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## Report to the Children's Social Care and Learning Select Committee

<b>Title:</b>	Elective Home Education
<b>Committee date:</b>	Tuesday 15 May 2018
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<b>Cabinet Member sign-off:</b>	Mike Appleyard

### Purpose of Agenda Item

To inform and reassure the select committee that the arrangements for fulfilling the Local Authorities responsibilities towards children being Electively Home Educated (EHE) are fit for purpose and provide an update on the latest action from the Department for Education (DfE).

### Background

Elective Home Education is a term used to describe a choice by parents to provide education for their children at home rather than in a school.

The current DfE guidance on EHE, dated 2007, outlines the Local Authority responsibility:

- Provide written information about EHE that is clear, accurate and sets out the legal position, roles and responsibilities of both the local authority and parents.
- Make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education.
- Intervene if it appears that parents are not providing a suitable education.

In 2009 The Badman enquiry made a variety of suggestions particularly around compulsory registration however these were not adopted by the DfE. It is only in recent months, following concerns around radicalisation and the increase in unregistered schools, that the Government have been inclined to review, and propose changes, to the guidance. Concurrently Lord Soley has a private members bill before the House of Lords which has

reached the committee stage. In April 2018 the DfE launched a consultation on draft guidance for Local authorities and parents including a call for evidence. The three main areas of interest for the DfE are on compulsory registration of children who are home educated. The second is how the Local Authority monitors the education being provided by the parents and the third is support for parents. **See appendix A**

There are currently no statutory reporting requirement for EHE numbers however via FOIs and anecdotal reporting it would seem nationally there has been an increase year on year in the numbers of children being home educated. This is a picture replicated in Buckinghamshire. **See appendix B**

## Summary

Parents have a right to home educate their children except where their child is on the roll of a special school in which case they need to seek permission from the Local Authority.

To fulfil our responsibilities we:

- Provide advice and information on the Buckinghamshire County Council's website and further information in writing, home visits or via the telephone.
- We have a range of methods to identify those children without a suitable education.
  1. We have a dedicated children missing education team
  2. We have developed good links with a range of agencies such as NHS, housing, Other Local Authorities and schools
  3. We promote the safeguarding issues for children without education via libraries, GP surgeries, Independent Schools, Buckinghamshire Association of Secondary Head teachers (BASH) and Primary Executive Board (PEB)
- Once we become aware a family are home educating we undertake a visit. This visit is scheduled to take place within 4 – 6 weeks. This allows parents time to build up a body of work completed by their child. If it is clear at the first visit the education being provided is not adequate steps are taken to support the family to apply for a new school place or provide advice on what additional action needs to be taken by the family. In the latter case the officer will make a further visit to satisfy ourselves the advice has been adopted. If we are still not satisfied we will encourage parents to apply for a school place. The ultimate sanction for the Local Authority is to issue a school attendance order (SAO). During the last three years we have issued three SAO, none of which led to prosecution, all the children were enrolled in a school.
- We prioritise families who are known to social service and work closely with social workers to ensure the education aspect is satisfactory. Ofsted scrutinised our processes during their recent inspection and we were found to be adequate.
- Children looked after by the LA are never home educated
- Children with an EHC plan are supported in conjunction with the attached SEN Officer. The EHE Officer will provide a report for the annual review. At 1s May 2018

there are 31 children with an Education and Health Care Plan who are home educated.

- Families with children on roll of a special school who wish to home educate are asked to provide evidence to a local authority panel. The panel is made up of an SEN Officer, Education Psychology, Education Entitlement Manager and Admissions and Transport Manager. The panel will decide whether they feel the evidence provided constitutes a suitable.
- We will offer families advice on how to apply for an Education, Health and Care plan if it is felt their child has additional needs.

## **Key issues**

Families do not have to register their intention to home educate. Every local authority can/do have children living in their area who are unknown to them and without oversight from any agency.

Some areas have reported issues with unregistered schools supporting children who are home educated. BCC have only had one known incident of this to date. The school was originally operating as performing arts after school club which started offering full time education before it had registered with the DfE. They subsequently registered.

