

Report of Director of Children's Services

Report to Scrutiny Board

Date: 13th October 2016

Subject: Elective Home Education - duties, processes and current data



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

Under the 1996 Education Act parents have the right to home educate their children and to take full responsibility for their education. The local authority has two duties under this Act: to safeguard and promote the welfare of home educated children and to ensure that where they are informed that a child is home educated, that they are receiving a suitable education.

Local authorities have limited powers to exercise their duties in relation to children who are electively home educated. There is no right of access to the home for either of these duties and parents can refuse both access to their children and to provide information on their education. Leeds does, however, have well established monitoring arrangements in place.

In line with neighbouring authorities Leeds has seen a rise in the number of parents choosing to home educate over the last three years. The increase may relate to both the increase in the school population in Leeds and to the information on the option of home education being more widely known.

Recommendations

The Board is asked to note:

1. that the number of home educated young people is continuing to rise

2. that Leeds Children's Services has robust processes in place to oversee the arrangements parents who choose to education their children at home are making.

1 Purpose of this report

- 1.1 This report outlines the current law in regard to home education and the processes undertaken by Children's Services to support the local authority's duties. The report includes data to outline trends and work undertaken to provide access to services to children and young people whose parents have chosen to home educate.

2 Background information

- 2.1 The context to home education is outlined in the 1996 Education Act which outlines parents' legal duty toward the education of their child as follows:

"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable - (a) to age, ability and aptitude, and (b) to any special educational needs he/she may have, either by regular attendance at school or otherwise."

The term "otherwise" refers to parents' choice to electively home education should they wish at any time in the compulsory school years and post 16 if the child is home educated before the end of year 11.

- 2.2 Children's Services, as the local authority, has two statutory duties relating to children that are home educated.

Firstly, under section 175 (1) of the Education Act 2002 to safeguard and promote the welfare of children; "to make arrangements for ensuring the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children".

Secondly although local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis, under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears** that parents are not providing a suitable education.

In terms of what "suitable" home education should look like, there is a general consensus supported by some case law that home education should enable:

- an education that achieves what it sets out to achieve – ie it fulfils the plan the parent has outlined
- an education that prepares the child for life in our society and at the same time enables the child to achieve his/her full potential equipping a child for life within the community of which he/she is a member, rather than the way of life in the country as a whole, as long as it does not prevent the child from adopting some other way of life subsequently if he/she wishes to do so.

2.3 There is no legal definition of “full-time education” for home educated children. Education may take place outside normal "school hours" and the type of educational activity can be varied and flexible – it is the parents’ choice to make as long as it provides an apt and suitable education for the child. The parents do not need to follow any specific curriculum. However if it appears to Children’s Services that a child of compulsory school age is not receiving suitable education via home education, under the 1996 Education Act, then the local authority can serve a notice in writing on the parent requiring them to satisfy within the period specified in the notice that the child is receiving such education. This can lead on to a school attendance order process with the support of the attendance team.

2.4 **Process in Leeds – safeguarding duty**

Under the law, schools must notify the local authority immediately they receive a letter from the parent that they intend to home educate. This applies to maintained schools and academies. The school must take the child off the roll from the date of the letter. If a child has not been in school prior to parents deciding to home educate, the local authorities will not be aware unless another service or the parent contacts the Elective Home Education team.

Following notification to Children’s Services (EHE@leeds.gov.uk), schools requested to complete a form which outlines general family details, current attainment of the child, give details of any agencies involved with the family and if the school has specific concerns or the background to this decision. This is followed up by a call to the school by the Elective Home Education team to ascertain if the school is aware of the reason for home educating and whether there is any support that could be provided (a restorative meeting for example) that may enable the young person to return to school.

The Elective Home Education team, on receiving the notification, checks on Frameworki system for Social Care/Families First engagement – and contacts any agency already known to be working with the family to alert them that this decision has been made. This may lead to multi agency meetings with the parents to discuss whether any further action is required to support the child.

The Elective Home Education team will make contact with the parent to check in within two days of notification and try to arrange an initial visit within 10 days offering a pack of helpful information. As outlined previously Children’s Services as all other local authorities, has no right of access to assess the suitability of the education on offer. Parents may refuse to have any contact with the local authority including these initial safeguarding visits. Where a parent refuses access the Elective Home Education team will consider whether there are any safeguarding concerns and whether a multi-agency meeting or referral to the Children’s Social Work Service is necessary. Whether or not this initial visit has taken place, the Elective Home Education team will contact to arrange an annual visit within 12 months of the initial notification. The team will also check if any other service has had contact with the parent and seen the young person.

2.5 The Elective Home Education team works to develop a positive relationship with parents to ensure that statutory duties can be undertaken and any specific needs can be signposted to appropriate support. All visit forms have been developed in

consultation with the safeguarding lead officer and indicate next steps if any concerns and are recorded on the child's record on Synergy.

