

## The 'R' word: Is the Government creating a solution to a problem that does not exist?

Dare I even say the word, 'registration'? The talk of regulating home education is not new, arguments for and against an 'out of school' register are numerous and have been debated since Badman's (2009) review. The proposed 'Children's Wellbeing Bill' referenced in the King's Speech Background Briefing Notes (UK Government, 2024, pp. 64-65), which is anticipated to be a mishmash of previous Bills (UK Parliament, 2009, 2022, 2023), is the next expected iteration already causing a hullabaloo this time round.

The Government has expressed concerns about unregulated home education on and off for years, considering all groups of children not in school to be at increased risk of safeguarding issues and with that, electively home-educated children have been (this author argues, unfairly) absorbed into that category. At the core, the Government considers elective home education to be a potential 'risk factor' for some children and from this perceived 'problem', they propose the 'solution' of a register.

Is the Government creating a solution to a problem that does not exist and moreover, is that proposed solution a solution at all? It seems not; *'We all want children to be safe. Making it harder to homeschool and inviting government further into our homes are unlikely to make them so'* (Dills, 2023). Furthermore, it is essential to begin with the fact that home education is both a legal and valid education choice a parent may make as an alternative way of providing a suitable, full-time education for their child. (Education Act, 1996, , c. 56, § 7<sup>1</sup>).

Elective home education is not a remedial or subsidiary method of providing education, nor is it a 'last resort' for parents who have 'failed' to compel their child to attend school. Notwithstanding, it appears from repeated comments by some Members of Parliament that this is what they understand elective home education to be (Lord Storey, 2024<sup>2</sup>, Baroness Smith 2024<sup>3</sup>)

*'Little attention has been paid to the difference between children who are absconding from school and those who are being conscientiously educated by their parents at home'* (Petrie, 2001). A distinction is made between the different types of schooled children, for example, children who attend private schools, special schools and grammar schools. So too, a distinction should be made between the groups of children who are out of school.

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<sup>1</sup> 'The parent of every child of compulsory school age shall cause him to receive efficient full-time education [...] either by regular attendance at school or otherwise.' Education Act 1996, c. 56, § 7.

<sup>2</sup> 'We have the highest number of pupils missing from our schools, the highest number of pupils being home educated, the highest number of pupils being unregistered [...] Who knows what is going on? There are safeguarding issues. Home educators should be registered [...]' (Lord Storey, 2024a, July 19).

<sup>3</sup> 'Early years are a vital period for children to flourish and they are not going to do that if they are not in school [...] We want to see more children in school more of the time {...} So we will create a register of children not in school [...]' (Baroness Smith, 2024, July 19).

Children who are ‘school refusers’ are different to children who are home educated by their parents and, again, different to children who are suffering from abuse or neglect or those children who are waiting for a suitable school place. Addressing the mistaken conflation of home education with Children Missing Education (CME), Damian Hinds MP said that *“Labour’s motion contained a ‘conflation’ between the issue of absence and home education”* and that if Labour believes the two are the same then they have *“failed to grasp this issue”* (Wheeler, 2024). Furthermore, 2019 guidance issued by the Department for Education to Local Authorities states *‘If a child is not attending school full-time, the law does not assume that child is not being suitably educated {...} Home-educated children are not automatically ‘vulnerable’* (Department for Education, 2019).

Grouping these subsets of children under the label ‘out of school’ will render any regulation intended to positively affect them ineffective. For example, a policy designed to tackle the lack of availability of SEN school places might help a child who is out of school because they cannot find a school to meet their needs, but this policy does not help the child who has begun to refuse to go to school because they are being bullied. In the same way, an out of school register may indeed be potentially beneficial to some groups of children who are out of school, but not all.

Compelling home educators, who have lawfully elected to home educate and not choose school education, to go on a register is something this author and many home educators vehemently oppose. Any legislation developed to affect a specific demographic of society must be made with an informed and thorough understanding of that population, its characteristics and needs. It is therefore worrisome that it appears the Government is proceeding with developing regulations which will directly affect a cohort which they seem to misunderstand.