An unregistered schools strategy has been developed and is in the final stages of being adopted by all stakeholders. Safeguarding the children and young people of Buckinghamshire is the responsibility of everyone. Children and young people who receive their education at an educational establishment which is operating as an unregistered school are at risk as these settings are unregulated. The aim of this strategy therefore is to draw upon the range of Council departments which hold intelligence relating to possible businesses operating as unregistered schools in order to 'know the unknown'. It is highly unlikely that home educating community themselves would alert a Local Authority to the presence of an unregistered school. The pooling of information from a variety of sources is felt the best way to stay alert to the possibility of unregistered schools within Buckinghamshire. Ofsted hold responsibility for the inspection unregistered schools. BCC Officers have met with our link Ofsted inspector to ensure a smooth and quick flow of information if this were to be necessitated.

The definition of an independent school is defined in section 463 of the Education Act 1996: In this Act 'independent school' means any school at which full-time education is provided for:

(a) five or more pupils of compulsory school age, or  
(b) at least one pupil of that age for whom a statement is maintained under section 324, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989) and which is not a school maintained by a local education authority or a special school not so maintained.

An efficient and suitable education is not defined in law. It is broadly defined as achieves that which it sets out to achieve", and a "suitable" education is one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so". BCC officers will expect to see evidence of numeracy and literacy as a minimum.

The increasing number of children being home educated is creating pressures on current resources. We do not have the capacity to routinely visit every child being home educated once we have agreed, via our initial visit, that the education being provided is suitable. We will always visit if additional concerns are raised or parents make a request.

### **Next steps and Resource implications**

The results from the DfE consultation, call for evidence and Lord Soley's bill will determine our next actions and resource implications.

## **Appendix A**

Current EHE guidance:

<https://www.gov.uk/government/publications/elective-home-education>

Links to DfE consultations documents related to EHE launched on 10<sup>th</sup> April 2018. There are three documents in total:

1. A Call for evidence focussing on:-
  - registration of children educated at home
  - monitoring of home education provision
  - support for home educators

<https://www.gov.uk/government/consultations/home-education-call-for-evidence-and-revised-dfe-guidance>

2. Draft guidance for Local authorities

[https://consult.education.gov.uk/school-frameworks/home-education-call-for-evidence-and-revised-dfe-a/supporting\\_documents/Elective%20home%20educationGuide%20for%20LAs.pdf](https://consult.education.gov.uk/school-frameworks/home-education-call-for-evidence-and-revised-dfe-a/supporting_documents/Elective%20home%20educationGuide%20for%20LAs.pdf)

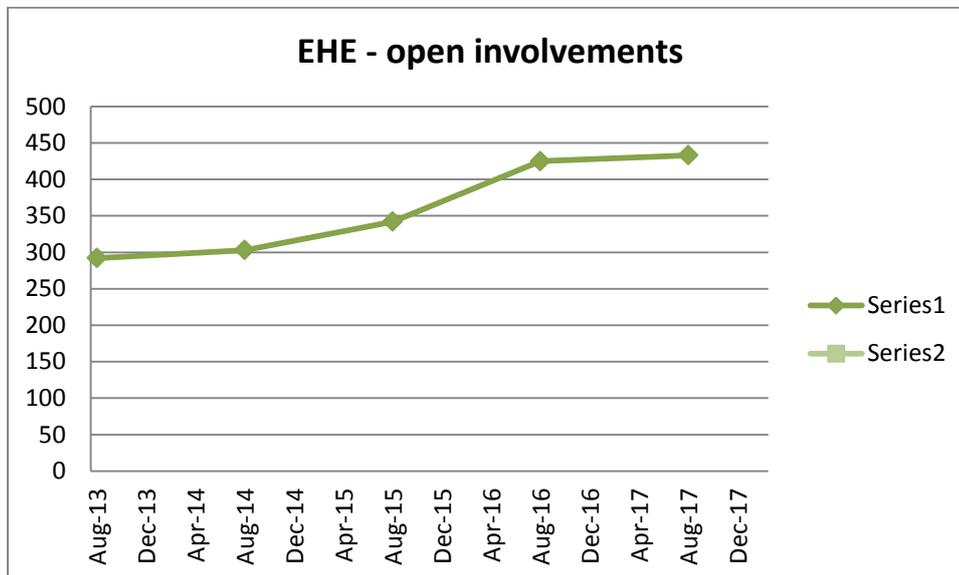
3. Draft guidance for parents

[https://consult.education.gov.uk/school-frameworks/home-education-call-for-evidence-and-revised-dfe-a/supporting\\_documents/Elective%20home%20educationGuide%20for%20parents.pdf](https://consult.education.gov.uk/school-frameworks/home-education-call-for-evidence-and-revised-dfe-a/supporting_documents/Elective%20home%20educationGuide%20for%20parents.pdf)

