

Inspection of Home Education in European Countries

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Introduction

The role of the inspectorate has changed in European countries (Ehren, Leeuw & Scheerens, 2005; Janssens & Van Amelsfoort, 2008). The recent focus has been on the inspection of schools rather than on the educational system. In addition, emphasis was on teachers' competence and the application of specific rules (e.g. school schedules), while the current focus is on learning results and achieving standards. Unlike inspection of school education, little attention has been given to that of home education. The growth of home education (such as in the US and Canada, see Basham, Merrifield & Hepburn, 2007; Cooper & Sureau, 2007) as an alternative to school education, the concern about standards and the growing recognition of children's rights could usher in a change, since inspection usually becomes part of the political agenda when certain problems become the subject of social care and regulations. Examples can be found in several countries. In England, the government recently (January 2009) commissioned an independent review to assess whether the system of supporting and monitoring home education is the right one. In Flanders, changes have been made since 2002. In The Netherlands, there has been no inspection of home education for 40 years. However, in 2003, the government raised the question of whether inspections should be instituted, even though few children received home education.

Inspection of education by the government, or any authority operating on its behalf, generally includes collecting information about whether education meets the requirements, assessing the situation based on this information, and, if necessary, intervening. Inspection is different from procedures that monitor the quality of education. Monitoring only concerns the first two elements. Inspection comes into play if inspectors can intervene in the event of negative findings. The nature of the intervention depends on the powers granted to the inspectorates, which, in some cases, can take measures. In others, this power is held by other authorities (e.g. school boards), while the inspectorates can urge them to take action. Second, the inspectorate may face a dilemma where both intervening and not intervening could result in the same or similar undesirable situations. It may also be decided as a result of weighing the costs and benefits.

In this article, we use 'inspectorate' as a generic term for the public authorities that conduct education inspection. In the case of school education, international comparative studies have been carried out on the functions and working methods of national inspectorates (Janssens & Van Amelsfoort, 2008; Maes, Ver Eecke & Zaman, 1999; Standaert, 2001) but there is no comparative overview of the inspection of home education, Petrie's being no longer up-to-date (Petrie, 2001). International comparative research can be important for national discussions. Governments can benefit from approaches used in other countries. Another factor

is the growing tendency in the EU to align national educational systems (Lawn & Lingard, 2002). In the descriptions and comparisons of national regulations, attention focuses on four aspects:

- a. Is there a specific legal framework for home education, including regulations for inspection?
- b. What are the functions of home education inspection?
- c. Which inspection methods are used?
- d. What are the results of the inspection?

Analysis Framework

We develop a model to describe the differences between national regulations. Four characteristics are considered relevant: the legal framework, the functions assigned to inspection, the working methods, and the impact or results of inspection.

Legal Framework

The question is whether a government has issued legislation that is relevant to home education. More specifically, it may concern the requirements that home education must satisfy and the establishment of inspection, including procedures. There is a distinction between high, moderate or low regulation by the authorities (Basham, Merrifield & Hepburn, 2007). High regulation requires parents to inform authorities about their wish to start home education (a sort of entry requirement), has requirements concerning the curriculum, conducts home visits, sets standardised tests, and requires that home schooling parents be certified teachers (often used to discourage home education). Moderate regulation requires parents to send notification and asks for some sort of progress report (test scores or external evaluation). Low regulation does not require parents to have contact with the State.

Functions of Inspection

The question of why supervision by public authorities is needed is closely related to that of why certain social problems should be subject to regulation or control. The most familiar and pervasive rationale is given by neo-classical economists who believe that public regulation should only be necessary if the market fails (Wolf, 1988). They point out that there are good alternatives, such as guarantees and certification. Others, especially political scientists, look for the justification for government regulation in some right or claim of an individual against society that must be honoured. The State must intervene to ensure that the claim is honoured, not for the individual who has a claim, but for all (Moore, 1995). In the case of home education, this claim is mainly used by opponents. They argue that it increases social inequality because privileged groups can capitalise on their advantages (money, higher level of education) (Apple, 2000). Howell (2003) refuted this in a seminal article. But we will show that the right of the individual — in this case, the child — can be the starting point for a certain degree of regulation and the associated public supervision.