It is generally accepted that the involvement of the legislature is the final and most extreme step taken by a government when all other avenues have been exhausted. The Government's use of its authority to force its citizens to act in a certain way, or face punishment is something that should not be taken lightly and, whilst we are yet to have access to the proposed Children’s Wellbeing Bill, we can infer from previous bills (UK Parliament 2009, 2022, 2023) that this Bill is likely to involve the criminalisation of citizens who do not comply with compulsory registration; which might well be the conscious decision of a parent not to comply with a registration process, rather than a parent failing in their duty to provide their child with a suitable education.

Should the Children’s Wellbeing Bill take such a form, speculatively, a parent who lawfully home educates their child, who provides a suitable education to that child and who does, indeed, make it known that they are home-educating, but does not elect to comply with the specific requirements of registration, could be classified as a criminal. This may sound extreme, but this was just the case for a mother to six home-educated children in Ireland where a system of application, assessment and registration has been

in place since the enactment of the Education (Welfare) Act (2000). Monica O'Connor, along with her (now late) husband Eddie O'Neill, who was a secondary school teacher, who between them fostered 22 children over a 12-year period (Brennan, 2014), made it known to authorities that they were exercising their Constitutional right to home educate (Bunreacht na hÉireann, 1937. Art. 42) but chose not to follow through with registration. Both parents were fined and subsequently jailed (Slater, 2014). Also in Ireland, Catherine Sunshine faced successful prosecution after authorities deemed her registration application for her eldest child, who, along with a younger sibling, became the youngest members of MENSA in both Ireland and the UK (Levy, 2015, Calnan, 2015) as invalid. However, a higher court overturned this decision, exonerated Ms. Sunshine and found that the authorities had acted unlawfully by creating policies in conflict with existing legislation (Donnelly, 2020).

It is not a step too far to speculate, having regard to the clear intentions of the Secretary of State for Education (Phillipson, 2024<sup>4</sup>), that a copy-and-paste job of part 3 of the School's Bill (2022) into the Children's Wellbeing Bill is what is being aimed for; it is clear that what is being proposed is far more than just a list of who is home educating. Part 3 of the Bill comprises a rigorous, intrusive and burdensome (for parents and local authorities alike) system of application, assessment, monitoring, registration, cross-sector data sharing and location notification requirements.

Of particular concern is the requirement that a home-educated child of compulsory school age who enters a local authority's (LAs') area is required to be registered with that LA within 15 days of the child coming into that LAs' locality (School's Bill, 2022, Part 3, Section 33, 436b (1)-(5)(b)(ii), Part 3, Section 436d (1)-(4)(a)). That does not mean that a home-educated child can be out of a LAs' locality for 15 days before having to tell the new LA where they are, it means that every single time a home-educated child enters a different LAs' jurisdiction the parent, by law, would be required to tell the authorities of this movement within 15 days of it happening and the onus is on the parent to know each LAs' geographical boundaries in order to comply with notification (School's Bill, 2022, Part 3, Section 436d (1)(a)). What that could mean is that family 'A' who reside in Bristol and travel to Liverpool for a week to see family over Christmas, could be required by law to notify the relevant LA in Liverpool and register with them and then, upon their return to their usual place of residence, register again with their LA in Bristol. The parent of the daughter of family 'B' who takes a train to a friend's house for a sleepover which is in another LAs' area, would be required to inform the LA of the child entering their area and, upon the child's return home the next day to the family home, contact the LA in which the child usually resides. Family 'C' consists of a child whose parents' co-parent.

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<sup>4</sup> 'The legislation we will bring next month {...} will be part 3 of the Government's own Schools Bill from 2022 which provides for a register of children not in school [...] today seek parliamentary time to put it into law as soon as possible' (Phillipson, 2024, January 23).

