



House of Commons
Education Committee

Strengthening Home Education: Government Response to the Committee's Third Report

**First Special Report of Session
2021–22**

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The Education Committee

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First Special Report

The Education Committee published its Third Report of Session 2021–22, [Strengthening Home Education](#) (HC 84) on 26 July 2021. The Government's response was received on 20 October 2021 and is appended below.

Appendix: Government Response

1. The Education Committee published its report, 'Strengthening Home Education' on 26 July 2021. This document sets out the Government's response to the Committee's report. The Committee report did not number its recommendations to set them apart from the Committee's conclusions but they are identified by italic text in the report. The numbering of recommendations below is based on the order they appear in the report.

Introduction

2. The Government welcomes the Education Committee report on Home Education as a follow-up to the 2010–15 Education Committee's report on support for Elective Home Education ("EHE"), prompted by the apparent rise in numbers of EHE pupils since 2012 and the effect of the covid-19 pandemic on those children scheduled to take public examinations in summer 2020.

3. The Government fully supports the right of parents to educate their children at home and most who do so educate their children well, sometimes in challenging circumstances. However, while many home educated children will be receiving a good education by dedicated parents, who deserve support, there will be others for whom the education being provided is unsuitable because their parents cannot educate them effectively at home. Similarly, while some home educating parents will legitimately be using part-time-education and extra-curricular settings as a way to complement their EHE, there are also likely to be some children who are deemed to be 'home educated' but most or all their education is through attendance at unsuitable settings, such as illegal unregistered independent schools.

4. The Government's intention has been to ensure that any proposals regarding home education do not impede those families who are genuinely, and through choice, educating their children at home.

5. With increasing numbers of children now being educated outside school there is a greater need for local authorities to be able to identify these children not in school to assure themselves about the education being provided; and to offer support to those home educating parents that would like it. We therefore remain committed to a registration system for children not in school. Further details on this will be in the Government's response to the children not in school consultation, which we will publish in the coming months.

Response to the Committee's recommendations

1. *The next iteration of the Government's guidance for local authorities and parents must set out a clearer vision for a 'suitable' education - including the levels of numeracy and literacy which it would usually expect students to have achieved before they move on to later education, training or employment. This vision should take into account the different paths that children with SEND might take.*

6. Relevant case law¹ and the ECHR² gives broad discretion on the state in how the fundamental right to an effective education is implemented. For instance, a local authority may specify requirements as to effectiveness in such matters as literacy and numeracy when deciding whether education is suitable. Therefore, local authorities already possess the ability to specify levels of literacy and numeracy on a case-by-case basis.

7. Paragraph 9.4 of the Department's [Elective Home Education guidance](#) for local authorities already details eight components (including the point made above in paragraph 6) that local authorities should consider when determining whether a child is receiving a suitable education. This includes: enabling the child to participate fully in life in the UK; education not conflicting with Fundamental British Values; and isolation from a child's peers indicating possible unsuitability, to name but a few.

8. The Department remains of the view that a centralised definition of 'suitable' education would not be in the interests of home educating children, families or local authorities. Each individual assessment of whether education being provided is deemed 'suitable' must rest on a balance of relevant factors depending on the circumstances of each child. However, this may be an area the Department considers further when it next reviews its 2019 EHE guidance for local authorities and parents, which may need to take account of the outcome of the impending judicial review between Portsmouth City Council and an EHE parent.

What do we know about children who are home-educated?

2. *The Committee's view remains that a statutory register, serving to more consistently identify children outside of school, is absolutely necessary. This would aim not to remove freedoms from those who are providing an effective education for their families, but to better target support to those who need it. The register should have a national reach but be administered locally. Rather than only targeting EHE children, it must cover all those who do not receive their principal education in a mainstream school. It may well be that the Government announces a statutory register ahead of this report being published. In any case, it must adhere to the principles we outline.*

9. The Government remains committed to a form of local authority administered statutory registration to identify children not in school. This would likely encompass children who are electively home educated and those who are missing education. Further details on this, as well as on proposals for supporting home-educated children, will be in the government response to the [Children Not In School consultation](#), which will be published in the coming months.

