

ARTICLE

Home Education in England: A Loose Thread in the Child Safeguarding Net?

Carl Purcell^{1*} , Mary Baginsky¹ , Jill Manthorpe¹  and Jenny Driscoll² 

¹NIHR Health and Social Care Workforce Research Unit, King's College, London, UK and ²School of Education, Communication and Society, King's College, London, UK

*Email: carl.purcell@kcl.ac.uk

(Received 26 July 2022; revised 15 December 2022; accepted 2 February 2023)

For a small number of parents home education is a preferred alternative to school and in England more parents are taking up this option. This has refuelled a long-running debate about the adequacy of a regulatory framework under which parents are not required to register their children as home educated and provision is not routinely monitored. This article highlights concerns regarding the ability of local authorities to fulfil their duty to safeguard these children, drawing on interviews with sixty-eight officials working in twenty local authorities, national surveys of local education and safeguarding agencies and interviews with thirty-eight staff working in twenty-five schools. We argue that, although the Government's Department of Education is committed to introducing compulsory registration of home-educated children, more is needed to strengthen local authority powers and to address the reasons why some parents choose, or feel pressured, to take their children out of school.

Keywords: Home education, child safeguarding, schools, local authorities.

Introduction

Home education has a long history as an alternative to school-based education for a small number of parents in many countries, including England, although it is not permitted in some European countries including Spain, Germany and Greece (Bhopal and Myers, 2016). In England, where this option is termed Elective Home Education (EHE), many parents choose to home educate for philosophical, cultural, or religious reasons: underpinned by a belief that they can offer their children what they perceive to be a richer and more appropriate education at home, compared to that on offer in their local schools. Moreover, there is evidence to suggest that home education can work well for these families (Davies, 2015; Rothermel, 2015; Bhopal and Myers, 2018). However, the phrase 'elective' is misleading because there is also evidence to show that some parents in England have felt pressured to home educate following negative experiences in school, including bullying and discrimination (Bhopal and Myers, 2016) or because a child's particular educational needs have not been addressed (Maxwell *et al.*, 2020). Sometimes it is schools that are putting pressure on parents to remove children deemed not to 'fit in' (Children's Commissioner, 2019). But there is also evidence that a small number of parents are taking their children out of school to be home-educated to avoid scrutiny when welfare concerns have been raised (Children's Commissioner, 2019; Association of Directors of Children's Services [ADCS], 2021).

Under current regulations local authorities (LAs) in England are required to make sure that all children are receiving a suitable education, but parents are under no obligation to comply with requests for information or to visit children at home or elsewhere. It is argued that this hampers

the ability of LAs to fulfil their legal responsibility to safeguard all children regardless of where they are educated (Ofsted 2015, 2018; Casey, 2016; Wood, 2016; Children's Commissioner, 2019). This article contributes to this debate, drawing on extensive research undertaken as part of a wider project on the role of schools in a multi-agency approach to safeguarding (see Baginsky *et al.*, 2022). The first section examines the recent growth in the number of home-educated children and the different factors that appear to be driving this. It then considers the difficulties this has presented for LAs in terms of meeting their responsibility to safeguard all local children and discusses the slow development of a policy response by the Department for Education (DfE) which leads the development of national education policies for England. The second section of the article summarises our research findings, focusing on what LA officials and staff in schools told us about the growth of home education locally, how their LAs were responding to this, and what regulatory changes they thought necessary. The discussion then reflects on the DfE's 2022 policy response, and in doing so takes account of wider developments in national policies over the last decade which may have contributed to the growth of home education and made it more difficult for English LAs to fulfil their related safeguarding responsibilities.

How many children are home-educated and why?

In the absence of official statistics collected and reported by central government, the precise number of home-educated children has itself been debated (Forrester and Taylor, 2011; Smith and Nelson, 2015; Bhopal and Myers, 2016). However, since 2016 the Association of Directors of Children's Services (ADCS) has surveyed all 152 English LAs annually to collate data on the number and characteristics of home-educated children to generate better understanding of the reasons behind a family's decision to home educate (ADCS, 2021). Based on historical data held by 123 LAs, ADCS (2019) reported that the number of children known to be home-educated more than doubled from 23,311 in 2014/15 to 49,962 by 2018/19. Data is not provided on the socio-economic background of this growing cohort; however, it is notable that over half were of secondary school age (eleven to eighteen years old) and schools expressed particular concerns about pupils dropping out of school during Key Stage 4 (fourteen to sixteen years old) a period when children in England prepare for their General Certificate of Secondary Education (GCSE) exams. ADCS (2019) also highlights that 2,012 children and young people in the home education cohort had received at least one fixed-term exclusion during the previous year and that 13 per cent of the cohort were known to LA children's social care services.