The mother lives two streets away from the father, but their residences fall under different LAs and they have shared custody of their child. Arrangements mean the child spends half the week at each parent's house, resulting in the parents making 104 registration notifications over the course of a year! No other group of law-abiding citizens is required by law to notify the state of its whereabouts in this way. This would amount to a serious and unjustifiable breach of home educators' liberties and would subject home educators to arguably greater monitoring and surveillance than those suspected of a crime. All law-abiding citizens have the right to move freely and a right to a private family life, home educators should be no different.

Without taking these theoretical, yet wholly plausible, scenarios further, save to say that should this become a reality, the Outer Hebrides should prepare itself for a mass influx of English folk seeking a safe haven from legislation which is more befitting of soviet Russia than sovereign Britain. Such a comment may be in jest, yet it is not a joke to those who would be affected by such legislation, because it is not the first time governments have unsuccessfully imposed punitive and discriminatory laws upon home educators leading to them leaving their country of origin (see Mendoza, 2023). When approached for comment a spokesperson from the home education charity Education Otherwise (n.d.) commented:

*'Education Otherwise has worked with numerous families who have fled their home countries as a result of oppressive laws which either ban home education or make it almost impossible. Those families reluctantly leave behind their extended family and home [...] in order to prioritise their child's educational needs. Shockingly, the charity has also supported a significant number of British military personnel and civilians under contract on foreign basis, who have been ordered to return to the UK or register their child in school, simply because of regulations which make home education extremely difficult to undertake under military regulations.'*

*'The intention behind these bills is to prevent child abuse and neglect'* (Dills, 2023). However, home education regulation can be a slippery slope and, although the Government seeks to emulate our neighbour's framework, upon asking European colleagues for their input, Hungarian lawyer, teacher and Curriculum Development Consultant Emese Tolgyes-Busz (n.d.) gave a stark warning about where regulation can lead:

*'Home education is heavily regulated, and parents have no right to make decisions about their children's education. One of the most significant issues is that many well-educated families have left Hungary due to the lack of freedom in deciding their children's education. Parents have no real choice and must use state-approved curricula and books, which are mandated by the state. This regulation leaves no room for parents to develop individualised education, even restricting their freedom in how they teach the required content.'*

Remaining in Eastern Europe, Author, researcher, creator of 'The MagicTree method' pedagogy and Slovenian representative of the European Committee of The Global Home Education Exchange, Gita Mateja de Laat (de Laat, 2020, The MagicTree method n.d.) echoed similar sentiments:

*'Strict regulations on home education hinder a child's ability to learn at their own pace and in a manner that suits their individual needs. In Slovenia, the stringent regulations surrounding home education make it extremely challenging, if not impossible, for home educated children to receive an education that fully nurtures their unique potential and strengths. Overly regulating home education can prevent many children from having a genuinely enriching, positive, and effective learning experience.'*

From Western Europe, Erika Di Martino, founder of Italy's largest home education network (see EDUpar n.d.) and author of the country's first book on education outside of the school system (Di Martino, 2017), shares:

*'In Italy, the implementation of a national register for home-educated children, similar to the UK's proposal, has already taken place and has posed significant challenges to the principles of diversity and individuality in education. The UK register risks enforcing a standardised, one-size-fits-all approach, which contradicts the very nature of home education's flexibility. The true strength of home education lies in its ability to cater to each child's unique strengths and passions, a flexibility that is at risk of being compromised by increasing bureaucratic oversight. Protecting this educational freedom is crucial.'*

Equally worrying is the trend emerging in Portugal, as detailed by Silvia Cópico, president of the Movement for Freedom in Education and DEScobrimos founder (Descobrimos, n.d., Movimento Educação Livre n.d.):

*'Although a constitutional right, home education in Portugal has been subject to restrictions since 2019. Home education is now only legal if a school grants permission and if the state-mandated curriculum is followed. There is growing concern that these regulations are being applied prejudicially, discriminating against certain groups. For example, parents whose first language is not Portuguese, or those who hold a degree from a university not recognised by the Government are often refused permission to home educate. With a large population of foreigners in Portugal, this is a problem. These laws do not promote the educational well-being of a child and strip the family of autonomy.'*