Inspection of school education has two functions: compliance and implementation. *Compliance inspection* focuses on compliance with legislation and regulations so that citizens can count on them being enforced. It is in order if the government bears legal responsibility for the institutions that are subject to inspection.

Implementation inspection focuses on whether citizens are getting their money's worth. This is in order if the institutions have a certain autonomy and if the government cannot be held directly accountable for their functioning, but still has a certain involvement, for instance through funding or because the institutions provide essential social services. The criteria focus on the public value of school services, for example if teachers are competent and students are advancing properly. Both types of inspection are considered relevant for school education.

In the case of home education, parents take direct responsibility for their child's education. The government cannot be held responsible for how they provide it, nor for the results. Furthermore, the costs are almost always borne by the parents. Hence, there is no basis for an implementation inspection. Whether a basis exists for compliance inspection depends on the legislation. Governments can have separate rules for home education, such as regarding subjects to be taught or results to be achieved. There may be other legislation that does not specifically concern education. Many governments have legislation on child welfare which sets out parents' responsibilities for their child's upbringing and education. In this case, the inspection can focus on supervising whether parents are fulfilling their obligations with regard to their children. International treaties may also be relevant. For example, the 1989 United Nations Convention on the Rights of the Child (UNCRC) contains articles on children's right to education, such as Article 28. Article 29 sets out the goals of education, which should focus on ensuring the best development of the child's personality, talents, and mental and physical abilities. In the case of home education, parents are responsible for achieving this. However, if they do not fulfil their obligations, the government will provide the child with the necessary protection and care, as set out in Article 3. A government could establish compliance inspection to promote compliance with these children's rights.

Methods

One question concerns the criteria used by the inspectorate for home education. Do they relate to the subjects to be taught, to curriculum material, to learning results, or to other elements of schooling? In addition, various data collection options are available to the inspectorate, including self-reporting, home visits and contacts with parents and/or children. Another issue is whether children should take achievement tests. For instance, the State may have set achievement standards for schools against which progress of home schooled students can be judged. Further variation is possible with respect to frequency: either at set intervals or, with proportional inspection, at variable times. The latter means that frequency depends on the quality of home education: a higher level of quality leads to greater confidence and less frequent inspections.

Inspection Results

This involves the outcome of inspection. What are the inspectorate's conclusions? Will intervention be necessary, and, if so, in what form, and how often?

Design

Selection of Countries

We would have preferred to include (almost) all the European countries, but this was not feasible. Many countries do not have the information or can only provide

it after much searching. There are also translation problems if it is not available in English. In some countries, home education is very limited, as in Croatia where it only applies to severely disabled children. Our selection includes 14 countries: Belgium (Dutch and French communities), Bulgaria, Denmark, England, Estonia, Finland, France, Germany, Ireland, Italy, The Netherlands, Norway, Portugal and Sweden. It should be stressed that it may not be representative for all Europe, as Eastern and Southern Europe are not well represented home education being relatively unknown.

Sources

Much of the information was obtained from Internet. Governments and special-interest organisations made a wide range of information accessible in this way. To a lesser degree, we used academic sources, but there are no handbooks and very few relevant articles. We also approached local correspondents who were able to obtain detailed and reliable information on conditions in specific countries. Wherever possible, we compared information obtained from various sources. A striking point of uncertain information concerns the number of children receiving home education. Governments sometimes present lower figures than those provided by special-interest organisations. In that case, we give both estimates.

Data Analysis

As a first step, we concentrated on the national cases and produced case descriptions (see Results). We then compared cases, concentrating on main points and variations (see Conclusions).

Results

We present descriptions of the countries in both text and table format (Table I).

Belgium (Dutch Community)

The federal Constitution states that parents can provide home education. They must inform the federal authorities. Since 2003, they must also declare that they comply with the UNCRC requirements concerning education. The prevalence is low, at around 0.06% of all school-age children in 2006–2007.

The school education inspectorate supervises home education. An inspector carries out home visits and asks parents to submit all relevant documents. The child's presence is desirable but not required. The inspector assesses whether parents comply with the obligations set out in the UNCRC. If they do not cooperate, or if the inspector repeatedly comes to negative conclusions, parents must register the child for school education. 70 inspections were conducted in 2003–2004. The assessment was negative in 13 cases. Penalty measures were imposed in four. Figures show that the inspectorate issues more negative assessments for children of secondary education age than for those of primary education age (Vlaams Ministerie van Onderwijs & Vorming, 2009).

