

Attachment to report for the Children & Families Scrutiny Panel

Elective Home Education (EHE) arrangements in Southampton

3 November 2016

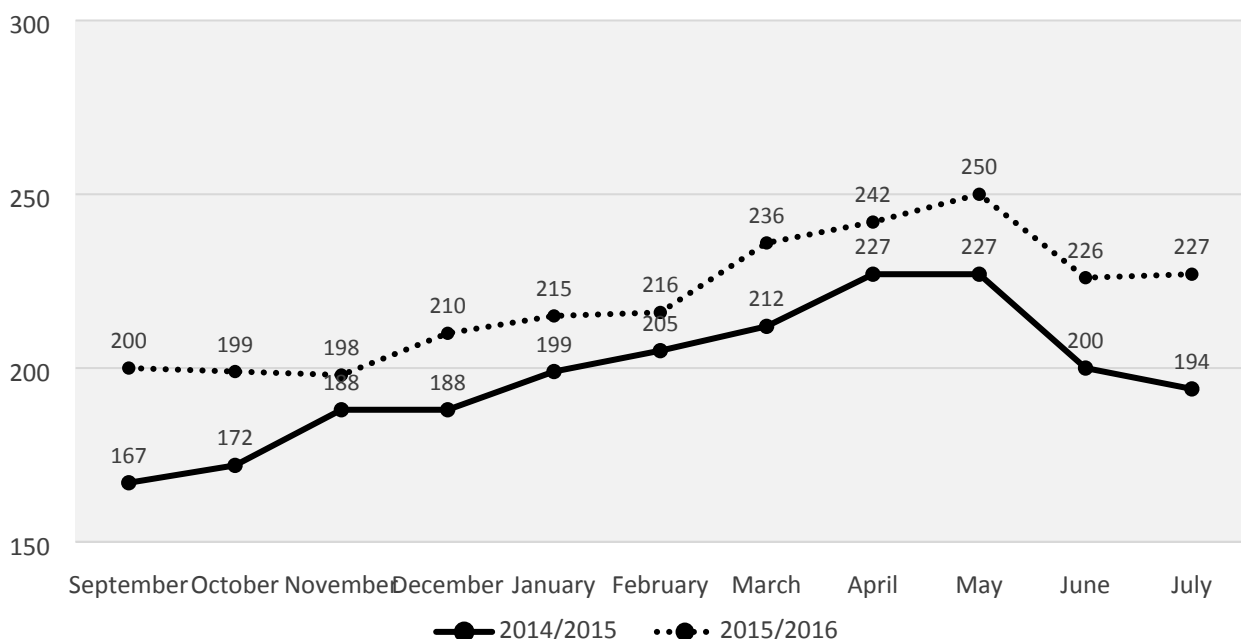
Statutory Duties

The statutory duties placed upon the local authority in relation to elective home education (DfE Elective Home Education Guidelines for Local Authorities 2007) are limited to:

1. Section 437(1) of the Education Act 1996. To serve a notice on parents “**if it appears**” to us that a suitable education is not being provided, requiring them to satisfy us that the provision is suitable. If concerns continued we would be required to serve a School Attendance Order which would state the name of the school the child must attend, if the parent failed to enrol the child in school themselves.
2. We retain a responsibility for giving permission for children to be withdrawn from special schools to be home educated, for amending the Education Health and Care Plan and reviewing it via the Annual Review process. 2015 Special educational needs and disability code of practice: 0 to 25 years.
3. Local authorities have a duty under Education Act 2002 and Children Act 2004 to safeguard and promote the welfare of children.

The current position in Southampton

Elective Home Education 2 Year Trend



1. In October 2016 there are 234 children recorded as EHE; 96 are of primary age and 138 of secondary age. Of this number 4 have statements of special educational needs\education health and care plans. The SEND do not promote or recommend home education and always identify a school place, however, when a parental right is exercised, plans are amended to reflect the parental decision to home educate.
2. In 2015\2016 there were 56 home educated children who returned to mainstream provision. This indicates the level of turbulence and that there will be occasions when mediation may prevent a child being withdrawn in the first place. Children who wish to return to secondary schools are placed by our In Year Fair Access Panel.
3. There are currently no children looked after who are EHE. There can be cases when education is delivered in the home but this which be time limited whilst a permanent education provision is identified. This would be delivered, funded and quality assured by the SCC Virtual School and is not therefore elective home education.
4. The post of EHE Officer was deleted in 2010 as a result of government spending cuts. Prior to this post being deleted, Education Welfare Officers carried out initial home visits for new cases and School Inspectors would carry out annual visits to monitor the quality of home education.
5. SCC now have 1 x FTE Lead Officer Inclusion Services with responsibility for EHE, children missing education, reduced timetables and mediation\anti-bullying.

Safeguarding

1. Referral procedures

There are established safeguarding referral procedures that apply to all children in the city, whether they are enrolled in school or not.

Over and above these existing procedures there is a need to manage expectations of what can be achieved in respect of home educated children because LAs do not have the power to:

- Enter the home for the purposes of monitoring home education.
- See the child for the purposes of monitoring home education.
- Blanket share information on home educated children under the Data Protection Act without parental permission.

2. Open to Social Care

We currently have 5 home educated children (representing 4 families) open as safeguarding referrals; 4 are CIN and 1 is open to Protection and Court. This represents 2.1% of our known home educated population.

3. Awareness training

For several years the Lead Officer has delivered EHE awareness training to Designated Safeguarding Leads.

Training has been delivered to the All Managers meeting and Education Managers.

Going forward, presenting to school governors and training for social care practitioners is part of our action plan.

4. Home visits

SCC offer initial visits where a triangulation of information raises concerns about the child being withdrawn from mainstream education provision, but parents are under no obligation to engage.