Offering her thoughts, UK-based former social worker, Director of Streams Education (n.d.) and founder of Learn Free (n.d.) Juliet English adds:

*'A register of all children who are not in school could be considered state over-reach. Local authorities already have the statutory powers to intervene should it appear that there are either legitimate safeguarding concerns, or that a child is not receiving a suitable education. Mandating registration for the entire home educating population therefore appears to be about shifting the balance of power in favour of the state. A register might be seen as the narrow end of the wedge by which the state is positioned to insert itself into the very private domain of family life, and the rights of parents to choose how their children are educated.'*

Before adopting such a draconian approach, it is reasonable for the Government to explain how any measures to restrict educational choice are justified, necessary and fair. Additionally, the Government should detail the alternative methods considered, the efforts made to implement them and why those methods ultimately proved insufficient to achieve the desired outcomes. It is, however, clear that the Government has neither exhausted other possibilities nor acknowledged that what it seeks to achieve by implementing compulsory registration has already been, at least in part, accomplished through voluntary cooperation between home educators and local authorities.

We read in the King's Speech 2024: background briefing notes *'The UK is a clear outlier in comparison to Europe [...] in relation to the lack of oversight of electively home-educated children'* (UK Government, 2024). But is that really true? The current model of oversight is founded upon mutual respect, cooperation and community engagement, rather than legal compulsion. The aforementioned quote would lead one to believe that the UK does not have oversight of home education at all and that the only way to achieve this is by following the decisions of countries which have elected to restrict access to education choice in law. This, from a nation which has long prided itself in being a leader in education, not a follower.

The department of education advises local authorities that whilst there is no formal regulation of home education *'it is for each local authority to decide what it sees as necessary and proportionate to assure itself that every child is receiving a suitable education, or action is being taken to secure that outcome.'* (Department for Education, 2019).

Although the UK has not yet imposed a system of compulsory regulation in law, that does not mean that there is necessarily insufficient oversight, rather, it means that LAs are given autonomy to formulate policy within the parameters of the existing legislation and are encouraged to form positive, voluntary relationships with home educators which *'will allow authorities to better understand parents' educational provision and preferences and offer them appropriate support'* and that *'a positive relationship will also provide a sound basis for investigation if the authority receives information that a suitable education is not being provided.'* (Department for Education, 2019). It should also be noted that the law already grants LAs powers to intervene should they consider a child to be suffering from

educational neglect (Education Act 1996, § 437, Children Act 2004, part 2, §§ 10-11). Equally, the local authority also has the same safeguarding powers to protect home educated children as school children (see Children Act 1989, Part 4, §§ 31 to Part 5, § 52, Department for Education, 2019, p.20<sup>5</sup>).

The UK has (thus far) successfully balanced the Government's interests, children's rights, parental obligations and citizens' liberties in respect of educational freedom; resulting in the UK being ranked 4<sup>th</sup> globally in the Freedom of Education Index 2023 (Organisation for International Development and Education, 2024), having a population with a 99% literacy rate and one of the highest tertiary education system attainment rates in the world (The Global Statistics, n.d.). It is therefore somewhat perplexing, that when we are doing something so well, the Government would look to emulate countries which restrict educational freedom. Miller (2014) cautions '*[...] other states should also avoid the example of the international community. Heavy restrictions on home education {...} would clearly interfere with parents' right to direct the upbringing of their children.*'

The Government tells us that introducing a compulsory register will '*improve the education system and make it more consistent and safer for every child*' ensuring '*fewer children slip under the radar when they are not in school and more children reach their full potential through suitable education*' (UK Government, 2024). Yet politicians such as Baroness Berridge, despite being in support of registration, remain sceptical about the Children's Wellbeing Bill sharing: '*I also note the return of the register of children not in school [...] I wonder whether it will be successful even with a thumping majority in the other place, as it has been a Private Member's Bill in the Commons, a Private Member's Bill more than once in your Lordships' House and government legislation—but I do wish it well*' (Baroness Berridge (2024). Dills (2023) call into question the efficacy of restricting home education as a tool to identify and reduce child abuse:

*'well-intentioned people advocate restricting homeschooling in the hope that these restrictions might prevent [...] abuse [...] Whether proposals to restrict homeschooling are likely to improve child safety depends on at least two things: whether homeschooling reduces child safety and whether the proposed requirements would improve child safety. My estimates and others suggest that there's little causal evidence for the former. [...] Similar to earlier studies, I do not find robust, statistically different rates of child fatalities, child maltreatment fatalities, nor reported child maltreatment cases. [...] Whether additional regulation of homeschooling is likely to improve child safety is also unclear.'* McMullen (2002) adds '*As a practical matter, additional regulation*

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<sup>5</sup>Therefore the general duties of local authorities in relation to safeguarding are the same for all children, however they are educated' (Department for Education, 2019).

*of home education may be unnecessary because the state could achieve some of its objectives, particularly in child protection, by enforcing existing statutes rather than introducing further homeschooling regulations, thereby avoiding wasting resources.'*

Whilst *'There is discord in the opinions of stakeholder commentators, academics, professionals and home education advocates regarding specific concerns of, educational suitability, registration, monitoring, visits and safeguarding'* (Mukwamba-Sendall, 2019) it is crucial to base these decisions, which affect many people, incur significant costs and potentially infringe on individual freedoms, on accurate and reliable information (Ray & Eagleson, 2008). Many decision-makers seek research-based data to guide their choices. Petrie (2001) argues that *'governments should conduct well-reasoned, objective research before considering measures to limit home education in any way'*. Yet there is a dearth of research into the efficacy of home education regulations on educational outcomes and safeguarding.

Perceived problems with home education being practised in its current format, which the Government has suggested and for which they propose changes in the law to remedy are:

- Home educated children are at greater risk from abuse and neglect than schooled children
- Too few home-educated children are receiving a suitable education

In a nutshell, the Government hopes that a home education register will improve child safeguarding by increasing the visibility of home-educated children and improve educational outcomes for home-educated children.

We are told that the number of home-educated children is rising (Hattenstone, 2024) and with that, a heightened concern that these minors are 'invisible' and therefore at greater risk of safeguarding issues; however, evidence suggests otherwise. *'Stakeholder critics allude to risks for children ranging from educational or psychological harm to physical neglect or abuse. Accusations, which lack evidenced based research, problematise home-education creating suspicion[...]'* (Mukwamba-Sendall, 2019) and researchers in the field of educational choice have raised concerns about the representativeness of the evidence connecting a particular education sector with child abuse and neglect (Wolf et al., 2020). Not only does research suggest that home educated children are physically safe, but also, emotionally well. Research by Windish & Wachob (2017) found home educated families to have low stress levels compared to national averages noting *'the unique structure of the homeschool environment might contribute to lower levels of stress in both parents and children.'* This study finds that home education has a positive effect on children's mental health and overall wellbeing.



Data collected by the home education charity Education Otherwise (n.d.) from 132 local authorities in England revealed that *'Home educated children were found to be disproportionately scrutinised, being approximately twice as likely to be referred to Social Services'* compared to school going children yet were far less likely to be placed on a child protection plan compared to their schooled peers, suggesting that home educated children are at a lower risk of abuse than schooled children (Charles-Warner, 2016).

Ray & Shakeel (2023), comment *'Some claim that child abuse is widespread among homeschooled children [...], whereas children in brick and mortar schools encounter mandated reporters [...]* we find a lack of evidence for disproportionately associating homeschooling with child abuse and neglect in comparison to conventional schooling'. Their nationwide study found no statistical significance in the incidences of child abuse between those who had been home educated and those who went to school, rather, they found that certain demographics such as poverty were potential risk factors for abuse, not education preference (Ray & Shakeel, 2023). When the School's Bill of 2022 was withdrawn, the then Education Secretary Gillian Keegan told the Education Select Committee that, due to the economic crisis, parliamentary efforts had to be refocused on cost of living measures (see Hughes, 2022). Given that research indicates the effects that poverty, as opposed to home education, can have on children's outcomes, the Government may well find its efforts are best redirected once more.

