

Constructing Home Education as a Problem: Why a Register Will Not Fix What Policy Presents as Broken

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ABSTRACT

This paper critically examines the proposed compulsory register for home-educated children in England, situating the discussion within the broader legal, socio-political, and educational context. It outlines the governance of home education, detailing the existing register, its implementation, and the challenges faced by families, including resource access, equity, and inconsistent local authority understanding. Drawing on Bacchi's "What's the Problem Represented to be?" (WPR) framework, Foucauldian perspectives on normalisation, and educational policy analysis, the paper interrogates the assumptions underpinning the proposed register under the Children's Wellbeing and Schools Bill (CWSB). The policy frames home-educated children as invisible and at risk, positioning bureaucratic oversight as the primary solution despite limited evidence of systemic safeguarding failures. This framing obscures the heterogeneity of home education practices, the fluid and experiential nature of learning, and structural inequities in educational access. While not opposing all forms of registration, the paper critically evaluates the motives behind the Bill, highlighting the risks of monitoring without support. The analysis calls for enhanced dialogue between policymakers and the home education community to promote understanding of diverse pedagogical practices and ensure equitable educational opportunities for all children.

1. Introduction

The tragic death of Sarah Sharif in 2024 reignited political calls for a compulsory register for all children not attending school, particularly those educated at home. Media and policy narratives positioned registration as a solution to safeguarding gaps, even though local authorities already maintain registers of children known to be home-educated through deregistration processes (Purcell et al., 2025). The Children's Wellbeing and Schools Bill (CWSB) positions compulsory registration as a safeguarding intervention. However, evidence suggests that such measures may inadequately address the diverse realities and needs of home-educated children and families. This paper evaluates the rationale, implications, and potential consequences of the CWSB's register proposal, drawing upon an educational policy

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methodology that foregrounds governance, wellbeing, and qualitative insights from the home education community.

The author brings a dual positionality to this study as both a long-term home educator and an academic researcher in education. Having home educated for over sixteen years, including periods both on and off the local authority register, she has direct experience of the procedural and relational dimensions of registration. This lived experience is complemented by professional work across primary, secondary, and higher education, providing familiarity with institutional governance, safeguarding frameworks, and educational policy. This combined perspective enables engagement with both practitioner and policy concerns, including recognition that safeguarding risks may arise in any educational context, even if rare. The author's positionality provides experiential insight and is acknowledged as shaping her interest in the topic, while the analysis itself is grounded in established policy frameworks and documentary evidence.

The policy debate surrounding compulsory registration must be situated within broader considerations of child wellbeing, educational access, and quality. Research indicates that safeguarding outcomes are not solely determined by registration or monitoring systems; instead, effective protection relies on multi-agency collaboration, timely information sharing, and targeted support for families (Purcell et al., 2025). The concept of "register creep" highlights the risk that a safeguarding rationale may expand the scope of data collection beyond what is necessary or useful, inadvertently creating administrative burdens and potential inequities for families (Gillie, 2022). In practice, the effectiveness of a register is contingent on the capacity of local authorities to provide meaningful oversight, guidance, and resources. Evidence suggests that some LA officers manage caseloads exceeding one thousand families, undermining the capacity to provide substantive support, even within existing registration systems (Centre for Social Justice, 2022; Purcell et al., 2025).

Home education is a heterogeneous phenomenon, shaped by a combination of parental motivations, educational philosophies, and children's individual needs (Arora, 2006; Blok, 2004; Govaerts, 2020). Research indicates that safeguarding concerns are not uniquely or disproportionately associated with home education per se, including among children not registered with local authorities. Where harm has been identified in the literature, it has typically involved children already known to services prior to deregistration rather than being inherent to home education itself (Child Safeguarding Practice Review Panel, 2024; Forrester et al., 2017). While much of the literature challenges the assumption that home education inherently increases safeguarding risk, some empirical studies and policy reviews suggest that concerns may arise within specific subgroups, particularly where children have prior involvement with social services or where support systems are limited.

The Children's Commissioner for England (2025) reports that children who moved into home education were "50% more likely" to be known to social care as a Child in Need (3.9% compared to 2.6%). While statistically accurate in relative terms, this represents an absolute difference of 1.3 percentage points. Moreover, the data identifies children who were already known to social care prior to leaving school rolls, meaning the temporal sequence does not establish that home education precipitated safeguarding concern (Children's Commissioner for England, 2024). The category "Child in Need" encompasses a broad range of circumstances under Section 17 of the Children Act 1989 and does not equate solely to substantiated abuse or neglect. Although 54% of those identified were known due to abuse or neglect, this proportion relates to the 3.9% subgroup rather than the wider home-educating population. The findings therefore indicate that some children with pre-existing vulnerabilities transition into home education, but they do not in themselves demonstrate that home education increases

safeguarding risk. Alternative explanations, including parental responses to unmet needs within mainstream schooling, remain plausible.

The inclusion of voices from the home education community and those connected to it is critical for understanding the lived and systemic implications of registration policies. Govaerts (2021) articulates the precarious navigation of educational and social systems by home-educated children and families, emphasizing the psychological and administrative pressures that can accompany oversight. Barrow (2023) examines the long-term trajectories of home-educated individuals, highlighting how educational experiences influence employment opportunities and life transitions. Wheeler (2023) provides insights into the challenges home-educated applicants face in accessing higher education, emphasizing institutional barriers and the need for inclusive policy frameworks. Collectively, these voices illustrate that HE policy must extend beyond administrative compliance to recognize diversity, capability, and the long-term educational and social outcomes of children.

While safeguarding and educational quality are legitimate policy concerns, there is limited evidence that registration alone addresses the complexities of children's lived experiences or the structural constraints facing many home-educating families. The urgency of this analysis is amplified by the intensifying political framing of home education as a regulatory problem. In remarks delivered on 5 February 2026, Prime Minister Sir Keir Starmer stated that the government would pursue "tougher regulation of home schooling" because "schools are so important for integration," adding that "we need a higher bar for people who want to opt out of that responsibility" (UK Government, 2026). Such statements position home education not only as a safeguarding concern but as a question of social cohesion and civic responsibility, underscoring the need to scrutinise how it is constructed within legislative reform.

