



## **BRIEFING**

### **Educating Your Children at Home**

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## 1.0 Introduction

Home education, also called Elective Home Education refers to children who instead of attending school for their full-time education, are educated at home. (This is different from an education operating outside of a school, which for various reasons, is provided by a local authority). Legally, children of compulsory school age must receive a suitable, efficient and full-time education, but attendance at school is not a requirement. This Briefing only applies to England. Education law is a devolved matter, and so Wales, Scotland and Northern Ireland have their own laws, separate from England.

Children are educated at home for a wide range of reasons which can include: school bullying; religious or cultural beliefs; concerns about ideological indoctrination; inadequate support for special educational needs; and, health needs, especially the mental health of the child.

Reported numbers of home educated children are increasing. According to the BBC, for 2016-2017, 48,000 children were home educated in the UK, an increase from 34,000 in 2014-2015,<sup>1</sup> which is about 40%. Of the 177 LA's that held home education data for a three-year period, an increase was reported by 164. The BBC also noted that the figures of home educated children only make up 0.5% of the population of school-aged children of England and Wales.

Of the local authorities (LA's) who collected data on figures of home educated children, the Education Department estimated there were over 57,000 children in England who were in home education, almost the same as the estimate provided by the Association of Directors of Children's Services.<sup>2</sup> The government believes these overall estimates are "likely to be the bottom of the range".<sup>3</sup>

The Department for Education recognises that home education "will be undertaken as a positive choice which is expected to lead to a better outcome". LA's are told by the Department: "Most parents who take up the weighty responsibility of home education do a great job, and many children benefit from being educated at home."<sup>4</sup> LA's are urged to "bear in mind that whatever the reasons, in the majority of cases parents have undertaken home education in what they perceive as the best interests of the child even if they require additional support to undertake home education properly."<sup>5</sup>

The Education Department also conveys concerns over what it believes in the "past few years have seen a very significant increase in the number of children being educated at home, and there is considerable evidence that many of these children are not receiving a suitable education. There is a less well evidenced but increasing concern that some children educated at home may not be in safe environments."<sup>6</sup>

As primary educators, parents rather than the state, are responsible for ensuring their children are properly educated. When parents choose to use their prerogative to decide upon the religious and philosophical ethos of their child's education, this fundamental principle is recognised by the European Convention of Human Rights (now incorporated into the Human Rights Act 1998). It states:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the *State shall respect the right of*

*parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.*<sup>7</sup> (emphasis added)

Should parents decide to educate their own children, they are not required to hold any qualifications. Neither are parents expected to aim for their child to acquire any “specific qualifications”. However, there is some important and basic law that applies, meaning that parents should consider at the outset how they will comply with their legal obligations. Parents must also bear in mind that they are responsible for the financial outlay involved in home educating their children. Although some LA’s do provide financial help for public examinations, this offer is discretionary. LA assistance of home educated children with special educational needs is likewise discretionary.

Where a group of five or more children form part of group that is home educated by groups of parents on a “communal basis”, the Education Department informs parents that this may require registration as an independent school.<sup>8</sup>

## **2.0 Do parents need to inform their Local Authority?**

Where a child has never been enrolled at school, parents are under no legal duty to inform their LA that they are home educating their child. Neither is consent required, since the decision for home education is a parental prerogative. This does not mean there are no circumstances when an LA will not deploy its own legal powers to intervene. Generally, this is either when a child is believed not to be receiving a suitable education, when no education is being provided at all, or where safeguarding issues are at play. In some cases, parents can be legally challenged by means of the LA taking the matter to court.

Although registering a home educated child with the LA is not required, the Education Department advises:

it is strongly recommended that you do notify your local authority of the fact, in order to facilitate access to any advice and support available.<sup>9</sup>

Some LA’s choose to operate voluntary home education registration schemes, a step that the Education Department recommends should be done, but it is not a requirement.

It also recommends that LA’s offer parents guidance about their rights and obligations when offering home education, as well as advice about good practice and resources for those parents requesting this.

Where the child is currently registered on the school roll, but is subsequently removed from it, again, parents are neither legally obliged to inform their LA, nor are they required to obtain LA consent. But the Education Department strongly advises notifying the LA:

...it is sensible to do so, in order to avoid subsequent misunderstandings as to how you intend to fulfil your parental responsibility for your child’s education.<sup>10</sup>

Schools are under an obligation to inform the LA about children removed from its register.