- 2.6 Where following discussions with the Elective Home Education team a parent decides that they cannot home educate and family support services are involved, the team supports parents with admission processes and may attend Fair Access meetings to ensure a safe return to school, including offering if appropriate:
- one to one tuition to engage young person in learning through the Pupil Tuition Team
 - On-going contact when back in school for up to a term to monitor attendance and attainment
 - On-going contact with parent
- 2.7 There is no nationally agreed framework for a local authority to access whether the education on offer by parents is efficient or suitable unless the young person already has an Education, Health and Care Plan in place. Parents are requested at the point of notification of home education to provide their plans for educating their child. The parents' education plans are reviewed by a trained teacher to assess whether they are appropriate to the child's age, ability and aptitude and any special needs the child may have. In every case the Elective Home Education team will provide parents with comments, suggestions and advice on their plans.
- 2.8 If the young person has an Educational, Health and Care Plan then the young person continues to have a regular overview of their education through the usual Special Education Needs processes. If the child has previously attending a specialist provision then the parents must satisfy the Head of Complex Needs that they are able to fulfil all educational elements of the Educational, Health and Care Plan. Where no education plans are provided or they remain not suitable then this will be referred to School Attendance Order.
- 2.9 The Elective Home Education lead officer and team hold the Elective Home Education list by cluster. This is updated weekly and reviewed. Clear protocols are in place for initial and annual visits and response to receipt or non-receipt of education plans. The lead officer and the team work with a range of partners to ensure the statutory duty of safeguarding and access to "suitable education". These partners include admissions team, social care, health visitors, children's centres, targeted services area leads/staff, complex needs area leads/staff, family intervention teams, cluster managers and cluster TSLs, the Medical needs teaching service, the Pupil Tuition Team and third sector agencies.
- 2.10 The Elective Home Education team provides information to parents at initial and annual visits in relation to education resources and signposts to Family Information Service Leeds website. There is also a regular offer of monthly drop ins and themed sessions available to parents to access. Parents also receive an annual letter and age related letters for children in years 6 and 11 with specific information.

3 Key issues - Elective Home Education data

3.1 The following table provides data from the end of the last academic year including the number of notifications over the year and current position. Please note that the number of children who are home educated in Leeds changes weekly, as there are new notifications and closures to Elective Home Education each week. The team enters data to a weekly tracker to ensure that the picture is kept as up to date as possible.

3.2 The number of children who were registered as Elective Home Education at the **end** of July 2016 was 390 (July 2015 = 319). This figure is 0.33% of the population which suggests the number of Elective Home Education has risen in line with the rise in total population.

Of the 390 on the list at end of July 2016

- 68 of these were Gypsy Roma Traveller
- 11 of had an Education, Health and Care Plan in place
- 47 were in year 11
- 107 would be eligible for free school meals

3.3 The total number of new notifications of elective home education in 15/16 was 225

- Total number of notifications in 14/15 = 189
- Total number of notifications in 13/14 = 161
- Total number of notifications in 12/13 = 127

3.4 Table of notifications by year group for the last 4 years

Year Group	2012-2013	2013-2014	2014-2015	2015-2016
Nursery	0	1	7	1
Reception	0	3	16	2
Year 1	0	10	13	21
Year 2	7	16	6	31
Year 3	13	6	12	20
Year 4	5	11	9	16
Year 5	6	6	9	11
Year 6	8	8	10	7
Year 7	7	18	17	15
Year 8	7	22	23	18
Year 9	13	7	18	20
Year 10	13	14	28	23
Year 11	15	18	17	26
Year 12	20	19	1	14
Year 13	11	0	0	0
Total	125	159	186	225

3.5 Safeguarding visits

Caseworkers from the Elective Home Education team undertake initial and annual visits to those on the list. Complex Needs Service officers visit those that have an Educational Health Care Plan and the Gypsy, Roma Traveller service supports visits to Cottingley site. Parents may accept or refuse an initial visit or request that they have time to prepare prior to a visit. To arrange a visit, caseworkers try to contact parents 3 times and then send a letter to say when they will call on a specific day and time unless they hear from the parent to make other arrangements. If there is no response they will cold call.

3.6 Parents may decide to home educate for a number of reasons:

- Elective Home Education as a short term intervention
- dissatisfaction with the school system
- bullying
- belief in home education

Where a parent has decided to home educate because of issues with the child's current school, the elective home education team will try to resolve these issues to enable the child to return to school, or will support the parent to access an alternative school.

3.7 Caseworkers report that some parents have said they do not feel a home visit is necessary. The team is aware that many parents access Facebook Elective Home Education groups. These seem to offer parents support and opportunities for children to connect with other home educated children.

3.8 Initial visits 2016/17

- Completed visits = 118
- Refused visits = 40 (3 with SEN recorded from school)
- Closures (return to school or move out of authority) = 97

3.9 Annual visits 2016/17

- Completed annual visits = 80
- Refused Annual visits = 26
- Moved out of Leeds by visit date = 6
- Returned to school by visit date = 8

The list of refused visits has been shared with lead officer for social care.