Specifically, the paper asks:

1. How is home education represented as a safeguarding and educational risk within the CWSB?
2. What assumptions underpin the framing of home-educated children as invisible or at risk?
3. What governance mechanisms are normalised through the proposed register?
4. What are the potential implications of this problem representation for equity, parental agency, and educational practice?

This paper focuses specifically on the proposed compulsory register for home-educated children under the CWSB as it applies to England. It does not offer a comparative analysis across the devolved UK nations, nor does it evaluate educational or safeguarding outcomes empirically. The analysis does not take a normative position on whether a register is inherently beneficial or harmful; arguments for and against registration can coexist within legitimate policy debate. Rather, the focus is on how the register is framed, the assumptions underpinning its justification, and the implications of its intended implementation for children's education and family-state relations. As the proposed register remains under review and has not yet been implemented, the paper does not claim to assess its practical effects. Its conclusions therefore concern the policy's construction, rationale, and potential consequences rather than realised outcomes.

As such, the following sections outline the current landscape of home education in England, including the existing voluntary register, its implementation at the local authority level, and the practical challenges experienced by families and professionals. This contextual foundation is followed by a review of relevant literature and a critical examination of the proposed compulsory register within the Children Not in School provisions of the CWSB (Part 2, section

Children not in school, clause 24-29). Drawing on Bacchi's framework *What's the Problem Represented to be* and wider policy analysis (Ball, 1993, 2012b; Ozga, 1999), the paper traces the assumptions embedded in the bill and interrogates the policy logic that constructs home education as a safeguarding problem. Through this analysis, the paper evaluates how the new requirements may exacerbate existing issues rather than address them, and considers the consequences for educational practice, parental agency, and the wellbeing of home-educated children.

Although this paper focuses on England, approaches to home education vary significantly across jurisdictions. Within the UK, Wales has developed increased oversight mechanisms and guidance for elective home education, including attention to local authority responsibilities and post-16 transitions (Ryan, 2019), while Scotland operates a distinct consent-based system in which local authority approval is generally required prior to withdrawal from school (Lees & Nicholson, 2021). Northern Ireland, by contrast, maintains a more limited administrative framework, with no statutory register and minimal requirements for parental notification (Lees & Nicholson, 2021). Internationally, regulatory approaches diverge even more sharply. In parts of the United States, oversight remains minimal and highly variable across states, whereas Germany enforces strict compulsory schooling laws that effectively prohibit home education (Spiegler, 2009). France has recently moved towards a more restrictive model, replacing a declaratory system with an authorisation regime requiring state approval for home education following legislative reform in 2021 (Ministère de l'Éducation Nationale, 2022). This diversity demonstrates that England's proposed register is not an inevitable policy response, but rather one situated within a broader spectrum of governance choices reflecting differing assumptions about parental autonomy, state responsibility, and educational risk. It is also important to note that the CWSB applies to England only, reflecting the devolved settlement in which education is a matter reserved to the devolved administrations.

2. Literature Review

2.1. Legal Context

In the UK, home education is a legal parental choice, where the parent becomes fully responsible for the educational provision of their child, in the home or elsewhere, instead of enrolling their child into a school. This right is protected in Section 7 in the 1996 education Act which states:

“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable,

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have, either by regular attendance at school or otherwise.” (The Education Act, 1996)

It is in the last concept, “otherwise” where home education takes place. Home education is also known as publicly as homeschooling or referenced to by the government as Elective Home Education (EHE). However, many practitioners and researchers prefer the term home education over homeschooling. The latter is seen as an Americanized term associated with schooling at home for different cultural, philosophical and educational motives. On the other hand, the term “elective home education” implies that all home-educating parents actively choose to home educate, which does not reflect the experiences of many families in the UK. However, for readability EHE is used in this paper, whilst recognizing not all families ‘elect’ home education. Although the accurate number is unknown, it has been clear from media reports and

empirical research that numerous parents feel that they have had little choice but to home educate due to unmet needs in the mainstream schooling system (Gillie, 2022; Hattenstone, 2024a, 2024b; Whittaker, 2024b).

There are no legal requirements for home educators to follow the National Curriculum, or to have any prescribed set hours of education. EHE allows the parent to choose the topics, content, time, location and methods used as they see fit (Fensham-Smith, 2021). This flexibility and vague description are recognized by the government in the guidance and is left for the parents to take the full responsibility to ensure that the education provided “achieves that it intends to achieve” (Department for Education, 2019). This has left some researchers and critics of EHE to imply an alarming lack of clear expectations and standards, portraying home-educated children and families hippy, eccentric, middle class (Rothermel, 2003; *The Economist*, 2005). Often it is implied that home-educated children are at higher risk of being neglected as there are no compulsory visits from the local authority ensuring that the child is being educated efficiently (Borrell, 2019; Rothermel, 2003; Shipman, 2019; Turner, 2017). Some critics challenge the parental right to EHE, viewing children as public goods and characterizing families who choose EHE as driven by fear or mistrust of formal schooling. These families are labelled as viewing school environments as dangerous due to a perceived lack of control over their children’s development and the shaping of future generations (Traversini & Lockmann, 2022).

EHE can also be examined within a broader international legal framework to understand the global perspectives and interpretations of the rights of both the family and the child to pursue EHE (Govaerts, 2023). This international context offers insight into how various legal systems recognize and balance these rights, providing a more comprehensive understanding of the position of EHE worldwide. For example, EHE can be interpreted as a protected right under the United Nations Convention on the Rights of the Child (UNCRC) including article 29 which includes that states should:

“Agree that the education of the child shall be directed to the development of respect for the child's parents, his or her own cultural identity, language and values,”
(UNCRC, 1989)

This UNCRC article highlights the importance of parental roles in shaping a child’s education, including the recognition of cultural identity and values. However, the Convention also emphasises the state’s responsibility to ensure that all children have access to education (Article 28), reflecting an inherent tension between parental autonomy and state oversight. Taken together, these provisions establish a framework that can support the possibility of home education, but not as an unqualified expression of parental authority. Rather, the UNCRC positions education as a shared responsibility, requiring a balance between family rights and the state’s obligation to safeguard children’s welfare and educational access.