There are many indicators and measures of child abuse, but perhaps the most compelling and most difficult to conceal is that of rates of child mortality. Using the most up-to-date statistical home education data available, collected over a nine year period, Williams (2017) looked at child fatalities as they related to imposing regulations on home educators and compared the fatality rate of legally home educated children with the nationwide student fatality rate; concluding that the child death rate amongst home educators was 40% lower compared to the national student fatality rate; the study concluded that the child death rate amongst home educators was 40% lower compared to the national student fatality rate. Williams (2017) found that home education regulations do not address social issues offering that *'there is no reason to impose 'protective' regulations on families who already are prone to a lower fatality rate than the rest of the nation.'* Arguably, this study indicates home education to be a potential protective factor.

Some will maintain that irrespective of the proportion of home educated children who are actually at risk, additional measures should still be introduced to safeguard those few. However, is bringing in home education regulations the way to achieve this? Williams (2017) and Dills (2023) were not convinced that regulating home education was effective in preventing child abuse and Ray (2010) added that there is no empirical evidence to suggest that government controls or regulations would address any purported issues within the home education community. More recently, Ray (2018) looked at the correlation between home education regulation and child abuse from data collected over 18 years. Findings indicate three key points for policymakers to consider:

firstly, there is no empirical evidence that home-educated students are at a higher risk of abuse than schooled children (some evidence suggests they might be at lower risk) secondly, state regulation of home education does not reduce the potential for abuse and finally, there is no credible empirical evidence that increasing the regulation of home education would decrease the risk of abuse (Ray, 2018).

The notion that home-educated children are 'hidden' needs to be addressed. The premise is, that children who are in school are visible and those who are home-educated are not. That is to say that adequate visibility to the authorities and the local community can only be achieved and therefore suspicions around abuse can only be displaced, if a child is attending school. If that is the case, why for the 175 days during which schooled children are not in school (Education (School Day and School Year) (England) Regulations, 1999) is the Government not concerned about these children's 'lack of visibility'?

Whilst school attendance is one way in which a child can connect with adults and seek help, there are myriad of other ways in which home educated children are visible in their communities. '*Community members play a moderating role in that they are potential observers and reporters of abuse*' (Dills, 2023). Just like school children, home educated children have NHS and national insurance numbers, healthcare and vaccination records, passports and birth certificates. In this respect, their existence is equally visible to authorities compared to their schooled peers. Moreover, whilst children who attend school spend much of their time in one place (school), home educated children engage in a variety of settings and interact with many adults in their communities. Consequently, they have arguably greater visibility to a wider section of society than school children, increasing the likelihood that they will be identified if they are in need of protection.

*'Formerly homeschooled young adults were more civically engaged [...] than their privately schooled peers and equally as engaged as their publicly schooled peers'* (Seiver & Pope, 2022) and Smedley, (1992) concluded that home-educated children typically interacted with a broader age range of people than schooled children; whilst Ray (2017) determined that research consistently found home educators to be actively engaged in their communities and Sunshine & Rothermel (2024) found 92.31% of home educated children to be engaged in activity outside the home.

If school attendance is the only measure by which the Government considers a child to be visible, then by this rule, all schooled children must therefore also be 'invisible' during school holidays and, we must attach the same degree of unfounded suspicion of abuse to parents of schooled children (only during holidays periods) as we do to home educated parents throughout the year. This reinforces the ludicrous implications of what it means to oversimplify what being 'visible' in a community looks like. Home educated children are 'invisible' to school, just as schooled children (or almost all children for that matter) are 'invisible' to the military. Arbitrary measures of visibility are unhelpful at best and harmful at worst, promoting a shroud of suspicion not based on evidence.

Between October 2022 and October 2023 there was a 14% increase in the number of children recorded as being home-educated (UK Government, 2024, p.65). The idea being presented by the Government is that there is an increase in the number of home educated children who are unknown to the authorities, but the fact that the Government has a record of these children evidences that they are not 'missing' at all.