## Appendix B

### Historic data on the number of children and young people being Electively Home Educated

This shows a 57% increase from August 2013 up to August 2017. (At the end of February 2018 we have seen a further increase of 17%)

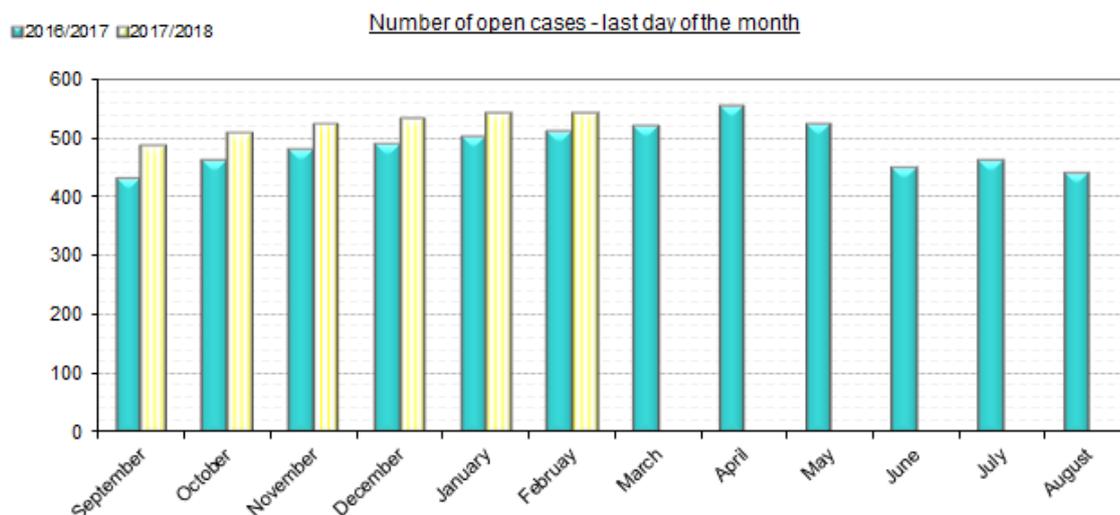


### Current position Elective Home Education

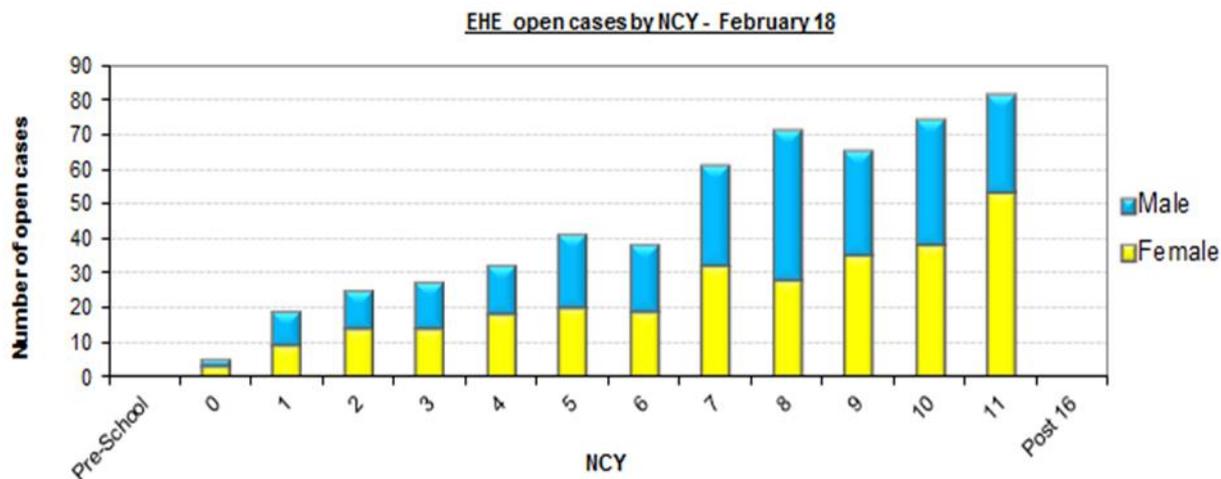
#### Open Cases

As at 28<sup>th</sup> February 2018 there were 539 Elective Home Education involvements open. The open involvements fluctuate throughout the year but show an increase year on year.