The stark distinction between the responsibility of the state and parents in education, is reflected in the UNCRC and The Education Act 1996. While The Education Act places the primary legal responsibility for a child’s education with the parents, the state facilitates and regulates the education system through the provision of schools. A schooling parent therefore has no autonomy over the education taking place within these schools nor is held accountable for the education received. A EHE parent quite contrary has full autonomy and the state only intervenes if there is evidence the child is not receiving suitable education. In contrast to the UNCRC which implies that the state must provide and guarantee education for all children, where parents play a vital role in shaping this education, placing the child at the centre of the family and society. As such the UNCRC sees the state as responsible and holds the state accountable for providing and overseeing educational opportunities. Thus, while The

Education Act places the primary responsibility for a child's education on parents, granting them autonomy to choose how it is delivered, the UNCRC emphasises the state's obligation to ensure access to education for all children. This difference highlights a tension between parental autonomy and state oversight, particularly in the context of EHE, where the balance between these responsibilities is often contested.

2.2. Parent Autonomy vs State Oversight

This contested balance between parental autonomy and state oversight often gives rise to assumptions and stereotypes about EHE families, in particular families from minority communities. On the one hand, some families (mainly white middle-class families) are considered to make informed and capable decisions to home educate; on the other, there is a concern that some families (mainly Muslims and Traveller families) may use EHE as a means to remain under the radar for potentially harmful reasons, such as radicalisation. These families are deemed at "risk" (Myers & Bhopal, 2018), perpetuating biases that further complicate the debate over educational responsibility and child welfare. This sentiment was captured by the then Education Secretary, Nicky Morgan, who stated,

"For every parent doing a brilliant job, there may be someone filling their child's mind with poison" (Press Association, 2015)

Her words sparked articles and debates portraying EHE families as a potential threat to British values. It also served as a motive for the proposed register, aiming to identify and monitor families perceived as 'at risk' (Bhopal & Myers, 2018; Myers & Bhopal, 2018; Pattison, 2020). However, the objection lies in the fact that EHE is, for many families, a deliberate choice to avoid government intervention, particularly in cases where cultural, philosophical or political values drive the decision.

Moreover, most families that have de-registered from the school system have done so due to dissatisfaction with the education system, feeling the schooling system has let their child down (Clarke, 2024). This has created a tension, between families and local authorities resulting in lack of trust and breaking of relationships between them (Mukwamba-Sendall, 2019). Families see the purpose of opting for EHE as fundamentally to preserve parental autonomy and distance from the state's educational oversight, especially if the child's needs have not been met in school. These parents are filling the gap that was the state was unable to fulfil, which often has come with many negative experiences. Therefore, the proposed register is viewed as offensive by many EHE parents because it directly challenges their core values of autonomy and parental rights. For some of these families, EHE is not just an alternative educational choice but a deliberate act of resistance against state control and intervention, sometimes motivated by cultural, philosophical, or religious beliefs (Pattison & Holmes, 2024). The register, in their view, represents a form of government overreach that undermines their ability to make independent decisions regarding their children's education, especially if they have had a negative experience in the school system. It is perceived as an intrusion into their private family life and an attempt to impose external scrutiny on a practice they consider to be their right and responsibility to manage without state interference (Monk, 2003, 2004). This creates a complex legal discourse, where both the state and parents view themselves as responsible and accountable for ensuring a child receives an education. However, the boundaries between these roles are unclear, with both sides asserting their authority, leading to ambiguity over where the responsibility lies.

2.3. The Register: Current Visibility and Data Gaps

Policy makers frame the introduction of an EHE register as necessary in response to the unknown and increasing number of home-educated children, alongside concerns about safeguarding and oversight (House of Commons Education Committee, 2021; Long & Danechi, 2022). The only known numbers of home educators are from LA registers where parents de-register from the school register, where they have registered their child before or after the child's 4th birthday for a school place and chose at any point to withdraw from a school to EHE (Smith et al., 2020). Thus, while local authority registers exist following deregistration, they remain incomplete, non-compulsory, and limited in scope, restricting both data accuracy and proactive oversight. As such, the available data does not indicate significant concerns regarding the quality of EHE as noted in recent policy reviews:

“Just because these home educators are providing children with a good education, all home educators must be. Indeed, without data, we cannot know how many children in EHE are receiving a suitable education” (House of Commons Education Committee, 2021)

The proposed register is therefore positioned as a means of generating more comprehensive data to assess educational provision across the EHE population.

Estimates of the number of home-educated children remain inconsistent, reflecting variations in data collection methods and definitions. For example, ADCS (2021) reported 115,542 children during 2020/2021, while more recent figures suggest 111,700 (Clarke, 2024), alongside differing estimates from the Children's Commissioner for England (2024). These discrepancies highlight structural limitations in current data systems rather than the absence of oversight alone.

These inconsistencies are further compounded by the conflation of home education with categories such as “missing education,” where children outside school registers may include those who are home-educated, off-rolled, or awaiting educational placement. Despite this complexity, public and policy discourse frequently represents these groups collectively as “invisible” (Long & Danechi, 2022).

Justifications for the rise of EHE have been widely presented in studies on parental motives in the last decade, there is a consensus that shows there is dissatisfaction with mainstream education (Rothermel, 2002, 2003; Smith et al., 2020) based on pedagogical, and philosophical and educational stands (Jones, 2013). Recently mental health has also become a growing reason to home educate (Clarke, 2024). Motivations for choosing EHE vary widely from one child or family to another, families being far from homogenous, with fluid and dynamic reasons, reflecting diverse needs and circumstances (Rothermel, 2003). However, recently it has been highlighted that the option to home educate has been considered due to challenges related to special educational needs and declining mental health and wellbeing, where schools are perceived as failing to meet the individual needs of the child, highlighting an alarming deficit within the education system (Gillie, 2022; Govaerts, 2020).

Accurate tracking remains difficult due to structural limitations in the system. Children who have never been enrolled in school may not appear in local authority records, and movement between authorities is not systematically tracked unless families voluntarily update records. As reporting is non-compulsory, many families perceive little benefit in engaging with registration, particularly where relationships with local authorities are characterised by mistrust or previous negative experiences. As a result, registration can be experienced not as support, but as administrative burden and potential intrusion into family autonomy.

