the enquiry.
- We expect these cases to be very few in number with local authorities considering each case on its merits and without making any general rule about particular types of cases. Parents refused registration will be informed of the grounds for this decision and will have the right to appeal against the decision to an independent panel.

- We agree with the Committee that there may be some cases where it might be appropriate for a child subject to a child protection plan to be home educated: what is important is that every case is examined on its merits.

#### **Recommendation 16:**

**If local authorities are to be given the right to refuse or revoke registration to home educate on the basis of safeguarding concerns then we agree that home educating families must have right of appeal. It is disappointing that neither the Badman Report nor the Department's response to the Report included discussion of an appeals process. While it is right that the Children, Schools and Families Bill provides a right of appeal, the Department should give more details of the proposed appeals process before the House considers the Bill. (Paragraph 108)**

- Section 19G of Schedule 1 to the Children, Schools and Families Bill gives parents the right to appeal against a decision by a local authority to refuse or revoke registration. Regulations will determine the powers of the appeal panel. Subsections (1) and (2) provide regulation making powers. The framework for the appeal will be set out in regulations and accompanied by guidance to ensure that appeals are informal and impartial along similar lines to school admission appeal panels.
- The policy statement on home education was published for the Commons Committee stage of the Bill. It envisages that the appeal panel will be independent from the authority and will comprise three people, all of whom have been trained in hearing appeals. Panels should include at least one person who has a professional educational background, at least one person who has experience of home educating and a lay member. Local authorities will be responsible for establishing the panel and for providing administrative support.
- The panel will consider written and oral evidence provided by the parents and the LA and will be able to seek clarification and information. The child will also be asked to give their views. The powers of the panel will be set out in regulations and we envisage that it will be completely independent from the original decision maker; it will be able to reconsider the facts and merits in every case; and it will be able to establish facts by reference to written and/or oral evidence from all relevant persons.
- The panel will be able to determine that a decision to revoke or refuse registration should be upheld or not upheld. We envisage that a panel may also be able to, for example, recommend registration but attach conditions—such as the provision by a home educating parent of an address or the arrangement of a meeting between the parent and child and the local authority. Where the decision of the LA is not upheld, the LA must enter or reinstate the child's name on the register for the remainder of the registration period. The appeal panel regulations will set out the timescale within which an appeal should be heard and set out the administrative process for lodging an appeal.
- Our guidance will advise local authorities that best practice would be for them to have a review process in place which parents can use before having to appeal formally. Parents will also have the right to seek judicial review of any panel decision and, if they considered that there was maladministration, could complain to the local government ombudsman.

**Recommendation 17:**

We have some concerns regarding the extent to which the existing research evidence on the efficacy of home education fully reflects the profile of home educating families in England. (Paragraph 120)

**Recommendation 18:**

We note that in the case of school education the quality of teaching is thought to be the key factor in pupils' learning and attainment. In which case, the same must apply to the parents and others who are responsible for the education of home educated children. Yet, little is known about the home educating community as a whole within the research evidence. (Paragraph 121)

**Recommendation 19:**

In addition to its proposed work to investigate outcomes for home educated children in general, we call on the Department to fund research into the outcomes of autonomous education among a fully representative sample of home educating families. (Paragraph 122)

- We have some concerns about the extent to which the existing research evidence on the impact of home education fully reflects the profile of home educating families in England as much of the research originates in the USA. In addition there is a disproportionate focus on primary education whereas local authorities tell us that 65% of home educated children are of secondary school age. And all the studies cover home educating families who have volunteered to take part in the studies, rather than a representative sample of all families known to home educate.
- We will shortly be commissioning an independent study to investigate the feasibility of investigating the attainment of home educated children. It is intended that this study look at the processes involved in home education, the quality of teaching and learning and the impact of autonomous education.

**Recommendation 20:**

It is surprising that neither the Badman Report nor the Department have provided much idea of what the statement of educational approach might look like. This has engendered much hostility from some home educators who might have been reassured by confirmation that only a short general statement would be required. (Paragraph 129).

**Recommendation 21:**

We are supportive of the principle of requiring home educating families to submit a statement of educational approach on the basis that such a requirement would strengthen the rights of the child and the responsibilities of the parent. We recommend that such a mechanism be introduced. If the statement essentially served as a record of dialogue between the home educating family and the local authority officer it need not be regarded as onerous or restrictive. (Paragraph 130)

### **Recommendation 22:**

**We recommend that at the point of registration families should need only set out their reasons for choosing to home educate and to outline in broad terms how the education would initially be provided. We suggest that three months is a more reasonable timeframe for families to submit a fuller statement than the eight weeks proposed in the Badman Report. From that point onwards families should be required to submit a statement on an annual basis, which includes a brief record of the child's achievements and progress. (Paragraph 133)**

