

AGENDA

Meeting: Children's Select Committee
Place: The Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Tuesday 4 September 2018
Time: 10.30 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Pre-meeting information briefing

There will be a briefing session starting at 9.30am, immediately before the meeting. Its focus will be on **Vulnerable/Disadvantaged Learners Strategy**.

Membership:

Cllr Jon Hubbard (Chairman)	Cllr Deborah Halik
Cllr Mary Douglas (Vice-Chairman)	Cllr Chris Hurst
Cllr Mary Champion	Cllr Johnny Kidney
Cllr Andrew Davis	Cllr Jacqui Lay
Cllr Christopher Devine	Cllr Hayley Spencer
Cllr Sue Evans	Cllr Roy While
Cllr David Halik	

Substitutes:

Cllr Pat Aves	Cllr Nick Fogg MBE
Cllr Clare Cape	Cllr Peter Fuller
Cllr Trevor Carbin	Cllr Russell Hawker
Cllr Ernie Clark	Cllr Jim Lynch
Cllr Stewart Dobson	Cllr James Sheppard

Non-Elected Voting Members:

Dr Mike Thompson	Clifton Diocesan RC Representative
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Non-Elected Non-Voting Members:

Tracy Cornelius	Primary Head Teacher Representative
Miss Sarah Busby	Secondary Head Teacher Representative
John Hawkins	School Teacher Representative
Maisy Humphrey	Children & Young People's Representative
Declan Kiely	Children & Young People's Representative - Substitute

Recording and Broadcasting Information

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

PART I

Items to be considered while the meeting is open to the public

1 **Apologies**

2 **Minutes of the Previous Meeting** (*Pages 9 - 14*)

To approve and sign the minutes of the previous meeting held on 19th June 2018.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Tuesday 28th August** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Thursday 30th August**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Update from Young Person's Representative** (*Pages 15 - 28*)

The Committee will receive an update on the activities of the WAY presented by Maisy Williams, the committee's Children's & Young People's representative.

7 **Corporate Parenting Panel Annual Report**

The committee will receive the draft annual report prior to finalisation by the Corporate Parenting Panel.

Members are asked to comment on the draft report prior to the final endorsement by the Corporate Parenting Panel on 18th September.

The draft report will be published subsequently as a supplement to this agenda.

8 **Children not in Education Policy** (*Pages 29 - 162*)

The committee is provided with a copy of the Families & Children's Service Policy on Children Missing Out On Education/Children Missing Education/Elective Home Education.

Included are the following documents/reports:

1. Overview report
Elective Home Education:
2. Family and Children's Services Policy in respect of Elective Home Education
3. Annex 1 - Safeguarding Form - Elective Home Education
4. Annex 2 – Support and Safeguarding Service: Elective Home Education Policy and Procedures (February 2018)
5. Annex 3 – Elective Home Education: Guide for Parents and Carers
6. Annex 4 – Elective Home Education: Guide for Local Authorities
7. Annex 5 – Elective Home Education: Departmental Guidance for Local Authorities (draft for consultation: April 2018)
- Children Missing Out on Education/Children Missing Education
8. Families & Children Services: Policy in respect of Children Missing Out on Education (CMOE) and Children Missing Education (CME)
9. Annex 1 – CMOE/CME Flowchart
10. Annex 1a – CME Notification to Education Welfare for Intervention Form
11. Annex 2 – CMOE Monitoring Group Terms of Reference
12. Annex 3 – Education Welfare Officer Practice Standards

Members are asked to comment on the reports and documents provided.

9 **Family and Children's Transformation (FACT) Update** (*Pages 163 - 174*)

The committee is provided with an update to the Children's Select Committee on progress of the Families and Children's Transformation (FACT) programme.

A report was submitted to the Committee on 17th April 2018 which outlined the

rebranding of the Children's Service Integration Project into the Families and Children's Transformation (FACT) programme and set out the activity that would be progressed through projects within the programme.

Included in this agenda is a report which provides an update on the programme to progress service developments across the partnership.

Members are asked to comment on the progress of the FACT programme as detailed in the report.

10 **Update on Multi-Agency Forums (MAF's) (Pages 175 - 180)**

The committee is provided with a brief update on the performance and progress of Multi Agency Forums (MAFs) in Wiltshire.

The update follows previous work on MAFs performed by the committee. In December 2015 a Task Group of the Children's Select Committee conducted a deep dive meeting focused on MAFs. The committee endorsed the Task Groups recommendations regarding MAFs at its meeting on 26th January 2016. An Executive Response to the Interim Report of the Safeguarding Task Group was presented to the committee on 22nd March 2016, and monitoring of the outstanding actions taken up by the Safeguarding Children and Young People Panel.

Members are asked to comment on and note the progress made following the above work.

11 **Education Transformation Board - Stage 2 Update (Pages 181 - 188)**

The committee is provided with an update on the progress of the Education Transformation Project in Wiltshire and outlines changes to the Local Authority's School Improvement Framework to be implemented from September 2018.

Members are asked to comment and ask questions on the contents of the update.

12 **School Ofsted Judgements (Pages 189 - 202)**

The committee is provided with an overview of state funded (Local Authority (LA) maintained and academies) school inspection outcomes at the end of the 17/18 academic year, including analysis of inspection outcomes by phase of school, by LA maintained or academies and trends from last year. The report includes analysis of the current Ofsted inspection position from published reports as at the end of July 2018 for all schools and academies and further considers outcomes for schools for inspections carried out during the 17/18 academic year.

Members are asked to ask questions on the contents of the report and provide

comments.

13 **DfE Changes - Update from Department for Education** (*Pages 203 - 208*)

A report by Terence Herbert, Corporate Director, is attached presenting an update on developments relating to children's services arising from the Department for Education.

14 **Task Group and Board Representative Updates** (*Pages 209 - 210*)

The committee will receive updates from active Task Groups and the committee's board representatives.

A report by the Senior Scrutiny Officers providing an update on Task Group Activity since the last meeting is attached.

15 **Forward Work Programme** (*Pages 211 - 228*)

The Committee is asked to note the attached documents showing the relevant items from the overview and scrutiny forward work programme and the latest version of the strategy list for the Children, Education and Skills directorate.

16 **Date of Next Meeting**

To note that the next scheduled meeting is due to be held on Tuesday 6th November at County Hall, Trowbridge, starting at 10.30am.

17 **Urgent Items**

Any other items of business which the Chairman agrees to consider as a matter of urgency.

PART II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

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CHILDREN'S SELECT COMMITTEE

MINUTES OF THE CHILDREN'S SELECT COMMITTEE MEETING HELD ON 19 JUNE 2018 AT KENNET ROOM - WILTSHIRE COUNCIL OFFICES, COUNTY HALL, TROWBRIDGE.

Present:

Cllr Jon Hubbard (Chairman), Cllr Mary Douglas (Vice-Chairman), Cllr Jacqui Lay, Cllr Mary Champion, Cllr Andrew Davis, Cllr Sue Evans, Cllr Johnny Kidney, Cllr Chris Hurst, Cllr Hayley Spencer, Cllr Roy While, Cllr James Sheppard (Substitute), Cllr Stewart Dobson (Substitute), John Hawkins and Dr M Thompson

27 Election of Chairman

Nominations were sought for the position of Chairman for the municipal year 2018/19.

On there being no other nominations, it was

Resolved:

To elect Cllr Jon Hubbard as chairman of the Children's Select Committee for the municipal year 2018/19

28 Election of Vice-Chairman

Nominations were sought for the position of Vice-Chairman for the municipal year 2018/19.

On there being no other nominations, it was

Resolved:

To elect Cllr Mary Douglas as Vice-Chairman of the Children's Select Committee for the municipal year 2018/19.

29 Apologies

Apologies were received from Cllr David Halik and Cllr Deborah Halik.

Cllr Stewart Dobson and Cllr James Sheppard substituting.

30 **Minutes of the Previous Meeting**

Resolved:

To approve and sign the minutes of the meeting held on 17 April 2018 as a correct record with the amendments as detailed above.

31 **Declarations of Interest**

There were no declarations of interest.

