



# Skipping School: Invisible Children

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How children disappear from England's schools

FEBRUARY 2019



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## Introduction from the Children's Commissioner, Anne Longfield



One exhausted mother described her daughter's secondary school to me as being like the Hunger Games. She, like thousands of other parents, had eventually removed her miserable child from school – just one more effectively excluded through no fault of their own from an unforgiving school system which appears to have lost the kindness, the skill or the patience to keep them. When did

school become like this? Schools have always been places of some rough and tumble, where the carefree days of early childhood meet the reality of work, of timetables, of expectations, and of more complex social relationships. Schools are places where you develop the skills, the independence and the resilience to grow up well.

But for thousands of children – and increasing each year – there is no school where they fit in. There is no school bell, no timetables, no lesson – no education. And that often means no friendships either.

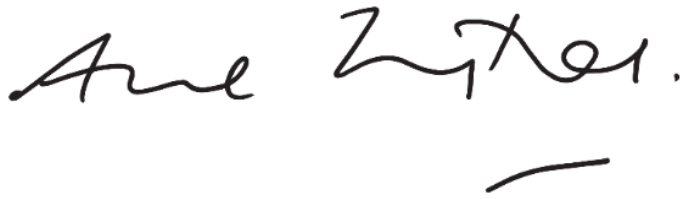
The phrase 'home education' unhelpfully encompasses a wide range of parenting styles – from those who choose to educate their children themselves for social and philosophical reasons and do so perfectly well, to those who choose to keep children out of the school system to avoid the eyes of the authorities or to deny them a secular education; and then those who would love to have their kids in school but cannot find a school to fit their needs.

For this group of parents, educating their children at home is not a choice, but a forced response to difficulties fitting in at school. The child who is being bullied. The child struggling to cope with noisy corridors and classrooms; or sometimes with school uniform policies, homework and timetables. The child not receiving the specialist help she needs. These kids can reach crisis point and without additional care from schools or from external agencies such as CAMHS, the children fall through the gaps.

It is sometimes schools themselves that put pressure on parents to remove children who don't 'fit in'. This practice, known as off-rolling, can amount to informal, illegal exclusion. New research by my Office, published here, suggests that 1 in 10 schools account for half of the pupil movement, but that this is becoming more common, even in some local authority-managed schools. Some schools are believed to have pro forma letters ready for harassed parents to sign, agreeing that their child would be better off home educated, when they come to meet the head after yet another problem. It is unacceptable that some schools are washing their hands of children - particularly the most vulnerable - in this way.

Children off-rolled into home education do not show up in school records – they just disappear from the roll. Which is why I've done a data collection from 11 local authorities to see how many children are withdrawn for home education in their area, and from which schools. Later this year we will extend it to all councils and publish school-by-school results.

This report examines what happens to these invisible children – the off-rolled and the hidden. It explores what we know about the growth in home education: what is driving it, the impact it is having on children and what should be done to address it. Whether or not you get an education in this country shouldn't be about survival of the fittest.

A handwritten signature in black ink that reads "Anne Longfield". The signature is written in a cursive style with a horizontal line underneath.

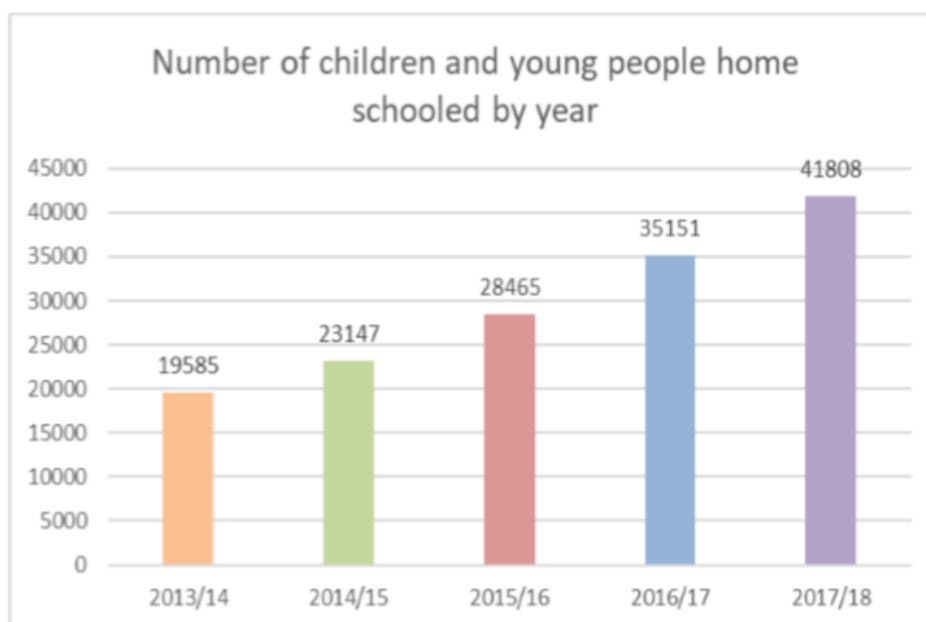
**Anne Longfield OBE**  
**Children's Commissioner for England**

## A growing problem

The Schools Adjudicator<sup>1</sup> reports that the total number of children local authorities said were being electively home educated was 52,770 children across all 152 local authorities on 29 March 2018.<sup>2</sup>

An Association of Directors of Children's Services (ADCS) survey in autumn 2018 found that across the 106 councils which completed the survey, around 40,000 children were being home educated. That suggests around 58,000 children were being home educated across England as a whole. The precise figures are unknown because parents do not have to register children who are home-educated, hence councils use various other sources to estimate the numbers.

ADCS found that the number of children known by councils to be home educated was 27% higher than in 2017. This is not an anomaly: the figure has risen by about 20% in each of the last five years and has doubled since 2013/14, as shown in the chart below<sup>3</sup>.