The post-pandemic 2021 survey conducted by ADCS reported 67,308 children were known to be home-educated in England on 7th October 2021. On this basis it estimated that 81,196 children were home-educated across all 152 English LA areas. Furthermore, taking account of the numbers of children moving in and out of school it estimated that 115,542 had been home-educated at some point during the 2020-21 school year (ADCS, 2021). This increase may be partly explained by children not returning to school after the first year of the coronavirus (Covid-19) pandemic. Most parents provide a reason to the LA for their decision to home educate, even though they are not required to do so. In the ADCS surveys LAs were asked to list the three top reasons taken from a pre-populated list. Before the pandemic 'philosophical or lifestyle choice' was the most frequent reason given (ADCS, 2019). In 2021 this response was still selected by seventy-four LAs, but very slightly more ($n = 76$) selected 'health concerns relating specifically to Covid' (ADCS, 2021). Comments reported by ADCS (2021) suggest that LAs believed that some families' decisions to home educate were shaped by improvements parents had noticed in their child's mental health during periods of enforced home schooling during the pandemic. However, it remains important to note that the significant increase in numbers before the pandemic appears to have been largely driven by the number of children dropping out of school rather than by philosophical preferences. In 2019, fifty-three of 126 (42 per cent) LAs reported that between 81 per cent and 90 per cent of

their local home education cohort had previously attended school whilst thirty-six LAs (28.5 per cent) reported that between 91 per cent and 100 per cent had previously attended school (ADCS, 2019).

Furthermore, before the pandemic the then Children's Commissioner, drawing on the ADCS surveys, argued that the phrase 'home education' unhelpfully obscured those circumstances where some parents felt compelled to home educate because their child did not 'fit in' or had not had a positive experience of a particular school (Children's Commissioner, 2019). Studies have found that traveller families and the families of children with special educational needs and/or disabilities (SEND) sometimes choose to home educate because they lack confidence that their children would thrive in local schools (D'Arcy, 2014; Kendall and Taylor, 2016; Bhopal and Myers, 2018; Maxwell *et al.*, 2020). Myers and Bhopal (2018) also highlighted the negative experiences of some Muslim families who have chosen to home educate to protect their children from racism.

There is also evidence that some parents have felt pressured by schools to remove their children (Ofsted, 2018; Children's Commissioner, 2019). In England this practice has become known as 'off-rolling', a form of illegal exclusion used by some schools to deal with children they see as 'difficult'. In the context of a school accountability system that emphasises exam performance, this practice commonly affects children in years ten and eleven (aged fourteen to sixteen) whom schools do not think will perform well in GCSE exams (Jay *et al.*, 2022). Furthermore, some children labelled as 'home-educated' are attending illegal schools or 'tuition centres' that are not registered with the government inspectorate (The Office for Standards in Education, Children's Services and Skills (Ofsted)) (Ofsted, 2015, 2018; ADCS, 2019; Children's Commissioner, 2019). Such settings can thereby avoid external scrutiny of education and welfare standards. While there is a vibrant Muslim home schooling community that sees home schooling as a way of bringing children up in an environment that 'reflects and incorporates Islamic beliefs and morals' (Bayt Initiative: Muslim Home Education Community, n/d), there have been concerns about the potential spreading of radical Islamist ideology where some families send their children to unregistered settings, even though they are officially being home-educated (Monk, 2016).

Safeguarding and the role of LAs

This evidence of rising numbers of children being home-educated and the reasons that have led to some having been removed from school have refuelled a long-running debate in England regarding the need to update the regulation of home education. Under the existing framework, parents have responsibility for providing their children with an education under Section 7 of the *Education Act 1996* (England and Wales), a consolidating Act incorporating the *Education Act 1944* and subsequent legislation. Parents are required to ensure their children receive an appropriate education 'by regular attendance at school or otherwise.' It is this phrase which gives parents the right to educate their children at home. To comply with Section 7, home-educating parents must provide their children with an 'efficient full-time education, suitable to [the child's] age, ability, aptitude and to any special educational needs [the child] may have', yet they are under no obligation to obtain permission to do so, to provide a specific curriculum, or to have teaching experience or an appropriate qualification. Moreover, there is no legal definition of 'full-time' and, unlike the situation in many other European countries, parents are not required to register their children as home-educated with anyone (Children's Commissioner, 2019).

Problematically, although home educating parents are not required to notify LAs, the *Education and Inspections Act 2006* nonetheless requires LAs to make arrangements to establish the identities of children in their area who are not receiving a suitable education. The non-statutory guidance on Elective Home Education (DfE, 2019a) advises LAs to try to implement this duty initially through 'informal contact and enquiries', which may involve requests to see the child at home or elsewhere but acknowledges that 'parents are under no duty to respond

to such enquiries' (DfE, 2019a: para 6.5). In 2018, 92 per cent of LAs reported that they did not have the powers they needed to monitor home education and that 28 per cent of home educating families had refused requests for a home visit (ADCS, 2018, cited in Children's Commissioner, 2019: 5).