32 **Chairman's Announcements**

The following announcements were made:

- Maisy Humphries was welcomed as the new young persons representative.
- Hello Yellow – Mental Health Awareness Campaign during October 2018.
- That the Chairman and Cllr Lay had met with the Project Manager of Re:Fresh. The Re:Fresh project was an important school-based project which provides toiletry and sanitary items to children and youth in need.

The potential for the future expansion of the project was discussed with the creation of more collection points and schools involved across Wiltshire.

More information on the project is available online at:
communityactionwestwilts.org/refresh

33 **Public Participation**

There was no public participation.

34 **Performance & Outcomes for Families & Children's Services (Social Care)**

A report that provided an overview of the performance and outcomes of children's social care was presented to the committee.

Points made included:

That the Local Authority delivered children's social care in Wiltshire. The performance of the Local authority was inspected by Ofsted. The last inspection was in 2016 and was a Joint Targeted Inspection to examine how local partners, including local authorities, police, probation, and health services, work together to protect children living with domestic abuse. The outcome was

positive, recognising many good aspects but JTAI's were not graded. In 2015 the Local Authority was inspected by Ofsted under the Single Inspection Framework which whilst finding a significant number of strengths declared the outcome to be "requiring improvement to be good".

In October 2017, a new Safeguarding and Support Service was created which expanded the work of the previous social care safeguarding and assessment teams to include resources to support children and families just below the social care threshold - support cases. The number of support cases had risen as the service continued to develop and embed reaching 422 at the end of March 2018. These cases were either new referrals (via the MASH) or from social care as step-downs.

That there had been a drop in the rate of referrals into social care which had continued from the end of last year and was being monitored as it was below our target range for this year and below comparators. The overall rate (350/10,000) might be expected given the Wiltshire population profile of relatively low deprivation and there was some reassurance that it is appropriate given the re-referrals remains low. (SN 457, Eng 548)

Re-referral rates had remained stable and were currently just below 18%. This was low supporting our position that the quality of social work practice and step-down arrangements had improved. (SN 22%, Eng 22%)

The numbers of open social care cases remained relatively stable.

Resolved

- 1) That the Children's Select Committee noted the report and data set.**
- 2) That the report would be viewed on an annual basis.**

35 Apprenticeship Update

A report was presented which outlined the progress on apprenticeships within the council's workforce since the implementation of the apprenticeship levy in May 2017, and to outline future plans to ensure the levy was maximised to support the development of our workforce.

Points made included:

In October 2013, the government announced a number of reforms to the national apprenticeship programme as a way of introducing more rigorous standards, being more responsive to the needs of employers and to meet the commitment of having 3 million apprenticeships in place by 2020. At the heart of these reforms was the aim to increase both the quantity and quality of apprenticeships.

The two elements of the above reforms which would have the most impact for Wiltshire Council was the levy, and the proposed public sector target.

The apprenticeship levy was charged at a rate of 0.5% of an employer's pay bill and was collected monthly by the HMRC through PAYE deductions, and was therefore another tax on employment costs. For the council's workforce the contribution was £470k in the first year and the total amount that the council, including maintained and VC schools, would pay into the levy during any one year roughly equated to £1m.

The public sector target was for public sector bodies with more than 250 employees in England to employ an average of at least 2.3% of their staff as apprentices from 2017-2021. This meant that the council needed to have approximately 106 apprentices in the workforce each year until 2021, and for schools this was approximately 150 apprentices.

That plans were being developed to further increase apprenticeships and sustain the progress.

That Initiatives were being progressed to help to raise the profile of the council with Care Leavers/LAC as an employer, as well as providing them with valuable employability skills and experience and pathways to apprenticeships with the aim of encouraging these young people to apply for and secure apprenticeships with the Council, and with other employers across Wiltshire.

Resolved

- 1) That the Children's Select Committee noted the report.**
- 2) To congratulate the work behind the progression towards the excellent number of apprentices working for Wiltshire Council**

36 Final Report of the Care Leavers Rapid Scrutiny

A report was provided for the Children's Select Committee which outlined the outcome of the rapid scrutiny exercise established on 13 June 2017 and held on 23 January 2018 and 27 April 2018 to consider Wiltshire's Local Offer for Care Leavers under the Children and Social Work Act 2017.

Resolved

To endorse the recommendations of the Care Leavers Rapid Scrutiny Exercise and to submit them to the Executive for response.

37 Final Report of the SEND School Provision Task Group

Cllr Laura Mayes, Cabinet Member for Children, Education and Skills presented a report that outlined the response of the Cabinet Member for Children, Education and Skills to the Interim Report of the SEND School Provision Task Group.

Points made included:

On 15 May 2018 the Interim Report of the Task Group, along with its recommendations, were received at a meeting of Cabinet alongside the report of Special School Provision in Wiltshire. The recommendations of the task group were presented to the relevant Cabinet member for response and then in a report for the Committee to consider.

Resolved

That the Children's Select Committee endorsed the executive responses to the interim report of the SEND School Provision Task Group.

38 **DfE Changes - Update from Department for Education**

Terence Herbert - Corporate Director, Wiltshire Council presented a report that updated developments relating to children's services arising from the Department for Education.

Points made included:

That the DfE had published its response to the *Schools that work for everyone* consultation which was seeking views on proposals to create more good school places. It details a package of measures will promote:

- a new wave of free school applications
- an expansion to the number of places at existing good or outstanding selective schools alongside measures to give more disadvantaged pupils the opportunity to attend these schools
- new support for faith schools where there was demand for good school places
- fresh agreement with the independent school sector to help improve outcomes for pupils of all backgrounds

These measures aimed to deliver a stronger partnership between different parts of the education system in local areas, to raise standards across the system and to create new good school places in areas where they were needed. The aspiration was to create more school places, give parents greater choice and raise education standards – including in disadvantaged areas.

Resolved

That the Children's Select Committee noted the update provided.

39 **Task Group Updates**

Updates from:

- CAMHS Task Group – Cllr Phil Alford – The report was noted.

- Traded Services for Schools and Outdoor Education Task Group – Mr John Hawkins – The report was noted.
- Education Transformation Board Update – Cllr Deborah Halik – That work was ongoing.

Resolved

To note the update on task group activity provided.

40 **Forward Work Programme**

Resolved

- 1) That the Children’s Select Committee noted the forward work programme.
- 2) That the Children, Education & Skills Strategy List would be received as a standing document under the Forward Work Programme item and to update when required.

41 **Date of Next Meeting**

Tuesday 4th September 2018 at County Hall, Trowbridge, starting at 10.30am.

42 **Urgent Items**

There were none.

(Duration of meeting: 10.30 am - 1.05 pm)

The Officer who has produced these minutes is Kevin Fielding of Democratic Services, direct line 01249 706612, e-mail kevin.fielding@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Youth Voice Update for Children's Select Committee

Updates for the Wiltshire Assembly of Youth (WAY), Youth Safeguarding Board (YSB) and the Children in Care Council (CiCC)

Strategic Youth Engagement

Over the summer members of the YSB, CiCC and WAY attended a strategic youth engagement event held at Devizes school; this was held in partnership with Wiltshire Police.

The event was very low key, and the purpose of which was to look at the development of a strategic partnership approach in terms of youth voice/youth engagement activities, and allowed CYP the opportunity to help shape and develop future services.

There were 18 young people who attended the event, and they represented:

- Children in Care Council (CiCC)
- Wiltshire Assembly of Youth (WAY)
- Youth Safeguarding Board (YSB)
- Police Cadets
- CAMHS

Young people from Motiv8 and Youth Action Wiltshire were also invited but were unfortunately unable to attend.

These young people were supported 6 adults from across Wiltshire Council and Wiltshire Police.

There were clear messages that came out of the event, which included.

- Young people would rather speak with/engage with a youth worker than workers from the council, Police or partner agencies.
- The council and Police are too formal, if you want YP to engage you need to build relationships with them and ensure they are in a relaxed environment
- You need to go to where YP are, i.e. youth clubs, sports clubs, schools
- Young people do not want to use social media as a form of communication with workers. Although sometimes they will use Facebook messenger
- Generally young people do not read their emails
- Young people want to use text messaging as their main form of communication
- CYP people should be involved in all decision made about them and their lives, although they might not always have the end decision
- All YP are equal, have a right to be heard and should be treated as individuals
- Most young people do not want to complete surveys
- There were conflicting views on when events should be held
- It is important to have food at events for young people
- To incentivise involvement in activities, young people would like to gain access to experiences they wouldn't normally do. For example, being able to see Police dogs
- Young people would like to gain qualifications for the work that they complete

As a result of this information and further work that will be carried out, the relevant Senior Commissioning Officer (who supports voice/participation work) will be looking at how we strengthen

and develop our offer to CYP, and what this could look like in the future. This is also an ideal time to look at this work given the importance given to co-production throughout the FACT workstreams.

