

Home education and illegal schools

Purpose

For discussion and direction.

Summary

CYP Office Holders have asked for a discussion at the Board on the current responsibilities and powers of councils in relation to home education. Concerns have been raised that councils do not have sufficient powers to fulfil their duties in this area. Ofsted has also recently raised concerns about the significant rise in the number of home schooled children and linked this to an increase in the number of illegal schools it found following a recent series of inspections.

Recommendations

The Board is asked for views on the issues raised in this report around the adequacy of current council powers to ensure home educated children are receiving a suitable education and the link made by Ofsted to the proliferation of illegal schools. In particular, the Board may wish to consider:

- whether councils should have powers to compile a register of home educated children in their area; and
- whether councils should have powers to enter homes or other premises and talk to children if they have concerns about the suitability of education being offered by parents or others.

Action

Officers to take action as directed by members.

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Home education and illegal schools

1. CYP Office Holders have asked for a discussion at the Board on the current responsibilities and powers of councils in relation to home education. The last Government statutory guidance to councils on their powers and responsibilities in this area was issued in 2007. It sets out the rights of parents to educate their child at home and the powers and duties of councils in this area. It clarifies that:
 - 1.1 Although local authorities have a statutory duty to make arrangements to enable them to establish the identities of children in their area who are not receiving a suitable education, this does not apply to children who are being educated at home.
 - 1.2 Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis, but must intervene if it appears that parents are not providing a suitable education.
 - 1.3 If they have concerns, councils have powers to issue formal notices requiring parents to satisfy them within a specified period that a child is receiving a suitable education, but the guidance encourages them to try to settle issues informally before using these powers.
 - 1.4 If they have issued a formal notice and are not satisfied with the response from parents, councils can issue a school attendance order requiring the child to attend a particular school.
 - 1.5 Council duties to safeguard and promote the welfare of children do not give them powers to enter the homes of, or otherwise see, children in order to establish whether they are receiving a suitable education.
2. Concerns have been raised that councils do not have sufficient powers to fulfil their duties to ensure home schooled children are receiving a suitable education, in particular because they have no powers to enter homes or to see children to satisfy themselves that this is the case.
3. Figures obtained by the BBC through Freedom of Information requests answered by 190 councils and published in December 2015 show a 65% increase in children recorded as home educated in the UK over six years. This significant rise has been linked this to an increase in the number of illegal schools and Education Secretary Nicky Morgan MP commissioned Ofsted to look into the issue in December.
4. Ofsted found more than 100 schools suspected of operating outside the law and Sir Michael Wilshaw wrote to the Secretary of State in May reporting:

“Evidence inspectors have gathered over recent weeks has also reaffirmed my belief that there is a clear link between the growth of unregistered schools and the steep rise in the

number of children recorded as being home educated in England over the past few years.”

“I have previously voiced concern that many of those operating unregistered schools are unscrupulously using the freedoms that many parents have to home educate their children as cover for their activities. They are exploiting weaknesses in the current legislation to operate on the cusp of the law.”

5. The Board is asked for views on the issues raised in this report around the adequacy of current council powers to ensure home educated children are receiving a suitable education and the link made by Ofsted to the proliferation of illegal schools. In particular, the Board may wish to consider:
 - 5.1 whether councils should have powers to compile a register of home educated children in their area; and
 - 5.2 whether councils should have powers to enter homes or other premises and talk to children if they have concerns about the suitability of education being offered by parents or others.