LAs have a duty to intervene where there is reason to believe a parent is in breach of Section 7, by serving written notice requiring parents to satisfy the LA that the child is receiving a suitable education within a specified period (Section 437(1) of the *Education Act 1996*). If the parent fails to satisfy the LA within that period that the child is receiving a suitable education and in the opinion of the LA it is 'expedient' that the child attends school then the LA is required to serve the parent with a School Attendance Order, requiring the child to attend a named school (Section 437(3)). However, according to the organisation Education Otherwise (n.d.) such orders are often threatened but rarely issued. Where it appears that a suitable education is being provided, while LA oversight is legitimate, guidance (DfE, 2019a) recommends contact on at least an annual basis but suggests that a presumption of parent-initiated contact may be appropriate (5.2).

LAs also have a range of duties and powers to intervene under safeguarding legislation pursuant to their duty to safeguard and promote the welfare of all children (Section 175 *Education Act 2002* and Sections 10 and 11 of the *Children Act 2004*). In particular, a LA making statutory child protection enquiries under the *Children Act 1989* Section 47 must take steps to obtain access to the child concerned. A failure to provide suitable education is capable of satisfying the threshold requirement contained in Section 31 of the *Children Act 1989* that the child is suffering or is likely to suffer significant harm (DfE, 2019a). However, in the absence of more robust home visiting powers, LAs are hampered in the identification of children at risk.

There is evidence that children who have had some involvement with LA children's social care in response to welfare concerns are more likely to become unenrolled from school. Jay *et al.*'s (2022) longitudinal analysis of annual administrative data on school registrations and children's social care involvement found that, while amongst those children who had never been supported by children's social care one in forty had become unenrolled, one in ten children who had been in LA care between the ages of eight and fourteen became unenrolled from state school during their GCSE years of secondary education (ages fourteen to sixteen years). For those who had received *any* support from LA children's social care one in fifteen became unenrolled. Rates were even higher for children with SEND who had been supported by children's social care. The data analysed cannot tell us why these children became unenrolled. However, it is harder for LAs to continue to safeguard these children once they are not in school.

The slow development of a policy response

Concerns about the suitability of home education for some children have existed for many years. Yet, the development of a national policy response from central government has been remarkably slow. Following the death of seven-year-old Khyra Ishaq in Birmingham in 2008, the then Secretary of State for Children, Schools and Families, Ed Balls MP, asked Graham Badman, the former Director of Children's Services at Kent County Council, to lead a review of the regulation of home education (Bhopal and Myers, 2016). Khyra had starved to death at home following the decision of her parents to take her out of school. The review recommended increased regulation of the home education sector underpinned by a compulsory annual registration scheme for home educators and powers for LA officials to visit family homes to carry out education and welfare checks. The Secretary of State gave his support to the review and initiated a consultation on proposals for a registration scheme. However, as Foster and Danechi (2019) recall, Badman's recommendations received a hostile response from supporters of home education, some of whom subsequently worked with members of Parliament's Children, Schools and Families Committee, an independent cross-party group that scrutinises government policy in this area, to try to block this and other recommendations which were widely criticised for encroaching on the rights of

home educating families (Conroy, 2010; Rothermel, 2010; Forrester and Taylor, 2011; Stafford, 2012). In the face of this opposition no agreement on the provisions needed to establish a compulsory registration scheme was reached before the 2010 UK general election when the Labour government was replaced by a Conservative-Liberal Democrat Coalition government, which did not take Badman's (2009) recommendations forward.

However, the regulation of home education resurfaced as an area of concern following subsequent independent policy reviews commissioned by Conservative ministers. Following her review into 'opportunity and integration' in deprived and isolated communities, Dame Louise Casey (2016) called for stronger safeguards to ensure that home-educated children received a decent and suitable education and were protected from harm. That same year another government adviser Sir Alan Wood (2016) recommended that the DfE's *Keeping Children Safe in Education* (DfE, 2015) guidance be reviewed to ensure that it applied to home education and unregistered schools. The following year, in June 2017, Lord Soley, who shared these concerns, introduced a Private Members' Bill. This *Home Education (Duty of Local Authorities) Bill* sought to introduce the compulsory registration of home-educated children and give English LAs the power to monitor provision by introducing an annual home visit and an interview with the child to inform an annual assessment of the educational, physical and emotional development of home-educated children (Foster and Danechi, 2019). The Conservative Minister with responsibility for home education, Lord Agnew, acknowledged that a 'significant increase' in the number of home-educated children was a concern but argued that LAs 'already have the tools for the job' (cited in Foster and Danechi, 2019: 23–4). Thus, the measures the Bill would introduce were not taken forward and LAs were given no new statutory powers to respond to increasing numbers of home-educated children in their area and concerns about the suitability of this for some children and families.