5. Unregistered school

We have a group of Somali parents in the city who home educate their children but also collaborate to provide some private tutoring for them in a local mosque. The LA has visited the mosque and it was found not to meet the criteria for an unregistered school.

Rights of Parents

1. In England, education is compulsory, but school is not. Under Section 7 of the Education Act 1996 parents have the right to educate children, including children with SEN, at home.
2. Education should be "efficient" and "suitable" but this is not defined in the Education Act 1996; "efficient" has been broadly described in case law as an education that "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 s\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 s\he wishes to do so".
3. Parents are not required to register or seek approval from the local authority to educate their children at home.
4. Home educating parents are not required to:

- Teach the National Curriculum, give formal lessons or mark work done by their child.
- Provide a broad and balanced education.
- Have a timetable or premises equipped to any particular standard.
- Set hours during which education will take place.
- Have any specific qualifications make detailed plans in advance.
- Observe school hours, days or terms.
- Formally assess progress or set development objectives.
- Reproduce school type peer group socialisation match school-based, age-specific standards.

Extracts from the current DfE Guidelines for Local Authorities

1. Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.
2. The duty to safeguard and promote the welfare of children does not give LAs powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.
3. Where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made.
4. As with school educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, they will be referred to the MASH.

Progress analysis

Recommendations for LAs	SCC RAG rating	Commentary
Provision of written information for parents.	Green	<p>We have a comprehensive guidance document for parents which has also been issued to all schools, linked to our website with a dedicated e-mail address. This includes details of:</p> <ul style="list-style-type: none"> • The Public Health Nursing Service for home educated children to try and encourage access to this service. • Our local colleges who have an offer for home educated children to try and encourage access to mainstream provision. • Local home education groups who not only provide learning and socialisation opportunities for children, but who also offer support to parents. • Southampton Music Service who offer

		<p>instrumental lessons to home educated children and loan instruments.</p> <ul style="list-style-type: none"> The Prince's Trust personal and social development programme which is available to home educated children. <p>We encourage parents to notify us if they are home educating even though they are under no obligation to do so.</p>
LAs should regularly review policies so that they reflect current law and are compatible with these guidelines	Amber	Our draft protocol will be compliant with the DfE guidelines and will place more responsibility on schools to try and work through any unresolved issues in school that may be leading to EHE. Following consultation with the teaching school it can be finalised.
LAs are encouraged to address deficiencies informally before serving a Notice or Order	Red	SCC are exploring the opportunity to commission a teaching school to carry out home visits in cases where concerns regarding education provision have been reported.
Recommendations for LAs	SCC RAG rating	Commentary
LAs should organise training on the law & EHE methods for all officers who have contact with EHE families.	Amber	This is part of our action plan. Training on the DfE guidance will be delivered and the possibility of input from home educators on EHE methods will be explored.
All parties involved in EHE should be aware of their roles, rights and responsibilities	Green	Roles and responsibilities are clearly outlined in our guidance document for parents.
LAs should have a written policy statement.	Amber	<p>Our protocol has been drafted. It states that our objectives are:</p> <ul style="list-style-type: none"> To provide good quality advice and support for families where parents are considering withdrawing their child from school to home educate, encouraging them to make child-centred decisions. To provide mediation wherever possible to prevent children being removed from school unnecessarily (where unresolved issues are present). To engage with and support families of home educated children where there are no known concerns and establish the reasons for their decision. To respond to reports of cases where education provision is not appropriate and take intervention action. To triangulate information we have to identify where there may be safeguarding concerns.

		<ul style="list-style-type: none"> To make schools more accountable.
LAs seek input from EHE families and home education organisations in developing policies.	Green	<p>Consultation took place with home educators when producing our extensive guidance document for parents.</p> <p>Groups of home educators and the Lead Officer met with Royston Smith MP and Alan Whitehead MP.</p>
Each LA should have a named officer.	Green	Contact details for the Lead Officer are listed on our website.
LAs should offer advice and support to parents on education matters if requested.	Green	The Lead Officer has access to a wide range of professional colleagues should specialist advice be needed and is a member of the London Home Education Officers Forum, feeding into the National Association of Elective Home Education Professionals and the Education Select Committee. It is used by LAs for training and development.
LAs should keep home educators & home education support organisations informed of the policies and procedures, of Ofsted reviews and any input they will have.	Amber	This is part of our action plan which will be finalised by the end of October 2016.

Ofsted: Framework and evaluation schedule: children in need of help and protection; care leavers and LSCBs

Ofsted does not have a mandate to inspect the quality of EHE but, as part of the above inspection, the LA will be asked for the number of children who are known to us to be electively home educated; we produce this routinely each month.

Scrutiny of Ofsted reports indicates that inspectors are keen to know if LAs understand the reason why parents decide to home educate. Our process addresses this by placing a greater responsibility on schools prior to removal from roll, which is then followed up by the Lead Officer.

Next steps

By November 2016 our action plan will be finalised and will set deadlines for:

1. Identifying qualified teacher resource for cases where concerns regarding education provision have been reported.
2. Working with schools to draw up a "final report" template to be submitted prior to a child being removed from roll, to highlight any safeguarding concerns. This template will trigger whether an initial visit will be offered.
3. Finalising our protocol which will include making appropriate onward referrals when home educating families are known to be leaving the city and appropriate data collection when new cases locate to the city.

4. Rolling out awareness training to practitioners who may work with EHE families.
5. Exploring how our website can be utilised to keep home educators updated with relevant information.
6. Exploring the data sharing issues further by carrying out a Privacy Impact Assessment.
7. Identifying a mechanism for reviewing cases when Police at Risk reports (CYPs) are received for home educating families.

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