(Source: ADCS)

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<sup>1</sup> The Office of the Schools Adjudicator rules on objections to school admission arrangements, hears appeals by schools against a LA decision to direct the admission of a child, and advises the government in cases where an LA wants to direct an academy to admit a child

<sup>2</sup> Office of the Schools Adjudicator Annual Report: September 2017 to August 2018 Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/771529/OSA annual report September 2017 to August 2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771529/OSA_annual_report_September_2017_to_August_2018.pdf)

<sup>3</sup> ADCS Elective Home Education Survey 2018, Available at: <http://adcs.org.uk/education/article/elective-home-education-survey-2018>

Finally, the ADCS survey suggests that 80,000 children could be being home educated at some point during the school year; they may dip in and out of school.

Although the evidence suggests a marked increase in children being home educated, there cannot be complete certainty on the numbers due to the lack of formal registration – something that sets England apart from many other European countries in which home education is legal<sup>4</sup>. According to a survey by ADCS, only 7% of local authorities are confident that they are aware of all the children being home schooled in their area<sup>5</sup>. The total number of children being home educated is therefore likely to be higher than the figures above suggest.

### ***The current legal and policy context***

In England, if you want to home educate your children you just have to write a letter to the school,<sup>6</sup> who must then notify the local authority, but children who have never attended school, or who move area, may be completely unknown to the authorities. Parents should provide children with a suitable full time education but that is loosely defined as one that “primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so.”<sup>7</sup> If a child is withdrawn from school to be home educated they do not have any right to return to that school at a later date. Parents who choose to home educate assume full financial responsibility for doing so, including exam costs.

Local councils have an obligation to identify children not receiving a suitable education<sup>8</sup>, but they have no legal duty to monitor home-educators and do not have the powers to insist on visiting the home to carry out checks on the education (unless they have a welfare concern). 92% of councils say that they do not have the powers they need to ensure children are getting a decent education<sup>9</sup> and 28% of home educating families refused an offered home visit<sup>10</sup>. Councils can request information from a parent and if they are concerned can issue a school attendance order (SAO) requiring the child to attend a school. However, this process can take months and there are concerns that SAOs are too weak.<sup>11</sup> A handful of councils adopt positive

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<sup>4</sup> *Report to the Secretary of State on the Review of Elective Home Education in England*, G Badman, House of Commons, 11<sup>th</sup> June 2009 Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/328186/Review\\_of\\_Elective\\_Home\\_Education\\_in\\_England.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/328186/Review_of_Elective_Home_Education_in_England.pdf)

<sup>5</sup> ADCS/Dispatches Home Education Survey 2018; exclusive research carried out for Dispatches

<sup>6</sup> Note that the bar is higher for children being withdrawn from a special school, as in these cases parents must seek the school's permission to de-register the child rather than simply notifying the school

<sup>7</sup> Mr Justice Woolf in the case of *R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust* (12 April 1985)

<sup>8</sup> Section 436A of the Education Act 1996

<sup>9</sup> ADCS/Dispatches Home Education Survey 2018

<sup>10</sup> ADCS Elective Home Education Survey 2018, Available at:

<http://adcs.org.uk/education/article/elective-home-education-survey-2018>

<sup>11</sup> 'Stronger laws needed to send home-educated children back to school, says ADCS', by J Lepper, CYPNOW, 5<sup>th</sup> July 2018 Available at: <https://www.cypnow.co.uk/cyp/news/2005513/stronger-laws-needed-to-send-home-educated-children-back-to-school-says-adcs>

practices, such as giving parents cooling off periods and support them to get children into a new school. Councils, however, lack resources to effectively monitor and support home education. According to recent research, there are an average of 295 home educated children for each full-time council home education officer<sup>12</sup>, and 87% of councils say they do not have the resources necessary to offer support to all of the children and families who choose to home school in their areas<sup>13</sup>. Local authorities do not have a duty to provide support: some offer a home visit, but many just provide links to websites.

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<sup>12</sup> ADCS/Dispatches Home Education Survey 2018

<sup>13</sup> ADCS/Dispatches Home Education Survey 2018

## When a child's needs are not being met

Many parents withdraw their child from school because s/he is unhappy or not coping. These parents often feel that the school has been insensitive or unsupportive, whether the child has special educational needs, challenging behaviour, mental health issues or is being bullied. Some parents have reached crisis point as the relationship with a school breaks down.

There are clear indications that the growth in home education is related to the rise in children leaving school due to their needs being unmet. Local authorities say the main reasons children in their area are being home educated are “general dissatisfaction with the school” and “health/emotional reasons”<sup>14</sup>. Ofsted’s Chief Inspector Amanda Spielman has warned that there is a lot of anecdotal evidence that parents are also home educating their children under duress, because they are being encouraged to do so by the school, or because they want to keep the child out of sight of the state<sup>15</sup>.

The Children’s Commissioner’s Office has spoken to many children and parents who said that they only chose home education because the situation at school had become so desperate – sometimes traumatic for the children involved. This includes many children with special educational needs (SEND). Recent research by Channel 4’s ‘Dispatches’ programme found that 22% of children withdrawn from school to be home-educated in the 2017-18 academic year had special educational needs.

12 year old Lily is autistic and is being home educated. She has been to 11 schools in 8 years, a mixture of mainstream and special schools, which have struggled to meet her needs and she has been excluded on multiple occasions. Her mother says:

*“The idea, when people talk about homeschooling as elective, there is nothing elective about this at all. I don’t want to be here, doing this. I love her, we love her, we want to help her but this isn’t a choice....when your child sits on a sofa and says they’d rather be dead than go to school, you know your choice. That’s your choice. And we chose we’ll keep her home”.*

Lily also wants to find the right school that would support her needs<sup>16</sup>.

Schools should be helping every child to meet their potential. This means identifying and acknowledging individual children’s needs and providing extra support where necessary.