Groups of home educated children who are known to their local authority include:

1. children with SEN who attended a special school prior to being home educated
2. children who attend school part-time (flexi-schooling)
3. children who are in local authority care, subject to child protection plans, child in need plans or childcare orders
4. children who previously attended a school. (Whilst parents are not obligated to inform the school that they are withdrawing their child, nor provide any reason for doing so, schools are required to advise the LA of children who have been removed from their register and if parents disclose home education as the reason for withdrawal, the LA will be notified of this as well.)
5. children whose parents voluntarily advised the LA that they are home educating and/or who choose to be placed on the LAs' home education register
6. children whose parent was issued with a School Attendance Order

Having identified numerous categories of home-educated children who are known to the LA, the case that a startlingly high number of children in receipt of home education are 'slipping under the radar' is unconvincing. The assertion that the rising numbers of home-educated children equates to more invisible children is a fallacy. The fact that the Government knows that the number of children receiving home education has increased is because more home educators are known to their LAs than ever before, showing that engagement between authorities and home educators is improving voluntarily, leading to the increased 'visibility' of home educated children. Consequently, this should result in a decrease in safeguarding concerns held by the Government, the primary premise on which they assert regulation is necessary.

When 'quizzed' on how the objectives of the Bill could be achieved through non-legislative means' after the School's Bill of 2022 failed to progress 'Downing

*Street appeared to suggest there would be a focus on supporting councils operating within the existing rules, saying it would help them with their 'non-statutory registers of children not in school' (Hughes, 2022). Initiatives such as continuous professional development (CPD) training offered to LAs by the home education charity Education Otherwise (n.d.) have gone a long way to promote a balance between stakeholder interests, where mutual cooperation has proved successful. A spokesperson for the charity said 'Continuous Professional Development (CPD) is provided to cover elective home education from 'what is home education' through to dealing with exceptional cases. CPD sessions have been attended by teams from 129 of the 153 local authorities in England and several in Wales during 2023 and 2024.'*

Education Otherwise reported, *'Feedback has been highly positive with an average overall score of 9.6/10.'* With LAs commenting that the training was a *'significantly positive interaction which has supported the development of mutually trusting, respectful and supportive two-way relationships for many families'*. Another initiative created by the charity is 'The Kit Award', an accolade presented to LAs as voted for by home educators, to show appreciation for and reward, positive local authority involvement with the home education community. In their 2024 report, Education Otherwise reported a combined 88% of home educators considered their relationship with their local authority to be neutral, positive or very positive and 23% stated that their local authority practice had improved or improved greatly over the last year (Charles-Warner, 2024). Parents commented on their experience of voluntary engagement with the authorities:

*'Changes have been seen due to local HE families, supported by EO, standing up to the unlawful demands of the LA and working with them to push for change. EO training was also integral to improvements,' 'They came to our house which suited us better as I wasn't looking forward to doing a report. {...} the lady was very nice and supportive. She gave us loads of information, {...} she asked how it was going in general and if we needed any help with anything' and 'We have termly forums where staff and parents meet online or face to face. We feedback on their policy and written communication.'* (see Charles-Warner, 2024). *'Amongst those local authorities reported as having practice which had greatly worsened, there was a clear correlation with them not having taken up the opportunity to take part in pro bono professional development (CPD) sessions offered by Education Otherwise'* (Charles-Warner, 2024).

With the 'visibility' of home educated children increasing by 14% in just one year (see UK Government, 2024, p.64) without there being a compulsory register, can the Government reasonably say that a mandated system of registration is justified, reasonable or likely to yield a year-on-year increase in compliance rates exceeding this figure? Indeed, perhaps more pressingly, one might revert to the initial point, that the Government should only entertain legislating for a register if other options have failed. If anything, the figures show the contrary and by her own admission, the then Secretary of

State for Education Gillian Keegan admitted that many objectives found within the 2022 Bill could be achieved without legislation (Shearing, 2022).