1 E.g. Konrad v Germany (2006) European Court of Human Rights app. 35504/03

2 [Article 2 of Protocol 1 of the European Convention of Human Rights](#)

3. *Once the statutory register of children outside of school is up and running, the Department for Education must make use of it to collate, analyse and publish anonymised annual data on the number of children out of school so that the Department, local authorities and others are better able to understand trends and create effective policy in response to them.*

10. The Government is committed to a form of registration for children not in school, but further details are yet to be decided, including how and what data would be collected. However, we would anticipate the Department to collect high-level data (not personal data of individuals) from local authorities, which would be analysed and published.

11. The Department recognises the value of data in policy creation and is keen to improve EHE data collection and analysis, and therefore will consider this as part of our next steps.

4. *When a pupil is excluded from school for more than five non-consecutive days in a school year, the pupil and their parents or carers should be given access to an independent advocate to help them navigate the process. Families considering EHE should also have access to these advocates, to ensure that they have the information and support they need to make an informed choice for them and their child.*

12. Within the statutory suspensions and permanent exclusions [guidance](#), we clearly state that the head teacher should draw parents' attention to relevant sources of free and impartial information. This information should include:

- a link to statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>).
- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities. IPSEA can give advice and support on the exclusion of children with special educational needs and disabilities
- Autism Education Trust (AET), via the National Autistic Society (NAS) operates a helpline and advice service for parents and carers whose child is at risk or has been excluded. They also provide guidance and advice for education professionals on good practice and the law with regard to autistic children/young people and exclusion. Contact 0207 903 3660. Website: www.autismeducationtrust.org.uk.
- where considered relevant by the head teacher, links to local services, such as Traveller Education Services and the Information Advice & Support Services Network (formerly known as the local parent partnership).

13. We would already expect a similar approach to take place when dealing with parents considering withdrawing pupils to home educate. We advise that local authorities, schools, and other key professionals work together to coordinate a meeting with parents considering EHE to ensure they are making a fully informed choice that considers the best interest of the child.

14. Furthermore, the Children Not In School consultation proposed the introduction of a new duty on local authorities to provide support to home educating families, should they want it. Further details of this, along with the other proposals set out within the Children Not In School consultation, will be included in the consultation response which will be published in the coming months.

5. Schools should publish their permanent and fixed term exclusion rates by year group every term, including providing information about pupils with SEND and looked-after children. Schools should also publish data on the number of pupils who have left the school.

15. The Department collects data on suspensions and permanent exclusions from all state-funded schools via the termly school census. This data is published in an annual [statistical release](#) and includes data relating to individual schools. The latest release included, for the first time, termly rates and we plan on continuing this in future.

16. The suspensions and permanent exclusions statistical release also includes breakdowns on pupils with special educational needs.

17. The [Outcomes for children in need, including children looked after by local authorities in England](#) statistical release includes data on suspension and permanent exclusion rates amongst looked after children. As the looked after status is collected on an annual census, continued presentation on an annual basis is most appropriate. Due to the small number of pupils involved and the sensitivity of the data, publishing at school level is not appropriate.

18. Exclusions data is collected and published in arrears to allow time for review processes to take place and final outcomes to be determined. Therefore, the most recent release (published in July 2021) relates to the 2019/20 academic year. However, the Department is exploring whether the data can be released in a timelier manner.

19. It is possible to determine from the school census the number of pupils that are no longer on the school roll. However, unless a pupil moves to other state-funded provision, their destination is not known as the school census only collects pupil records in state-funded provision. The number of pupils who are no longer on the school roll does not provide a robust indication of the use of off-rolling or illegal schools as it will also include use of EHE, moves to independent schools and pupils who have migrated.

6. In light of the evidence we heard on children with SEND, the Department must reconsider the potential for creating an independent, neutral role, allocated to every parent or carer with a child when a request is made for a needs assessment, which has the responsibility for co-ordinating all statutory SEND processes including the annual review, similar to the role of the Independent Reviewing Officer for looked-after children. This role would support families with the choice to EHE, and help ensure that any such choice was made in a truly informed way, and in the best interests of the child and their family.