Nonetheless, in April 2018 the Conservative government initiated a call for evidence on home education (DfE, 2018a), followed in April 2019 by a restatement of guidance for LAs under existing regulations (DfE, 2019a). By then the government seemed persuaded that regulatory changes were needed and a consultation on potential reforms relating to 'children not in school' targeted at LAs, charities, education professionals and home educating families was held between April and June 2019 (DfE, 2019b). This consultation proposed the establishment of LA registers of children educated outside of schools, with a requirement for the parents of these children to supply information for the register. In response to concerns about the suitability of unregistered schools, it was also proposed that the proprietors of 'specified settings providing a substantial amount of education' to home-educated pupils must also supply data to the register. It is important to note that schools were already required to inform the LA of all deletions from the admission register when this takes place at a non-standard time (DfE, 2016). The consultation did not propose any measures to empower LAs to monitor the suitability of home education arrangements, as Badman's (2009) review and Lord Soley's 2017 Bill had done. Rather it only proposed that LAs be placed under a duty to support home educators 'if requested by the family' (DfE, 2019a). The government's response to the consultation, published three years later, expressed its commitment to implementing these proposals (DfE, 2022a). However, the only commitment made in the most recent education White Paper (DfE, 2022b), which set out the government's intended changes to education legislation, was to establish LA registers of children not in school. Interestingly, there is no explicit reference to home education in this White Paper, and the government's consultation response suggests that any new support for home-educated families will be 'subject to the availability of resources' (DfE, 2022a: 25).

Methodology

As noted above, the research for this article formed part of a wider study (Baginsky *et al.*, 2022) and draws on data collected through three of its stages:

1. As part of the scoping phase of this study we conducted interviews with sixty-eight representatives of LA education and children's social care services during 2017. A process of stratified sampling produced twenty LA areas that reflected regional and socio-economic diversity and local authority types.
2. These interviews informed two separate national surveys of LA education safeguarding leads and Local Safeguarding Children's Boards (LSCBs) that included specific questions and invited comments on home education. The surveys were completed between late 2017 and early 2018. A total of ninety-three responses to the education safeguarding survey was received (62 per cent response rate) and eighty-two responses were returned by LSCBs (55 per cent response rate). A third survey of LA children's social care leads was also undertaken at the same time – eighty responses were received (53 per cent response rate). This survey did not include specific questions on home education, but concerns were raised in responses to open questions about the difficulties facing social workers in safeguarding home-educated children. At least one of the three surveys was completed by 132 of 150 eligible English local authorities/LSCBs thereby providing comprehensive coverage of potential regional, demographic, and socio-economic differences. The surveys were all completed by senior staff in their respective agencies purposefully identified and contacted by the research team.
3. The findings of these surveys informed the selection of five case studies involving schools that were also geographically and socio-economically diverse. An additional case study involved schools spread across England that were overseen by the same Multi-Academy Trust (MAT), a governance arrangement that has been strongly promoted by the DfE (2022b) as an alternative to the traditional model of LA 'maintained' schools. In total, 213 school staff from fifty-eight schools were interviewed between autumn 2018 and spring 2019. These interviews focused on a wide range of topics relating to safeguarding but not the specific topic of home education. However, concerns relating to home education were raised in interviews with thirty-eight staff working in twenty-five schools.

Transcripts from the interviews and qualitative comments from the surveys were analysed following a thematic approach (Clarke and Braun, 2016). The quantitative data from the surveys were analysed using the Online Surveys reporting tools. Further details of the data collection and analytical methods used are reported in Baginsky *et al.* (2022).

Findings

The expansion of home education

In terms of which children were being home-educated, the findings from the scoping interviews were consistent with the trends identified through the annual ADCS surveys referenced above. LA participants confirmed that there were some families who continued to home educate for philosophical reasons, but that the number doing so had remained reasonably constant. The view that some children had drifted into home education because they were not thriving or did not 'fit in' was widely accepted. As one LA education official commented:

We have moved from working alongside parents who believe that home education is the right path for their children to concentrating on coping with an increasing number of children who are removed because of irreconcilable difficulties with schools (interview with LA official).

It was also widely accepted that in some instances parents have been encouraged or pressured by schools to home educate. Reflecting on the practice of 'off-rolling', one official, working in a LA

area where the number of home-educated children had doubled over recent years, explained that they were seeing:

... a high number of particularly teenagers coming out of the education system into EHE... Schools are driven by the fact they're measured by performance data at the end of a process; nobody gives them a pat on the back for their safeguarding practice... in a national league table, do they?... Some of these children won't be high tariff children for their performance data, and that's really sad (interview with LA official).

Staff in the schools we visited did not condone this practice. However, some did highlight the difficulties that schools faced in terms of trying to access external services to help them best support children who may be struggling with a complex range of behavioural or mental health problems affecting their engagement in school. Furthermore, staff in secondary schools highlighted examples of parents taking children out of school because they felt that the school environment was having a negative impact on their child's mental health. They also pointed out that, in the context of significant cuts to local welfare services, opportunities for multi-agency early intervention were more limited and external agencies were more likely only to become involved when children were at significant risk of being excluded or had already disengaged from school.