Belgium (French Community)

The federal Constitution states that parents can provide home education. They must inform the federal authorities and offer the child a curriculum that is equivalent to that of the school. The prevalence is low, with 0.09% of all school-age children in 2007.

TABLE I. Overview of National Regulations for Home Education (HE)

Context	Legal framework	Functions of inspection	Inspection methods
<i>Belgium (Dutch Community)</i> Parents are free to provide HE; they must report to the federal government annually; prevalence is about 0.06% (2005–2006).	HE is set down in the Constitution; inspection was instituted in 2002; parents are required to cooperate.	To protect the child's interest	The inspectorate conducts home visits and analyses documentation submitted by the parents. In the event of negative assessments, the parents must sign up their child for school education.
<i>Belgium (French Community)</i> Parents are free to provide HE; they must report to the federal government every year; prevalence is about 0.09% (2007).	Inspection of HE was instituted in 1999 (and changed in 2008); the inspectorate, operating specifically for HE, investigates whether the child follows a curriculum that is equivalent to the prescribed school curriculum.	To determine whether the child receives an equivalent education	The inspectorate conducts home visits on an irregular basis, but minimally when the child is eight and ten years of age. Methods include examining the learning materials and questioning the child. After two successive negative outcomes, parents must enrol the child in school.
<i>Bulgaria</i> Parents must register their child at school. The head of the school must grant permission for a child to be educated at home. Prevalence is less than 0.01%.	Education and school attendance are compulsory from the ages of 6 to 16. Besides school education, other forms of education are mentioned in the law, including correspondence and distance education. In these cases, parents must still register their child at a school.	There is no inspection other than supervision by the school.	Not applicable
<i>Denmark</i> HE is legally recognised; parents report to the local authorities that they intend to provide HE; prevalence is about 0.02% (200 children), although this figure is uncertain due to unreliable registration.	It is set out in law that HE must be equivalent to school education; inspection is the responsibility of the municipalities.	To ensure that the child gets a proper education	There is an annual test to ensure that the official school programme is being followed. As a rule of thumb, local authorities require children to achieve at an adequate level. However, authorities' requirements differ widely.
<i>England</i> Parents are free to provide HE; HE is only subject to the general requirement that it must provide efficient full-time education, suitable to the child's age, ability and aptitude; parents are not required to report that they are providing HE; prevalence is between 0.20 and 0.80%.	The right to home education is embedded in the Education Act which also establishes that Local Authorities (LA) have a duty to act when they believe no education or an unsuitable education are being provided.	To safeguard and promote children's welfare (Education Act, section 175(1))	There is no statute enforcing routine inspection. Parents can be asked to provide evidence of a suitable education. A home visit may be requested, but parents may refuse. Further investigation only takes place if the LA suspects that a child is not receiving satisfactory education.
<i>Estonia</i> All children must be registered at school; parents may legally apply to the school for HE, either because they wish to or for medical reasons; prevalence is about 0.40% (2005–2006), corresponding to 1008 children.	The 1992 Education Act gives parents the right to HE; inspection is the responsibility of the school.	To determine whether the child receives an education that follows the national curriculum	The child stays registered at school and the school follows the progression of learning; if a school is dissatisfied with the results, a school attendance order can be issued.
<i>Finland</i> Parents are free to provide HE; they must register with the municipality; the curriculum must be equivalent to the school curriculum; prevalence is about 0.05%.	The right to HE is set out in law, as is HE inspection.	To monitor the child's progress	Municipal authorities monitor children's progress on the subject matter by means of achievement tests which are usually given by teachers at a local school.

