

Family and Children's Services Scrutiny Committee

Date: 6 February 2018

Elective Home Education (EHE)

Executive Director of Children's Services, Cath McEvoy

Cabinet Member for Children's Services: Councillor Wayne Daley

1. PURPOSE OF THE REPORT

- 1.1 To inform the Committee and the community about the elective home education and the rise in parents choosing to home educate in Northumberland since September 2016 and the actions taken by officers to ensure children are well educated and safeguarded.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee notes the concern and potential impact on safeguarding and education outcomes for children and closely monitors any changes to national policy.

3. LINK TO CORPORATE PLAN

- 3.1 This report is relevant to the priorities regarding Economic Growth, Stronger Communities and Families' and Health and Well-Being included in the NCC Corporate Plan 2013-2017

4. KEY ISSUES

- 4.1 An impact evaluation report on the Inclusive Northumberland strategy for 2016-17 highlighted the significant increase in the number of parents choosing to educate their children at home.
- 4.2 The report highlights that the local authority, including our schools and academies, face a number of challenges in ensuring that statutory duties are all fulfilled:
 - i. the number of electively home educated pupils in Northumberland peaked in July 2017 at 203. There are currently 163 pupils being educated at home;
 - ii. nationally pupils who are electively home educated are considered to be at an increased risk of harm as the usual protective factors provided by school are not in place, and because some parents might refuse to allow professionals into the home to see the child;
 - iii. that although the designated Education Welfare officer usually gains access to the home of pupils being electively home educated, no assessment of the quality of education is required to take place;
 - iv. pupils with special educational needs and disabilities (SEND) and Education Health and Care Plans (EHCPs) who are electively home educated can present with more complex legal and safeguarding issues, and it is challenging to ensure that they receive their entitlement to full time education and compliance with the statutory SEND Code of Practice;

- v. pathways for pupils previously electively home educated who want to progress to further education at age 16 are not clearly defined;
- vi. that parents who chose to home educate often change their minds and want their child(ren) returned to a school roll.

4.3 Parents have the right to choose to educate their children at home and it is acknowledged that this can be an effective way of ensuring child-focussed learning which for some is better achieved at home than in a school environment. In Northumberland many parents actively seek advice from the Education Welfare Service before making a well-informed decision that home education is in the best interests of their child and family. These parents continue their contact with the designated Education Welfare Officer once home education is in place. There is concern however about the growing number of parents who make the decision to home educate before receiving advice or accepting support.

4.4 In Northumberland during the last 5 years there has been an upward trend in EHE cases with a sharp rise from 130 in 2015-16 to 203 in 2016-17. Although no official data is available nationally, we do know that in the 11 neighbouring authorities of Northumberland that a similar trend is being reported. *Schools Week*, a national publication for professionals, gathered data nationally through FOI requests to local authorities. It reported in July 2017 that the total number of registered home educated pupils increased from 21,740 in 2015-16 to 29,505 in 2016-17, and this has almost doubled over the last 6 years.

4.5 In Northumberland no parents have been served with an attendance order for not providing suitable education to their child(ren), however the profile of the group is one of vulnerability – 60 have SEND, 6 open to social care, 22 with an Early Help Assessment. We think that the reasons for the sharp rise may include:

- i. parents applying for academies and schools and being refused places by the schools and academy;
- ii. academies and schools coercing/putting pressure on parents with children at risk of permanent exclusion/who they don't want in the school or academy;
- iii. advice being given that EHE might be best the option when the preferred school place is not available;
- iv. advice being given by the school or academy that EHE might be the best option when parents are dissatisfied with special school;
- v. advice being given that EHE might be the best option when waiting for a special school place after statutory assessment for an EHCPlan;

4.6 We welcome moves at a national level to recognise and attempt to address some of the issues we are facing and are watching with interest the progress of the Home Education (Duties of Local Authorities) Bill which started its journey through parliament on 27th June. The Bill is an amendment of the Education Act (1996) and is to make provision for local authorities to monitor the educational, physical and emotional development of children receiving elective home education, and for connected purposes.

4.7 The new duty includes:

- i. a duty on parents to register with their local authority and provide information when required;
- ii. local authority to assess the educational, physical and emotional development of children being home schooled;
- iii. this assessment may include a home visit, an interview with the child, seeing the child's work and an interview with the child's parent;

- iv. suggestion that a statutory register should be set up and develop a common methodology of assessing provision in the home;
- v. an update of existing guidance to better articulate expectations around reading, writing and numeracy, which takes into account the child's age, ability, aptitude and SEND needs.

4.8 In October 2017 the Director of Education, Andy Johnson wrote to the then Secretary of State for Education, Justine Greening, to share concerns about the issue. Her reply was appreciative and supportive and emphasised her confidence in the new Bill to address the weaknesses of current arrangements.