20. The SEND system already provides mechanisms for ensuring that families have access to support. Local authorities are bound by statute (by section 19 of the Children and Families Act 2014) to consider the views, wishes and feelings of children and young people with SEND, and their parents/carers, when making decisions that affect them. They also have a duty to have in place a local information, advice and support service. These services, usually known as SENDIASS (SEND Information and Advice Support Service) offer children and young people with SEND and parents free, impartial advice and support. In this financial year, we are providing £8.6m additional resources to improve the quality of local services, to provide a national SEND helpline and online service, and to invest in parent carer forums. We therefore do not consider it necessary to create an additional role in this area.

7. The SEND Review must address the need for consistent and sufficient support for children with SEND, no matter how they are educated. Access to Education, Health and Care Plans and the support they offer should not depend on being on roll at a school.

21. The SEND Review is looking at ways to ensure the SEND system is consistent, high quality and integrated across education, health and care to improve early support for children and young people with EHC plans. The review will make recommendations in due course.

Elective Home Education: Local Authorities and support

8. When the Department responds to the 2019 consultation, it must clearly set out the expectations on LAs, other parts of the public sector (including health and social care) and parents with regards to EHE. It should supply case study examples so that EHE families and local authorities have a clear and shared understanding of what may constitute a 'suitable education', and what the thresholds for intervention should be—including for the serving of SAOs. The Department for Education should also track, publish and analyse data on SAOs at a national level on an annual basis.

22. EHE expectations on local authorities, other parts of the sector and parents was not part of the scope of the Children Not In School consultation and as such would not be included in the government response.

23. The Department has set out components local authorities should consider when determining suitable education in existing guidance. Therefore, local authorities should already be able to access or request have sufficient information to determine whether a child's education is suitable.

24. The Department will work with local authorities to understand what data is held and can be supplied relating to School Attendance Orders (SAOs) to complement the data already collected on penalty notices, Parenting Orders and Education Supervision Orders. Data on these is published in the annual [Parental responsibility measures](#) statistical release. We will consider further data collection and analysis of SAOs in due course.

9. The Department must revisit and revise key statutory guidance such as Working Together to Safeguard Children as soon as possible, so that they explicitly contain EHE within their scope, and contain clear and consistent messages for families, local authorities and others.

25. The Department continues to review all key statutory guidance regularly. We will consider including EHE in Working Together to Safeguard Children at the next review point.

10. The Department must assign Ofsted a role in quality assuring the delivery of local authority support for EHE and adherence to EHE guidance. This will require the creation of an inspection framework, based on the clarified guidance for local authorities and EHE families that we also expect the Department to produce.

26. Ofsted already assess a local authority's EHE work as part of normal inspections of Children's Social Care services. Specifically, an inspection would request the following information:

The information the local authority uses to monitor the welfare of electively home educated children, in particular those children who are electively home educated and are either on a child protection plan, education, health and care (EHC) plan or are a child in need. If available, please provide the policy on elective home education. (2.04)

27. Furthermore, in the 'Evaluating the educational progress of children in care and care leavers' section of the [Ofsted framework for inspections](#) it states that the Her Majesty's Inspectors (HMI) will analyse data and information about elective home-educated children and children missing education.

11. The Department must clarify and strengthen the expectation in its 2019 guidance that local authorities make contact with parents on at least an annual basis, so that local authorities have the ability to see a child in person (at a venue of the family's choosing) in situations where this is necessary to establish the suitability of the education they are receiving. The Department must make any necessary statutory changes to enable this, and make clear that:

- *annual contact with an EHE family is a minimum expectation;*
- *local authorities should be asking to see examples of children's work and parents should not reasonably refuse this;*
- *local authorities should be assessing children's progress from one year to the next, especially in areas such as literacy and numeracy which are essential to access future educational opportunities and employment. By the time children are at the age when they would leave compulsory schooling, they should be able to demonstrate the same baseline numeracy and literacy skills that we expect from their schooled peers. While children with SEND may follow different paths, it is vital that they too have the right support provided so that they can flourish.*

28. The Department will review its 2019 EHE guidance for local authorities and parents in due course, taking account of relevant developments that result from the impending judicial review between Portsmouth City Council and an EHE parent.

29. As outlined in the response to Recommendation 1, we already provide guidance and outline good practice on what we would expect when assessing suitable education. We have no plans to stipulate specifically how a local authority assesses the suitability of home education, as 'suitable' education assessment needs to consider a range of relevant factors depending on the circumstances of each child.