Month on month data is shown below.



Open cases by National curriculum year is shown below – historically years 10 and 11 have always been the highest represented years.

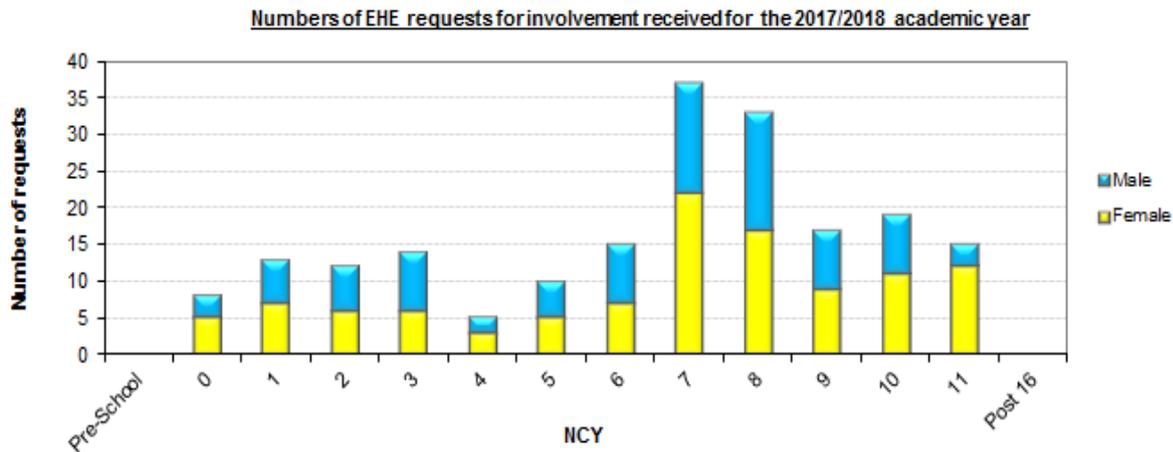


The table below shows the primary reason for officer involvement this year.

The highest percentage of requests for the year has been for ‘Life style / Cultural Beliefs’ with 77% of referrals. Historically this is always the highest reason, however, we have to take a subjective view as parents are often not willing to inform us or there is a divergent view from professionals.

Request Reason	February 2018	2017/2018	% of new cases	2016/2017	% of case
Attendance/Prosecution	0	3	1.5%	4	1.5%
Awaiting school of choice	0	1	0.5%	0	-
Bullying	0	5	2.5%	18	6.6%
Child Emotional & Behavioural	0	1	0.5%	3	1.1%
Dissatisfaction with school	0	0	-	19	6.9%
Excluded	0	3	1.5%	5	1.8%
Just arrived in area	2	13	6.6%	3	1.1%
Leaving Area Soon	0	1	0.5%	0	0.0%
Life style / Cultural Beliefs	16	153	77.3%	147	53.6%
Medical - Child	1	11	5.6%	24	8.8%
Not preferred school	0	3	1.5%	21	7.7%
Other	0	0	-	17	6.2%
Problems with SEN Provision	0	1	0.5%	1	0.4%
School Refuser	0	3	1.5%	5	1.8%
Traveller	0	0	-	7	2.6%

The graph below shows the new involvement forms logged during the 2017/18 academic year by NCY and Gender. 56% of the involvements have been for female pupils and 61% are for secondary school aged pupils.



The average length of an involvement is based on the time between the involvement start date and involvement end date. The average length for an Elective Home Education involvement, of those closed within the 2017/18 academic year is 52.4 weeks. For those closed within the 2016/17 year the average length of an involvement was 74 weeks.

The reasons for case closure this academic year are detailed below.

<u>Closure Reason</u>	<u>February 18</u>	<u>2017/2018</u>	<u>Av length of case in weeks</u>	<u>2016/2017</u>	<u>Av length of case in weeks</u>
Deceased	0	1	185.3	0	-
Moved Out	6	24	85.0	19	52.0
Other	0	0	-	4	7.6
Referred to CME	2	11	47.2	6	30.2
School in LA	2	41	35.3	96	44.3
School Leaving Age	0	0	-	73	136.2
School Outside LA	0	3	111.9	16	37.5
Outcome not Recorded	1	14	28.6	3	19.5

The largest numbers of cases have been closed with the reason of ‘School in LA, accounting for 44% of all closures.