We also uncovered evidence to support the claim that some families opted for home education to keep children 'out of sight' from schools and children's social care services, as had the Children's Commissioner (2019). Moreover, there was widespread agreement that the current 'light touch' regulatory approach to home education made this possible and severely limited the ability of LAs, supported by schools, to monitor the welfare of children once they were 'off the radar'. As one primary headteacher explained:

Home education is a real huge concern to me and I've raised this at [the] Safeguarding Board... because we had a case here that we were very concerned about and we were trying to pursue that through [Multi-Agency Safeguarding Hub], through early support family workers, and the next minute I've got a letter on the desk... quoting whatever Act and [saying] 'I'm going to home educate my child, so take them off roll as from tomorrow'... So, I could no longer gain any evidence around what was happening for that child, and that child's still being home-educated... Who is monitoring the safeguarding of that child? (Interview with primary school headteacher)

Several other schools confirmed that they had encountered instances of parents withdrawing children to avoid the scrutiny of external agencies, often after a threat of prosecution for non-attendance at school had been made.

Local authority responses to the expansion of home education

In their survey responses most education safeguarding leads (eighty-two from ninety-three responding LAs) and LSCB managers (sixty-six from eighty-two responding LSCBs) agreed that their agencies had an important contribution to play in safeguarding the welfare of home-educated pupils. Moreover, it was evident that some LAs had allocated significant resources to support and monitor home education over recent years in response to rising numbers, even though their statutory powers were limited, and budgets were stretched. However, resources dedicated to home education varied across LAs and did not always reflect the scale of the challenge, leaving responsible officers in some areas facing immense workloads – we heard an example of one officer overseeing over 300 home-educated children. In LAs where traveller children accounted for a significant proportion of the home education population fewer problems were

reported where a specialist Traveller Education Service was in place than in those where the work fell to generic outreach workers.

To meet their present safeguarding responsibilities, as a minimum LAs must maintain an accurate database of local children known not to be attending school, including those deemed to be home-educated, even though parents are not obliged to register their children. These databases are cross-referenced against risk factors such as involvement with children's social care or reports of domestic violence. This involves close working with schools when pupils moved to home education. During the scoping interviews we also heard examples of LA officials meeting with parents and schools to attempt to understand decisions to home educate and to discuss what was needed to ensure their child(ren)'s safety. However, this work is challenging given that there is no legal requirement on parents to register children and it is particularly difficult for LAs to learn about home-educated children moving into their area who may be unknown to local agencies.

LSCBs responding to the survey also viewed the limited regulatory powers and the limited resources allocated to monitoring home education as problematic. Nevertheless, the need for LSCBs to play a strategic role by supporting and holding LAs and other agencies, including schools, to account on this subject was generally accepted. Some of those in LSCBs described actions they took to raise awareness of safeguarding duties in relation to home-educated children and to monitor adherence. In a few instances LSCBs sought to ensure that conversations were taking place with those being home-educated. One LSCB reported that home-educated pupils are represented on its young people's steering group. Feedback from this group was used to challenge the LA on its support to home-educated children.

Some LAs and LSCBs appeared to go further than others in terms of the tracking and monitoring of home-educated children. A small number of LAs had increased the number of legal notifications – School Attendance Orders (SAOs) – sent to parents, if they had evidence to suggest that a child was not receiving an adequate education. Some LSCBs had responded to recent increases in the number of home-educated children and/or to a specific event. In one local area with a significant rise in the numbers of home-educated children, we were told that an LSCB audit of cases known to either children's social care or early help services revealed several safeguarding concerns. Consequently, the LSCB helped create an Elective Home Education Strategy. Elsewhere a Serious Case Review following the death of a child had heightened awareness of the risks that can be associated with home education. Responding to this the LA officer responsible for home education had joined the LSCB's Education and Learning subgroup, and the lead teachers for home education contacted children's social care colleagues if they were denied access to the family home and had concerns about the welfare of the child.

What needs to change

The strong support for regulatory change on home education amongst LAs and schools reported by the DfE (2022a), albeit three years after its consultation exercise, was consistent with the findings of our research. Most education safeguarding leads (eighty-four of ninety-three) and LSCBs (sixty-five of eighty-two) responding to our surveys supported the introduction of enhanced powers for LAs to support the safeguarding of home-educated children. Furthermore, a third of respondents to our children's social care survey highlighted the need for reform to help them meet their safeguarding responsibilities, even though this survey did not ask specifically about the home education regulations. Similarly, the school staff we interviewed also expressed concerns about the safeguarding of children being taken out of their school to become home-educated. But they also commonly highlighted the additional education and welfare support they had to provide when children moved from home education into school, either for the first time or after an extended period outside of school. Moreover, it was evident from the surveys and school interviews that most research participants supported the idea of a more co-ordinated multi-agency response to home education led by LAs. However, concerns about the capacity of LAs to take

on additional responsibilities without additional funding and after nearly a decade of declining resources and an erosion of their role were also raised.