‘Dispatches’ visited one school with the Children’s Commissioner which has created a gentler school environment. Passmores Academy in Essex has a greater than average proportion of disadvantaged pupils and pupils with special educational needs and/or disabilities. At the core of its offer to these pupils and others with additional needs is the Inclusion Department, which offers support including an early intervention programme

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<sup>14</sup> ADCS Elective Home Education Survey 2018

<sup>15</sup> Letter from Amanda Spielman, Ofsted, to Meg Hillier MP, Chair of Public Accounts Committee, 30<sup>th</sup> October 2018, Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/752721/HMCI\\_PAC\\_letter\\_311018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752721/HMCI_PAC_letter_311018.pdf)

<sup>16</sup> Case Study from Channel 4 Dispatches programme, to be aired on 4<sup>th</sup> February



for students with behavioural difficulties, an independent school counsellor, and an autism hub.

Sadly, schools like Passmores Academy are not the norm. The Children’s Commissioner has heard of numerous school practices which have the effect of making it much more difficult, not easier, for children with additional needs to succeed. These include hard-line behaviour policies in which pupils receive two or three warnings for any breach of the behavior code (however big or small) before being sent to a seclusion room or isolation booth to work in silence for the rest of the day. Policies such as these might improve conduct among the majority of pupils, but can be counter-productive when applied without any flexibility for other pupils, including those with additional needs – such as children with ADHD who are very unlikely to be able to cope with being put in an isolation room. Another strategy illegally used by some schools is sending children home to “cool off” or “calm down” if they become angry or overwhelmed, rather than addressing their needs head on in school. While schools should not allow one or two pupils to disrupt the education of the rest, this shouldn’t undermine their duty to educate all their students – not just those that are the easiest to teach.

But schools across the country are feeling the dual strain of squeezed budgets and the drive for good results. Funding per pupil has fallen by 8 percent since 2010<sup>17</sup> and 94% of school leaders say that they are finding it harder to fund support for pupils with SEND.<sup>18</sup> This means that, according to the National Association of Headteachers, “the financial burden of additional support penalizes those schools that are the most inclusive”.<sup>19</sup> Schools are being forced to cut additional support such as learning assistants and pastoral teams, making it more difficult for children with additional needs to cope.

Then, a key indicator of school performance is exam results. There are concerns that children who are not making good progress in the run up to exams, perhaps because they have additional needs that are not being met, are being abandoned by schools in order to protect the schools’ overall Progress 8 scores<sup>20</sup>.

Another issue is the under-identification of children’s needs. This is particularly a concern for children who do not have an Education, Health and Care Plan but may have low-level autism, ADHD or other conditions which may present serious problems in the classroom. Teachers say they do not have the training or support to diagnose these problems accurately – and that they have limited capacity to do so given the pressures on the school system.

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<sup>17</sup> *School spending on pupils cut by 8%, says IFS*, S Coughlan, BBC, 12<sup>th</sup> July 2018, Available at: <https://www.bbc.co.uk/news/education-44794205>

<sup>18</sup> *Empty Promises; The crisis in supporting children with SEND*, NAHT, 6<sup>th</sup> September 2018 Available at: <https://www.naht.org.uk/news-and-opinion/news/funding-news/empty-promises-the-crisis-in-supporting-children-with-send/>

<sup>19</sup> Paul Whiteman, general secretary of NAHT, comments on LGA SEN report Available at: <https://www.naht.org.uk/news-and-opinion/press-room/naht-comments-on-lga-sen-funding-report/>

<sup>20</sup> *Forgotten children: alternative provision and the scandal of ever increasing exclusion*, House of Commons Education Committee, 18<sup>th</sup> July 2018, Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/342.pdf>

## Off-rolling or exclusion?

The decision to home educate may be taken by a child's parents in response to a school's poor treatment of a child, but at other times it is driven by the school itself. This can be because the school is focused on improving overall exam results and not the individual needs of each child. The practice is known as "off-rolling". Ofsted defines off-rolling as: "The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil." Off-rolling is distinct from formal exclusion, when a proper process must be followed. It is often referred to as illegal exclusion.

It is important that schools have the ability to exclude pupils as a last resort in order to maintain safe and effective classrooms for all children. However there is a clear process that must be followed for this to be lawful, with rights for parents, as set out in statutory guidance<sup>21</sup>. The Children's Commissioner is concerned that parents may feel obliged to accept home education to avoid a formal exclusion, without realising that by doing so they are giving up important safeguards. Moreover, schools can only exclude pupils on disciplinary grounds – not for other reasons such as low attainment or because the child has emotional needs which the school feels unable to meet. Schools that off-roll for these reasons are effectively excluding children for non-disciplinary grounds, a form of informal and illegal exclusion.

Some parents report that they opted for home education after the school threatened to exclude their child or fine them for non-attendance, believing that this would help their children by avoiding a formal record of exclusion. The Children's Commissioner has heard of schools, anecdotally, where pro forma letters declaring a decision to home educate are kept at reception, ready for parents to sign when things at school get tough. She has met distraught parents who have signed up to home-educating their child without even realising that was what they were doing.

9 out of 10 local authorities (88%) say that they are concerned about off-rolling,<sup>22</sup> but to date what is known about it has been fairly limited. Until now, evidence has mainly been drawn from pupils disappearing from school rolls (some of whom may have left the country or gone to private school as well as those who have been offrolled). FFT Education Datalab found that 22,000 children who would have sat GCSEs in 2017 left state education during secondary school, up from 20,000 two years earlier<sup>23</sup>. These children have higher rates of special educational needs, English as an additional language and free school meals. Nobody knows what happens to lots of these pupils afterwards.