### 3.0 What is the legal role of the Local Authority?

LA's are not duty-bound to monitor the education a child receives at home. However, statute does provide that the LA makes arrangements enabling it to establish the identities, so far as it is possible to do so, of those children within its area who are not receiving a suitable education.<sup>11</sup> In fulfilling this duty, the LA is permitted to make informal enquiries of parents in order to establish whether the child is receiving an efficient, suitable and full-time education. LA's are therefore likely to enquire when it becomes aware that a child is or may be receiving a home education. See below, *Education must be efficient, full-time and suitable*.

The Education Department makes certain recommendations, in general, for LA's to follow. It recommends that LA's make contact with parents at least once a year in order that they may satisfy themselves that the home education being provided remains suitable.<sup>12</sup> LA's are urged to act proportionately, and "not [to] seek to exert more oversight than is actually needed where parents are successfully" home educating their child.<sup>13</sup>

The Education Department recommends, among other things, that LA's have a written policy statement on home education for parents who request it, information about their rights and obligations as home-educators, and advice on good practice and the available resources.<sup>14</sup> Parents are not under an obligation to accept support or advice from their LA, and where parents refuse, this should not, the Education Department explains, be interpreted as evidence that the education is unsuitable.<sup>15</sup>

In cases where parents have not done enough to satisfy the LA that they are meeting their legal obligations in providing their child with a suitable, full-time and efficient education, LA's may have no other option than to conclude that the education fails to meet the basic legal requirements.

While parents are not under a legal duty to respond to the LA's enquiries, the Education Department states that the LA is "entitled to conclude from the absence of any response that it appears that your child is not receiving a suitable education, with all the consequences which can follow from that..."<sup>16</sup>

LA's may ask to see the child at the family home or elsewhere, and also to see examples of work produced by the child. Education law places no requirement on parents to agree to this kind of meeting, but failure to agree is likely to prompt the LA to suspect the child is not receiving an education.

It should be noted that where parents fail to provide a suitable education, it may be deemed that the child is suffering or is likely to suffer "significant harm".<sup>17</sup> The Education Department explains that "harm" can include "the impairment of health or development, which means physical, intellectual, emotional, social or behavioural development".<sup>18</sup> See below, *Local Authorities, Safeguarding and Home Education*.

Where an LA has received insufficient or no information about the provision of a child's home education, and it therefore appears that the child is not in receipt of a suitable home education, the LA must serve a notice.<sup>19</sup> This requires the parents to satisfy the LA that their child is receiving a suitable, full-time and efficient education.

Where the circumstances are subsequently held not to be to the LA's satisfaction, or if the parents fail to respond to the notice served, the LA is entitled to conclude the child is not in receipt of a suitable education, and if considered expedient, the LA will be obliged to serve on the parents a school attendance order (SAO).<sup>20</sup>

Failure to comply with an SAO is a criminal offence, although parents can try having the order revoked, but if this fails, the dispute can be settled by referral to the Secretary of State.<sup>21</sup> If parents are convicted, the LA can apply for a parenting order that will involve counselling.

#### **4.0 Education must be efficient, full-time and suitable**

Parents are legally responsible to ensure that their children, who are of compulsory school age, receive an efficient, full-time education suitable to their age, ability and aptitude, "either by regular attendance at school or otherwise."<sup>22</sup> In other words, a child must either attend school or be educated by alternative arrangements, which for the purposes of this document, means being educated largely or primarily at home.

Compulsory school age begins at five years old. Until the age of 18, children must either remain in full-time education, begin an apprenticeship, traineeship or supported internship, or spend at least 20 hours per week working or volunteering while in part-time education or training leading to regulated qualifications.<sup>23</sup>

##### **4.1 What is an "efficient" education?**

According to the Department for Education's non-statutory guidance, an "efficient" education may be understood to 'achieve what it is intended to achieve'. Parents ought to note that an education could be judged as "efficient" but not suitable. Likewise, education could be deemed "suitable" but not efficient. An "efficient" education is not defined in statute.

##### **4.2 What is "full-time" education?**

Whether it is home education or education at school, there is no statutory definition of what is meant by "full-time" education. Parents educating their children at home are not required to follow either a timetable or specific and set hours and days, or even to operate within calendar-based terms. The Education Department explains that what counts as full-time will depend on the facts of each individual case. Parents are informed that they "should at least be able to quantify and demonstrate the amount of time", and that where the education is not "occupying a significant proportion of the child's life", the parents' legal obligations will probably not be met.<sup>24</sup>

##### **4.3 What is a "suitable" education?**

As noted above, the education provided must be suitable to the child's age, ability and aptitude but, as with "efficient" and "full-time", no statutory definition exists. The education must also take account of the child's special educational needs.

