

By email: HomeEducation.CONULTATION@education.gov.uk

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ADCS response to the DfE's call for evidence on elective home education

1. Introduction

The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to submit evidence to the Department for Education (DfE) on registering, monitoring and supporting elective home education.

Education is a fundamental right for every child in this country and ADCS members recognise that parents and carers can choose to educate their child at home rather than at school. We want this to be a positive experience and our members wish to work in partnership with parents, and carers, to help and support them to be confident in fulfilling this important role. However, the duties placed on local authorities (LAs) and the lack of clarity offered in the legislation and guidance to date with regards to the suitability and efficiency of home schooling makes this a difficult task, particularly against the backdrop of rising number of families opting to educate other than at school and falling funding in real-terms for schools and local government.

2. Specific responses to questions posed in the call for evidence

Voluntary registration schemes can only ever be partially effective and only children and families who are known to, and engaging with, the local authority can be offered advice and support. Without a national register there is no firm basis to confirm at either a local or national level how many children and young people of school age are being educated other than at school as it is not known how many children have never attended a school or have moved across borders. As well as helping us to understand how many children and families are opting out of the mainstream schooling system, this data would assist in holding schools to account for exclusionary practices (both formal and informal). The initial **registration process** should not be overly burdensome, and the information required could include; name of child(ren) and the parent or carer(s) overseeing education in the home, date of birth, address and contact details, previous school attended (if applicable) and whether the child has any special educational needs.

ADCS members have raised concerns about the use of **flexi-schooling**, with some fearing it is the first step towards exclusion. Flexi-schooling can be useful e.g. if a child is playing sport at a national or even an international level requiring periods away from home to train or take part in competitions. However, the common view was that this hybrid option is potentially open to misuse and should not therefore be routinely available.

In terms of reducing the incidence of schools reportedly **pressuring parents** and carers to home school in advance of a permanent exclusion, effective challenge and oversight from Ofsted would be welcome in the immediate term. In the longer term the government must seek to address the drivers of exclusive behaviours. ADCS is concerned that the combination of national accountability measures rooted in raw exam scores and the ability of

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Piccadilly House, 49 Piccadilly, Manchester, M1 2AP

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schools to meet learner's needs and sustain a mainstream school placement in light of real-terms funding reductions, are squeezing a growing number of learners, particularly those with additional needs, out of the mainstream school system.

Home schooling has largely been viewed as a positive lifestyle choice to date, however, there is growing concern about the breakdown in relationships between the school, pupil and their family or where parents have been encouraged to home school without fully understanding what they were taking on. In such situations there is a clear role for a local agency to act as mediator and/or an advocate to help minimise 'gaming' by covert selection. An ADCS [survey](#) on home schooling in 2017 evidenced significant churn in this cohort of learners over the course of the academic year and a growing number of parents requesting a new school place, suggesting this option is increasingly being used as a short-term intervention. ADCS supports the principle of a '**cooling off period**,' or provisions to allow the child to return to their previous school within a specified period if the educational experiences provided in the home is not suitable, however, further discussions are required to work through the detail of such proposals, particularly against the backdrop of rising pupil numbers, a shortage of school places in some areas and the ongoing reforms to the school system in England.

In terms of **monitoring provision**, there is no legal definition or national guidelines on what constitutes a 'suitable,' 'effective' or 'full-time' programme of education in the home to assist with this task, resulting in a degree of variation in approaches from place to place. There is no accepted framework against which local authorities can benchmark provision and parents and carers can choose what will be monitored, for instance, whether a home visit can take place and/or if the child is present. Similarly, there are no specific requirements as to what should be included in the programme of learning in the home. Whilst there should be scope for the development of a personalised package of learning, this does not mean that some minimum standards or expectations cannot be clearly articulated e.g. a suitable education should include English, maths, ICT and social activities outside of the home. We should be ambitious and aspirational for all children, regardless of where they receive their education.

ADCS members believe there should be a **specific duty placed on parents** and carers to comply with requests for information to meet the obligations placed on local authorities under the *Education Act (1996)*. This could be relatively light touch or take a scaled approach depending on an initial view of the effectiveness of the provision or at the request of parents who are new to home schooling, for example. In order for monitoring to be effective then the learner (the child) and the learning environment (the home) must be seen, otherwise this activity can only ever be partial, additional funding would also be required. In no other area of children's services would a professional make a judgement about a child's educational progress, attainment, health, safety or welfare without seeing or meeting the child, it is unclear why children who are educated at home are treated differently in law.