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<sup>21</sup> *Exclusion from maintained schools, academies and pupil referral units in England: Statutory guidance for those with legal responsibilities in relation to exclusion*, Department for Education, September 2017, Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)

<sup>22</sup> ADCS/Dispatches Home Education Survey 2018

<sup>23</sup> *Who's Left 2018, part one: The main findings*, P Nye and D Thompson, FFT Education Datalab, 21<sup>st</sup> June 2018, Available at: <https://ffteducationdatalab.org.uk/2018/06/whos-left-2018-part-one-the-main-findings/>

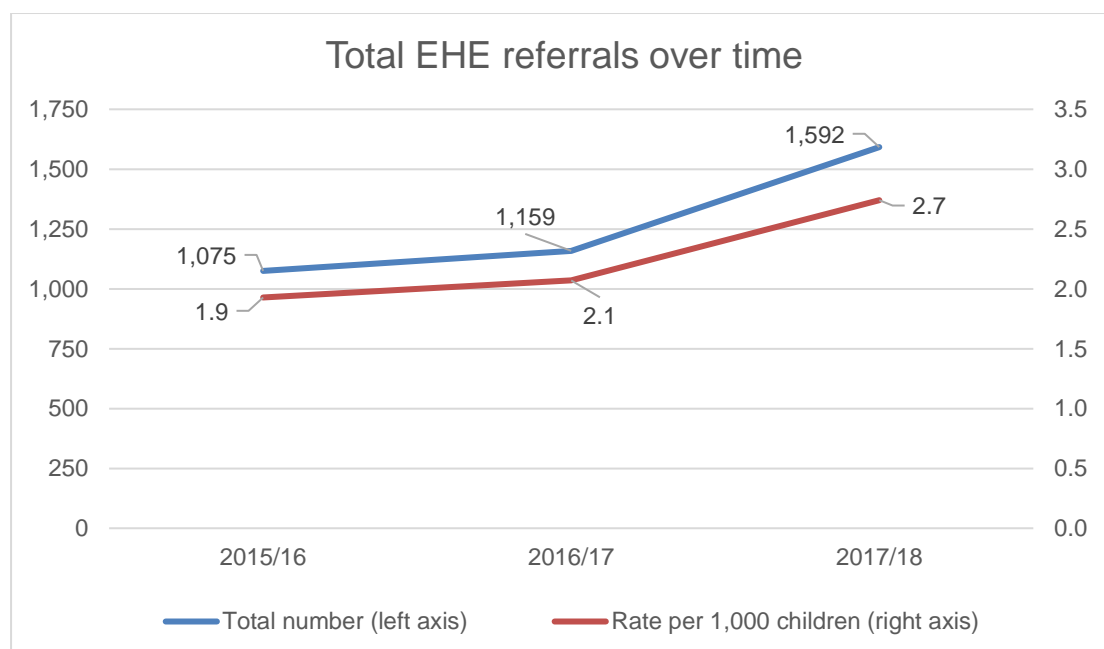
The ADCS survey suggests that the age group where home education is rising most rapidly is key stage 4, the critical GCSE years – up by 32% since 2017, possibly evidence of increased off-rolling of pupils who are about to sit their GCSEs and might negatively affect a school’s results.

## A small but growing number of schools

Recognising a gap in the evidence, the Children’s Commissioner’s Office gathered data on the number of children being withdrawn specifically to be home educated across 11 local areas<sup>24</sup> in England. Councils were chosen where there were a high number of fixed term exclusions, which our qualitative research had suggested might be associated with off-rolling. The findings are therefore unlikely to be representative of the country as a whole.

The number of children known by councils to have been withdrawn from school into home education increased across the majority of areas between 2015-16 and 2017-18. Across the nine areas which provided data for the whole period,<sup>25</sup> it rose by 48%. The year-on-year growth has also accelerated: from 8% between 2015-16 and 2016-17, to 37% between 2016-17 and 2017-18.

Both London LAs saw sharp increases in this number between 2015-16 and 2017-18: 94% in Hackney and 176% in Newham. Hackney academies saw an increase in children moving into home education of 238% between 2016-17 and 2017-18; Newham academies saw a 112% increase. Among local authority-run schools in the two boroughs, the increases over the same period were 21% (Hackney) and 66% (Newham).

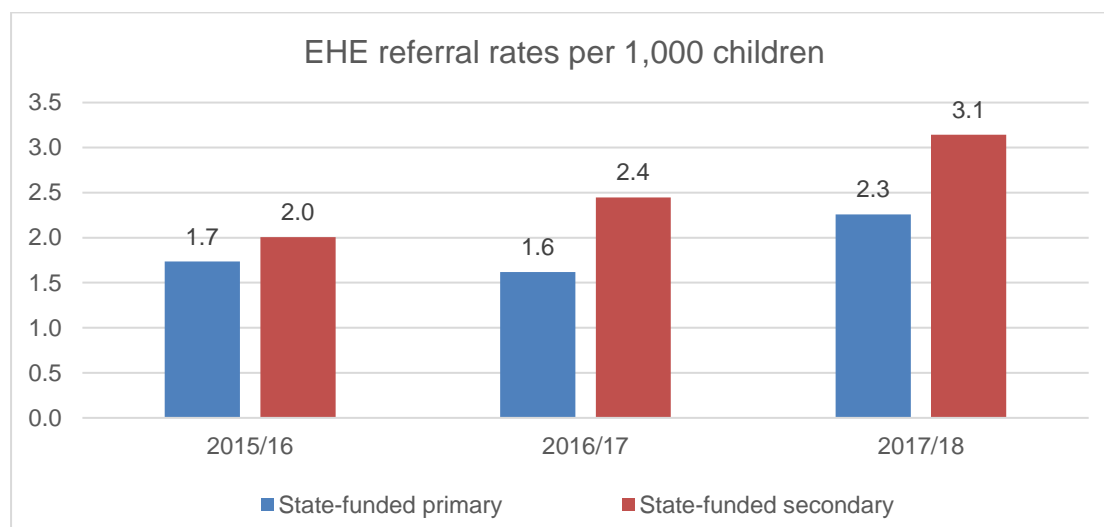


<sup>24</sup> Birmingham, Bristol, Doncaster, Hackney, Leeds, Middlesbrough, Newham, North Yorkshire, Nottingham, Stoke-on-Trent, Wakefield

<sup>25</sup> Middlesbrough did not return data for 2015-16 or 2016-17, while North Yorkshire did not return data for 2015-16.

