

<b>REPORT TO:</b>	CYP Scrutiny Committee 22 March 2022
<b>SUBJECT:</b>	<b>Elective Home Education briefing</b>
<b>LEAD OFFICER:</b>	<b>Sarah Bailey – Head of Access to Education</b>
<b>CABINET MEMBER:</b>	<b>Cllr Alisa Flemming – Lead Member for CYPE</b>
<b>PERSON LEADING AT SCRUTINY COMMITTEE MEETING:</b>	<b>Shelley Davies – Director of Education</b>
<b>PUBLIC/EXEMPT:</b>	

## COUNCIL PRIORITIES 2020-2024

*Include here a brief statement on how the recommendations address one or more of the Council's priorities:*

- We will live within our means, balance the books and provide value for money for our residents.
- We will focus on tackling ingrained inequality and poverty in the borough. We will follow the evidence to tackle the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice.
- We will focus on providing the best quality core service we can afford. First and foremost, providing social care services that keep our most vulnerable residents safe and healthy. And to keep our streets clean and safe. To ensure we get full benefit from every pound we spend, other services in these areas will only be provided where they can be shown to have a direct benefit in keeping people safe and reducing demand.

### Council's priorities

<b>ORIGIN OF ITEM:</b>	Homes schooling has previously been highlighted by the Sub-Committee as a potential area of concern in need of further scrutiny.
<b>BRIEF FOR THE COMMITTEE:</b>	The Sub-Committee is asked to review the information provided and consider whether there are any specific areas in need of further scrutiny.

## 1. What is Elective Home Education in the United Kingdom? (From DFE most recent non-statutory guidance, April 2019)

*"Parents have a right to educate their children at home, and the government wants the many parents who do it well to be supported. They devote time, financial resources and dedication to the education of their children. Most parents who take*

*up the weighty responsibility of home education do a great job, and many children benefit from being educated at home.*

*Educating children at home works well when it is a positive, informed and dedicated choice.”*

- 1.1. Legally, any parent in the United Kingdom can choose to provide an education for their child at home. This is a right enshrined in law. Parents do not have to register their child at school. Elective Home Education guidance is non-statutory but based section 7 of the Education Act 1996 which states:

*“Parents have a right to educate their children at home. The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable -*

- (a) *to his age, ability and aptitude, and*
- (b) *to any special educational needs he may have, either by regular attendance at school or otherwise “*

- 1.2 There is currently no statutory legislation for insisting that families must register with their local authority or follow any specific framework, curriculum or educational ideology in the uk..The legal responsibility for a child's education remains with the child's family. Because of this, the local authority is limited in regulatory powers around Education. Families can choose any methods they wish for educating their children and these do not have to reflect traditional, established notions of Education as “schooling”. Indeed many families choose to home educate specifically because of a particular philosophy around education that differs from the beliefs held by the state and schools. Some Elective home Education is autonomous and child led and looks very different to the practices a traditional educator may expect to see in a school.

The local authority is only made aware of Electively home educating families when a family de-register from a school. This means there is a percentage of families (Guidance suggests 10-20% families nationally) home educating who are not known to the LA at any given time.

## **2. Reasons why families choose to “Electively home educate”**

- 2.1 The following reasons are suggested in the DFE guidance as possible rationales for EHE:

- Ideological or philosophical views which favour home education, or wishing to provide education which has a different basis to that normally found in schools
- Religious or cultural beliefs, and a wish to ensure that the child's education is aligned with these
- Dissatisfaction with the school system, or the school(s) at which a place is available
- Bullying of the child at school
- Health reasons, particularly mental health of the child
- As a short term intervention for a particular reason
- A child's unwillingness or inability to go to school, including school phobia
- Special educational needs, or a perceived lack of suitable provision in the school system for those needs

- Disputes with a school over the education, special needs or behaviour of the child, in some cases resulting in 'off-rolling'<sup>1</sup> or exclusion
- Familial reasons which have nothing to do with schools or education (eg using older children educated at home as carers)
- As a stop-gap whilst awaiting a place at a school other than the one allocated

This is not an exhaustive list. We collect reasons for de- registration on our parental registration forms. (See below for Croydon breakdown.)