Currently, there is an enormously wide scope and freedom for parents to choose the content and materials used for their children who are educated at home. Parents need to know that they:

- are not required to follow the National Curriculum (though many parents choose this as a guarantee that basic standards are provided);
- do not need to enter children for public examinations;
- do not need to hold any qualifications;
- are not required to provide a broad and balanced curriculum.

As part of its guidance, the Education Department advises that “there should be an appropriate minimum standard which is aimed at, and the education should aim at enabling the child, when grown-up, to function as an independent citizen” and “beyond the community in which he or she was brought up, if that is the choice made in later life by the child”.<sup>25</sup>

The Education Department recognises that parents from all social and religious backgrounds “successfully” provide a suitable education for their children.<sup>26</sup> LAs must not assume that those with protected characteristics (e.g. religion) are “less likely to be successful” but at the same time should not be deterred from taking action where the education given is felt to be inadequate.<sup>27</sup>

## 5.0 Evidence of what is a “suitable” education

We consider evidence from the education system of what is potentially considered to be part of a suitable education. This will provide important clues suggesting how LA’s, during the course of their enquiries about home educated children, are likely to judge whether certain content is “suitable”. The Department for Education advises that what constitutes a suitable home-based education should be seen in light of a range of factors.

### 5.1 Promotion of Fundamental British Values

According to the Department for Education’s guidance to LAs, what is deemed suitable” home education “should not directly conflict with the Fundamental British Values (FBV) as defined by government guidance”.<sup>28</sup> It also states that there is no requirement to teach FBV.

We should note the Department for Education, in separate non-statutory guidance on the promotion of FBV in schools,<sup>29</sup> urges schools to promote the values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs. While these core principles are notionally positive in providing some basis to an ordered society, the manner in which “mutual respect and tolerance of those with different faiths and beliefs” has been applied by Ofsted, HM Schools Inspectorate for England, is the cause of much ongoing controversy.

Teaching that homosexual practice and same sex marriage are sinful in the eyes of God, as is sexual activity outside heterosexual marriage, has recently fallen foul of equality zealots who have brazenly attempted to pressure schools into promoting anti-Christian principles. But parents of all shades of belief are rightly worried by the promotion of damaging and highly risky behaviours to children. Same-sex sexual activities that are medically hazardous should not be promoted to any child as healthy, under the false cloak of inclusivity or equality.

Recent Department for Education Guidance for Independent Schools (as opposed to state schools) states that where the school’s faith position is that “marriage is only between a man

and a woman”<sup>30</sup> this view is “acceptable” and that the expected standard found in Regulations<sup>31</sup> will not be breached.

Strictly limited to independent schools, this position still leaves wide open the question of how Ofsted will interpret a school’s compliance with standards, where same-sex sexual activity is presented as sinful, and conveying the view that same sex marriage, in the eyes of God, is no marriage at all. It is one thing for children of a certain age to be informed about some people of the same sex who can use the law to enter into what is officially considered a marriage, but to also teach that such unions are not ordained by God and are therefore sinful raises an obvious conflict of application. The main point here is that politicians may have created a new legally recognised entity called same sex marriage, but this can never be viewed as legitimate for those who practice Christianity. Neither school inspections nor state regulations of any kind will ever be capable of changing this, in the same way that equality zealots refuse to recognise Christian beliefs.

Some religiously conservative schools have been failed by Ofsted inspections<sup>32</sup> on the basis that they failed to “promote” sexual orientation, which means teaching same sex relationships are of equal value and standing to heterosexual ones and should be celebrated and affirmed as such. This step is dubiously supported by an ideological reading of equality law<sup>33</sup> in which “sexual orientation” is prioritised as one of nine protected characteristics.

Ofsted is alleged to have asked children during one of its inspections what lesbians did, whether they knew anyone with two mothers or two fathers, and if they knew anyone who was in the ‘wrong body’.<sup>34</sup> In another case, an Ofsted inspector was reported to have asked a girl if she was a lesbian, and whether she felt comfortable in her own body.<sup>35</sup>

An unresolved issue is why sexual orientation is so often accorded more weight than religion or belief in cases of perceived conflict.