2.4. Who is (not) on a Register

There is a rising phenomenon where schools can roll-off children from their register that are potentially not coping with a school environment or failing academically (Done & Knowler, 2020, 2022; McShane, 2020). This unlawful practice has raised alarm, as parents are left with no option but to resort to EHE, often at the school's request (Gillie, 2022; Salt, 2022; Weale, 2019). The scale of this practice remains difficult to quantify, contributing to broader concerns about children considered “invisible” to the system (Fenton, 2016). However, it is misleading to conflate these figures with those of parents who choose to home educate voluntarily, as they are often unfairly considered a risk or invisible, despite the fact that they are actively engaged in educating their children in a manner that aligns with their rights and values, and within the law. As shown in Figure 1, the scenarios differ significantly between children already on a register and those outside the registration system.

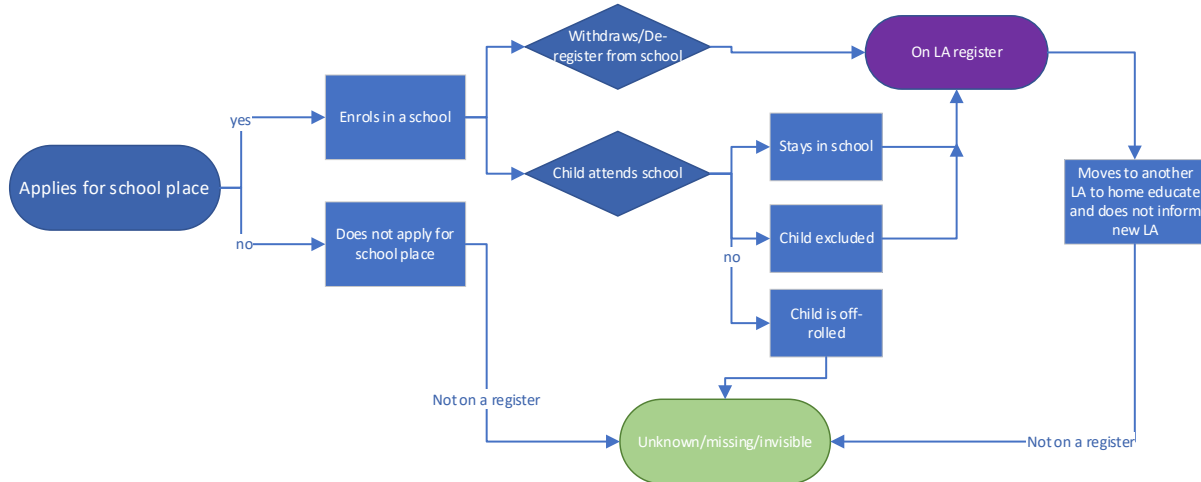


Figure 1. Scenarios of registered Home-educated children vs invisible children

Figure 1 illustrates the scenario, in purple, the numbers currently available from existing local authority registers. A stark increase in deregistration figures was revealed through data obtained by the BBC via a Freedom of Information request, with 90% of councils providing accurate numbers from their registers. This close to accurate data indicates that the number of deregistered children rose from 28,000 in 2019-2020 to 66,496 in 2023-2024 (Hattenstone, 2024a), more than doubling, an increase of approximately 135%.

In green it illustrates the scenarios where a child is deemed “missing education” or “invisible”. It conflates children who have been pushed out of formal education by schools or the system with those whose parents actively choose to home educate at the compulsory school age, who have not applied for a school place. These children may not be “invisible” or absent from society, they continue to access healthcare services, attend GP appointments, visit dentists, and engage with other social and community events. As such, safeguarding concerns could be raised through alternative channels, rather than relying solely on a register. Yet safeguarding of children on a register already and being failed by the system has not been highlighted.

2.5. Social Stigma and Discriminatory Framing

The tragic case of the death of 10-year-old Sara Sharif highlights that being on a register did not ensure her safety. While in school, safeguarding measures were taken, and a referral to child protection was made. Sara was de-registered from school twice: first in June 2022, returning in September 2022, during which time she was on her local council’s EHE register. The second de-registration occurred in April 2023, a few months before her murder in August

2023, during the summer holidays (Sinmaz, 2024). Despite being known to both school and local authority systems, safeguarding interventions failed to prevent her death. The case has therefore been used to justify increased regulation, despite demonstrating that registration alone does not ensure child protection. This risks misdirecting attention away from systemic failures in safeguarding processes and towards unwarranted suspicion of home-educating families.

Rather than producing meaningful reform or identifying clear responsibilities, this approach risks reinforcing a narrative of blame that oversimplifies a deeply complex tragedy and ignores systemic accountability. While safeguarding concerns may arise in specific cases, the policy framing extends these risks to the entire home-educating population. The policy argument, therefore, rests on a contradiction: using a case where registration demonstrably failed to argue for registration as a solution.

However, the children who are not on a register are seen as being at risk being 'less visible' (Whittaker, 2024a). Therefore, the concern about them being 'invisible' is largely based on an assumption that puts the possibility on parents being able to intentionally harm their children and avoid any contact with any relevant agency throughout a child's lifetime. This disregards the evidence on home-educating children's active presence in broader social and healthcare systems, especially amongst families home-educating by choice, whether they are on a register or not.

“Statutory registers, in most people’s eyes, are for professions or wrong-doers, such as sex offenders, and should only be used for such things. Singling out home education as a form of education requiring a statutory register - based solely on a parent’s lawful choice on how to educate their child - is discriminatory. It portrays the image that these are people that need to be kept an eye on - it is stigmatising.” (written evidence HED0690 House of Commons Education Committee, 2021)

The debate around a compulsory register is increasingly polarised. Proponents frame registration as essential for safeguarding and accountability, while critics view it as discriminatory and an unjustified intrusion into parental autonomy. This binary framing obscures the complexity of EHE contexts and the absence of comprehensive data on both registered and unregistered children. Without systematic information, local authorities may struggle to identify children at risk of neglect, forced marriage, or educational abandonment. From this perspective, registration is framed not as surveillance but as a mechanism of accountability and child protection. However, the extent to which data absence equates to safeguarding failure remains contested, and the causal relationship between registration and harm prevention is not empirically established.