This also allows us to ask when / if a family feels they've been pressured to register their child as a result of an issue within the school or to avoid a permanent exclusion. When we become aware of a situation like this it is then investigated by the Learning Access/Safeguarding team as appropriate. This offers a key first level of challenge to the illegal practice of "off-rolling"

### **3. Croydon context and figures**

3.1 There were 635 children EHE registered in Croydon at the end of December 2021

- Of these 27 have EHCPs (Education Health Care Plans)
- Cases with Children's Social Care involvement at any stage: 7 (Includes Early help and CIN)
- A very small number were placed on child protection plans, and as per Croydon policy, these cases have now been closed to EHE. In this situation CME and Admissions are informed and support is provided to the families for the admission process of their children into a school.
- As per the numbers below the top three reasons given by families for becoming EHE this academic year are: Covid-19 (More than 50% of all new cases), Philosophical/ideological approx. 23% and 23% as a short term intervention.
- These numbers are relatively similar to the national trend. Covid-19 is thought to account for approx. 50%+ of cases nationally.

3.2 Reasons for newly EHE as given by parents in Croydon (as at Dec 2021) (Less than 5 indicates a low number but to avoid identification of individual pupils)

Distance or access to school	0
Religious or cultural beliefs	>5
Philosophical or ideological views	33
Dissatisfaction with the system	>5
Bullying	5
As a short-term intervention for a particular reason	13
A child's unwillingness or inability to go to school	>5
Special Educational Neds	>5
Familial	>5
Dispute with school	6
Health	>5
Covid 19 related	6
Stop gap – school place preference	8

3.3 This data shows that compared to earlier terms in 20-21 and 21-22 where CV19 was the strongest impacting factor we are returning to Croydon's historical pattern of the strongest reason being ideological difference on the part of parents, followed by short term intervention. This has been the consistent pattern in Croydon for several years.

#### **4. Croydon LA EHE Staffing:**

- 4.1 From January 2022 we have two FTE officers assigned to EHE. From April 2022 we have assigned additional budgets for an additional FTE post. This will bring capacity in line with statistical neighbours, who have approx. 1 FTE officer per 200 cases. Delays in securing additional staffing have significantly impacted our capacity to conduct reviews.
- 4.2 Reviews are currently conducted bi-annually and then, only for those cases where there is either no information recorded or a specific concern. EHCP and CSC cases are prioritised for annual review. From Sept 2022 a full capacity team will be able to conduct bi-annual reviews of all 600+ cases, with a greater focus on our vulnerable EHE CYP

#### **5 EHE processes:**

- 5.1 It is important to note that there is no causal or inherent safeguarding risk in families Electively Home Educating. Most families respond to the LA's informal enquiries positively and provide information that satisfies the EHE team. The family is taken as the responsible, protective factor in any usual EHE case. They have the legal responsibility to safeguard their child as the education provider.
- 5.2 Where a family do not respond at all, or do not satisfy enquiries, in Croydon, they will not be maintained on the register as EHE, the concerns will be passed as appropriate to the Admissions team (or as needed Child missing education team) to follow up, and a school place will be found.
- 5.3 In line with the DfE guidance, the role of EHE team, is to monitor and support families – a crucial part of the role is to better understand parents' educational provision and preferences and offer them appropriate support.
- 5.4 If the EHE offered is judged not to be "suitable" or "efficient", In line with the DfE Guidance, section 7, then normally it would be progressed as CME (Children Missing Education), Admissions or in specifically concerning cases, School Attendance Order processes . However, there are cases in which the authority might reasonably take the view that it is not expedient, for example where the parent is actively working and collaborating with the authority to improve the home education and it seems likely that they will attain "suitability" within a very short time. It is the LA's role to offer support and monitor and to ensure that the education offered meets the legal tests of "suitable and efficient and full time"

Where the measures and advice offered don't result in a satisfactory response, or a school place being allocated, the LA will then issue a statutory "School

"Attendance Order" which has legal weight to insist that the family registers their child at a school. We have not needed to do this this academic year.