Parents and carers may choose to supplement home learning via engagement with other home schooling families, attendance at a training centre or the use of a private tutor. This aids with socialisation and offers opportunities to access new and different resources or subjects parents may not otherwise have been able to offer in the home e.g. the arts or a foreign language. Concerns arise when attendance at this provision is regular but the setting is not registered and is in fact operating illegally as a school, often out of poor-quality accommodation and teaching a narrow curriculum. It is important the government recognises and seeks to address the links between home schooling and attendance at these

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settings as a matter of urgency. There is no mechanism for LAs to monitor this type of provision at this time.

ADCS believes greater provision should be made to enable learners who are home schooled to **sit formal exams** if they wish to do so and as such all state funded schools should accept external exam candidates who are educated at home. The costs of entering exams can be prohibitive for families and a small number of local authorities responding to our survey reported that they cover the cost of some GCSE exams, but the majority did not.

Support for home schooling families varies greatly from local authority area to local authority area, the results of our survey in 2017 highlighted significant differences in budgets and staffing levels. Some of the examples of support provided by respondents include the commissioning of an independent school to provide support for home schooling families, running regular coffee mornings for home schooling families and covering the costs of exams.

Home schooled children are not vulnerable by definition, however, some do fall into this category and it is worth reiterating that local authorities can only **safeguard children** who are known to them, thus strengthening the case for mandatory registration. Whilst we know many parents and carers work hard to provide tailored and effective educational experiences in the home, the Triennial review of SCRs (DfE, 2016) notes that a small number of families can take advantage of their right to educate at home in order to avoid the scrutiny of public agencies. This can be a further component of abuse or neglect, a means for avoiding attendance fines or a cover for attendance at unregistered education settings. It is important to strike a balance between the right to a private family life and collectively ensuring that risks, however small, are minimised. In the 10 years since the government's guidelines were first published, ADCS members believe the numbers of children and young people educated other than at school have grown significantly, however, we do not know how many children and young people are currently educated at home with figures ranging from 45,000 – 150,000 (Children, Schools and Families Committee, 2009) and the government must satisfy itself that this is an acceptable state of affairs.

If a local authority believes the educational experiences offered to a child in their home are unsuitable and all other options have been exhausted, then a **School Attendance Order** (SAO) can be sought from the courts. ADCS does not believe this is a satisfactory resolution, the lengthy legal process involved in securing an SAO means that children can be without education for many months, and, even if the SAO is awarded compliance is not guaranteed. It would be useful if SAO legislation could be revised so that they are not just one-off events but remain in place whilst the child is of statutory school age. ADCS believes the ultimate sanction for the ongoing provision of unsuitable education in the home should be a return to school not ever closer monitoring of individual learners in their home – children's outcomes must be at the heart of every decision and discussion.

3. Other comments

There have been a number of reviews, studies and reports relating to the provision of home schooling and the safety and welfare of children educated in the home over the last decade. From the Badman Review in 2009, an Ofsted survey in 2010 and select committee inquiries in 2009 and 2012 to the Casey Review and the Wood Review in 2016, a host of recommendations have been put forward. These include a review of the current guidelines, the development of an annual registration scheme and a clearer definition of what

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constitutes a 'suitable' and 'efficient' education. The provisions contained in a current private members bill, the *Home Education (Duty of Local Authorities) Bill*, seeks to update the *Education Act (1996)*, and picks up many of these recommendations. The consultation document recognises the current legislative arrangements, under which elective home education is possible, are rooted in the *Education Act (1944)* which were designed for a different age and ADCS members watch the progress of the Bill with interest. A reasoned debate about home schooling is required. Children's wishes and their rights in terms of socialisation, health and education must be at the forefront of this exercise along with ensuring that risks, however small, are minimised.

Representatives from ADCS met with DfE officials during the consultation process and would welcome further discussions on any of the specific points raised here or generally about the feedback received during this exercise. Please contact katy.block@adcs.org.uk in the first instance.

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