The second goal which the Government hopes a register will achieve is the improvement of education outcomes for home educated children. The suggestion being that 'not enough' home educated children receive a suitable education and that a register will solve this. A register alone cannot identify children who are or who are not receiving a suitable education, it can only serve as a list of children who are home-educated and, even then, its usefulness as a crude statistical measure is limited to how well home educators engage with it. With home educators strongly opposed to regulatory oversight (Lees & Nicholson, 2017) it would be foolish to presume a statutory register would be complied with. *'[...] Homeschoolers view any regulation as the first of a thousand cuts. Any possible restriction on homeschooling [...] will be met with fierce resistance from well-organized homeschoolers'* (Somerville, 2005). *'Even if such accountability policies were effective in public school settings there is no evidence such policies would be practically and effectively transferable to a home-based education setting'* (Ray and Eagleson, 2008). For nearly a quarter of a century registration has been legally required to home educate in Ireland, yet one study found nearly 1 in 4 home educated children were not registered with the authorities and, even amongst home educators who did register, there was widespread distrust of the authorities and an animosity towards the registration process. (Sunshine & Rothermel, 2024)

In terms of academic attainment, Belfied (2005) found that home educated children performed better than public school children on university admission exams, noting *'results do not indicate home-schoolers are at a disadvantage'* and Clemente (2006) found that home educators scored the highest out of both privately educated and state-educated students. The then largest study ever conducted into UK home education looked at primary school-aged children's test results and found that home educated children did as well as, or better than schooled children (Rothermel, 2002).

Ray and Eagleson (2008) looked at the potential relationship between the extent of home education regulation and the performance of home educated children on university admission tests acknowledging that *'very little empirical evidence exists regarding the relationship between the degree of regulation and the academic success of home-educated students'*; concluding that *'The authors of this study find no evidence from their analysis that supports the claim that states should exercise more regulation of homeschool families and students in order to assure better academic success [...] On the contrary, the findings of this study are consistent with other research findings that homeschool students perform well academically [...] and do so regardless of whether they live in a state that applies low, moderate, or high governmental regulation of homeschooling'*.

Ray's (1997, 2000) research focused on the performance of home educated children, testing whether there was any relationship between the degree of regulation and

academic achievement, concluding that those studies '*found no relationship between regulation and academic achievement, and no one has offered a robust and convincing conceptual framework that would predict a positive, negative, or absent correlation between state regulation and achievement or aptitude*' (Ray & Eagleson, 2008).

World leading academic, expert witness and chartered psychologist Dr Paula Rothermel, who was invited by the Government to give evidence as part of the Badman review in 2009 leaves us with these words:

*'Whatever the local authorities have been doing over the last 20 or so years to bring home educators into the fold and work with them collaboratively, has yielded massive successes. The country's largest membership home education forum, Education Otherwise is now training the vast majority of local authorities in England, which is something that would have been unthought of back in 2005 and demonstrates that collaboration works. The proposal now, that otherwise law-abiding families are going to be criminalised by new legislation, is set to undo all the hard work put in over the last 20 years by pivotal stakeholders, namely local authorities and home educators.'*

There is no compelling evidence that home education places children at a greater risk of harm (including educational neglect) compared to school going children, in this respect, the Government's safeguarding concerns are unfounded and thus their reasoning for a register is flawed. Voices from the UK, Hungary, Slovenia, Italy and Portugal caution against home education regulations, with parliamentarians questioning the efficacy of legislating for a register and whether legislation is necessary at all. Figures show that the number of known home educators is growing, demonstrating the successful partnerships being developed between home educating families and LAs nationwide, in part, thanks to initiatives pioneered by Education Otherwise who report positive feedback from home educators and local authorities alike, reassuring stakeholders that voluntary cooperation, over forced compliance, is the way to go. As the saying goes, '*it is better to walk in the right direction, than run in the wrong direction*' and registration would certainly be the latter.

**Home educated children do not need it, research does not support it and international voices caution against it; compelling evidence that a register is nothing more than the Government's 'solution' to a problem that does not exist.**

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