## 6, **Safeguarding:**

- 6.1 Any specific safeguarding concerns arising about any children or young people being home educated during contact with EHE staff would be reported to CSC via SPOC in the usual way.
- 6.2 When a family who are on the EHE register have CSC concerns at CIN Section 47 level (currently 7 families) the EHE staff are made aware by the CIN Chair and may be required to add their expertise and thoughts to the CIN plan. The SW is expected to liaise with EHE where this is the case.
- 6.3 When a family on the EHE register become monitored by CSC on a section 47 Child protection Plan- the chair of the conference will make this known to EHE team and the EHE registration will cease. Arrangements for education in a Croydon School will then be supported by the complex admissions team. This is covered in the Croydon EHE policy (Section 9.4 below) which has been signed off by LSCB:

*9.4 Child Protection Plan (CPP) – home education cannot be seen as a protective factor for a child. A child being educated at home is not necessarily being seen on a regular basis by professionals such as teachers and this logically increases the chances that any parents who set out to use home education to avoid independent oversight may be more successful by doing so. Services are less likely to become aware of the signs of abuse or neglect.*

- 6.4 When a child or young person is made subject to a child protection plan or is already subject to a child protection plan, the conference chair will make clear that if the parent has already declared that they are electively home educating, or states an intention to do so, the risk will be re-considered in light of this information with the likelihood that the child is considered unsafe as a consequence. The chair will therefore immediately ensure that the plan is changed or reviewed to protect the child which will include stopping the elective home education provision with immediate effect. The chair will outline what harm is likely, what the risk is and how it is increased as a result of continuing to educate the child at home. The resulting plan will reflect the necessary actions that need to be taken including the immediate review of the EHE declaration.
- 6.5 Vulnerable children may become significantly more vulnerable as a result of being home educated - local authority home education officers cannot insist on visiting a home or seeing a child and have no powers to enter the homes or otherwise see children for the purposes of monitoring the provision of elective home education. The local authority has no formal powers or duty to monitor the provision of education at home.

Parents are under no legal obligation to respond to local authority enquiries about their provision of home education, nor do they have a legal obligation to agree to a meeting or produce specific evidence about their child's home education.

It is in response to the obvious loopholes within home education guidance and law that local authorities implement safeguarding measures through local policies whereby vulnerable children on CPP are supported and directed back in to education within school settings.

6.6 Similarly, the current (2019) DFE guidance on EHE contains the following wording:

*"However, the past few years have seen a very significant increase in the number of children being educated at home, and there is considerable evidence that many of these children are not receiving a suitable education. There is a less well evidenced but increasing concern that some children educated at home may not be in safe environments."*

In response to this, when the EHE team identify any potential concern (E.g. non – responsiveness or other SPOC/CSC concerns) they will use the existing referral systems (SPOC/CME) to refer any concerns.

Where necessary - because it is evident that a child is simply not receiving a suitable education at home and the use of school attendance powers is not achieving a change in that situation - the local authority should be ready to use its safeguarding powers as explained in this guidance. The overriding objective in these cases is to ensure that the child's development is protected from significant harm.

The LA has powers to insist on an enrolment in schooling via a School Attendance Order where there are concerns that a family isn't providing a Suitable, efficient, full time education. This does not automatically mean there is a safeguarding risk.

Where any safeguarding concerns or potential risks are identified SPOC or the appropriate CSC team would be notified.

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**CONTACT OFFICER:** Shelley Davies, Director of Education

**APPENDICES TO THIS REPORT:** None

**BACKGROUND DOCUMENTS:** None