Freedom of thought, conscience and religion are recognised by the European Convention on Human Rights<sup>36</sup> (now enshrined in the Human Rights Act 1998), including the freedom to manifest one’s religion or beliefs. As with most rights, a balancing exercise must be made so that consideration is given to the competing rights of different people. In the school setting, the “sexual orientation” issue is not about conflicts between opposing rights because children cannot legally consent to sexual activity, but the issue is rather religious values and teachings that are not held to comply with politically correct, state orthodoxies.

It is not just the promotion of sexual orientation that has been forced on religious schools, where Ofsted have judged FBVs are not being correctly promoted.<sup>37</sup> One Christian school, criticised for not actively promoting other faiths, was asked to remedy this situation by inviting representatives of other religions, such as imams, to lead lessons and assemblies,<sup>38</sup> despite the fact that in law, schools are expected, in the absence of exemptions, to hold daily acts of Christian worship.

It has also been reported that children as young as six were asked by Ofsted inspectors about their knowledge of Hindu festivals, and the Torah.<sup>39</sup> According to a list of shocking complaints from one school, a boy was subjected to very personal questions when placed in an isolated

room with the door shut, after the teacher supervising him was asked to leave. The Ofsted inspector then questioned the boy about his sexuality and whether he had lost his virginity.<sup>40</sup> In its letter of complaint to Ofsted, the school stated that this boy “felt embarrassed and unsafe at the time, and was glad when the interview was over.”

## 5.2 Suitability of Education and the Wider Community

The Department for Education urges parents to bear in mind a number of factors in the context of what is considered a suitable education. Parents must note:

the education should aim at enabling the child, when grown-up, to function as an independent citizen in the UK - and furthermore, beyond the community in which he or she was brought up, if that is the choice made in later life by the child;<sup>41</sup>

Evidently, the Education Department is pointing out cases of children who are brought up in religiously insular environments, so that they are at genuine risk of not adapting to life in society at large. This appears to suggest, for example, cult settings, where children are unlikely to have acquired the necessary social, intellectual and financial independence to leave their community in adulthood, if they choose to do so. Other possible cases could include an education that is exclusively based on religious texts.

In its guidance to LA's, the Department for Education states that because there is no definition of a suitable education in statute, it is the court's role to “reach a view of suitability based on the particular circumstances of each child and the education provided.”<sup>42</sup> LA's are informed that a suitable education:

... should enable a child to participate fully in life in the UK by including sufficient secular education. This means that even if the home education is primarily designed to equip a child for life within a smaller community within this country it should not foreclose the child's options in later life to adopt some other mode of living, and to be capable of living on an autonomous basis so far as he or she chooses to do so. This view is compatible with the small amount of potentially relevant case law;<sup>43</sup>

The issue of providing a secular education is not an issue of dispute for Christian parents who home-educate their children. Every child needs to acquire skills in English and mathematics, including a broad, balanced knowledge of other subjects, so there is no conflict between these requirements, and, an education that in some settings, is centred on Christian principles, and living out the Christian faith.

The above concerns effectively amount to a warning against the kind of indoctrination that damages a child's development. It suggests scenarios like cults or, radicalisation where, for example, there is a rejection of the courts system and other structures upholding law and order.

How does biblical Christianity fare in what is a deemed 'suitable' in the eyes of LAs? While the law allows parents to educate their children according to Christian, biblical principles, this field could, undoubtedly be perceived as a somewhat grey area by those hostile to Christianity. This is because the question of suitability is open to interpretation, and the



exercise of power by LAs is largely discretionary. An LA hostile to Christian belief may well rule that a faith based education is restrictive and ‘foreclosing’ options in later life, such that a child will be incapable of “living on an autonomous basis so far as he or she chooses to do so.”

In light of the above cited guidance warning against an education that forecloses later lifestyle options, how likely is an LA to hold concerns for a child brought up on biblical principles, who regularly reads Christian story books, watches Christian-themed films for children and is taught the value of service to the wider community? Could such an education really be seen to “foreclose” “his lifestyle options in later life?

Common sense ought to demonstrate that this is not the case. Suggesting that a Christian education might foreclose a child’s options in later life is tantamount to saying: raising children as practising Christians will not prepare them for the “option” in later life, of living as atheists, with the potential associated lifestyles, should they wish to. Christophobes could certainly entertain this kind of thinking, but let us bear in mind that we could ask the same question in reverse: raising children as atheists (with all its humanistic principles) will not prepare them for the “option” in later life, of living as Christians, or for that matter, to commit to any other religion. In other words, the child’s options could, in either scenario, be seen to foreclose their later life choices.