<p><i>France</i> HE is permitted by law; parents must report every year to the local authorities and the inspectorate. The law prescribes the subjects to be taught. A child of 10 must attain the same level of education as that provided at school; prevalence is about 0.03% (2005).</p>	<p>HE is an explicit option in the legislation which also sets out that the inspectorate will conduct annual inspections of HE and how they should take place.</p>	<p>To ensure that children receive the education they are legally entitled to</p>	<p>The inspector checks annually whether all the subjects are taught, typically by means of a home visit; if the results are unsatisfactory, a second inspection follows shortly afterwards; if the outcome is again negative, parents must send their child to school.</p>
<p><i>Germany</i> Children are required by law to attend a certified school or be taught at home by a qualified teacher; HE provided by parents without a teacher's licence is a criminal offence; prevalence is <0.01%.</p>	<p>All children must attend school. Exceptions are only possible for children whose parents move around, for children with a long-term illness, and for immigrant children living in Germany for only a short period.</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p><i>Ireland</i> Parents can choose HE; they must register with the National Education Welfare Board (NEWB); this is only possible if parents can convince the Board that the child's education meets certain minimum requirements. Based on official figures, the prevalence is about 0.1%; according to other figures, it could be over 0.7%.</p>	<p>The Constitution (Art. 42) allows parents to provide home education; the State supervises that the child receives a certain minimum education (moral, intellectual and social); inspection is the legal responsibility of the NEWB.</p>	<p>To determine whether the child receives or will receive a certain minimum education</p>	<p>The NEWB includes a preliminary assessment (based on an interview with the parents) and a comprehensive assessment (based on an in situ investigation). The second is only conducted if the first is unsatisfactory. If the second assessment also leads to unsatisfactory results, parents can be forced to take certain measures.</p>
<p><i>Italy</i> HE is a recognised way of fulfilling parents' duty to educate their child. Previous authorisation of the local school is required. There are no reliable prevalence data.</p>	<p>According to article 30 of the Constitution, parents have the right and duty to educate their child. In protocol 5693 of 20 June 2005, it is emphasised that the only way to assess the parents' capability to provide HE is by assessing the child's achievements by means of the qualifying examinations.</p>	<p>To guarantee the general social interest that all youngsters can acquire knowledge and abilities</p>	<p>The child must periodically take qualifying examinations to enter the next school year. This way a systematic and longitudinal record of progress is compiled.</p>
<p><i>The Netherlands</i> HE is not a legally recognised form of education; it is an option only for parents with philosophical/religious objections; prevalence is about 0.01% (2006).</p>	<p>There is only legislation to protect the child; supervision of this protection is the responsibility of the Council for Child Protection (part of the Ministry of Justice).</p>	<p>To protect the child's interests</p>	<p>The Council for Child Protection may only take action if a complaint has been submitted; it then conducts an investigation and reports to the magistrate of juvenile court who may take certain measures, including removing the child from home.</p>
<p><i>Norway</i> HE is legally recognised; parents report to local authorities that they intend to provide HE; prevalence is about 0.07% (2005).</p>	<p>It is set out in law that HE must be equivalent to school education; inspection is the responsibility of the municipalities.</p>	<p>To determine whether the child receives an equivalent education</p>	<p>Most often a supervisory teacher visits the family twice a year and evaluates the quality of HE; the law allows local authorities to test the HE results.</p>
<p><i>Portugal</i> HE is legal; parents apply to the local school; they must prove they are competent to provide HE; the school must provide parents with the learning materials; prevalence is very low (probably fewer than 50 children).</p>	<p>The law allows parents to provide HE; Regional Directorates of Education must accompany the parents and the child.</p>	<p>To monitor learning progress</p>	<p>At the end of each school year, parents must provide data on learning progress; after 4, 6, and 9 years of education, the child should be tested like school children by an external testing agency.</p>
<p><i>Sweden</i> HE is a legally accepted way to comply to mandatory schooling; parents apply to the municipality; prevalence is 0.01% (100 to 200 children (2001)).</p>	<p>HE is recognised in the school law. Municipal authorities are responsible for granting permission for home school and controlling whether it suffices.</p>	<p>To assess whether home education will suffice</p>	<p>Variable local practices</p>

The inspectorate for home education pays home visits, reviews the material and questions the child. After two successive negative outcomes, parents must enrol the child in school. Inspections take place when the child turns eight and ten, but can also be performed at other times. Children must sit for national school examinations at the ages of 12 and 14. No data on inspection results are available.

Bulgaria

Education and school attendance are compulsory from the ages of 6 to 16. The Law on Education does not allow parents to educate their children at home. Yet, article 31 lists the possible types of education, correspondence courses, and individual, independent, and distant education. Therefore, some parents home school their children under the supervision of the public or private school where they are registered. This means regular home visits and examinations by the teachers and end of the year testing. Yet, because home education is rather rare and because children's education is generally considered a government issue, some school directors may not permit a child to be taught at home. Hence, there is a second form of home schooling where children are not registered in a public or private school. In that case, parents operate illegally. Both forms have very low prevalence (less than 0.01%), with under 50 families home schooling their children. No official data are available.