WAY

On Friday 27th – Sunday 29th, Joel Mutagayika (Member of Youth Parliament) and Rebecca Richards (member of WAY) attended the British Youth Council Annual Conference, which this year was held in Nottingham.

The main aim of this weekend was to look at the policy motions proposed by MYP's from across the country, to produce a brand new Youth Parliament Manifesto. MYP's and all the school who have signed up to the "Make Your Mark" campaign will now have the opportunity to vote on the 10 most important issues to them within that manifesto. These 10 issues will then be debated at The House of Commons by MYP's on Friday the 9th November in front of John Bercow .

At the time of writing this update, Wiltshire had 14 of its 25 secondary schools signed up to campaign, and so we are hoping that within Wiltshire we will surpass the 7,000 votes that were placed in 2017.

CiCC

CiCC meets again on Sep 8 2018 and has issued an invitation to other children and young people living in care to join them for a Healthy Fun Day on Saturday 8th September.

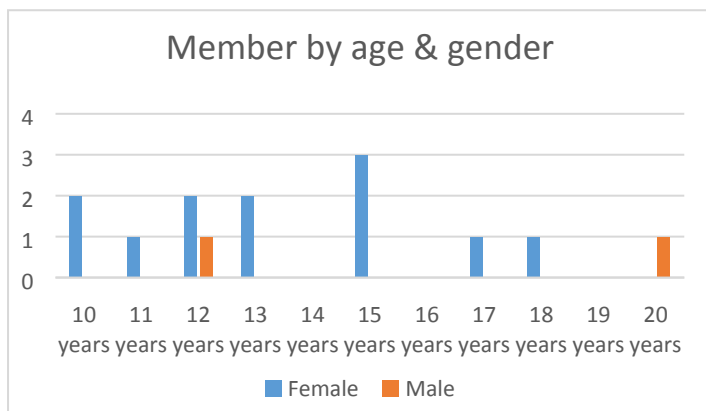
This will be an opportunity for children living in care to come together as well as a recruitment opportunity for CiCC. CiCC sent its second newsletter to children living in care aged 8 and above in July, please see attached.

Staffing update

Both Judy Edwards and Leanne Field have been successfully appointed to Acting Lead Commissioner posts for a period of 6 months, covering portfolios around Mental Health and SEND respectively. As such the Senior Commissioning Officer posts will be backfilled, and so this will mean a change in worker for all YP supported in the above groups for a period of time.

Children in Care Council - update on activities Corporate Parenting Panel 19 June 2018

1. Membership



Membership has increased to 14 young people. One member has left and two new members joined. One further care leaver has indicated a wish to be involved in the Corporate Parenting Panel, and other activities, but not as a CiCC member.

Challenges remain around increasing the representation at CiCC from males and from unaccompanied asylum-seeking children. Recruitment activities continue via the Children's Champions Working Group, Virtual School, Independent Visitor Scheme and Children in Care teams.

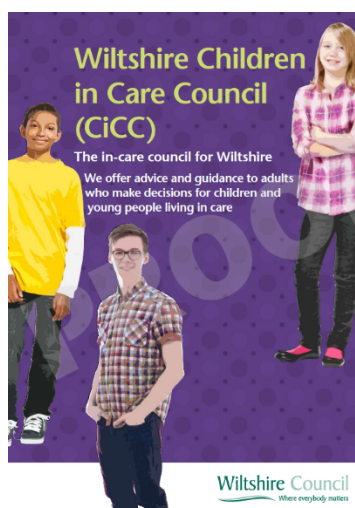
Independent Visitor Scheme and Children in Care teams.

The member handbook is now complete, and has been circulated to members. Copies have also been given to independent visitors and will be shared with social workers at Children in Care team meeting in June, to encourage further engagement and, also, at Post 16 Options and Careers event.

2. Communication from CiCC to the wider looked after population



A second **newsletter** is due to be mailed out to children and young people aged 8+ with **Become** magazine in June. The newsletter includes a piece from Cllr Palmen, following on from his presentation at Shared Guardian Session on mental health. Also included is information, and request for feedback, on the Care Leavers' Covenant. The newsletter also invites young people to a **CiCC Fun Day** on Saturday 8 September. Work needs to continue to ensure that young people know that they can respond to the newsletter and communicate with CiCC in that way. CiCC is developing a logo to support with branding.



A meeting has been held with the web team to discuss developing **web pages** for children living in care and care leavers on the Wiltshire Council website. CiCC has agreed that it would like this. Currently, the opportunity for a separate website is not tenable given cost and maintenance requirements. CiCC looked at other websites and thought that they might like to include an area for jokes, games, children's rights, and copies of the newsletter and other documents.

3. Mental health priority

CiCC began a discussion on delivering a campaign on positive mental health to children and young people living in care. This may take the form of an Arts Award. Senior Family Keyworker, Dawne Dawes, is an Arts Award Assessor and is currently supporting with the delivery of CiCC. Members discussed trigger points for anxiety and stress, as well as making suggestions about what could help.

Triggers	Things that help
<ul style="list-style-type: none"> • Loss of family • Moving home and care home • Stigma • Not being able to do their favourite hobbies • Leaving/moving school • Leaving friends • Splitting up with siblings/family • Contact • Seeing a sibling at contact then having to go back to foster home • People not being honest • Bullying • Staff and carers not being careful what they say • Feeling left out of family scenarios 	<ul style="list-style-type: none"> • Feeling loved • Advertising support such as Childline, Kooth • Provide information about depression and self-harm • Improving CAMHS self-referrals • Tackling stigma

Lead Commissioner (child and adolescent mental health) has submitted a proposal to the Wiltshire Clinical Commissioning Group to fund additional emotional wellbeing and mental health support for children living in care.

4. Foster care

CiCC met with Jay Williams (newly-appointed foster care manager) during which an interest was raised in interviewing new staff and training foster carers. This will be considered further once Jay is in post. Suggestions were also made about the level of contact that children/young people have with fostering social workers; as carers get to meet with child/young person's social worker it was felt that they should also be able to meet foster carer's worker. These ideas will be taken forward and progress reported on through the You Said, We Did process.

5. Placements Strategy

CiCC met with Lucy Kitchener (Lead Commissioner for looked after children, young people and care leavers), to talk about the draft Placements Strategy and their views on its main themes. They gave Lucy constructive feedback and insight. These ideas will be taken forward and progress reported on through the You Said, We Did process.

6. Virtual School

CiCC met with Chris Whitfield, Virtual School Head, and discussed ways of celebrating the achievements of children and young people as well the effectiveness of the Personal Education Plan (PEP) process. These ideas will be taken forward and progress reported on through the You Said, We Did process.

7. WSCB walkabouts

2 CiCC members joined 16 other young people from the Wiltshire Assembly of Youth and Youth Safeguarding Board to be trained to take part in 'walkabouts'. This saw young people being trained in listening and communication skills. The schedule of walkabouts is being planned with WSCB and will involve young people in visits to partner agencies, potentially to talk professionals and young service users about the service.