Where a child’s education is centred on Christian belief and Christian living, and is geared to facilitating social, intellectual and financial independence, such that the child is prepared for the world of employment, and serving the wider community, he or she promises to become a well-adjusted model citizen. In such cases, if an LA raises concerns about the religious strands of the education provided, arguing that it is thereby unsuitable, then this is not just unreasonable, but unlawful interference.

Contentious areas might, for example, where the child is told that a real marriage can only be between a man and a woman. Or where a boy who talks of wanting to become a girl is informed by his parents that he was born as a boy and that they intend to treat him as such. These examples are not provided by the Education Department but in the current politically correct climate, it is certainly possible that an LA will use what it wrongly believes is its powers to intervene in these kinds of cases. However, parents should content themselves that the law does not in any way prohibit them from imparting such beliefs to their children as part of their education. Rather, it is an ideological and biased interpretation of the law that could wrongly treat such messages either as a violation of the law, or, as detrimental to the welfare of the child.

## **6.0 Other factors of suitability**

As to what counts as a suitable home education, parents are also urged by LA’s to consider:

- minimum expectations for literacy and numeracy
- the premises being suitable (e.g. not noisy)
- not exposing the child to “excessive isolation” from his or her peers

## **7.0 Local Authorities, Safeguarding and Home Education**

The Education Department recognises: “There is no proven correlation between home education and safeguarding risk.”<sup>44</sup> It further notes: “In some serious cases of neglect or abuse in recent years, the child concerned has been home educated but that has not usually been a causative factor and the child has normally been known anyway to the relevant local authority.”<sup>45</sup>

LA’s do, however, have a range of powers at their disposal that may be deployed where there are safeguarding concerns. Where it appears to LA’s that a child is either receiving an unsuitable or inadequate education, such that the child’s social, emotional, intellectual and behavioural development is being impaired, they are obliged to exercise their safeguarding duties.

In the exercise of their education functions, LA’s hold a general duty to make arrangements to safeguard and promote the welfare of children,<sup>46</sup> a duty that covers not only children who attend school but also those who are home educated. This general duty does not mean the LA can, in the course of their enquiries about the provision of home education, demand contact with a child or visit the child’s home.

However, there are circumstances when LA’s have the right to contact with a child. Where there is “reasonable cause to suspect” a child “is suffering, or is likely to suffer, significant harm”, the LA is required to begin an investigation, in order to “decide whether they should take any action to safeguard or promote the child’s welfare.”<sup>47</sup> What is meant by “reasonable cause”? This can include a “lack of any substantive information about a child’s education”.<sup>48</sup> The LA’s enquiries can include taking the steps to gain access to the child.

If this investigation fails to garner the information sought - for example, when the parents do not allow access to their child - the LA has a variety of available options to use via the courts,<sup>49</sup> designed to ensure the child receives a suitable education. One of these steps is to ask a court to grant an order for a child assessment,<sup>50</sup> with a view to collecting more information in order to assess if the threshold of significant harm is met.

A failure by home-educating parents to provide a suitable education, could meet a legal threshold that the child is suffering or is likely to suffer significant harm. It should be noted that the causing of significant harm does not need to be intentional, and the question of whether the legal threshold of harm is met will depend on the facts of each case. As noted above, “harm” can include the “impairment of health or development, which means physical, intellectual, emotional, social or behavioural development”.

## 7.1 Vulnerable Children and Ofsted

It should be noted that Ofsted, HM Schools Inspectorate for England, has no role in the oversight or inspection of education provided in the home. Ofsted does however conduct periodic inspections of LA’s, which includes reporting on how they implement their legal duties as they relate to vulnerable children. Ofsted will look into how LA’s identify children who are not in receipt of a suitable education, and the steps taken to tackle this problem.

In the Department for Education Guidance to LA’s on *Elective Home Education*, while home-educated children are said not to be treated automatically as vulnerable, it states that “some

children educated at home do fall into that category, and evidence from many local authorities is that the proportion who do is increasing. Unless a local authority uses all the powers at its disposal at an early stage, it is likely that many of these children will need more drastic – and more expensive – intervention later on.”<sup>51</sup>

## 8.0 Children’s Rights

The UK government ratified the United Nations Convention on the Rights of the Child. Children who are capable of forming their own views are given a right to express them in all matters affecting them as children, and for due weight to be given to these views, in accordance with the age and maturity of the child.<sup>52</sup> The Department for Education recognises this right “does not give children authority over parents”, and that the decision to home-educate is a matter for parents.