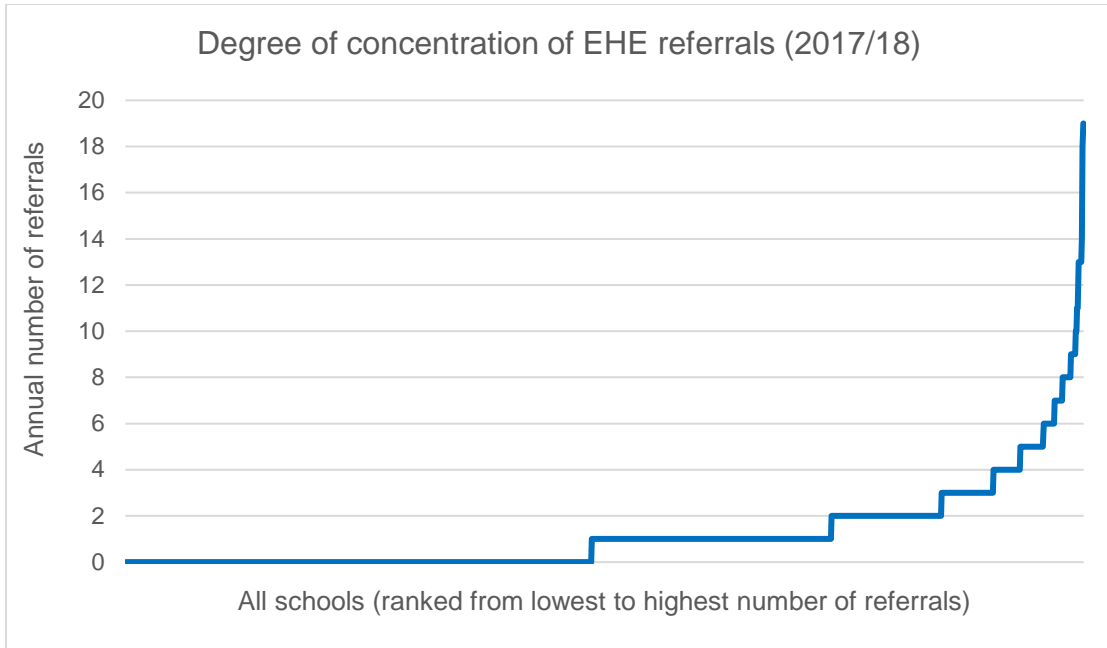
*Note: Total number is based only on the nine areas which provided data for all three years, so it excludes Middlesbrough and North Yorkshire. The rate per 1,000 children is based on all 11 areas.*

Alarming, the numbers of children being withdrawn into home education are increasing significantly among primary school children as well. The overall rate of increase in the nine areas providing data from 2015-16 to 2017-18 was 32% at primary schools and 71% at secondary schools, over this period. But between 2016-17 and 2017-18, the total number rose at a higher rate in primary schools (43%) than in secondaries (35%). It still remains the case that children in a secondary school are more likely to be withdrawn into EHE: across all 11 areas in 2017-18, the rate of EHE referrals stood at 3.1 per 1,000 children in secondary schools, compared with 2.3 per 1,000 children in primary schools.



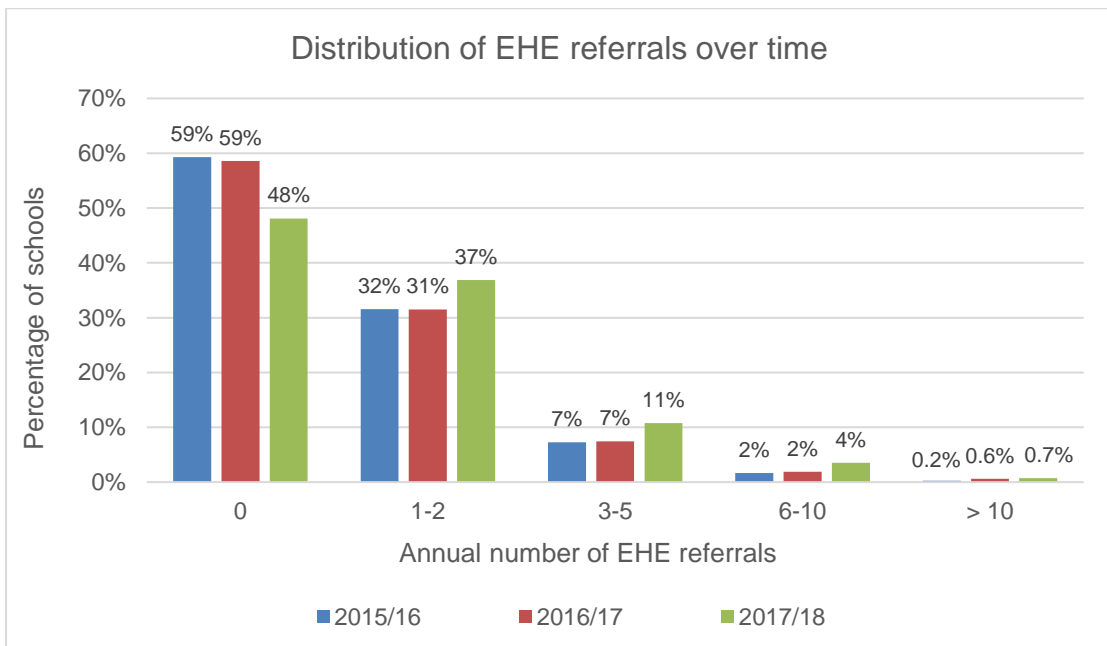
The data shows that very few schools are responsible for the majority of moves into home education. Roughly nine out of ten schools only saw 0-2 referrals into home education a year, but for a tiny minority of schools it can be more than 15 a year.