This polarised debate misses a crucial middle ground: families who are neither radical advocates of total freedom from oversight nor aligned with state-based models of standardised education. These families, often marginalised themselves, may lack the resources, support, or confidence to speak publicly about their EHE experiences, and are almost entirely missing from current data. It also misses out families who are on a register and have found benefits from certain support networks provided through the local authority. The evidence we currently have from research is problematic due to sampling strategies and those coming forward are those confident about their home education approach (Adamson, 2021; De Carvalho, 2022; Fensham-Smith, 2017). Similarly, the written evidence submitted in regard to a proposed register in 2020 overwhelmingly include evidence from home-educating parents opposing a register. It does not regard those who are on the register and are benefiting of such, like access to ECP support or resources. The problem persists that there is no unified or standard set funding set out for home educators as it is at each LA discretion, so there is a huge discrepancy, and a lack of trust (Centre for Social Justice, 2022).

2.6. Implications on the Bill

Concerns about the register are amplified by recent global political developments, such as bans on home education in other countries (e.g. France). Several requirements proposed in the Bill appear practically unfeasible and overly intrusive. For example, the register created under section 436B must record detailed information about each child on it. This includes the child's name, date of birth, and home address, as well as the names and home addresses of their parents. It must specify which parent is responsible for providing education and indicate how much time each parent spends on that provision. If education is provided by someone other than the parent, the register must list the names and addresses of all individuals or organisations involved, describe the type of each provider, and include the address of any physical education setting or relevant email if tuition occurs online. It must also record the total time the child spends with these providers and specify how much of that time occurs without active involvement or supervision from a parent. Considering the flexibility and community learning that takes place, this will put an immense burden not only on the providers but also raise logistical and ethical concerns of data protection, not knowing how this data will be used and by who.

Additionally, the bill requires parents to obtain local authority consent to home educate children who have identified safeguarding concerns as the local authority may mandate school attendance (see section 434A of CWSB). This could include cases of domestic abuse where the child is no longer in contact with the abusive adult, where EHE may be the best option for recovering or safeguarding and demonstrates a lack of nuance and consideration for complex family dynamics. While these scenarios may seem theoretical, their inclusion in policy risks becoming enforceable practice. Rather than safeguarding children, these proposals could create unnecessary barriers, infringe upon parental freedoms, and undermine the autonomy that home educators value. Safeguarding claims rest on the assumption that lack of visibility increases vulnerability to harm. Educational quality claims, by contrast, concern access to qualifications, resources, and progression pathways. The proposed register frequently conflates these logics, implying that increased monitoring will simultaneously prevent harm and improve educational outcomes. However, no explicit causal mechanism is articulated linking data collection to improved learning conditions.

2.7. Lack of Support, Equity, and State Duties

The CWSB promised to keep children safe, yet it raises concerns by suggesting the introduction of compulsory inspections and assessments to evaluate the suitability of a child's home for home education. This intrusion that comes with the claim to keep children safe, raises concerns regarding what the criteria are and what standards will be set. While local authorities claim to support home-educating families, this is not always true (Mukwamba-Sendall, 2019). Support is often limited to oversight, like phone calls or emails, with no consistent evaluation of educational quality. Some authorities offer resources for special needs children, but this varies widely across different areas (House of Commons Education Committee, 2021). EHE Families receive no financial support for resources or exams, creating a significant financial burden. Parents must cover costs for GCSEs and A-levels, exacerbating educational inequalities, especially for disadvantaged families who turn to home education as their only option (Govaerts, 2021). Some children cannot access exams due to financial barriers, despite being capable of achieving good grades. While parents prefer limited state intervention, the new Bill offers no additional support, especially amid ongoing education cuts, leaving EHE families without promise for financial assistance.

The call for a mandatory nationwide register frequently invokes the alleged “dangers of home schooling” while failing to situate these claims within a broader understanding of shared responsibility among key stakeholders (Sinmaz, 2024). The proposed Bill presumes the state’s role as primarily one of oversight, a mechanism to monitor and document families, rather than a commitment to meaningful educational support or safeguarding provision. This positioning obscures the complex distribution of responsibility embedded within existing legislation, where the Education Act places the duty of providing suitable education on parents, while the United Nations Convention on the Rights of the Child places obligations on the State to enable and support access to educational resources.

Rather than clarifying or improving these relational responsibilities, the register risks reducing accountability to administrative compliance. Without outlining how the state will enhance educational provision, provide examinations access, or resource local authorities, the register reflects a governance model concerned with visibility rather than educational outcomes. The framing of EHE as a potential site of harm not only positions families as suspect but also ignores significant structural issues, such as the lack of available support for Special Educational Needs in schools which drives many parents to home education as the only option, the absence of local examination access, and stark disparities in provision between local authorities. Despite increased regulatory focus, structural issues remain unresolved, including inconsistent local authority support, lack of funding for examinations, and inequalities in educational provision. Without addressing these factors, a register risks reinforcing rather than reducing existing disparities.

The debate surrounding the register often reflects the perspectives and anxieties of relatively privileged home educators, whose objections may rest on assurances of their own competence. Yet this obscures the broader question of equity: families with fewer resources are unlikely to benefit from a register that imposes surveillance without offering support. With little empirical evidence demonstrating that children currently outside local authority knowledge are experiencing educational neglect, and similarly, no evidence that the register would meaningfully improve broader outcomes, the policy proposal risks functioning as a symbolic solution to deeply structural issues.

In this sense, the register operates less as an instrument of genuinely distributed responsibility and more as a technology of categorisation and control. The policy direction foregrounds accountability without clarifying how responsibility will be enacted, supported, or shared. As such, the register becomes not merely an administrative tool but a mechanism through which the State reshapes relations of trust, obligation and educational legitimacy.