- We are pleased that the Committee agrees that parents should be required to set out their educational plans for the child for the forthcoming year. We want the registration and monitoring arrangements to be light touch.
- Our draft policy statement published for the Commons Committee stage of the Children, Schools and Families Bill sets out more detailed proposals on the educational statements which we intend to consult on in due course. We envisage that the educational statement will contain three types of information and be around two pages of A4 in length.. First, it must set out the educational needs of the child, and contain any relevant background information which affects the way education is structured and delivered. This may include information about special educational needs, any particular aptitudes the child has, such as sporting or musical ability, the child's wishes (particularly for older children who may be preparing for employment), any issues affecting wellbeing, such as bullying, and refer to prior attainment at school or otherwise, and any assessment of potential if available.
- The second type of information will be the educational philosophy or approach to be adopted. This might cover the degree of formality of education, any specific curricula that will be followed, or qualifications pursued.
- The third piece of information will be outline plans for the forthcoming year. We recognise this will be difficult for new home educators who might like to submit provisional plans and update them at a later stage once they have explored the best approach that suits the family. We will consider carefully the comments of the Select Committee about the timescale for parents submitting a fully worked through educational plan.
- We do not expect families to submit detailed curricula, nor to make detailed commitments in their plans. We anticipate that plans will be open to change as new opportunities present themselves, and children develop new interests. We would expect local authorities to consider the plans flexibly in monitoring, recognising that home educators will want to fine tune provision to the opportunities available in their locality and the changing needs of their children.
- Where local authorities have committed to provide support, we would expect this to be detailed in the education plan and for the quality and extent of that support to be part of the monitoring discussion at the end of the year

**Recommendation 23:**

The annual meeting with the local authority officer would provide the opportunity for home educating families to reflect on their child's progress over the preceding 12 months in relation to the family's current statement. (Paragraph 134)

- We agree with the Committee. The Children, Schools and Families Bill places local authorities under a duty to make arrangements to see the child (section 19E (3) of schedule 1). This is in order to allow them to ascertain whether:
  - The education is suitable;
  - It is provided in accordance with the information provided at the point of registration;
  - What the child's wishes and feelings are;
  - Whether it would be harmful to the child's welfare for the child to continue to be home educated.
- For the vast majority of families a meeting with the parents and the child once per year to discuss the progress the child has made and any additional support that might be needed is all that will be required. Our statutory guidance will make it clear that the focus of the meeting will be on support and encouragement.

**Recommendation 24:**

We are concerned that any monitoring of home education provision should not undermine the flexibility and freedom currently enjoyed by home educating families in relation to the child's learning and development. On autonomous education we recognise that, when overseen by a responsible parent who is committed to his or her child's education, this approach might work well for a child. However, we also recognise the difficult balance between protecting autonomous education and ensuring that all children have the prospect of gaining basic literacy and numeracy skills and of gaining an awareness of the full range of fields of knowledge open to them. Without such skills and awareness a child could not hope to thrive, let alone achieve his or her full potential and access a choice of careers. (Paragraph 146)

**Recommendation 25:**

We agree that there should be a more precise definition of what constitutes "suitable" education. The definition must be established prior to any registration and monitoring proposals being introduced. (Paragraph 147)

**Recommendation 26:**

The specification of "suitable" education must enable local authority officers to tackle situations where the child has no prospect of gaining basic literacy and numeracy skills efficiently or where there is no breadth to their education. It must, then, encompass a positive expectation in relation to, at least, the acquisition of basic skills. That some pupils still leave school without these skills is no argument, in our view,



for essentially permitting the same outcome for home educated children. (Paragraph 148)

- We agree that autonomous education can work well and share the concerns of the Select Committee about the need for some kind of boundaries to be in place to ensure that children gain literacy and numeracy skills they need. This will be taken into account as part of the further work we are undertaking this year to provide practical assistance to local authorities and families in relation to the interpretation of what is 'suitable' and 'efficient' education. We will soon commission work which will look at whether further, updated guidance is needed to assist with the interpretation of 'suitability' and which takes into account developments in education policy and practice over the years. [The Committee should understand that in commissioning this work it is not our intention to change the definition of "suitable" and "efficient" education. The definition followed in the Children Schools and Families Bill reflects the general parental duty set out at section 7 of the Education Act which provides that all parents must ensure that their children, of compulsory school age, receive efficient full time education suitable to their age, ability and aptitude and to any special educational needs they may have, either by regular attendance at school or otherwise.]
- Our aim is to develop a set of principles describing good quality learning in home education, possibly along the lines of those set out in the Independent Schools Regulations, although less detailed and prescriptive. From those principles would flow guidance on factors that local authorities would need to take into account in monitoring home education in different circumstances—where children have special educational needs, where they have been bullied or suffered from school phobia, or where they are following an approach such as Montessori/Steiner/autonomous. In this way we would set out the considerations that would apply either to individual children, or to the way education is carried out.
- Our guidance will emphasise that monitoring should usually be carried out informally, with parents and children describing the education that has taken place during the year, their plans for the following year, and discussing with the local authority any support they would like to receive in the short or medium term. Parents and local authorities should agree at the point of registration the extent to which monitoring will be carried out formally through written reports, provision of work samples etc, or informally through discussion with the parent and the child. We would expect local authorities to be flexible in accommodating the wishes of parents and children which may change over time, particularly when parents start home educating after withdrawing their children from school.