In response to the findings from its consultation the DfE (2022a) committed to the registration of all children with LAs, requiring parents and the proprietors of education settings used by parents to supplement home education to supply data to a LA register. However, our research revealed concerns among LAs about the administration of registers and the support which would be needed from schools and other local and national agencies to ensure the accuracy of the data collected. Whereas LAs previously had ‘real time’ access to most schools’ attendance and exclusions data, this is no longer the case. Many schools, including most secondary schools, now operate with much greater autonomy because of their ‘academy status’, under which they are only accountable to their own trustees or those of a wider multi-academy trust which they are part of, and not to the LA (see Brighouse and Waters, 2021; Baginsky *et al.*, 2022). These changes have made it more difficult for LAs to respond to the practice of ‘off-rolling’ that can involve schools encouraging parents to home educate (Children’s Commissioner, 2019; Jay *et al.*, 2022). One respondent to our survey of education safeguarding leads observed: ‘The duties and guidance in relation to EHE is way out of date, particularly with the autonomy of schools/academies’.

The failure of the government to commit thus far (DfE, 2022a, 2022b) to giving LAs the right to visit homes to assess education provision and the welfare of children is also out of step with the findings of our research. Participants in our research understood that some home educating parents remained opposed to compulsory home visits but disagreed with the government’s preference for a voluntarist approach. As one respondent to our survey of education safeguarding leads commented:

The right to LA access to children, even where there are no safeguarding concerns, to assess EHE [Elective Home Education] and safeguarding provision at least termly, would be healthy – but definitely re [regarding] safeguarding (Education survey response).

On a related note, there was also support for Wood’s (2016) recommendation that the DfE’s *Keeping Children Safe in Education* Guidance (2015) be applied to home education and other educational establishments in the same way as schools. LA interviewees suggested that it would be difficult to tighten local guidance while the national guidance was generic and failed to be sufficiently specific over safeguarding processes, especially when and where children should be seen. While it was acknowledged that this would be seen as an unwelcome intrusion by many home education supporters, it was viewed as a necessary step in safeguarding and protecting children by both those working in education and children’s social care. One of the respondents to our survey of children’s social care leads reflected:

Parents have a right for their home-educated children to be invisible to state bodies. This is of course not problematic in all but the rarest of cases, but this entitlement has caused significant harm to a small number of children (Children’s social care survey response).

Limitations of the study

The research for this article took place before the pandemic which had an impact on the number of home-educated children and the reasons why some children have been taken out of school. However, concerns about the rising number of home-educated children had been raised previously. Our study design did not include obtaining the perspectives of children and this remains an important gap in the evidence. However, the findings presented complement and add greater depth to previous studies of the challenges facing LAs, including the DfE’s (2022a) consultation that set the scene for the introduction of compulsory registration to strengthen child safeguarding. The research team’s combination of perspectives from safeguarding research, local government, and education assisted in providing multiple insights in data analysis.

Discussion and conclusion

Despite long-standing calls from LAs to strengthen the regulation of home education this remains a potential loose thread in the child safeguarding net in England. On the one hand, the DfE (2022a) now appears to have accepted the arguments made by many LAs, schools and other safeguarding agencies in favour of reform, even though many parents of home-educated children remain opposed to stricter regulation. Ministers have seemingly been persuaded by evidence of rising numbers and worrying evidence of the reasons why some parents have chosen, or felt pressured, to take their children out of school. The recent review into the murder of six-year-old Arthur Labinjo-Hughes in Solihull in June 2020 has also served to highlight the protective role played by schools. Although Arthur was not initially withdrawn from school to become home-educated, he did not return to school with his peers when schools reopened to all pupils after a period of national lockdown to reduce the spread of Covid-19 in June 2020. This period 'out of sight' has been identified as a factor that contributed to weaknesses in multi-agency working to protect Arthur (Bland, 2021; Child Safeguarding Practice Review Panel, 2022).

The government's announcement on the introduction of compulsory registration for home education has been widely welcomed by LAs and schools. However, our research and that of others (Ofsted, 2015, 2018; Casey, 2016; Wood, 2016; Children's Commissioner, 2019; ADCS, 2021) suggest that the proposed legislation may not go far enough. Whilst, from a safeguarding perspective, compulsory registration seems essential, the cooperation of schools and other local and national agencies will be necessary if all home-educated children are to be tracked and thereby supported. Furthermore, LAs will still lack powers to monitor routinely the quality of home education provision or visit family homes to check on the safety and well-being of children unless parents cooperate.

The findings presented here also highlight the strategic safeguarding role played by LSCBs. Set up in 2006, LSCBs brought together a range of local agencies, including LAs, NHS, and schools, to co-ordinate multi-agency child safeguarding. Although LSCBs faced limitations in how far they could compel different agencies to act, there is evidence that they were maturing and that multi-agency relationships, including those involving schools, were becoming more successful (Baginsky and Holmes, 2015). However, after our research started the government announced that LSCBs were to be replaced with new multi-agency safeguarding arrangements under which only the LA, police and the NHS would be statutory partners (DfE, 2018b). This inclusion of schools as just one of a range of 'relevant agencies' under the new arrangements, but not as statutory partners, was widely criticised (Purcell, 2020). The impact of these new arrangements on the ability of safeguarding agencies to protect children out of school, including those who are home-educated, and hold schools to account for their activities has not yet been investigated.