The chart on the next page visualises the degree of concentration in the number of EHE referrals. It plots the EHE referrals for all of the 1,400 schools in the data, ranked from the lowest number of referrals on the left to the highest numbers on the right. There is a big 'spike' at the end, which illustrates that a very small number of schools have very high levels of EHE referrals.



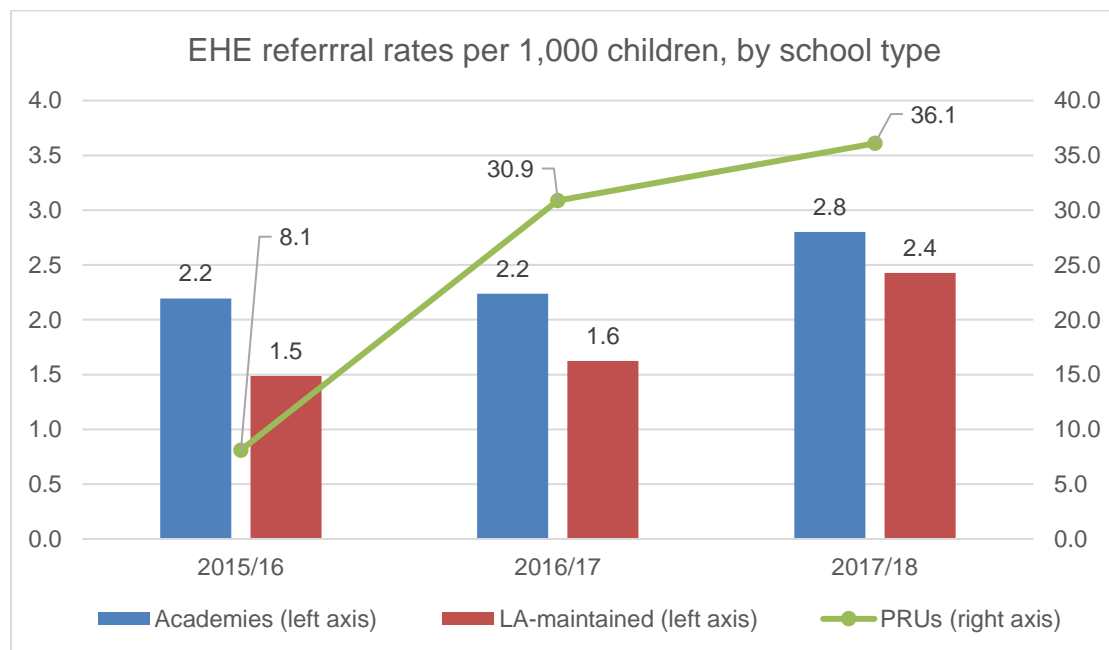
In 2017-18, half of elective home education referrals in these 11 LAs were from only 10% of schools, while 80% of the referrals came from a quarter of the schools. However there is evidence that the practice is spreading: between 2015-16 and 2017-18, the proportion of schools making no referrals at all to home education fell from 59% to 49%. The chart below shows that this has mostly happened between 2016-17 and 2017-18.

It is also becoming less uncommon for a school to have a significant number of EHE referrals in a year. In 2015/16, only 1.9% of the schools in this sample had more than five referrals; in 2017/18, it was 4.3%.



The analysis also sheds new light on the oft-cited claim that academy chains are ‘off-rolling’ more than LA-run schools. According to the data from all 11 LAs, academies do see children move into home education at a higher rate than LA schools: in 2017-18, academies had a rate of 2.8 EHE referrals for every 1,000 children, compared with 2.4 per 1,000 children for LA-run schools. However, LA schools are catching up. Overall, between 2015-16 and 2017-18, the numbers of children moving from academies into home education increased by 43%, but from LA schools it grew by 58% (across the nine areas which provided data for the whole period).

Our data also indicates among pupil referral units (PRUs), the rates of EHE referral are much higher – 36 per 1,000 children in 2017-18. This has also grown much more since 2015-16, when it stood at 8.1 per 1,000 children. However these figures relate to a much smaller cohort of pupils, so it may be difficult to extrapolate more widely.



The Children’s Commissioner has sent all the data collected to Ofsted, including the names of individual schools with very high rates of children moving into home education. She will also be writing to Regional School Commissioners about the schools with the highest rates of elective home education, asking how they plan to tackle the issue locally. And later this year the Children’s Commissioner’s Office will collect data from all councils in England and publish it, school by school, identifying which schools have high numbers of children being withdrawn into home education which may suggest practices of off-rolling.

## Under the radar

Many home educators say they would welcome more support, and many make great efforts to keep in touch with the council. One of the most problematic consequences of home education, however, is that it means that some children are completely out of sight of the authorities. 93% of councils say they don't feel confident that they're aware of all the home educated children living in their area.<sup>26</sup> Worryingly, there are some parents who are well aware of the light touch regulation around home education and actively use this to their advantage, for example to keep out of sight of social services. In some cases a parent might choose to home educate their child after the school has made a referral to social services. Around one in 10 home educated children are known to social services<sup>27</sup> – some of these are current cases but some have been closed, meaning that there is not continued contact between children's services and the family. It is possible that some of those families will genuinely no longer need the support of social services, but they will have become less visible to the authorities since withdrawing their children from school, which could be very worrying if problems at home escalate.

Parents are under no obligation to register that they are home educating their children, and local authorities have no duty to monitor the education these children are receiving – only to make informal enquiries about those who might not be receiving a suitable education. This means that children can go for months or even years without contact with any professional. Local authorities may not even know about those who have never been educated at school as there are no records. The consequences of lack of oversight can be disastrous – for example, in 2011 the nation was shocked by the case of Dylan Seabridge, an eight year old boy who died of scurvy after collapsing at his home in rural Wales, having been completely off the radar of health and education professionals.<sup>28</sup> Dylan is one of six children to have died in the past decade, where their home education was seen to be a contributory factor<sup>29</sup>.