Denmark

Parents are legally responsible for ensuring that their child receives suitable education. The Constitution allows them to provide home education. Parents must notify the municipality. The notification must provide information on where teaching takes place and who teaches the child. The prevalence is 0.02%, or about 200 children, a significant proportion of whom live in Denmark only temporarily. However, as registration is not reliable, this estimate is uncertain.

The purpose of inspection is to ensure that the child has a proper education. Its level must be comparable to the public school, as stated in the law. The ministry of education issued *Common Goals (Fælles Mål)*, which is primarily addressed to public schools. There is a yearly test to ensure that the official school programme is being followed. As a rule of thumb, local authorities require that home-educated children achieve levels that are in line with normal school levels. However, their requirements seem to differ widely. If the inspector finds that the level of education is not good enough, the borough can decide that another inspection is carried out after three months. If the level is still unacceptable, the borough can oblige the pupil to go to public school. No data are available about inspection results.

England

Education is compulsory, but school attendance is not. Parents are free to choose the type of education they wish for their child. Only general requirements apply to home education: 'The parent should cause the child to receive efficient full-time education suitable to his age, ability and aptitude, and to any special educational needs he may have' (Section 7 of the Education Act 1996). Parents are not required to report home education. Hence, there is a lack of clarity about prevalence. A feasibility study of nine local authorities (LAs) found that it was 0.20% (Hopwood *et al.*, 2007) but they indicated that their records were incomplete.

However, a government report states that the estimate could be in excess of 80,000 children, i.e. 0.80% of the student population (Badman, 2009). LAs have no statutory duties to monitor the quality of home education. However, if an LA has reason to believe that parents are not offering suitable education for their child, it must ask them for further information. If it is not satisfied with their response, an additional investigation is carried out and parents are asked to provide further evidence. If it remains unsatisfied, a school attendance order may be issued. This seems rather rare (Hopwood *et al.*, 2007).

Estonia

The Education Act 1992 states that compulsory schooling can take place at home if it is strictly followed by national regulations. It acknowledges two main reasons: either the parent wishes to home educate, or the child needs to be home educated for medical reasons. Parents must apply to the school where the child is registered. Permission is granted for one year. Even if it is granted, the child can take part in school lessons such as physical education, art and crafts. The class teacher will assess progress, since the child will be in the class register. By parental wish, home education is allowed until the age of 12. It is allowed throughout the years of compulsory education (until 17) for medical reasons. In 2005–2006, 1008 children received home education (70 by parental wish, 938 for medical reasons), a prevalence of about 0.4% (Leis, 2006).

There is no state overseeing of home education. The school assesses progress by regular testing. If it is not satisfied and the child falls behind the national curriculum, it can demand that the child return to school. No data are available on the frequency of school attendance orders.

Finland

Education, not school attendance, is legally required. The option of home education is provided in Sections 25, 26 and 45 of the Basic Education Act. Parents must inform the municipality. The curriculum must be equivalent to that of the national school. According to official figures, 347 children received home education in 2002 (a prevalence of 0.05%).

Municipal authorities assess children's progress. Tests are generally conducted by a teacher at a local school where a child takes one or more achievement tests. Parents who offer unsatisfactory home education risk a fine. No data are available on inspection results.

France

Parents are legally entitled to provide home education (*Code de l'Éducation, Article 131, sub 2*). They must register annually with their municipality and the French Inspectorate (*Inspection Académique*). The law requires that parents offer a broad range of subjects, including French, mathematics, at least one foreign language, arts and sports education. They can choose their methods, but children are expected to attain a level comparable to school education at 16. By the school year 2009–2010, a more rigorous enactment (March 5th, 2009) had been enforced, defining objectives which students must have reached at the end of compulsory education. According to official figures of Miviludes (an interdepartmental task force on the influence of sects in education), 2813 children were home educated in 2005, a prevalence of about 0.03%.