Moreover, strengthening the regulation of home education in England will not on its own address the reasons why increasing numbers of parents and children have disengaged from schools. This has been allowed to happen under a school system that over the past decade has emphasised the autonomy of schools and downgraded the authority and capacity of LA education and welfare agencies to protect the well-being and future prospects of the most vulnerable children and young people. Interestingly, the recent education White Paper, 'Opportunity for all: strong schools with great teachers for your child' (DfE, 2022b), highlights the importance of partnership and collaboration across schools and other agencies, implicitly acknowledging the negative impact of policies which have emphasised the autonomy of schools and separation from other agencies, but particularly LAs:

The system that has evolved over the past decade is messy and often confusing. Schools, trusts and LAs have unclear – and often overlapping – roles and responsibilities. Unclear expectations of academies and LAs permit grey areas which have sometimes allowed vulnerable children to fall through the gaps (DfE, 2022b: 46).

The present Children's Commissioner has also recommended closer collaboration across the English education system and called specifically for the sharing of real-time data on attendance so that LAs can track children out of school, including those who are home-educated, and for schools to be represented as full statutory partners alongside LAs, the NHS and the Police in the new local safeguarding partnerships (Children's Commissioner, 2022).

But policies to address the fragmented governance of schools and ensure greater accountability for the well-being of the most vulnerable children do not address the negative experiences many children have in school. For example, the previous Children's Commissioner (2019: 8) highlighted the negative impact of 'hard-line behaviour policies in which pupils receive two or three warnings . . . before being sent to a seclusion room or booth to work in silence for the rest of the day'. Such practices have a disproportionate impact on children with additional educational needs and who may require more support, rather than sanction, to thrive in school and who are overrepresented amongst the population of home-educated children. More broadly, the strong emphasis on performance targets and competition between schools in English education policy, combined with the way funding formulae work, have incentivised some schools to compete for the highest achievers and disregard vulnerable pupils (Brighouse and Waters, 2021; Lupton and Hayes, 2021). Yet political support for strict behavioural policies remains and the new White Paper (DfE, 2022b) introduces even more ambitious performance targets for schools and pupils which may lead many children and parents continuing to feel marginalised.

Financial support. Research for this article formed part of a wider ESRC funded project: Supporting and engaging schools in decision-making and multi-agency working for the protection of children (ES/N013980/1).

References

- Association of Directors of Children's Services [ADCS]** (2019) *Elective Home Education Survey Report 2019*, Manchester, Association of Directors of Children's Services.
- Association of Directors of Children's Services [ADCS]** (2021) *Elective Home Education Survey Report 2021*, Manchester, Association of Directors of Children's Services.
- Badman, G.** (2009) *Report to the Secretary of State on the Review of Elective Home Education in England*, HC 610, London: The Stationery Office.
- Baginsky, M., Driscoll, J., Purcell, C., Manthorpe, J. and Hickman, B.** (2022) *Protecting and Safeguarding Children in Schools: A Multi-Agency Approach*, Bristol: Policy Press.
- Baginsky, M. and Holmes, M.** (2015) *A Review of Current Arrangements for the Operation of Local Safeguarding Children Boards*, London: Local Government Association.
- Bayt Initiative: Muslim Home Education Community** (n.d.) <https://thebayt.org.uk/> [accessed 15.12.2022].
- Bhopal, K. and Myers, M.** (2016) 'Marginal groups in marginal times: Gypsy and Traveller parents and home education in England, UK', *British Educational Research Journal*, **42**, 1, 5–20.
- Bhopal, K. and Myers, M.** (2018) *Home Schooling and Home Education: Race, Class and Inequality*, London: Routledge.
- Bland, A.** (2021) 'Arthur Labinjo-Hughes: vulnerable children 'slipped from view' in pandemic', *The Guardian*, 3 December.
- Brighouse, T. and Waters, M.** (2021) *About Our Schools: Improving on Previous Best*, Carmarthen: Crown House Publishing Limited.
- Casey, L.** (2016) *The Casey Review: A Review into Opportunity and Integration*, London: Department for Communities and Local Government.
- Children's Commissioner** (2019) *Skipping School: Invisible Children: How Children Disappear from England's Schools*, London: Children's Commissioner for England.
- Children's Commissioner** (2022) *Ambition for All: Our Vision of a School System that Works for All Children*, London: Children's Commissioner for England.
- Child Safeguarding Practice Review Panel** (2022) *Child Protection in England: National Review into the Murders of Arthur Labinjo-Hughes and Star Hobson*, London: Child Safeguarding Practice Review Panel.
- Clarke, V. and Braun, V.** (2016) 'Thematic analysis', in E. Lyons and A. Coyle (eds.), *Analysing Qualitative Data in Psychology*, London: Sage, 128–47.
- Conroy, J. C.** (2010) 'The state, parenting, and the populist energies of anxiety', *Educational Theory*, **60**, 3, 325–40.
- D'Arcy, K.** (2014) 'Home education, school, Travellers and educational inclusion', *British Journal of Sociology of Education*, **35**, 5, 818–35.
- Davies, R.** (2015) 'Home education: then and now', *Oxford Review of Education*, **41**, 4, 534–48.