#### **Recommendation 27:**

**At the point at which a child is de-registered from school to be home educated the school should provide the child's parent with an up-to-date record of the child's attainment. A copy should be given to the local authority so that it has a broad outline of the child's education to date. This information should not be used as a benchmark against which to monitor a child's subsequent progress, unless requested by the parent. (Paragraph 149)**

- We agree with the thrust of this proposal. Regulations will require schools to provide this information to local authorities and we will make it clear in guidance that it should be copied to both parents. We will also make it clear that the information provided is to enable the local authority and the parents to use this assessment in drawing up an education plan and drawing on support from the local authority

**Recommendation 28:**

Given the concerns of some home educators that, on occasion, local authority officers are unsympathetic to more unstructured educational approaches, we welcome the Badman recommendation that officers receive training in this regard. However, we emphasise the need for thorough training that will equip officers with an understanding of a range of learning theories, child development and educational philosophy. We point to the difficulties of, for example, assessing without such knowledge the progress of a child who has moderate or even mild learning difficulties. (Paragraph 151)

- We accepted Graham Badman's recommendation that training for LA officers involved in home education was essential, and recommendation 13 sets out how we are approaching equalities training. We expect that training would cover the diversity of approaches to educating children and aspects of child development. LA home education officers must be able to call on the expertise of their SEN colleagues and the LA's educational psychology service, for example, in assessing the progress of children with moderate learning difficulties.

**Recommendation 29:**

We note the poor access that home educating families have had to related support and services. The recommendations in the Badman Report that are concerned with improving this situation are to be welcomed, as is the Department's acceptance of those recommendations. However, the possible costs of any such support package are still not clear, and we highly doubt that the funding levels suggested by the Department to date will be sufficient. The Department should set out the assumptions on which the figure of one-tenth of the Dedicated Schools Grant value per child was arrived at. (Paragraph 163)

**Recommendation 30:**

Judging by the evidence that we received, clarification on the funding that local authorities are already able to access in relation to home educated children is long overdue. The Department should explain why it is only now that it is taking steps to provide clarification on this matter. (Paragraph 166)

- We welcome the Select Committee's response to our proposals for an additional support package for home educators.
- We said in our 9 October response to the Badman Review recommendations that we believe that home educated pupils receiving significant financial support from the local authorities should already be included in the Alternative Provision Return for

Dedicated Schools Grant (DSG) purposes, and we understand that a small number of local authorities are already receiving funding for some home educators through this mechanism. This means that the local authority receives the pupil funding for that pupil through the Dedicated Schools Grant. We have clarified the guidance for the January 2010 Alternative Provision Return to ensure that local authorities know that they can include for DSG purposes pupils they are supporting financially as a result of a statement, or in respect of significant special needs that have not been formally recognised through a statement. Authorities are already able to include pupils whom they fund to attend college for post-14 qualifications including GCSEs and Diplomas.

- We accept that LAs will also need funding to assist young people to access the list of services in Recommendation 11 of the Badman Review and to fund them to take their GCSEs if they opt to enter as private pupils rather than through attending college courses. We will allow LAs to claim DSG funding for all registered home educated pupils accessing these services, but for whom support is not significant. We will count each such pupil as 0.1 for DSG funding purposes, and will review towards the end of the next spending review period whether this figure is appropriate to meet the needs of home educating families. We will make this change for the 2011–12 DSG.
- The reason that the Department has clarified the guidance on home educated pupils for January 2010 is that it had not until that point received representations from LAs that clarification was needed. We believe that the guidance already makes it clear that LAs could enter home educated pupils on the Alternative Provision Return where pupils were receiving significant financial support.
- If any further clarification is needed we will be happy to provide it.

**Recommendation 31:**

**Action is urgently needed to make clear local authorities' existing responsibilities in relation to home educated children with special educational needs and to improve practice in line with those responsibilities. Issues covered by the Lamb Inquiry will also be relevant to some of the concerns expressed by home educating families in their evidence to our own inquiry, particularly those concerning the training of local authority officers, partnership working between local authorities and parents, and transparency in communications. We look forward to seeing the outcomes of Ofsted's review of SEN provision, due to be published next year, and the Department's response to that review in relation to home education. (Paragraph 168)**

- Now that the Lamb Inquiry has published its final report (16 December) the Department will soon send a guidance letter to LAs on their responsibilities for home educated children with SEN. This will reflect the themes of the Lamb Inquiry report which includes better partnership working between LAs and parents and better, more transparent, communications. Ofsted is currently conducting a review of home education and the evidence from the Lamb review will be used to inform Ofsted's SEN review

**Recommendation 32:**

We welcome the recommendation in the Badman Report that a consultative forum for home educating parents should be established in every local authority, particularly as a means of assisting local authorities in shaping their service provision to best meet the needs of home educating families. We urge all home educators to respond positively to the opportunity that these forums should offer for improved dialogue between home educating families and local authorities. (Paragraph 170)

- We welcome the Committee's support and we will include a section on consultation in the statutory guidance we are proposing in the Bill.