8. Progress towards the action plan

Action	Progress
1. Raise awareness about mental health and emotional wellbeing	Underway with hopes for young people to achieve Arts Award
2. Raise awareness about bullying	To be considered within Arts Award and during Anti-Bullying Week
3. Continue to make newsletters	Ongoing at two per year
4. Train new staff – children’s services induction, Wiltshire college and any other opportunities	Ongoing
5. Be professional when we have meetings and develop skills to be effective representatives. CiCC felt that a training programme would be a positive thing to develop their skills.	To be confirmed with development of Wiltshire Youth Forum (name to be confirmed)
6. Meet other CiCCs from other counties (it will be more fun if there are some activities)	Judy Edwards to action for Autumn term
7. Taking part in consultations	Ongoing
8. Influence decision makers by sharing experiences and those of others	Ongoing

9. Proposals for Corporate Parenting Panel

Consideration has been given to how the voices of children and young people are heard by the Corporate Parenting Panel. This usually takes the form of a report from CiCC, presented by a CiCC representative when possible, and Shared Guardian Sessions which take place twice per year. This current system offers some limitations due the fact that:

- children and young people are asked to be absent from school to attend Corporate Parenting Panel (causing difficulties for most the recent representative, whose school attendance was a concern);
- a CiCC report represents only what activities the relatively small CiCC group has undertaken and their relatively limited views;
- when representatives are present in the meetings, they are given opportunities to be involved and speak but are not central to and leading the meetings.

Learning from Somerset County Council suggests that a few minor changes to the way that the CPP meetings run may enhance the impact of children and young people’s voices at the Panel.

Proposals

- i) Change the time of CPP meetings to allow for young representatives to attend without taking time out of education.
- ii) Consider appointing a young person to co-chair CPP meetings to raise the profile and presence of young people on the panel.
- iii) Reinforce the corporate parenting duty of the wider elected membership and workforce by chair/co-chair sending summary of positives and ‘for action’ directly to the Leader of the Council after each CPP meeting. (This is something that happens in Somerset and is reported by Somerset chair as being very effective in driving forward change for children and young people)
- iv) Replace item ‘CiCC update’ with ‘Feedback from children and young people’ which would allow more scope for other pieces of quality assurance work, e.g. young inspector/young assessor work linked to walkabouts, to be reported, alongside direct feedback from CiCC.

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Your Voice You are not alone



Hello from us to you!

Summer 2018

Hi and welcome to Your Voice newsletter, brought to you by the Wiltshire Children in Care Council – CiCC!

We are a group of young people who meet up to have some fun and talk about what it's like living in care. This helps adults to make services better for us.

We want to tell you what we've been doing and we **want to hear from you.**



We're all ears!

CiCC is for all children living in care, or care leavers, who are aged 11 or older, so if you want to find out more and get involved, let us know.

voiceandinfluenceteam@wiltshire.gov.uk

07900 759830



Ha Ha Ha!

Because we all need a good laugh sometimes!

Q. What did the left eye say to the right eye?

A. Between us, something smells

Did you know that golfers always wear two pairs of pants ... in case they get a hole in one?!

Knock! Knock!

Who's there?

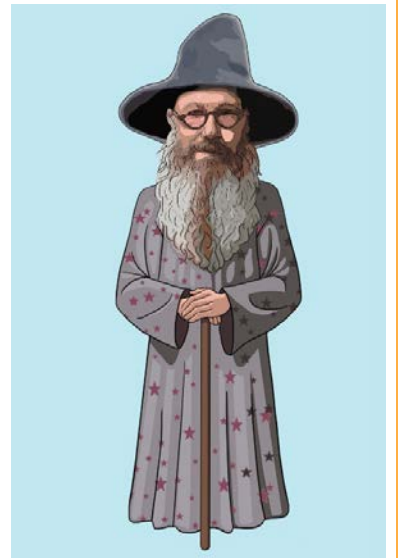
Honeybee

Honeybee who?

Honeybee a dear and open the door, please

Corporate Parenting Corner

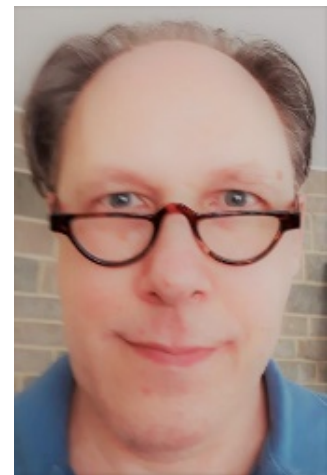
Anyone who works at the council, or who is an elected councillor, is known as a corporate parent. This means that they have a duty to look after (and look out for) you and other children living in care or leaving care. Eight councillors are members of the Corporate Parenting Panel and they each have a different job to do for you. In this edition of the newsletter meet Councillor **Stewart Palmen**.



Hello. I am Councillor Stewart Palmen. I represent the people of the Trowbridge Central Ward. On “The Corporate Parenting Panel” I have the “lead” for **Mental Health Support**. My main aim or drive is to “Ensure that looked after children and care leavers have timely and easy

I used to have a long beard and long hair – but just got a new haircut!

access to mental health services”. Put simply, it means I need to help you get the mental health support you may need quickly, and importantly, easily! The Council is going through changes in the way it provides mental health support under it’s ‘Local Transformation Plan’. This is designed to help make it easier to get help.



As someone who has not been involved in this for a long time, I can help by a having fresh viewpoint. I hope to guide, and be a critical partner, in the changes that are going on.



For my own mental health support, I spend time listening to live music and helping support local musicians with their guitars and amplifiers. Music is a great healer.

Never stop creating!

Prize



Hi. I've drawn this rabbit for you to copy and colour in. I'd love to see what you create so please take a photo of your artwork and email it to us by August. Or, give it to your social worker. judy.edwards@wiltshire.gov.uk

All pictures will be shown in the next newsletter and the best 3 pictures, judged by CiCC, will receive a

£10 voucher. How can you resist?

Anna

KONRAD'S WORDSEARCH

In CiCC, we love a good WORDSEARCH. Have a go as this one about friends and family, brought to you Konrad

E Q W D H S F A M I L Y U F P P
Y M W Z O S M V B D F L I O M F
J V O Y L L F D L L B E O R Q S
N Q V H I G F M A K A U E G P I
C G C Y D J U D U W S V F I I S
O H N T A U T S G U E Z U V U T
U K L U Y N U O H N C P S E Y E
R L O E S X R I T P V T C N Y R
A O P N A Z E P E O E L X E L K
G I B R O T H E R P Q T R S O J
E U T G Q H Q U V G E E T S V H
H Y F R I E N D S H I P U O E G
X T Y D J H B J S B T R F F U P
S M I L E W X B L A S C H O O L
C F K R O W E M O H A F G H H L

HOME
FORGIVENESS
NEVER
BROTHER
FRIENDSHIP
HOMEWORK

HOLIDAYS
FUTURE
SISTER
PETS
LOVE
SCHOOL

FAMILY
BASE
COURAGE
LOVE
SMILE
LAUGHTER

If you have found all the words... you are a master



Meet a CiCC member ... this is Mercedes



How old are you?

I am 10 years old

What do you like to do in your free time?

I love cheerleading and swimming

Tell us something great about you

I am really flexible (bendy)

What's your biggest achievement?

The thing I'm proud of is performing for the first time in the carnival

Which animal would you be?

I'd be a giraffe because I'd be tall!

What do you like about CiCC?

I've been a CiCC member for about 8 months and it's helped me a lot.

Mind of My Own (MOMO) is the online tool that can help you to get your voice heard. Ask your social worker or

What do you know-know about MOMO?

MOMO

I love MOMO and I use it when I want to tell my social worker or IRO what I'm thinking and how I'm feeling before and after meetings and reviews. I find it is an easy way for all your professionals to hear your voice if you can't be at a meeting. I'm a CiCC member and I recommend MOMO to lots of people when I meet them. If you haven't tried it already then sign up – your carer or social worker should be able to tell you how.

If you still feel as if people aren't listening to you, and you can't get your voice heard, you can get help by asking for an advocate. Advocates do not work for the council – they work for you. They listen and can explain your views in difficult meetings. If you'd like to know more or want help from an advocate you can email or call CCP, or ask your social worker.

Lorna



0300 3658 300

WiltsCYPAdvocacy@ccprojects.org.uk



Jodie's Gooney Toffee Stuffed Chocolate Chip Cookies

CREATIVE
COOKERY

How to make

1. Preheat oven to 170°C
2. Make dough by beating all the ingredients together, apart from the chewy toffee sweets
3. Cut cookies out or shape into round balls
4. Place a toffee in the middle and make sure the toffee is covered with dough
5. Put in oven at 170°C
6. Bake for 13-15 minutes

INGREDIENTS

100g lightly salted butter
100g soft light brown sugar
125g granulated sugar
1 medium egg
1 teaspoon vanilla bean paste
½ teaspoon of bicarbonate of soda
100g milk chocolate chunks
12-16 chewy toffee sweets

Health warning. These cookies will make you seriously smile but – only eat one at a time!