12. *The Department should provide local authorities with a set of clear criteria against which suitability of education can be assessed, taking into account the full range of pedagogical approaches taken in EHE, as well as the age, ability and aptitude of individual children, including where they may have SEND.*

30. Paragraph 9.4 of the Department's EHE guidance for local authorities already details eight factors for local authorities to consider when determining whether education is 'suitable'. Components as to how the term 'suitable' should be seen by local authorities.

13. *Given the rise in EHE numbers and lack of consistent support from local authorities, the Department should commission and roll out a national training package for all local authority officers with responsibility for EHE—developed with a wide range of stakeholders—so that those officers have a thorough and consistent understanding of the duties of and guidance for local authorities. That package should explain the various EHE approaches—possibly in the form of a Massive Open Online Course (MOOC). All local authority officers with responsibility for EHE must be expected to complete that training as part of their job.*

31. As stated, the Department is committed to a system of registration for children not in school. Further details on its operation are yet to be decided but decisions will need to be made on local authority implementation, which may or may not include a form of training packages for local authority officers.

Outcomes, assessments and exams for children receiving EHE

14. *The Department must urgently commission and publish longitudinal research examining the life chances and social outcomes of EHE children in England (as a short-, medium- or long-term intervention), compared with those who have received a formal schooled education. This will need to include a range of short-, medium- and long-term self-reported experiences, 'hard' and 'soft' outcomes', and work in partnership with the full range of EHE communities. 'Hard' outcomes to be measured will include ability to demonstrate the skills in literacy and numeracy that are essential to future work or training. Soft outcomes could include less quantifiable factors such as mental wellbeing.*

32. The Department is committed to helping children and young people achieve the best outcomes in life, so they can realise their potential. While we can see the value of longitudinal research into outcomes of EHE children, we also recognise the challenges in undertaking such research given a lack of data on which households undertake EHE and approaches to involved. This includes the absence of requirements for formal assessments at set points, which are typically used to measure the outcomes of children attending school.

33. However, in light of the potential value of research into EHE outcomes we will review potential approaches again following the publication of the Children Not In School consultation response.

15. *The Government must place a duty on every local authority to ensure that home-educated children and young people have fair access to centres where they can sit accredited public examinations, with the Government meeting the entry costs for those exams. The Department for Education must also work to establish the appropriate level of entitlement, to which examinations the entitlement will apply, and the additional funding the Department will commit to support this.*

34. Many schools, colleges and other examination centres accept private candidates for examinations. The decision to accept private candidates is a matter for the individual centres to decide in light of their specific circumstances and the needs of the students concerned. The Department encourages all available exam centres to consider supporting private candidates and we have worked closely with the sector to ensure that there are enough centres available to support private candidates to take exams, with JCQ publishing a list of available centres to assist students in finding a suitable centre ahead of the entry deadline, first for the exceptional 2021 summer TAGs, and now on an ongoing basis.

35. The Department's guidance on EHE highlights that parents/carers who home educate will need to assume full financial responsibility for their child's education. This includes paying for the cost of entering their child for examinations. Some local authorities may provide financial or other assistance to home-educating families for public examinations, but this is discretionary.

36. In 2021, in light of the impact of the pandemic, GCSE grades were determined by teachers (Teacher Assessed Grades). To support centres with the additional requirements of assessing private candidates in 2021 we provided an exceptional grant to centres of £200 per private candidate entry. This funding aimed to avoid these additional costs being passed on to private candidates, so that they could access qualifications at a similar cost to a normal exam year.

37. The Children Not In School consultation proposed a duty on local authorities to provide support to home educating families, should they want it. In theory, this could be in the form of examination support, however details of potential support will be included in the consultation response which will be published in the coming months, and will likely be subject to further discussion and consultation.

Concluding remark

38. The Government agrees with the support from the Committee for the right of parents to opt for EHE, provided it is in the best interests of the child and the education provided is of a suitable standard. We agree that better data on outcomes is required to help Government and local authorities understand how many children receiving EHE are getting a suitable education and it is reasonable for local authorities to have the ability to assess suitability of education. The Government also remain committed to a form of registration for children not in school. This will improve local authorities' abilities to undertake their safeguarding responsibilities, improve data and will offer support and guidance for home-educating parents. Further details will be in the government response to the Children Not In School consultation, which will be published in the coming months.