But parents are also told to “consider whether home education is realistically possible in your family’s particular circumstances, and if your child is happy to be educated in this way.” They add: “The local authority may wish to gain the child’s opinion on the suitability of the home education received (as distinct to the question of the child’s preference for being educated at home rather than at school)...”. The Department for Education explains this can be relevant to any decision the LA needs to make on whether the statutory requirements of a suitable education are met.<sup>53</sup>

The child’s views should certainly be heard and considered, though it is problematic if decisions about what counts as a “suitable” education can, or indeed should, be shaped conclusively on the child’s views. The Education Department provides an example of what counts as “suitable”: parents “should take account of any specific aptitudes (for example if a child is very good at mathematics, it might focus more on that than some other subjects).”<sup>54</sup> This illustration appears straightforward and reasonable, but if a child, for example, hates all science subjects, is this a sufficient reason to terminate teaching in the sciences on account of the child’s views? From the legal advice offered by the Education Department, it seems to leave this sort of question wide open, or at least unresolved. If educational decisions about suitability are to be shaped decisively in some cases by the child’s wishes instead of adult-led priorities, this may not be conducive to their future employment prospects, and may even be counterproductive.

## 9.0 Online Resources

- *Elective home education: Departmental guidance for parents*, Department for Education, April 2019
- *Elective home education: Departmental guidance for local authorities*, Department for Education, April 2019

- *Home education in England*, House of Commons, Briefing Paper by David Foster, Number 5108, 12 April 2019.
- *Promoting fundamental British values as part of SMSC in schools: Departmental advice for maintained schools*, Department for Education, November 2014.
- *Children not in school: proposed legislation Government consultation*, Department for Education, April 2019.
- *Elective Home Education: Call for Evidence 2018 Government consultation response*, Department for Education, April 2019.
- *Participation of young people in education, employment or training: Statutory guidance for local authorities*, Department for Education, September 2016.
- *The Independent School Standards: Guidance for Independent Schools*, Department for Education, April 2019.

**Disclaimer:** The legal information contained in this briefing is drawn from Department for Education guidance and other documents. It is only intended to provide an overview of the law and its potential application to Christian parents who choose to home educate their children. This document is not exhaustive in content, and should not be treated as legal advice.

## Sources

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<sup>1</sup> <https://www.bbc.co.uk/news/uk-england-42624220>

<sup>2</sup> *Elective Home Education: Call for Evidence 2018*, Government Consultation Response, Department for Education, April 2019, para. 3.3.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Elective home education: Departmental guidance for local authorities*, Department for Education, April 2019, Introduction.

<sup>5</sup> *Ibid.*, para. 2.3.

<sup>6</sup> *Ibid.*, Introduction.

<sup>7</sup> Article 2 of Protocol No. 1.

<sup>8</sup> *Elective home education: Departmental guidance for parents*, Department for Education, April 2019, para. 6.6.

<sup>9</sup> *Ibid.*, para. 4.1.

<sup>10</sup> *Ibid.*, para. 4.2.

<sup>11</sup> Education Act 1996, section 436A.

<sup>12</sup> *Elective home education: Departmental guidance for local authorities*, Department for Education, April 2019, para. 5.4.

<sup>13</sup> *Ibid.*, para. 5.2.

<sup>14</sup> *Ibid.*, April 2019, para. 3.6

<sup>15</sup> *Ibid.*, para. 5.4.

<sup>16</sup> *Elective home education: Departmental guidance for parents*, Department for Education, April 2019, para. 5.3.

<sup>17</sup> See Children Act 1989, section 31.

<sup>18</sup> *Elective home education: Departmental guidance for local authorities*, Department for Education, April 2019, para. 7.5.

<sup>19</sup> Education Act 1996, section 437(1).