CiCC invites you to its Healthy Fun Day

Saturday 8 September

Time and venue to be confirmed

Your chance to meet us, meet the Corporate Parents and have a say

Email or text judy.edwards@wiltshire.gov.uk 07900 759830

More information to be sent out soon!

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Date: 4th September 2018

CHILDREN MISSING OUT ON EDUCATION/ CHILDREN MISSING EDUCATION AND ELECTIVE HOME EDUCATION

1. **Purpose of Report**
To provide a copy of the Families & Children's Service Policy on Children Missing Out On Education/Children Missing Education/Elective Home Education.
2. **Background**
At an earlier Children's Select Committee meeting, it was agreed that these policies should be tabled.
3. **Main Considerations for the Council**
A copy of each policy are attached for note and consideration.
4. **Safeguarding Considerations**
Safeguarding is everyone's responsibility. The attached policies detail how children missing education, are missing out on education, and are electively home educated are safeguarded, identifying relevant legislation, policies, and guidance.
5. **Public Health Implications**
Children attending school and receiving a satisfactory education (including elective home education) is essential for attaining long term outcomes and their well-being. Supporting children to remain in school will improve health outcomes.
6. **Environmental and Climate Change Considerations**
There are no relevant issues.
7. **Equalities Impact of the Proposal**
Ensuring all children receive a satisfactory education promotes attainment, opportunity and outcomes which break down the barriers of inequality and deprivation.
8. **Risk Assessment**
The key risk is in ensuring that children who are missing from education are tracked, located and supported to receive a suitable education.

9. **Risks that may arise if the proposed decision and related work is not taken**
If the Council does not have sound procedures for safeguarding children and ensuring they go to school; children will be at risk of abuse and/or danger. They will also not reach their outcomes and attainment targets which could damage the Wiltshire economy in the longer term.
10. **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**
No identified risks in this context.
11. **Financial Implications**
None. Children's Services are funded to do this work.
12. **Legal Implications**
The Council has legal responsibilities in relation to ensuring children receive a suitable education; which details are outlined in the attached policies.
13. **Options Considered**
It was agreed on 06/02/18 that a Children Missing Education Policy/Elective Home Education policy would be tabled at a forthcoming Select Committee meeting.
14. **Conclusions**
Select Committee is asked to note the Families & Children's Services completed policies.

**Terence Herbert,
Corporate Director**

Report Author: Lucy Townsend
Director, Families & Children's Services

25/07/18

Wiltshire Council	
Families & Children Services (FCS)	
Policy in respect of Elective Home Education	
Document Author & Role	Responsible Person & Role
Mal Munday Head of Service, Support & Safeguarding (Strategic)	Jen Salter Head of Service, Support & Safeguarding (Operations)
<u>Approval</u> Associate Director, Families & Children's Services	<u>Date of Approval</u> 9 th July 2018
<u>Distribution:</u> FCS SMT Children's Select Committee	9 th July 2018
<u>Review Date</u>	5 th September 2019
The latest version of this document can be found on tri-ex	

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1. Elective Home Education – Local Authority Responsibilities
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4. Local Authority Processes
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6. What if the Local Authority is not satisfied that a suitable education is being provided?
7. Where a child has Special Educational Needs and Disabilities.
8. Additional Context
9. Process

Annexes

Annex 1	Safeguarding Form – Elective Home Education
Annex 2	Policy & Procedures – Elective Home Education
Annex 3	Guide for Parents – Elective Home Education.
Annex 4	Current DfE Guidance – Elective Home Education (2007) <u>This is the current guidance to consider</u>
Annex 5	Draft DfE Guidance – Elective Home Education (04/18) <u>Not yet in effect – being consulted on.</u>

1. Elective Home Education – Local Authority Responsibilities

- 1.1 Wiltshire Council has specific responsibilities under Section 11 of the 2004 Children Act, and Section 175(1) of the Education Act 2002 to “make arrangements to safeguard and promote the welfare of children” that are educated at home. This responsibility is exercised on behalf of the Council by the Support and Safeguarding Service within which EWOs (Education Welfare Officers) are based. Such powers however, do not bestow on Local Authorities the “ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education”. Powers are restricted to acting in the best interests of the child where there is a concern that the child is suffering from ‘significant harm’; which is the test for all such interventions whether the child is electively home educated or otherwise.
- 1.2 The Safeguarding and Support Service is a blended team of professionals who work together to support, safeguard and protect children in need of higher level ‘Early Help’ and social work interventions such as Child in Need and Child Protection. The service includes; Family Key workers, Social Workers, Early Years Inclusion Officers, Education Welfare Officers and Early Intervention Advisors (formerly called CAF Coordinators) amongst others. If there are any concerns, the form in **Annex 1** can be completed by schools or the child referred into the MASH (Multi Agency Safeguarding Hub).

2. What is Elective Home Education?

- 2.1 Elective Home Education offers families and carers the opportunity to provide education for the children and young people in their care independent from the Local Authority or established school provision. The law in England states

that the responsibility for a child's education rests with their parents/carers and that whilst education is compulsory, attending school is not.

- 2.2 Elective Home Education in Wiltshire is governed by statute and Department for Education guidance which has been used to form Wiltshire local guidance (see **Annex 2**) – a copy of which is made available to all parents and carers known to be electing to educate their children at home (see **Annex 3**).
- 2.3 A parent/carer can elect to home educate their child at any stage of a child's educational career. Should this option be taken at the earliest stage (pre-school), then the child will never be registered on any school roll. If the option is taken at a later stage, schools are required to notify the Local Authority (via completion of a form) and remove the child's name from the school roll. This means that such children are not included in the schools' census and the authority receives no funding for their education. The Local Authority holds a register of all children who are home educated – which is overseen by the Manager with functional lead for Education Welfare (which sits in the Support and Safeguarding Service of the Families and Children's Directorate).

3. What does the statutory (DfE) Guidance require?

NOTE: The below relates to existing DfE Guidance (dated 2007 – see Annex 4)

3.1 This states that:

- (i) Parents/carers have a right to elect to educate their children at home.
- (ii) Parents/carers must ensure that the education programme that they deliver provides an "efficient and suitable" education that 'primarily equips a child for life within the community of which he/she is a member'. Consistency with the National Curriculum is not required. However, the programme on offer must not restrict the child's education and educational and employment options in later years (post 16).
- (iii) An 'efficient and suitable' education is not defined in the Education Act 1996 (leaving the programme open to parental interpretation).
- (iv) Local Authorities have no statutory duty, power or funding to monitor the quality of the home education.
- (v) Local Authorities are expected to monitor those who receive home education for 'safeguarding purposes', intervening where children are at risk of serious harm and ensuring that parents receive 'written information that is clear, accurate, and sets out the local position, roles and responsibilities of both the Local Authority and parents/carers'.

NOTE: Where lower level safeguarding or child welfare issues exist but which do not meet the level of significant, these concerns can still be discussed with MASH staff (Multi-Agency

Safeguarding Hub). Please also refer to WSCB Thresholds Guidance and use the DART tool as required.

- (vi) The statutory safeguarding responsibility does not extend to empowering Local Authorities to enter homes to see children for the purpose of monitoring the quality of provision. Where there are grounds for concern, Education Welfare Officers will refer the child into the Multi-Agency Safeguarding Hub (MASH) where assessments will be made in line with the Children's Act legislation. It is only in very rare cases where a child is considered to be at risk of 'significant harm' where a child can be removed (by Police supported by Social Workers) from a home.
- (vii) It is only in cases where it appears that a parent is not providing a suitable education that the Local Authority has the option to respond with a School Attendance Order. A parent is not compelled to meet with the Local Authority or receive a monitoring visit. If there are concerns, Local Authorities can however ask parents for information to evidence that they are providing a suitable education (which parents do not have to legally provide although it is good practice for them to do so).
- (viii) The Local Authority in all its involvement with parents/carers, is expected to acknowledge that "learning takes place in a wide variety of environments and not only in the home", and that the "views of children involved should be taken into account" (where practicable).