3. Methodology and Analytical Framework

3.1. Methodology

This study adopts Bacchi’s “*What’s the Problem Represented to be?*” (WPR) approach as its primary analytical framework (Bacchi, 2009; Bacchi, 2021). WPR is particularly suited to the analysis of contemporary education policy because it shifts attention from evaluating whether a policy solution is effective to interrogating how the policy constructs the “problem” it claims to address. Rather than taking the proposed compulsory register as a neutral administrative mechanism, this approach examines how the Bill represents EHE as a matter of safeguarding risk and regulatory insufficiency. In doing so, the framework enables a systematic analysis of the assumptions, presuppositions, and normative logics embedded within the legislation.

The WPR approach is complemented by Foucauldian perspectives on governmentality and normalisation (Foucault, 1977; Foucault, 1991), alongside critical policy scholarship (Ball, 1993, 2012; Ozga, 1999). These perspectives allow the register to be examined not simply as bureaucratic reform but as a technology of governance through which particular subjects, “invisible” or “at-risk” children and responsible or deficient parents, are constituted. This theoretical combination is appropriate given the study’s aim to analyse policy problematisation rather than to measure safeguarding outcomes or educational attainment.

The analysis draws on the CWSB, relevant statutory guidance on elective home education in England, and selected policy reports and committee findings referenced within the legislative debate. These documents were selected based on their direct relevance to the construction, justification, and framing of the proposed register. As the Bill remains under review and has not yet been implemented, documentary analysis is methodologically appropriate for examining policy construction at the pre-implementation stage.

The analysis proceeded in three stages: (1) initial familiarisation and close reading of policy texts; (2) identification of recurring discursive themes, including invisibility, risk, vulnerability, and data insufficiency; and (3) application of Bacchi’s “What’s the Problem Represented to Be?” (WPR) framework to interrogate the underlying assumptions and effects of these representations.

The analytical process involved iterative close reading of the selected documents and the mapping of how recurring themes were mobilised to support regulatory proposals. Particular attention was given to the ways in which concepts such as risk and visibility were used to legitimise expanded oversight. Foucauldian concepts of normalisation and responsabilisation were then applied to interpret how these discourses construct home-educating families as subjects requiring monitoring, and how governance is reframed as a form of protection. The analysis is interpretive and conceptual in nature. It does not seek to evaluate the empirical impact of the proposed register, but rather to examine how policy discourse shapes the conditions under which regulation becomes both thinkable and justified. Given the author’s positionality, reflexive awareness was maintained throughout the analysis, with particular care taken to anchor interpretations in policy texts rather than personal experience.

Following Bacchi’s framework, the analysis was guided by six key questions: what is the problem represented to be in the policy; what assumptions underpin this representation; how has this representation emerged; what is left unproblematised; what effects does this representation produce; and how is it produced, disseminated, and potentially challenged.

3.2. Analysis

Having established the legal and policy context of EHE in England and the implications of the proposed register, the following section undertakes a critical analysis of the Bill using a theoretically informed lens. Drawing on Bacchi’s (2009) framework “What’s the problem represented to be?”, it rejects the assumption that policy responds to pre-existing issues; instead, it argues that policy *produces* the very problems it claims to solve. The policy rationale for the register appears to draw on two distinct but frequently conflated claims: safeguarding and educational quality.

Table 1. Safeguarding vs. quality policy rationale

Policy rationale	Assumed causal pathway
<i>Safeguarding</i>	Registration → Identification of children → Monitoring and information sharing → Protective intervention where concerns arise → Reduced risk of harm
<i>Educational quality</i>	Registration → Identification of children → Assessment of educational provision → Access to support, resources, guidance and qualifications → Improved educational outcomes

Safeguarding claims rest on the assumption that lack of visibility increases vulnerability to harm. The implied causal chain is that identification through registration enables monitoring, which in turn enables intervention, thereby reducing risk. Educational quality claims operate differently. They assume that absence of oversight may result in inadequate educational provision and that registration will facilitate assessment or improvement of standards. However, these claims rely on separate causal mechanisms. While both rationales begin with the identification of children through registration, they diverge thereafter. Safeguarding depends upon the capacity of agencies to recognise and respond to risk, whereas educational quality depends upon the provision of resources, expertise, and educational support. Registration alone does not guarantee either outcome. Consequently, the effectiveness of the register depends not on data collection itself, but on the institutional mechanisms that follow from it.

Importantly, neither causal pathway is guaranteed simply through the collection of information. The case of Sara Sharif demonstrates that a child being known to authorities does not in itself prevent harm, raising questions about the assumption that greater visibility automatically translates into effective safeguarding. Likewise, many home-educating families who are already known to local authorities continue to report barriers to accessing examinations, educational resources, guidance, and specialist support (Govaerts, 2021). These experiences suggest that identification alone does not necessarily lead to improved educational provision or outcomes. Consequently, the effectiveness of the proposed register depends not on data collection itself, but on the capacity of institutions to act upon that information through meaningful support, coordinated safeguarding practices, and equitable resource allocation.

3.2.1 Applying Bacchi’s WPR Framework to the Home Education Register

Bacchi’s (2009) *What’s the Problem Represented to Be?* (WPR) framework provides a structured way to interrogate how policy constructs and circulates particular understandings of social issues. Rather than assuming that policies respond to pre-existing problems, Bacchi argues that policies produce problems discursively. In this case, the proposed EHE register does not merely document children; it constructs EHE as a safeguarding risk requiring state surveillance. Applying Bacchi’s six guiding questions allows critical examination of the underlying assumptions, effects, and silences inherent in this representation.

3.2.2 What’s the ‘Problem’ Represented to be?

The register constructs the alleged invisibility of home-educated children as a policy problem. The implication is that, because these children are not routinely observed by state authorities, they are at risk, unsafe, unknown, and/ or inadequately educated. This framing rests on the assumption that the existing voluntary register is insufficient, that its non-compulsory status renders it ineffective, and that local authorities therefore lack the authority required to monitor and intervene. Consequently, the policy represents not the evidence of harm but the *absence of bureaucratic oversight* as the core issue requiring correction. As critical policy scholarship notes, problem representations often collapse multiple concerns into a single regulatory

solution (Bacchi, 2009; Ball, 1993). In this case, safeguarding and educational quality are treated as though they are causally aligned, despite requiring different governance responses.