Children must be inspected each year in an interview with an inspector. It usually takes place at home. Parents must cover the subjects mentioned in the law. Inspectors must respect pedagogical freedom, including varying progression. There is no legal obligation to test children in different subjects. However, some inspectors will present specifically written tests which vary according to region and raise great debate. If a negative assessment is issued, a second inspection follows. If it is also negative, parents must enrol their child in school. In 2005, 1119 of the 2813 children were inspected. In 23 cases, a school attendance order was issued.

Germany

Education is regulated at the federal level. Each State includes compulsory school attendance either in the Constitution or in the relevant education laws (Spiegler, 2003; 2009). Exemptions are only possible for children whose parents' professions force the family to move around or who are ill for long periods and for immigrant children who only remain in Germany for a short period. Education for the first two groups is offered by a teacher from a state school who visits the family's house twice or three times a week. Sanctions for evading compulsory school attendance vary by State. They may include fines, prison sentences and even loss of parental authority. It is estimated that some 500 children receive home education, i.e. a prevalence of 0.005%. There is no established inspection of home education.

Ireland

It is set out in the Constitution that each child has a right to a minimum moral, intellectual and social education. Parents are free to choose between school and home education. If they wish to provide home education, they must register with the National Education Welfare Board (NEWB). Upon registration, they must indicate — to the board's satisfaction — how they will provide it. Registration is can be refused. An appeal process is included in the Education (Welfare) Act if this occurs. Based on official data, prevalence was around 0.1% (639 children) in 2009–2010. Unofficial figures indicate that this figure is significantly higher, reaching approximately 5,000. Many parents seem not to have or have not yet registered with the NEWB. The registration requirement cannot be legally enforced.

Monitoring is the responsibility of the NEWB. It provides for two stages of assessment. In the first (preliminary assessment), the educational provision is assessed in consultation with the parents. It is not necessary to visit the location where education is provided or meet the child, although home visits take place in most cases. The second stage (comprehensive assessment) involves visiting the home and engaging with the child. It is only requested if the first stage is not satisfactory. If, even after the comprehensive assessment, the NEWB finds that the education does not meet the established requirements, this issue can be submitted to the Appeal Committee if parents choose to do so. The Appeal Committee may ask them to comply with whatever requirements it considers appropriate. No data are available for the results of the assessments.

Italy

Home education follows article 30 of the Constitution according to which 'it is the parents' right and duty to maintain, instruct and educate children, including those born out of wedlock'. Compulsory education can be fulfilled by either attending state schools, private schools or by home education following authorisation of the

competent school director. Parents who wish to provide home education report to their mayor and the director of the school in their region. Act 53/2003 states that parents, or those replacing them, who intend to provide private or direct education to their children must prove their economic or technical competence and report every year to the competent authorities which will proceed with the appropriate inspection. The number of children who receive home education is so low that it does not appear in the statistics.

Inspection guarantees the general social interest that all youngsters can acquire knowledge and abilities by means of education provided by qualified subjects. Therefore, it is necessary to check periodically what the pupil has learnt. In the relevant protocol, it is emphasised that the only way to assess parents' capability to provide home education is by assessing the child's achievements by means of the examinations (*esami di idoneità*) to enter the next class, regardless whether the studies will be continued privately or at a national school. This way, a systematic and longitudinal record of the pupil's progress is compiled. No data are available on the results of the examinations of home schooled children.

The Netherlands

The Netherlands is one of the few European countries where home education is not an acceptable way of satisfying compulsory education requirements. The only way is to enrol the child in a school. The compulsory education law, however, contains a provision whereby parents can be exempted if there is no school of their religion or conviction within a reasonable distance. Since this law does not contain any further provision as to the education of these children, exempted parents are free to home educate them (Sperling, 2010). Only 235 children (a prevalence rate of about 0.01%) were exempted from the compulsory education law in 2006–2007. Because there is no central registration system, this figure is uncertain. There is no legislation providing for the inspection by the school inspection authorities as to whether or how exempted children are being educated outside school. Occasionally, the Dutch Child Protection Services have investigated families to determine whether children should be enrolled in school despite the exemption. The jurisdiction of these Services is based on a provision in the Dutch Civil Code which states that parents are responsible for the upbringing of their children. The Services only take action if it has been reported that a child is in danger. In the past, this regularly led to lawsuits: the Services considered home-educated children to be in danger by definition. In recent years, there have been virtually no lawsuits of this kind, since several courts ruled that the sole fact that a child is not enrolled in school, but receives an alternative education, does not constitute a danger.