NOTE: The DfE are currently consulting on new guidance for local authorities (see Annex 5 for draft DfE April 18 guidance) which will strengthen safeguarding responsibilities and actions. This new guidance has not yet been agreed. This new guidance should also be taken into account when reaching any decisions.

4. Local Authority Processes

- 4.1 Upon being notified of a parent/carer's decision to home educate their child, Education Welfare Officers will initially write to the parent providing clear information (**Annex 3**) setting out the legal position, roles and responsibilities for parents/carers, and that of the Local Authority.
- 4.2 Once the above has been provide; Education Welfare Officers will contact the parent to offer a home visit (which the parent does not have to agree to); or failing that, request evidence of education plans from the parent. Depending upon the Education Welfare Officer's assessment (most parents cooperate), a monitoring visit of a frequency of between 6 and 12 months will be set.

5. The Education Welfare 'Offer' within the Support & Safeguarding Service

- 5.1 There are 9.91 full time equivalent staff – including 1 full time equivalent Penalty Notice Licensing Officer. There is resource dedicated to monitoring Elective Home Education of at least 2 EWO full time equivalents.
- 5.2 All communications initially to semi specialist EHE EWOs will be channelled through the mainstream link EWOs for the school which the child has been attending or if the child has never been registered at a Wiltshire school, the Education Welfare Officer who covers the area where the child resides.

6. What if the Local Authority is not satisfied that a suitable education is being provided?

- 6.1 If the LA is not satisfied that a suitable education is taking place then further contact in writing, visits or consultation will be offered with the aim of helping parents/carers to overcome any difficulties within a *mutually* agreed time scale.
- 6.2 If the LA still considers that a child is receiving a less than satisfactory education, the LA has a duty under S437 of The Education Act 1996 to serve notice on the parent/carer requiring them to satisfy the LA that their child is receiving suitable education “otherwise than at school”. If a parent/carers reply is unsatisfactory; or they fail to reply, the LA may consider issuing a School Attendance Order, although these proceedings are rarely used. The process for this is summarised as follows:
- a The LA serves parents/carers with a notice giving them at least two weeks to satisfy the LA that the child is being educated properly.
 - b If parents/carers fail to satisfy the above request, the LA has to consider whether it is expedient for the child to go to school. If they believe it is, they will serve a second notice telling parents/carers which school they intend to name, giving them a chance to express a preference for an alternative.
 - c If this does not bring about the required change, the Authority then serves a School Attendance Order requiring parents/carers to register their child as a pupil named at the school on the Order.
 - d However, parents/carers can ask for the Order to be revoked because they are educating “otherwise”. This is a matter for the court at this stage.
 - e The LA can prosecute the parent/carers if they do not cause their child to become a registered pupil at the named school in the Order and thereby fail to secure regular attendance at that school, but this action will fail if the court is shown that they (parents/carers) are educating otherwise in a manner to convince a reasonable person on the balance of probability that this is the case.

7. Where a child has Special Educational Needs and Disabilities.

7.1 The law upholds the right for parents/carers to home educate children who have a Special Educational Need and/or Disability. Education Health and Care Plans – EHCPs – (formerly known as SEN Statements) can be prepared on the basis that home provision is being provided; although the consent of the Local Authority *must* be sought before a child is removed from a ‘Special’ SEND school (if they are attending one at the point of EHE).

8. Additional Context

8.1 ***The clear majority of parents and carers do a good job in home educating their children*** and the Local Authority must work within the confines of the law and DfE guidance. This can only be done by establishing good relationships with parents known to be home educating their children – and encouraging/supporting schools in their duty to speedily and accurately advise the Local Authority where a parent/carer has elected to home educate; this is not always the case. In all of the above, the Local Authority must respect the parent/carers’ right to home educate even if their provision is seen to be alternative or unorthodox – as parents will choose to home educate for a variety of reasons. Parents/carers do not need any specific qualifications to home educate their children.

8.2 Our new configuration of delivery within the Support and Safeguarding Service provides the ideal opportunity and synergy to ensure an integrated focus is placed upon children who are EHE; with the potential for Family Key Workers and other staff to work in a collective way.

9. Process

9.1 If a parent wishes to Electively Home Educate their child; the school must deregister the child at the point written notification is received from the parent expressing their intention to do so. Deletion from the admissions register should take place as soon as notifications are received.

9.2 The exception to the above is a child who has an Education Health Care Plan (EHCP) where the child has Special Education Needs and / or Disabilities and the child is registered at a Special School. In these circumstances; consent should be obtained from a Senior Manager in the SEND Team before the child’s name can be deleted from the Admissions Register.

9.3 Schools are required to inform the Local Authority of the intention to home educate by completion of the Safeguarding Form (**Annex 2**) which should be attached to the parents’ letter, the school’s letter of acknowledgement (to the parent) and a registration certificate. Upon receipt of the required documents,

Education Welfare Officers will make contact with the parents/carers who as above are then required to provide evidence that the child is in receipt of a 'suitable education'. If the parent fails to provide the relevant evidence, EWOs will pursue the matter and may initiate a 'School Attendance Order' which will require the parent/carer to register their children at a named school.

*Note: Parental Guidance (**Annex 3**) currently reflects current 2007 DfE guidance (**Annex 4**). This will be updated to reflect the current national review into EHE monitoring and outcomes is complete and the DfE publishes its findings in full (including new guidance – a consultation draft of which is attached in **Annex 5**)*

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Annex 1 – EHE FCS SMT Agreed 090718

Safeguarding Form - Elective Home Education					
Pupil details as held on school record					
School					
Surname/Legal Surname				Forename	
Middle name			Chosen name		
Date of Birth			Gender	<input type="checkbox"/> F	<input type="checkbox"/> M
Year					
Address					
Post Code			Admission Date		Leaving Date
Reason for Leaving	<input type="checkbox"/> Awaiting placement		<input type="checkbox"/> Bullying		<input type="checkbox"/> Moved out of county
	<input type="checkbox"/> Lifestyle		<input type="checkbox"/> Not known		<input type="checkbox"/> Other
Please give details: _____					
IS THERE A SAFEGUARDING CONCERN? (IF YES PLEASE COMPLETE BOX BELOW)		<input type="checkbox"/> NO <input type="checkbox"/> YES		Are parents aware of your concerns? <input type="checkbox"/> NO <input type="checkbox"/> YES	
Details of any safeguarding or child protection concerns, including dates of any referrals to Children's Social Care					

Parents/Carers contact details as held on school record			
Priority	Name/Relationship	Home Address/Phone/Mobile/Fax	Work Address Phone/Email
1		Tel Mobile	Tel Email
2		Tel Mobile	Tel Email
Other Agencies involved			
Please indicate with a tick if the following agencies are involved with the student			
<input type="checkbox"/> Educational Psychologist	<input type="checkbox"/> Education Welfare	<input type="checkbox"/> Social Care	<input type="checkbox"/> Youth Offending
<input type="checkbox"/> Child and Adolescent Mental Health services	<input type="checkbox"/> SEND	<input type="checkbox"/> Health	<input type="checkbox"/> Other
Details of involved Agencies (name and contact telephone numbers)			
Does the student have a Statutory EHCP	<input type="checkbox"/> YES	<input type="checkbox"/> NO	SEN Start Date
In LA Care?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Care Authority	
Is there a registered CAF for the student?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	CAF lead professional
If you are the lead professional who will assume this role when the child starts EHE?			
Contact details of the new lead professional			
Ethnicity		Home Language	Religion

Author: _____ Version: _____ Date: _____ Page No: _____

Data Protection Act 1998: The school is registered under the Data Protection Act for holding personal data. The school has a duty to protect this information and to keep it up to date. The school is required to share some of the data with the Local Authority and with the DfE

Headteacher's signature		Date	
--------------------------------	--	-------------	--

Author: _____ Version: _____ Date: _____ Page No: _____

Mal Munday, Head of Early Help

2

17/04/2015

3

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Support and Safeguarding Service

ELECTIVE HOME EDUCATION

POLICY AND PROCEDURES

February 2018

Elective Home Education Policy

This Elective Home Education Policy document relates to those children whose parents have chosen to educate their children at home. This policy does not refer to those children whose education is provided at home by the Local Authority as a result of their being unable to attend school due to exclusion, illness or any other reason.