3.2.3 What Presuppositions Underlie This Representation of the Problem?

This representation rests on several key assumptions: that visibility equates to safety; that parents are unreliable educators; that education must be measurable through countable hours and assessable outputs; that schooling constitutes the normative standard against which EHE is judged; and that the state possesses both the authority and competence to evaluate the “suitability” of home environments. These assumptions align with Foucault’s (1977) concept of normalising judgment, wherein deviation from institutional norms is constructed as risky or pathological; in this case, EHE is positioned as “abnormal” relative to the school-based norm, and therefore rendered *suspect, deficient, or in need of correction*.

3.2.4 How has This Representation of the Problem Come About?

The framing emerges from interlocking socio-political conditions: media amplification of exceptional cases such as Sarah Sharif (Sinmaz, 2024), pre-existing safeguarding anxieties, and audit-driven policy traditions (Ball, 2008; Ozga, 1999). Despite the absence of empirical evidence that home-educated children face heightened safeguarding risks, political and media discourse mobilises the *potential* for harm to justify surveillance. This narrative has historical roots, traceable to the Badman Report (2009; Taylor et al., 2011), which first framed EHE as a safeguarding concern, and has intensified in response to the marked rise in the number of home-educating families since the COVID-19 pandemic. Importantly, much of this increase reflects parental dissatisfaction with school provision, including concerns about unmet special educational needs and the inadequacy of mainstream schooling environments, rather than any attempt to evade state oversight.

3.2.5 What Remains Unproblematised or Unexamined in This Representation?

This framing obscures several crucial dimensions: the diverse educational practices within home education; the lack of evidence that home educators, as a demographic, present elevated safeguarding risks; the fluid and experiential nature of home learning that cannot meaningfully be reduced to measurable hours; and the state’s responsibility to support educational access rather than merely monitor families. It also ignores the structural drivers behind the increase in EHE, including persistent dissatisfaction with school provision, unmet special educational needs, and post-COVID shifts in parental expectations, none of which are addressed by greater surveillance. Furthermore, longstanding systemic issues remain unresolved: poor communication between stakeholders, as exemplified in the case of Sara Sharif; inadequate access to exams, resources and funding; and inequalities in educational provision. These are the problems repeatedly documented in committee reports and research, yet they are bypassed in favour of a simplified surveillance narrative. The policy similarly fails to acknowledge the limited understanding many local authority officers have of EHE pedagogies and learning approaches, which has contributed to mistrust and adversarial relationships with families. By ignoring these complexities, the register misrecognises heterogeneity as “lack of structure,” positioning families as deficient rather than differently organised.

3.2.6 What Effects are Produced by this Representation?

The representation yields powerful discursive, subjectification and material effects. Discursively, EHE becomes equated with risk, marginality, and deviance. Parents are constituted as subjects of suspicion, and children become objects of surveillance rather than

autonomous learners. Materially, families, and those that support them, face bureaucratic burdens, potential compulsion into schooling, and gatekeeping through consent requirements, disproportionately affecting those with less cultural capital to perform compliance. The policy thus reinforces inequity rather than mitigating it.

3.2.7 How is the Representation Produced, Disseminated and Defended. How Could it be Questioned or Disrupted?

The framing is produced and sustained through legislative language, safeguarding discourse, professional practice, and media narratives that equate non-school attendance with “missing education.” It is defended by invoking child protection, even where the link is weak or speculative. Disruption requires reframing EHE not as a safeguarding anomaly, but as a legitimate educational practice. Policy could shift from surveillance to a mandatory register to support, emphasising children’s right to access resources and national examinations, rather than parental compliance. In this alternative framing, the concern would not be “unknown children” but unsupported children, placing obligation on the state to enable rather than police.

4. Discussion

Building on the WPR analysis, this section shifts from problem representation to policy enactment. Rather than reiterating how the register constructs EHE as a site of risk, the focus here is on how this construction is likely to be operationalised across local authorities, and with what consequences for families.

This analytic framework enables the paper to deconstruct the policy narrative surrounding home education, interrogate the assumptions embedded in the Bill, and question the extent to which the proposed register addresses educational outcomes, or rather extends the state’s reach into spaces of familial autonomy. Ultimately, it shifts the focus from *what the register claims to solve* to *what the register is designed to control*, thus reframing the debate away from safeguarding rhetoric and towards structural questions of authority, legitimacy, and power.

Building on from WPR framework, Stephen Ball’s policy sociology (Ball, 1993, 2012a, 2012b) and Jenny Ozga’s policy research tradition (Ozga, 1999) emphasise policy as both text and enactment: the same instrument (a register) will be interpreted, translated and potentially transformed across local contexts. Complementing this macro–meso perspective, Michael Lipsky’s *street-level bureaucracy* foregrounds the discretionary power of frontline officials whose routines, resources and judgments determine how, and whether, policy goals are realised (Lipsky, 2010).

Combined, these perspectives yield three critical projections for the CWSB:

- a. Policy translation will (continue to) be highly variable. Registers written at national level will be reworked in divergent local authority contexts, some councils may use registers to support families, while others may operationalise them as gatekeeping tools, depending on local capacity, politics, personal assumptions and professional cultures. This variation reflects how educational policies are *enacted* rather than simply *implemented*, shaped by local interpretation and resources (Ball et al., 2011; Ozga, 1999). We already see this from the current register and how guidance for LA officers are interpreted differently locally, sometimes even from one officer to another in the same LA.
- b. Accountability will migrate to performative metrics. In practice, a register incentivises quantification (who is on the list, frequency of contacts) rather than substantive

measures of wellbeing or educational quality. Historical experience with schooling data, when data become an end in itself, demonstrates how such approaches can shift attention from meaningful educational support to compliance and metrics (Ball, 2003; Ozga, 2009), often producing unintended consequences such as alienation, narrowing of educational focus, and marginalisation of already disadvantaged groups. The proposed register for EHE carries similar risks: it is unclear how the data will be collected, interpreted, or applied, and there is no evidence that it will address the complex realities of home education. Without clarity and careful safeguards, the register could fundamentally alter the landscape of home education, potentially alienating families, exacerbating inequities, and undermining the diversity of educational practices that currently flourish outside formal schooling, ironically undermining the very safeguarding rationale it is intended to serve.