5. BACKGROUND

5.1 Elective Home Education (EHE) is the term used by the DfE to describe a parent's decision to provide education for their children at home instead of sending them to school. This is different to home tuition provided by a local authority or education provided by a local authority other than at a school. 'Parents' includes all those with parental responsibility, including guardians and carers.

5.2 Children whose parents elect to educate them at home are not registered at mainstream schools, special schools, independent schools, academies, Pupil Referral Units (PRUs), colleges, children's homes with education facilities or education facilities provided by independent fostering agencies. Some parents may choose to engage private tutors or other adults to assist them in providing a suitable education, but there is no requirement for them to do so. Learning may take place in a variety of locations, not just in the family home.

5.3 The local authority has duties under the Education Act 1996, with regard to Elective Home Education. It has to ensure that pupils of statutory school age (5-16) receive their entitlement to full time education and are educated in accordance with the wishes of their parents (so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable expenditure). **The responsibility for a child's education rests with their parents.** In England, education is compulsory but school is not.

5.4 Under Section 175(1) of the Education Act 2002 local authorities also have a duty to safeguard and promote the welfare of children. This includes ensuring that agencies that work with and have contact with children educated at home by their parents are aware of their responsibility to consider whether children are being adequately safeguarded within those settings and, where appropriate, to notify other agencies of their concerns. **Section 175(1) does not give local authorities powers to enter the homes of children undertaking elective home education.**

5.5 Parents' right to educate their child at home applies equally where a child has SEND. Where a child has an Education Health and Care Plan (EHCP) and is home educated, it remains the local authority's duty to ensure that the child's needs are met and the local authority ensures there is compliance with the SEND Code of Practice which also gives information about SEND in relation to home education. If the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making "suitable arrangements", and the authority could not conclude that they were absolved of their responsibility to arrange the provision in the EHCP plan.

5.6 In Northumberland the Education Welfare team has responsibility for ensuring that the local authority's duties are fulfilled with regard to Elective Home Education (EHE), and provides support to parents who are considering EHE as an option for their child(ren). The local authority receives no funds from central government to support elective home education

and cannot accept any responsibility to plan or provide resources which parents may require, or organise or fund access to public examinations.

5.7 When a parent decides to home educate they have to write to the school to advise them of the decision and the school then has to inform the Education Welfare team. On initial contact, in Northumberland we offer prompt information and advice to parents considering educating children at home. It is emphasised to parents that children should not be taken out of school because of a disagreement with the school or because they have been asked to.

5.8 If the local authority is not satisfied that a suitable education is taking place, further visits and/or consultations will be offered with the aim of helping parents to overcome the difficulties within a mutually agreed time scale. Parents will be signposted to other services and agencies who might be able to help. Parents do not have to follow the national curriculum and they do not have to submit education plans to the local authority even though in Northumberland we do request them.

5.9 If at this stage the local authority still considers that the child is receiving a less than satisfactory education, as a last resort it may be necessary to issue an Attendance Order. This will require the parent to send their child to a school named on the order (Section 437, Education Act 1996). At any stage following the issue of an Attendance Order process, parents may present evidence to the local authority that they are now providing a suitable education and apply to have the order revoked.

6. CONSULTATION

6.1 The following have been consulted:

- Director of Children’s Services, Director of Education & Skills.

7. BACKGROUND PAPERS

- The most recent DfE guidance - [Elective Home Education, Guidelines for Local Authorities](#) (November 2007)
- [Inclusive Northumberland Evaluation Report 2016-17](#)
- Northumberland’s guidance for parents who are considering Elective Home Education for their child(ren) [Inclusion and Virtual School page](#) of Northumberland County Council’s website

8. IMPLICATIONS OF THE REPORT

Policy	Improving the education and skills of Northumberland’s communities is a key feature within the corporate plan.
Finance and value for money	The Education Welfare team which monitors elective home education is funded from the Dedicated Schools Grant (DSG) and enables the Council to fully discharge its statutory duties to safeguard children who are electively home educated, and meet Ofsted requirements (inspection of local authority children’s services). The service ensures that children are safeguarded and receive their entitlement to full time education.
Legal	None
Procurement	None
Human Resources	Publish report and place on web site
Property	None

Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Not applicable – this report does not request a key decision, (but the issue of making it available in accessible formats will be considered)
Risk Assessment	Adverse publicity for the Council
Crime & Disorder	None
Customer Considerations	The Council believes it is in the best interests of every child in Northumberland child that they have the opportunity to receive an education that is judged to be good and that education outcomes at 16 allow progression into further education, training and employment
Carbon reduction	None
Wards	All

9. REPORT SIGN OFF

Finance Officer	N/A
Monitoring Officer/Legal	LH
Human Resources	N/A
Procurement	N/A
I.T.	N/A
Director of Children's Services	CM
Portfolio Holder(s)	WD

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