In 2003, the government launched a discussion about the position of home education. It does not support extending possibilities and is considering introducing specific procedures for inspection of the education of children of parents who are exempted under the compulsory education law.

Norway

Home education is legally recognised. It must be equivalent to school education. Parents must inform the municipality. The prevalence is low at around 0.07% (Beck, 2002). Inspection is also established by law. Municipalities bear responsibility and have a certain freedom with respect to its organisation. A typical

approach involves a home visit by supervisory teachers twice a year. Based on conversations with the parents, they form an opinion about the quality of the home education. When in doubt, they can make the child sit for a test. If it appears that the home education quality is unsatisfactory, the child must attend school. No data are available on the results of the visits.

Portugal

Home schooling is legal, as is individual education by a licensed teacher. Parents must apply to the school in the area and show they are competent. The school must give them access to programmes and other relevant documents. At the end of each school year, parents must present evaluation data. At the end of each school cycle (4th, 6th, and 9th year), the child must be tested like any other student at the aforementioned school. Home education mainly concerns emigrants and children who are behaviourally deviant.

Legal regulation stipulates that home (and individual) education should be accompanied by the respective Regional Directorates of Education which collect all the information about the children at the end of each school year and write a report. No such reports were collected.

Sweden

Swedish law allows home education. Parents must apply for permission, which is granted for up to one year at a time. It must offer an adequate alternative (*ett fullgott alternativ*) to school education. Children must be assessed after each school year before continuing home schooling in the following year can be considered. The prevalence is 0.01% (about 100 to 200 children in 2001). On June 15, 2009 the government unveiled draft legislation which, if passed, would impose further restrictions on parents wishing to home school their child. Citing the European Convention on Human Rights, it only allows parents to home school in 'extraordinary circumstances'. The curriculum must pass muster with state officials and authorities will inspect and supervise home schooling families every year. The inspection is also regulated by law. Municipal authorities usually perform two inspections a year. If parents do not comply with educational requirements, their application may be refused. The legal framework for home education is not very detailed. Hence, inspection methods vary. There are no official figures on the outcome of the inspection. Our correspondent estimates that in five to ten out of every 100 cases it is negative, mostly because the authorities feel that the child is not sufficiently socialised.

Conclusion

Here, we return to our research questions.

a. Is there a separate legal framework for home education, including regulations for inspection?

In 11 of the 14 countries, home education is a legal right. In some countries, it is included in the constitution, e.g. Belgium and Ireland. Germany and The Netherlands are the exceptions. Home education is tolerated under certain conditions and parents sometimes do provide home education. Neither of these countries have inspection of home education. The Netherlands have more general legislation with respect to the protection of children, which could be applied to home education. However, this option is not used.

All countries that have home education as a legal option have a registration requirement, usually with the local authorities, such as municipalities and in some cases with the inspectorate as well (France). Ireland is a special case. It has a registration requirement, but there is no penalty attached to not complying. It seems that an unknown number of Irish home schooling parents have not registered. An interesting finding is that in many countries, despite a registration requirement, it is not clear how many children receive home education. This means that these countries do not make effective use of the registration data.

Furthermore, all countries that have home education as a legal option have regulations for inspections. In some cases, they are the responsibility of the school education inspectorate (Belgium, France). In others, it is the local authorities. The risk is that decentralisation can lead to unequal rights, especially when inspection procedures are not specified in sufficient detail.

b. What are the functions of home education inspection?

A common characteristic of all functions is that they centre on protecting the child's interests. The interests of parents or society do not come into play. Yet different countries mention different functions. A distinction can be made between three descriptions, ranging from general to rather more specific. The most general function is to serve the child's well-being, as in England and Belgium. A more specific function is to determine whether the child is receiving satisfactory education. In Ireland, the focus is on a certain minimum education. In Estonia, France and Norway the question is whether home education is equivalent to school education. French children may not be let down by home education. In Finland, the role of inspection is to monitor the child's progress.

c. Which inspection methods are used?