3.10 **Follow up processes**

Out of the total number of children being electively home educated in 2015/16, there are 30 cases where concerns were raised about whether this was in the child's best interests. Multi-agency meetings were convened in each case. The result of these meetings has been to ensure locality services (attendance, clusters, health agencies, third sector agencies) are aware that the child is being home educated;

consider the impact of this on the child and whether this may require protective action; provides an opportunity to discuss whether any more should or could be done to support the child to return to school and agree how the child and family will be supported.

3.11 There were 22 cases where multi-agency plans were put in place. This resulted in:

- 9 young people back in mainstream school
- 3 accessing college full time and 2 part time with EHE status
- 1 young person accessing support from Medical Needs Teaching Service
- 2 school attendance orders in process to return to school with attendance team
- 2 awaiting school places through Fair Access with education monitored
- 2 being supported with tuition to enable them to access school place when appropriate
- 3 continuing to be home educated. Their cases are closed to social care, with their education being monitored

3.12 Current position 2016/17

- 379 on Elective Home Education register
- 355 all of these will require an annual visit this year if they remain on the register
- 24 are new to Elective Home Education this term

4 Corporate Considerations

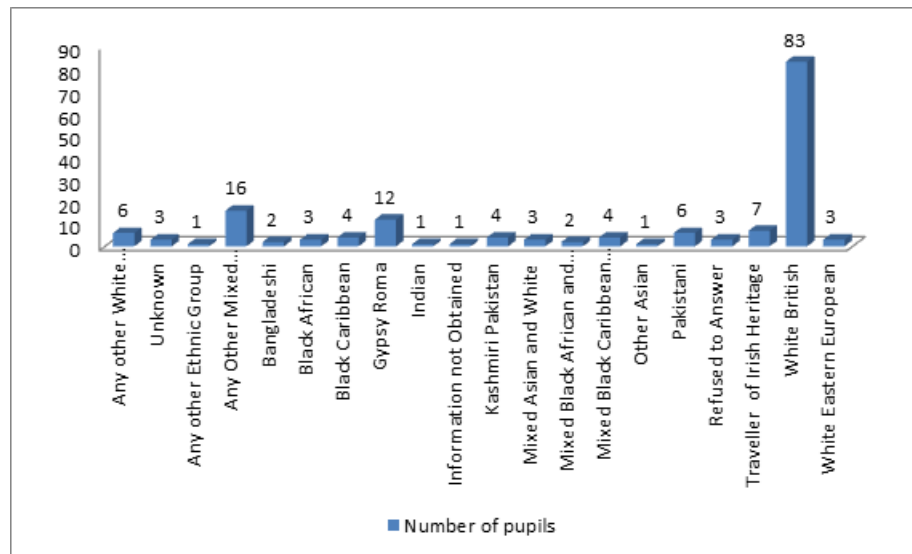
4.1 Consultation and Engagement

Caseworkers may have regular contact with parents and seek to provide signposting where possible to specific requests or information. Many parents welcome the information from the visits and support if they wish to seek a school place. The team continue to develop practice in response to parent's comments at drop in events and forums.

4.2 Equality and Diversity / Cohesion and Integration

The graph below outlines the ethnicity of the young people who were registered as home educated over the academic year 2015 /16.

Ethnicity of EHE young people from 1st September – 31st August 2016



Council policies and Best Council Plan

4.3 Resources and value for money

The current EHE team responsible for initial and annual visits and overview of education line managed by The Children Missing Out on Education and exclusions monitoring lead are:

- 0.7 FTE teacher of inclusion
- 1.6 FTE caseworkers

Specialist administrative support is provided by staff at Adam's Court.

4.4 Legal Implications, Access to Information and Call In

The scope of intervention for the local authority is limited within the current legislation from the 1996 Education Act. There is no nationally agreed place in the framework on which the "suitability of education" can be judged as would be in a school context. Parents can under the law refuse to engage with visits and/or with providing information on education planning and progress. The ability of the local authority to monitor progress or attainment of home educated young people is limited. Therefore, it is difficult to compare outcomes for elective home educated children with those in the general school population.

4.5 Risk Management

Leeds Children's Services has processes in place to safeguard the welfare of electively home educated children with the limits of the current legislation.

However, there may be children who are home educated that the local authority is not aware of as they may have moved into the area. Parents do not have to register with the local authority that they are home educating unless they are remaining a child from a school role.

5 Conclusions

Under the 1996 education Act parents have a right to educate their children at home. Local authorities have duties to safeguard and promote the welfare of home educated children and to ensure that the education they receive is suitable. The local authority has no right of access to have educated children unless there are clear child protection concerns.

It is therefore necessary to engage parents and to work with them. This suits the restorative approach adopted in Leeds. The strong partnership arrangements in place ensure that agencies work together to support home educated children.

6 Recommendations

The Board is asked to note:

- 1 that the number of home educated young people is continuing to rise.
- 2 That Leeds Children's Services has processes in place to oversee the arrangements parents who choose to educate their children at home are making.

7. Background documents¹

7.1 None

8 Appendices

- Policy on Elective Home Education 2016
- Draft one minute guide to Elective Home Education – October 2016
- Elective Home Education – Guidelines for Local Authorities

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.