## Illegal schools

Some parents claim that they are home educating their children, when in reality they are sending them to unregistered and illegal schools (or "tuition centres") where they receive a substandard education and welfare standards are dubious. Illegal schools operate under the radar and outside the statutory frameworks designed to keep children safe. The definition of them is hazy, allowing many 'tuition centres', madrassas and yeshivas to operate off grid. Since setting up a specialist taskforce in 2016, Ofsted has identified 439 schools which are possibly operating illegally.<sup>30</sup>

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<sup>26</sup> ADCS/Dispatches Home Education Survey 2018

<sup>27</sup> *One in 10 home-schooled children 'known to social services'*, J Lepper, CYPNOW, 15<sup>th</sup> November 2018. Available at: <https://www.cypnow.co.uk/cyp/news/2006075/one-in-10-home-schooled-children-known-to-social-services>

<sup>28</sup> *Concise Child Practice Review*, CYSUR Mid and West Wales Safeguarding Children Board, 7<sup>th</sup> July 2016. Available at: <https://www.whatdotheyknow.com/request/452376/response/1084174/attach/html/2/CYSUR%20%202015%20CPR%20Report%20080716.pdf.html>

<sup>29</sup> Dispatches analysis of Serious Case Reviews into child deaths which refer to home education

<sup>30</sup> *Figure provided by Ofsted to Dispatches*

It is difficult for Ofsted to prosecute these schools, as registers may be incomplete or false, children can attend on a full-time basis or spend part of their time at the 'school' and part at home, and the centres are expert at keeping their answers within the legal framework. Children are believed to be coached not to respond to inspectors' questions.

The Children's Commissioner has accompanied Ofsted inspectors on visits to suspected illegal schools and found dozens, sometimes hundreds of children in filthy cramped rooms and Portakabins, with only religious texts in sight. Because home education does not have to be registered, nobody knows who the children are or what the true state of their education is.

Under current guidance, a setting must register as a school with the Department for Education as the regulator if it is attended by five or more pupils on a full-time basis (generally interpreted as more than 18 hours per week)<sup>31</sup>. Ofsted's Chief Inspector Amanda Spielman has raised concerns about parents who use home education as a guise to enable them to use illegal schools<sup>32</sup>, for instance those offering a predominantly or exclusively religious education. Of the local authorities that responded to ADCS's 2018 home education survey, nearly half were aware of tuition centres operating in their area (not all illegally) and over one in ten were aware of unregistered schools.

The first ever conviction for running an unregistered school was in October 2018. Al-Istiqamah Learning Centre taught around 58 pupils from a West London office block. The defendants claimed that they ran a part-time tuition centre for home-educated children rather than a school and that children did not attend for more than 18 hours, but the court heard evidence that at least 27 children were at the school for 25 hours per week and were therefore considered to be educated there full-time. With Channel 4 'Dispatches', the Commissioner joined Ofsted on a visit to this tuition centre, which appeared still to be teaching students – albeit now on a part time basis. This demonstrates what Ofsted has warned about - that settings learn how to avoid registration by keeping within the legal definition of what constitutes "full-time" education.<sup>33</sup> It is difficult for inspectors to ascertain the truth about how long pupils spend at such schools as registers are not kept clearly, Ofsted does not have the powers to seize documents, and children may be told to lie to inspectors when they visit.

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<sup>31</sup>*Registration of independent schools*, Department for Education, January 2016. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/492259/Registration\\_of\\_independent\\_schools.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/492259/Registration_of_independent_schools.pdf)

<sup>32</sup>Letter from Amanda Spielman, Ofsted, to Meg Hillier MP, Chair of Public Accounts Committee, 30<sup>th</sup> October 2018

<sup>33</sup>*The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2017/18*, Ofsted, 4<sup>th</sup> December 2018.



## What is the impact on children?

*“For like eight months . . . [I was home schooled] and like, I never saw my friends. I literally had like no friends for ages... I used to smoke all the time.”*

*“I had work sent home for like 2 weeks and then they stopped sending it.”*

*Home-schooled teenagers, Children’s Commissioner 2018-19  
Business Plan consultation*

Some children have very positive experiences of home education, where parents are educating them at home for all the right reasons, are well prepared and have the right support. In other cases, children have described feeling lonely and depressed, left alone for long periods in unstructured days. They miss their friends at school and can become isolated.

Parents who lack any kind of teaching experience, or who may even struggle to read and write themselves, are expected to draw up a curriculum with little or no support. Children are missing out on weeks, months if not years of education, only to return to school and then drop out again as their problems remain unaddressed.

Sam is currently home educating her 12 year old son, Baillie, because he has ADHD, was being bullied and was temporarily excluded for fighting. Sam says:

*“Although education is very important, for me it’s more important that his mental health is top priority. When he was at school everyday he was coming home in some sort of mood, he was crying, he’d go up to his room and not really speak to anyone. But now since I’ve had him off school he’s wanting to be around people a lot more, he’s just a lot more happier”.*

Sam is concerned that there isn’t much support for parents who are home educating either to provide an education or to help find another school. She says:

*“I have huge doubts on my ability to be able to educate him in a way that a school could. Reading and writing aren't my strong points. I was diagnosed with dyslexia when I was a child.. there is no help out there and it’s a scary thought”<sup>34</sup>.*

For many children, home education is only meant to be a short term arrangement. The real goal is for the child to be able to return to their old school, or a new school so that they can have a fresh start. But this can take a long time. During this time, the problems that led to the child being home educated in the first place, such as school refusal, anxiety and other mental health problems, can become much worse, making it even less likely that school will be a success for the child when they do eventually return. This creates a vicious cycle where children oscillate between home education and school, with a significant impact on their education. It is not surprising that they often reach