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Policy Principles

The Local Authority respects the rights of parents and carers who educate their children at home and are committed to providing an equal and accessible service to all home educating families, regardless of their social or economic circumstances, ethnic, racial or religious background, age, disability or sexuality.

The Local Authority respects and welcomes the wide diversity of educational approaches found among home educating families, and does not support any one approach in preference to another.

The Local Authority aims to:

- Promote positive relationships with parents and carers for the benefit and well-being of children.
- Support parents and carers who elect to educate their children at home
- Provide information and advice about Elective Home Education

Rationale

This policy contributes to the overall aim of the Every Child Matters agenda of ensuring that all children and young people:

- Are healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

The purpose of this policy is to clarify the action that the Local Authority will take to fulfil its obligations and responsibilities.

The Law

The law states that it is the duty of parents to ensure the education of their children. Parents may choose to educate their children at home instead of sending them to school.

The law requires a child to be educated from the beginning of the school term following their fifth birthday to the last Friday in June in the school year in which the child reaches age 16.

Section 7 of the Education Act 1996 states:

“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to

- his age, ability and aptitude and
- to any special educational needs he may have,

either by regular attendance at school or otherwise”.

The United Nations Universal Declaration of Human Rights article 26(3) states that:

“Parents and carers have a right to choose the kind of education that shall be given to their children”.

The European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 of Protocol No 1 states that:

- Everyone has a right to education.
- Education shall be directed to the full development of the human personality.
- No person shall be denied the right to education...the state shall respect the right of parents and carers to ensure such education and teaching is in conformity with their own religious and philosophical convictions.

Parents Rights and Responsibilities

The responsibility for a child's education rests with their parents, it is their decision whether to register them at a school or provide education at home.

Parents do not have to register or seek approval in order to educate their children at home, however if a child is registered at a school they must inform the school in writing of their intention to educate their child at home.

It is the parents' legal duty to ensure that their child receives a suitable full time education.

There is no absolute definition of what suitable education is. In the Court case DfES, ex parte Talmud Torah Machzikei Hadass School Trust (1985) a definition of suitable education was offered as follows:

"education is 'suitable' if it 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."

There is no definition of full-time education and there is no direct comparison with the timetable and educational arrangements for children taught in schools.

Children with Special Educational Needs

The law upholds the right of parents of children with special educational needs to educate their child at home. They do not need any particular qualification or training in relation to special educational needs to do so. If a child has a formal Education Health Care Plan (EHCP) it is possible for the EHCP to confirm that home education is the chosen approach.

If a child is registered to attend a special school, the consent of the Local Authority must be sought before a child is removed from school to be educated at home.

A parent who is educating their child at home may request the Local Authority to carry out a statutory assessment of their child's special educational needs and the Local Authority must consider the request within the statutory timescales in the same way as all other requests.

The Duty of the School

Section 8 (1) and 13 (3) of the Education (Pupil Registration) Regulations 2006 made it a duty of headteachers to inform the Local Authority, and where possible, give the Local Authority a minimum of two working days notice before the child is de-registered.

Schools should advise parents that they must notify them in writing if they decide to withdraw their child from school to educate him at home. When a school receives the written notification they must inform the Local Authority before deleting the child from the register. If schools have verbal notification, they must notify the Local Authority immediately rather than wait for written notification. Wiltshire Council ask schools to complete a safeguarding form as well as send copies of the letter that parent has written and the response of the school. We also request an attendance certificate.

The Duty of the Local Authority

Section 437 of the Education Act 1996 states that:

If it appears to a Local Authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a Notice in writing on the parent/carer requiring him/her to satisfy them within the period specified in the Notice that the child is receiving such education.

The duty of the Local Authority is concerned only with those children who appear not to be receiving a suitable education. However, case law (Phillips v Brown (1980) unreported) established that a Local Authority may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided.

If a parent does not provide information on which the Local Authority can base its judgement as to whether a suitable education is being provided, the law is clear that it is open to the Local Authority to conclude *prima facie* that the education is not satisfactory. (Phillips v Brown, unreported, Divisional Court, 20 June 1980).

Parents of a child with an Education Health Care Plan (EHCP) can educate their child at home. If he/she is on the roll of a special school the child's name cannot be removed from the register of that school without the Local Authority's consent, however consent may not be unreasonably withheld. If the child is educated at home it remains the duty of the Local Authority to ensure that the child's needs are met. The EHCP must remain in place and it is the Local Authority's statutory duty to undertake an annual review of Special Educational Needs. This review includes assessing whether the EHCP is still appropriate, requires amendment or might cease to be maintained. If the decision is made to cease the EHCP the Local Authority is relieved of its duty to arrange the provision specified in the statement.

The Role of the Local Authority

This section sets out the arrangements the Local Authority will make to ensure that it carries out its statutory duties for children who are educated at home.

1. To provide accurate information to parents enquiring about educating their children at home (or who are already educating their children at home) so that they can make an informed decision based on legal facts and what the Local Authority can offer.
2. To contact the parents of all children of whom they have been notified as being educated at home. The Local Authority may have been notified by parents, schools or by other means e.g. by Children's Service, Health Professionals etc.
3. Maintain a register of all children who are known to the Local Authority as being educated at home.
4. The Local Authority requests information from all EHE parents. The first letter has a suggested home visit time and parents are asked to complete an education plan. If parents decline a visit the Local Authority requests information from the parents to evidence their child is receiving education.
5. After making such enquiries the Local Authority will consider, based on the information available, whether it appears that the parents are providing an education suitable to the child's age, aptitude and ability, taking into account any special educational need the child may have.
6. If there are concerns about the suitability of the education provided by the parent, support and advice will be offered and a reasonable opportunity given to the parents to improve their provision, before formal action is taken.
7. When a child has an Education Health Care Plan the Local Authority will organise Annual Reviews.
8. Gypsy, Roma and Traveller families who elect to educate their children at home will be offered support by the Traveller Education Support Service.
9. If, despite supporting the parents to improve their provision it appears to the Local Authority that a child is not receiving an appropriate education then the Local Authority will follow procedures set out in Section 437 of the Education Act 1996 (School Attendance Orders).
10. Provide training for Education Welfare Officers on the law and methods in relation to home education.
11. Refer any child protection concerns immediately to the appropriate authority using established protocols.
12. Encourage, consult and develop relationships with local support groups for parents who educate their children at home.

Elective Home Education Procedures

When the Local Authority is informed or becomes aware that a child is being educated at home the following procedures will be followed:

1. The Education Welfare Service will write to the family within two weeks enclosing an Elective Home Education information booklet, a blank education plan and a business reply envelope. A home visit date is also offered in this first letter.
2. On receipt of a registration form the child's name, date of birth and address will be recorded on the register of children living in Wiltshire who are educated at home. Children are registered when the Local Authority first becomes aware of them, usually via a school referral.
3. Within two weeks of receipt of the registration form an Education Welfare Officer will contact the parents to make informal enquiries to satisfy themselves that the parents are providing a suitable education. The Local Authority would prefer to visit the parents at home and a home visit will be offered within twelve weeks. If there are particular concerns we would visit earlier. However, parents may satisfy the authority in any of the following ways:
 - Meet with an Education Welfare Officer at their home with or without their child.
 - Meet with an Education Welfare Officer at another venue with or without their child being present.
 - Send a letter or a report setting out their educational plans enclosing if they wish samples of their child's work.
 - Send a letter or a report from a reputable third party acceptable to them and the Local Authority endorsing their educational plans.
 - Send in representative samples of their child's work.
 - Provide evidence in another appropriate form acceptable to the Local Authority.
4. No visit will take place unless parents agree to one and an appointment has been made or confirmed in writing. The purpose of the visit is to offer support and advice and to discuss the educational provision that the parent is making. However, Wiltshire Council will undertake unannounced door knocks to make sure families are still living at given addresses if we have been unable to engage families, or if we think they may have moved.
5. Following this initial contact the Education Welfare Officer will write a report. This report will include one of the following:
 - A statement that the education is satisfactory.
 - A statement that there are concerns as stated in the report.
 - A statement that the education is unsatisfactory for the reason stated in the report.
6. A copy of this report will be sent to the parents.
7. If there are concerns or if the Local Authority considers the education to be unsatisfactory then the Education Welfare Officer will discuss this with the parents during the visit, or following receipt of the parental report, and suggest areas of improvement. If following a period of advice and support (up to 3 months), the education still remains unsatisfactory then the Local Authority may take steps to ensure the education of the child through the use of a School Attendance Order.