- c. Frontline discretion will shape outcomes. LA officers, often overburdened and under-trained in HE pedagogy, will assess parental experiences. These officers' decisions (to insist on home visits, to escalate to statutory measures, to accept parental reports) may be influenced by resource constraints, risk perceptions and local norms; such discretion risks reproducing inequalities, especially where cultural misunderstanding intersects with power asymmetries (Lipsky, 2010).

These governance critiques underpin a central normative claim: a compulsory register, without systemic investment in local capacity, professional development, and clear ethical standards for engagement, risks generating bureaucratic harms, surveillance, stigmatization, and unequal enforcement, rather than effectively safeguarding children. The Bill does not clearly articulate how data collection alone activates these mechanisms. In the absence of defined intervention capacity or resource provision, the causal link between registration and improved safeguarding or educational outcomes remains under-specified.

5. Implications for Policy and Practice

The preceding analysis demonstrates that the proposed compulsory register is framed as a corrective to the perceived “invisibility” of home-educated children, positioning data collection and monitoring as primary mechanisms of safeguarding. However, longstanding evidence indicates that challenges within EHE governance stem less from absence of registration than from inconsistency in implementation, uneven professional understanding, and structural inequities affecting educational access (Arora, 2006; Purcell et al., 2025). If these underlying conditions remain unaddressed, regulatory expansion alone is unlikely to resolve the concerns it seeks to remedy.

Variation in local authority interpretation of existing guidance has been widely documented, contributing to differential treatment of families and uncertainty regarding legal boundaries. Introducing a compulsory register without establishing minimum national training standards risks reinforcing this unevenness. A proportionate governance framework would therefore require nationally defined professional standards for officers engaging with home-educating families. Such standards should clarify the legal limits of local authority powers, ensure understanding of diverse pedagogical approaches, including autonomous and experiential models, and align safeguarding thresholds with those applied in mainstream schooling. Training in cultural competency and anti-bias practice is also essential to mitigate disproportionate scrutiny of minority and socioeconomically marginalised families (Gillborn, 2008).

If educational quality is invoked as a policy justification, equitable access to educational resources must be central. Research consistently highlights barriers faced by home-educated

young people in accessing public examinations, specialist support, and local educational facilities (Wheeler, 2023; Purcell et al., 2025). These challenges extend beyond examination entry fees to include limited availability of exam centres, inconsistent local authority assistance, and lack of access to laboratory space, coursework moderation, or subject-specific instruction. A register that collects data without linking families to defined resource entitlements risks reinforcing inequity rather than alleviating it. A support-oriented model would therefore embed statutory duties for local authorities to facilitate access to examinations, provide transparent information about local provision, and allocate funding mechanisms to ensure that financial barriers do not disproportionately affect low-income families.

The expansion of data collection also necessitates careful consideration of governance and privacy safeguards. As Bacchi (2009) reminds us, policy representations produce effects; in this case, the construction of invisibility as risk legitimises increased information gathering. Without clearly defined statutory limits on data retention, inter-agency sharing, and secondary use, registration mechanisms may normalise surveillance beyond their stated safeguarding purpose (Foucault, 1991). Transparent data governance protocols, parental access rights, and independent oversight mechanisms are therefore essential to prevent function creep and maintain proportionality.

A further implication concerns the operational logic of registration itself. If safeguarding is the stated objective, registration should trigger a clearly articulated support offer rather than default scrutiny. Current guidance leaves support uneven and discretionary across local authorities. A reframed approach would link registration to defined pathways for advisory engagement, SEND assessment facilitation, and resource signposting, while maintaining proportionate and evidence-informed safeguarding thresholds. Such an approach would align with research emphasising relational and context-sensitive engagement as more effective than rigid regulatory regimes (Arora, 2006; Purcell et al., 2025).

Taken together, these considerations suggest that the central policy challenge is not the mere existence of a register but its orientation. A surveillance-led model risks displacing attention from governance inconsistency and structural inequality onto families themselves. Conversely, a model grounded in professional standardisation, resource equity, and transparent safeguards may better reconcile safeguarding responsibilities with respect for pedagogical diversity and parental autonomy. In line with critical policy scholarship (Ball, 1993, 2012), this analysis underscores that regulatory mechanisms derive their effects not solely from their presence, but from the assumptions and infrastructures that shape their implementation.

6. Concluding Remarks

This paper has critically examined how the proposed compulsory register under the CWSB problematises EHE within England's governance landscape. Applying Bacchi's WPR framework, the analysis demonstrates that the Bill constructs the "invisibility" of home-educated children as a safeguarding risk, positioning expanded bureaucratic oversight as the primary remedy despite limited empirical evidence of systemic safeguarding failure. This framing narrows attention to monitoring and data production while obscuring the diversity and fluidity of EHE practices and the structural conditions shaping families' decisions.

The proposal also overlooks that many home-educated children are already known to local authorities through deregistration processes. The issue, therefore, is not simply absence of registration, but longstanding inconsistency in how existing guidance is interpreted and implemented across local authorities. Data collection, in isolation, cannot address the structural complexities surrounding home education without adequate training, funding, and support systems. A compulsory register, if narrowly implemented, risks exacerbating existing

inequities by disproportionately burdening less-resourced families and intensifying scrutiny of minority communities. Consistent with existing research, more relational, context-sensitive approaches are likely to better promote children's learning and wellbeing than rigid regulatory mechanisms. Any registration framework must therefore be embedded within a broader, evidence-informed strategy grounded in inter-agency cooperation, targeted family support, and respect for parental autonomy.

The paper does not advocate for or against registration. As in mainstream schooling, gaps may exist and some children may remain at risk despite existing protections. Rather, the analysis interrogates the assumptions underpinning the CWSB's rationale. Framing compulsion as a corrective to "invisibility" risks expanding state authority, misrecognising heterogeneity as deficiency, and displacing attention from structural shortcomings.

Drawing on the author's dual positionality as academic and home educator, the paper underscores the importance of dialogue between policymakers and the EHE community. Policy that privileges collaboration, evidence based and resource-oriented support over surveillance may better uphold children's educational rights while respecting parental autonomy. Ultimately, as critical policy analysis reminds us, legislation does not simply respond to problems, it actively produces them.

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