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<sup>34</sup> Case Study from Channel 4 Dispatches programme, to be aired on 4<sup>th</sup> February

school leaving age without any qualifications. Data on future outcomes of home educated children is inconclusive. But evidence given to one parliamentary review showed they are four times as likely to end up classed as NEET - not in education, employment or training - once they turn 16.<sup>35</sup>

## What can be done?

The Government is updating and consulting on possible changes to current non statutory guidance, focusing on registration, monitoring and oversight, family support and financial consequences for schools when parents opt to home educate.<sup>36</sup> The proposed changes are minimal - they simply aim to ensure that existing laws are better used by local authorities. In contrast, Wales has announced they will be consulting on the introduction of statutory guidance which will require Local Authorities to establish a database to assist them in identifying children not on the school register<sup>37</sup>

Ofsted has been working to tackle off-rolling, for example by using data to prioritise and plan for inspections<sup>38</sup>. In January 2019, it announced further measures in the draft of its new inspection framework, which will be effective from September 2019 and is currently open for consultation<sup>39</sup>. Off-rolling is specifically mentioned: “leaders .... [should] not allow gaming or off-rolling”. According to the draft school inspection handbook, if a school is caught off-rolling, management will likely be judged “inadequate”. This effectively means that a school found to be illegally-off-rolling will most likely be graded “inadequate” overall.

Ofsted has been criticised over the charge that its inspection outcomes are heavily shaped by exam results, to the point that schools are forced into becoming “exam factories” in order to do well. In the new proposed framework, a “quality of education” is proposed to reward schools that are doing the best by all their pupils rather than just the easiest to teach. The Children’s Commissioner’s office welcomes this improvement.

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<sup>35</sup> *Children educated at home twice as likely to be known to social services select committee told*, J Shepherd, Guardian, 13<sup>th</sup> October 2009. Available at:

<https://www.theguardian.com/education/2009/oct/13/home-education-badman-inquiry>

<sup>36</sup> *Home Education – Call for Evidence and revised DfE guidance*, Department for Education, 10<sup>th</sup> April 2018. Available at: <https://consult.education.gov.uk/school-frameworks/home-education-call-for-evidence-and-revised-dfe-a/>

<sup>37</sup> Announcement by Education Secretary, Kirsty Williams, on 30<sup>th</sup> January 2018. Available at: <https://gov.wales/newsroom/educationandskills/2018/education-secretary-announces-package-of-support-for-home-educating-families/?lang=en>

<sup>38</sup> *The Annual Report of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills 2017/18*, Ofsted, 4<sup>th</sup> December 2018.

<sup>39</sup> Education inspection framework 2019: inspecting the substance of education, Ofsted, 16<sup>th</sup> January 2019. Consultation, draft handbook and draft inspection framework available at: <https://www.gov.uk/government/consultations/education-inspection-framework-2019-inspecting-the-substance-of-education>

## Conclusion and recommendations

Many parents who make a philosophical decision to home educate put a substantial amount of thought and dedication into providing their children with a high quality education. But as this report has shown, there are many other families out there who have ended up home educating for other reasons, and are struggling to cope. There needs to be a cultural shift away from pressurised, hot-housing schools, to help stem the tide of children entering home education when it is not in the family's true interests or wishes.

There is also a pressing need for more immediate measures to improve the experiences, safety and wellbeing of children who do end up being home educated.

The Children's Commissioner's Office is calling for the following:

### A home education register

Parents who are home educating their children should be required to register their children with the local authority. In a survey of local authorities in Autumn 2018, all 92 respondents agreed that a mandatory register would aid them in their work.<sup>40</sup>

The register should include the child's name, date of birth and the address at which they are being educated. Parents should also be asked why they are home educating their child and whether they intend for the child to re-enter mainstream education at some point.

There should be a requirement for parents to inform the local authority if they move away from the area and to re-register the child with their new local authority. Councils should put information-sharing agreements in place to further ensure that children do not disappear off-grid after moving.

### Strengthened measures to tackle off-rolling

The Children's Commissioner's Office supports ongoing work by Ofsted to identify and tackle off-rolling, and welcomes specific mention of the practice in its new draft inspection framework. It is our hope that Ofsted will grasp this opportunity to come down hard on schools who are letting down some of the most vulnerable children, and we will provide data to Ofsted to identify which schools have high proportions of pupils moving into elective home education.

School behaviour policies should acknowledge that poor behaviour may be linked to additional needs, such as SEND, and ensure that children with additional needs receive appropriate support.

When inspecting schools with high levels of pupil movement, Ofsted should explore if there is any link between their behaviour policies and off-rolling. If particular behaviour policies are consistently a feature of schools found to be off-rolling, Ofsted should provide the evidence to the sector to enable schools to modify their policies.

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<sup>40</sup> ADCS/Dispatches Home Education Survey 2018

Children who are withdrawn from school should be entitled to re-register with the same school without going through the usual admissions procedures. Local authorities should have the power to direct an academy school to admit a child who is being home educated and wants a school place.

A financial penalty should be considered for schools that are found to be off-rolling pupils.

### **Advice and support for children and families**

Within three days of a decision being taken for a child to be withdrawn from school to be home educated, the local authority should visit the child and family to provide advice and support on alternative options, including other schools the child could attend. Local authorities should provide information at this point so that parents are aware of what they are taking on, including their responsibility to meet exam costs, and offer help negotiating entry to another school if desired.

This should be followed by another visit 4-6 weeks later once the family has had the opportunity to settle in to home education and understands better what is involved.

### **Greater oversight of children**

Council education officers should visit each child being home educated at least once per term to assess the suitability of their education and their welfare. This will require additional funding for local authorities. Where there are concerns over a child's welfare, they should be spoken to without parents present.

### **Decisive action against unregistered schools**

The government must strengthen the law so that it is easier to prosecute illegal schools. We support Ofsted in calling for a clearer definition of "full-time education" in law, so that unregistered settings can no longer exploit this loophole to evade prosecution.



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