- Department for Education (DfE)** (2015) *Keeping Children Safe in Education*, London: Department for Education.
- Department for Education (DfE)** (2016) *Children Missing Education: Statutory Guidance for Local Authorities*, London: Department for Education.
- Department for Education (DfE)** (2018a) *Elective Home Education: Call for Evidence: Government Consultation*, London: Department for Education.
- Department for Education (DfE)** (2018b) *Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children*, London: Department for Education.
- Department for Education (DfE)** (2019a) *Elective Home Education: Departmental Guidance for Local Authorities*, London: Department for Education.
- Department for Education (DfE)** (2019b) *Children Not in School Consultation*, London: Department for Education.
- Department for Education (DfE)** (2022a) *Children Not in School: Government Consultation Response*, London: Department for Education.
- Department for Education (DfE)** (2022b) *Opportunity for All: Strong Schools with Great Teachers for Your Child*, London: Department for Education.
- Education Otherwise** (n.d.) <https://www.educationotherwise.org/experienced> [accessed 01.05.2022].
- Forrester, G. and Taylor, E.** (2011) 'Home alone? Developments in the surveillance and monitoring of home educated children in England', *paper presented to the British Education Research Association Annual Conference*, Institute of Education, London, 6–8 September 2011.
- Foster, D. and Danechi, S.** (2019) *Home Education in England*, London: House of Commons Library.
- Jay, M. A., Grath-Lone, L. M., De Stavola, B. and Gilbert, R.** (2022) 'Evaluation of pushing out of children from all English state schools: administrative data cohort study of children receiving social care and their peers', *Child Abuse and Neglect*, **127**, 105582.
- Kendall, L. and Taylor, E.** (2016) "We can't make him fit into the system': parental reflections on the reasons why home education is the only option for their child who has special educational needs', *Education 3-13*, **44**, 3, 297–310.
- Lupton, R. and Hayes, D.** (2021) *Great Mistakes in Education Policy: And How to Avoid Them in the Future*, Bristol: Policy Press.
- Maxwell, N., Doughty, J., Slater, T., Forrester, D. and Rhodes, K.** (2020) 'Home education for children with additional learning needs – a better choice or the only option?', *Educational Review*, **72**, 4, 427–42.
- Monk, D.** (2016) 'Out of school education and radicalisation: home education revisited', *Education Law Journal*, **1**, 17–31.
- Myers, M. and Bhopal, K.** (2018) 'Muslims, home education and risk in British society', *British Journal of Sociology of Education*, **39**, 2, 212–26.
- Ofsted** (2015) 'Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, in respect of suspected illegal schools', 11 December, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/523694/Unregistered_schools_advice_note_16_May_2016.pdf [accessed 06.02.2023].
- Ofsted** (2018) 'Letter from Amanda Spielman to Meg Hiller MP, Chair of the Public Accounts Committee', 30 October, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752721/HMCL_PAC_letter_311018.pdf [accessed 06.02.2023].
- Purcell, C.** (2020) *The Politics of Children's Services: Re-examining Two Decades of Policy Change*, Bristol: Policy Press.
- Rothermel, P.** (2010) 'Home education: practising without prejudice?', *Every Child*, **1**, 5, 48–53.
- Rothermel, P.** (2015) 'Home education: a desperately dangerous notion?', in P. Rothermel (ed.), *International Perspectives on Home Education: Do We Still Need Schools?*, London, Palgrave Macmillan, 189–207.
- Smith, E. and Nelson, J.** (2015) 'Using the Opinions and Lifestyle Survey to examine the prevalence and characteristics of families who home educate in the UK', *Educational Studies*, **41**, 3, 312–25.
- Stafford, B.** (2012) 'Bad evidence: the curious case of the government-commissioned review of elective home education in England and how parents exposed its weaknesses', *Evidence and Policy: A Journal of Research, Debate and Practice*, **8**, 3, 361–81.
- Wood, A.** (2016) *Wood Report: Review of the Role and Functions of Local Safeguarding Children Boards*, London: Department for Education.

Cite this article: Purcell C, Baginsky M, Manthorpe J, and Driscoll J. Home Education in England: A Loose Thread in the Child Safeguarding Net? *Social Policy and Society*. <https://doi.org/10.1017/S1474746423000052>