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- <sup>20</sup> Education Act 1996, section 437(3).
- <sup>21</sup> *Elective home education: Departmental guidance for parents*, Department for Education, April 2019, see para. 5.9.
- <sup>22</sup> See section 7, Education Act 1996.
- <sup>23</sup> *Participation of young people in education, employment or training: Statutory guidance for local authorities*, Department for Education, September 2016, p. 16.
- <sup>24</sup> *Elective home education: Departmental guidance for parents*, Department for Education, April 2019, para. 2.9. <sup>25</sup> *Ibid.*, para. 2.10 (a).
- <sup>26</sup> *Elective home education Departmental guidance for local authorities*, Department for Education, April 2019, para. 10.15.
- <sup>27</sup> *Ibid.*, para. 10.15.
- <sup>28</sup> *Ibid.*, para. 9.4, section c.
- <sup>29</sup> *Promoting fundamental British values as part of SMSC in schools: Departmental advice for maintained schools*, Department for Education, November 2014.
- <sup>30</sup> *The Independent School Standards: Guidance for Independent Schools*, Department for Education, April 2019. See paragraph 2.15.
- <sup>31</sup> Education (Independent School Standards) Regulations 2014.
- <sup>32</sup> See: <https://www.christian.org.uk/news/ofsted-punishes-jewish-school-refusing-endorse-lgbt-agenda/>  
<https://www.pinknews.co.uk/2016/12/21/christian-schools-downgraded-by-ofsted-over-homophobic-teachings/>
- <sup>33</sup> Equality Act 2010, Part 2, Chapter 1, section 4.
- <sup>34</sup> <https://www.dailymail.co.uk/news/article-2908569/School-inspectors-asked-10-years-olds-pupils-Lesbians-did-check-teachers-promoting-British-values.html>
- <sup>35</sup> To read the school's complete letter of complaint to Ofsted, and the list of allegations made, see: [https://blogs.spectator.co.uk/files/2015/02/enclosure-to-letter-to-SS-2.2.15\\_redacted.pdf](https://blogs.spectator.co.uk/files/2015/02/enclosure-to-letter-to-SS-2.2.15_redacted.pdf)
- <sup>36</sup> Article 9.
- <sup>37</sup> For an overview of examples, see: [https://www.christian.org.uk/wp-content/uploads/Ofsted\\_briefing\\_web-2.pdf?hp](https://www.christian.org.uk/wp-content/uploads/Ofsted_briefing_web-2.pdf?hp)
- <sup>38</sup> <https://www.dailymail.co.uk/news/article-2807339/Christian-school-claims-faces-closure-failing-invite-imams-assembly-line-new-government-policy-promoting-British-values.html>
- <sup>39</sup> <https://www.dailymail.co.uk/news/article-2908569/School-inspectors-asked-10-years-olds-pupils-Lesbians-did-check-teachers-promoting-British-values.html>
- <sup>40</sup> To read the school's complete letter of complaint to Ofsted, and the list of allegations made, see: [https://blogs.spectator.co.uk/files/2015/02/enclosure-to-letter-to-SS-2.2.15\\_redacted.pdf](https://blogs.spectator.co.uk/files/2015/02/enclosure-to-letter-to-SS-2.2.15_redacted.pdf)
- <sup>41</sup> *Elective home education: Departmental guidance for parents*, Department for Education, April 2019, para. 2.10.
- <sup>42</sup> *Elective home education: Departmental guidance for local authorities*, Department for Education, April 2019, para. 9.4.
- <sup>43</sup> *Ibid.*
- <sup>44</sup> *Elective home education: Departmental guidance for local authorities*, Department for Education, April 2019, para. 7.3.
- <sup>45</sup> *Ibid.*
- <sup>46</sup> See section 175, Education Act 2002.
- <sup>47</sup> See section 47, Children Act 1989.
- <sup>48</sup> *Elective home education: Departmental guidance for local authorities*, Department for Education, April 2019, para. 7.8.
- <sup>49</sup> For specific information about how the safeguarding role of LA's affects parents who home-educate their children, see: *Elective home education: Departmental guidance for parents*, Department for Education, April 2019, para. 5.11-5.19. For more detailed information about the powers of a LA to intervene in cases where the child is not receiving a suitable home education, see the flow charts in: *Elective home education: Departmental guidance for local authorities*, Department for Education, April 2019, pp. 5, 40-43.
- <sup>50</sup> See section 43, Children Act 1989.
- <sup>51</sup> *Elective home education: Departmental guidance for local authorities*, Department for Education, April 2019, para. 3.8.
- <sup>52</sup> Article 12.1.
- <sup>53</sup> *Elective home education: Departmental guidance for parents*, Department for Education, April 2019, para. 2.3.
- <sup>54</sup> *Ibid.*, para. 2.10.