In England, Belgium and Ireland, parents must submit written documents concerning their home education approach and attend a meeting. In Belgium, the documentation requirement is combined with a home visit. Home visits are also common practice in Norway, England and Ireland. In the latter two countries, they cannot be enforced. In Belgium (French community), Estonia, Finland, Italy and Portugal, children must take achievement tests. In Norway, achievement testing is used but is not compulsory. Most of the countries that have home education inspections perform them on an annual basis. England is the only country without routine inspections. The LAs only conduct inspections if it is suspected that a child is receiving unsatisfactory education. Most countries offer an appeals procedure if inspection results are negative. In the case of repeated negative results, parents may receive a school attendance order. One exception is Ireland, which does not have clear penalties if home education is repeatedly found to be unsatisfactory.

d. What are the results of the inspection?

There are very little data on the results of the inspections. The least ambiguous are for Belgium (Dutch community) and France. In Belgium, in 2003–2004, some 20% of the assessments were negative. In 5% of these cases, penalty measures were imposed. When interpreting these data, we must take into account that they relate to a period when Belgium had no experience with the inspection of home education. The results may be more positive after a settling-in period. In France, a school attendance order was issued in 2% of the inspections in 2005.

Discussion

All the countries covered here take part in the UNCRC. Hence, they are bound by the children's educational rights, as set down in articles 28 and 29. Despite this common framework, the regulations governing home education differ significantly. This can be explained by the fact that the policy on home education developed in part under the influence of an historical context that varies by country. Countries which were under French influence at the time of Napoleon are generally governed more centrally than those that did not fall under French influence (Meyer, Ramirez & Soysal, 1992). The policy on home education in France and Belgium is more centralised than in England, Ireland and the Scandinavian countries. Hence, it is not by chance that they are most similar in their approach.

The great variation that we observed is not unique to Europe. Regulations also vary significantly in Canada and the US where education is the mandate of individual states or provinces (Basham *et al.*, 2007). Home education is legal in all 10 Canadian provinces, but specific provincial rules constitute a patchwork of regulations. The same is true for the US, where home education has been legal in every State since 1993.

Divergence in state regulations may be a blessing for educational researchers who like situations with substantial variation. However, from a government perspective, it raises many questions. We assume that a government has an interest in a policy that is characterised by consistency, transparency, and efficiency. We make three recommendations based on this.

The first relates to the registration system. Many governments require registration with the local authorities, such as municipalities. Despite the fact that rules exist, there is great lack of clarity about the number of children who receive home education. Some countries may have a registration requirement, but no means of enforcing it. In others, local governments do not cooperate to combine local data in order to create a single national registration system. We recommend that the various countries critically review their system according to whether it can provide the necessary input to pursue a consistent, transparent and efficient policy for home education. The second recommendation concerns parental demands placed by governments. Some governments have rather general requirements. Belgium (the Dutch-speaking community) demands only that parents comply with the requirements set out in articles 28 and 29 of the UNCRC. Others require that parents offer a curriculum that is equivalent to that in school education. In some cases, this even means that the rate of development of home-educated children may not lag behind that of their peers in school education. The national average is used as an operational criterion in these cases. But this requirement ignores the fact that children can differ strongly in their development because of their individual talents and efforts. In addition, it places a considerable limitation on parents' right to determine their areas of emphasis in home education. We have the impression that the legitimacy of some obstacles is based on the interest of society as a whole rather than on that of the child. We believe, in accordance with the UNCRC, that the right of the child should prevail. We recommend that the individual countries critically consider the question of whether the obstacles raised take into account the interest of the child to develop in a multifaceted manner and the interest of the parents to guarantee an education that is consistent with individual religious or philosophical beliefs, as set out

in the European Convention on Human Rights (Protocol 1, article 2). The third recommendation concerns the inspection of home education. Important conditions for effective regulation are the existence of an efficient registration system and a clear description of the requirements with which home education must comply. We have shown that they are not always met. Our third recommendation is therefore that governments should review their procedures for home education inspection according to criteria such as transparency, consistency, and efficiency. An initial step could involve governments systematically evaluating the results of the inspections. It is striking how little data are available on the results of the inspections.

Finally, it is not generally acknowledged that home education is a viable alternative. However, studies (Canadian, American and other countries) have found that many home-schooled students outperform those in public and independent (private) schools (Basham *et al.*, 2007; Blok, 2004; Meighan, 1995). In this light, we believe that governments and researchers should give more attention to home education. Considering the apparently good results, it is surprising that many stakeholders still see this phenomenon as of marginal importance.

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