8. Following an initial assessment, regular contact will take place (usually every 6 to 12 months) by home visits or submission of evidence by parents. In response, the parents will be sent a written report.

Safeguarding Form - Elective Home Education

Pupil details as held on school record

School			
Surname/Legal Surname		Forename	
Middle name		Chosen name	
Date of Birth		Gender	<input type="checkbox"/> F <input type="checkbox"/> M Year

Address			
Post Code		Admission Date	
		Leaving Date	

Reason for Leaving	<input type="checkbox"/> Waiting placement	<input type="checkbox"/> Bullying	<input type="checkbox"/> Moved out of county
	<input type="checkbox"/> Lifestyle	<input type="checkbox"/> Not known	<input type="checkbox"/> Other
Please give details: _____			

Is there a safeguarding concern? <i>(If Yes please complete box below)</i>	<input type="checkbox"/> NO <input type="checkbox"/> YES	Are parents aware of your concerns?	<input type="checkbox"/> NO <input type="checkbox"/> YES
---	--	-------------------------------------	--

Details of any safeguarding or child protection concerns, including dates of any referrals to Children's Social Care

Parents/Carers contact details as held on school record

Priority	Name/Relationship	Home Address/Phone/Mobile/Fax	Work Address Phone/Email
1		Tel Mobile	Tel Email

2		Tel Mobile	Tel Email
Other Agencies involved			
Please indicate with a tick if the following agencies are involved with the student			
<input type="checkbox"/> Education	<input type="checkbox"/> Education	<input type="checkbox"/> Social	<input type="checkbox"/> Youth Offending
<input type="checkbox"/> Child and Adolescent Mental Health Services	<input type="checkbox"/> SEN	<input type="checkbox"/> Health	<input type="checkbox"/> Other
Details of involved Agencies (name and contact telephone numbers)			
Does the student have a EHCP? Does the student have SEN Support needs?		<input type="checkbox"/> YES <input type="checkbox"/> NO	SEN Start Date
In LA Care?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Care Authority	
Has the child been subject to a CAF	<input type="checkbox"/> YES <input type="checkbox"/> NO	CAF lead	
If you are the lead professional who will assume this role when the child starts EHE?			
Contact details of the new lead professional			
Ethnicity		Home Language	Religion

**Data Protection Act 1998: The school is registered under the Data Protection Act for holding personal data.
The school has a duty to protect this information and to keep it up to date.
The school is required to share some of the data with the Local Authority and with the DfE**

Headteacher's signature		Date	
--------------------------------	--	-------------	--

Please return this form with the [parental letter of instruction and school acknowledgement letter](#) and accompanying [registration certificate](#) to IYSReferrals@wiltshire.gov.uk or County Hall, Bythesea Road, Trowbridge BA14 8JN

Elective Home Education Report

DATE OF VISIT:

NAME OF EWO:

Pupil Name:			
Date of Birth:		Male/Female:	
Address:			
Telephone No:			
Parent/s Names:			
Persons present at time of visit			
Commencement date of EHE			

Background information / reasons for Home Educating

Who else is involved with the home education arrangements?

- Tutor
- Home Education Support Group
- Cultural Group
- Family Friend
- Relative
- Church group
- Other(*please specify*)

Does the parent have any comment relating to the particular qualifications of any of the above?

Has the parent any comment regarding any safeguarding measures?
Such as parent is always present? Persons are DBS checked?

Styles of teaching and learning adopted

Resources utilised

Computer		Television		CD's / downloads	
Websites		Radio		DVDs	
Apps		Library		Newspapers	
Museums		Educational Visits		Other Resources	

Subjects studied - a description of topic / material covered

English

Maths

History

Geography

Languages

ICT

Art / Design

Technology

Other project work – *please detail*

Formal Accreditation Plans - *if appropriate*

Physical Activities

Social Activities

Visits / Other interests

Pupil comment

Parent comment

Such as any particular achievements, successes, concerns.

Future Plans

Recommendations /Suggestions / Improvements Required

Further Actions

Education Welfare Officer comment regarding the suitability of the provision in place.

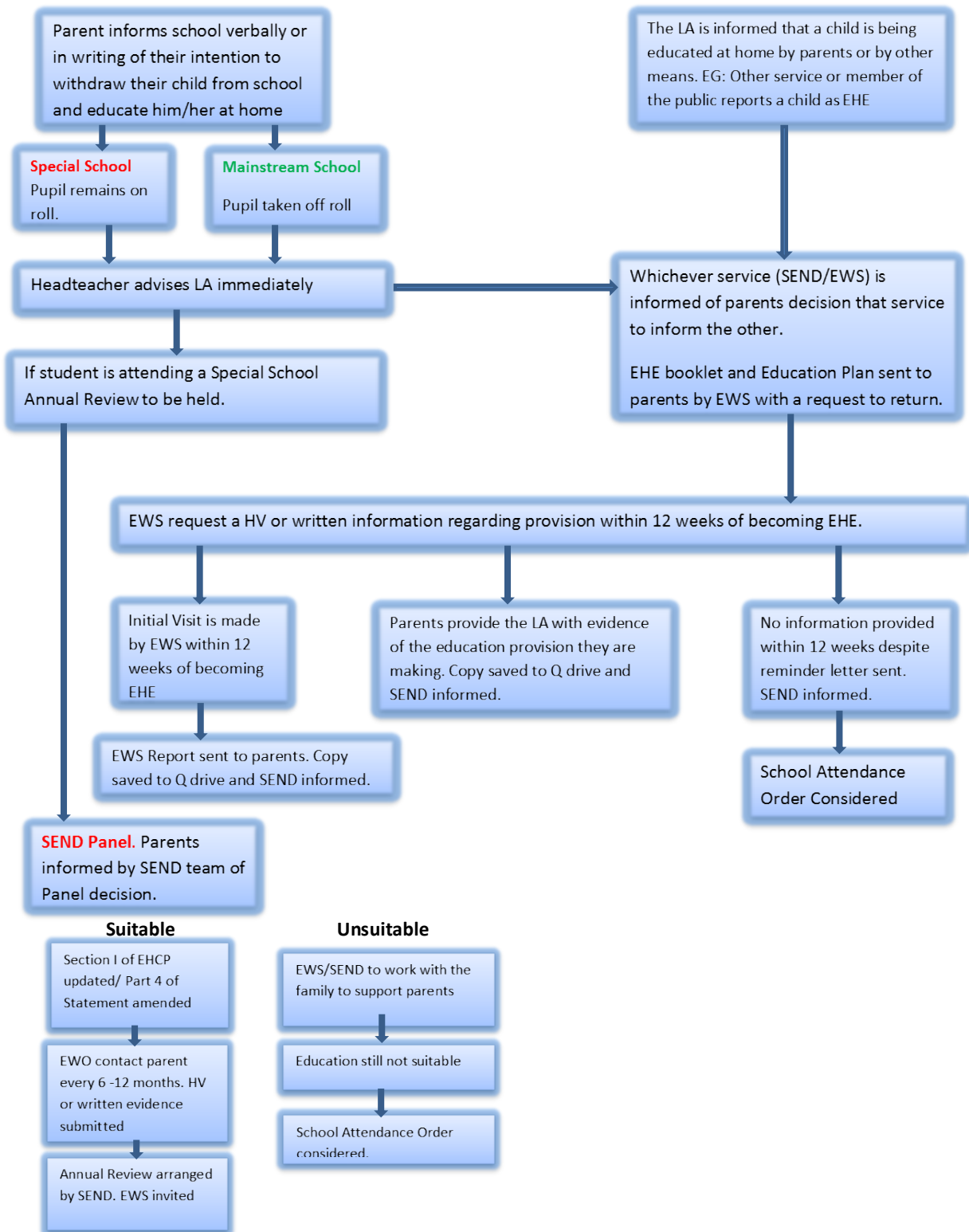
Timescale of next report

Signed:

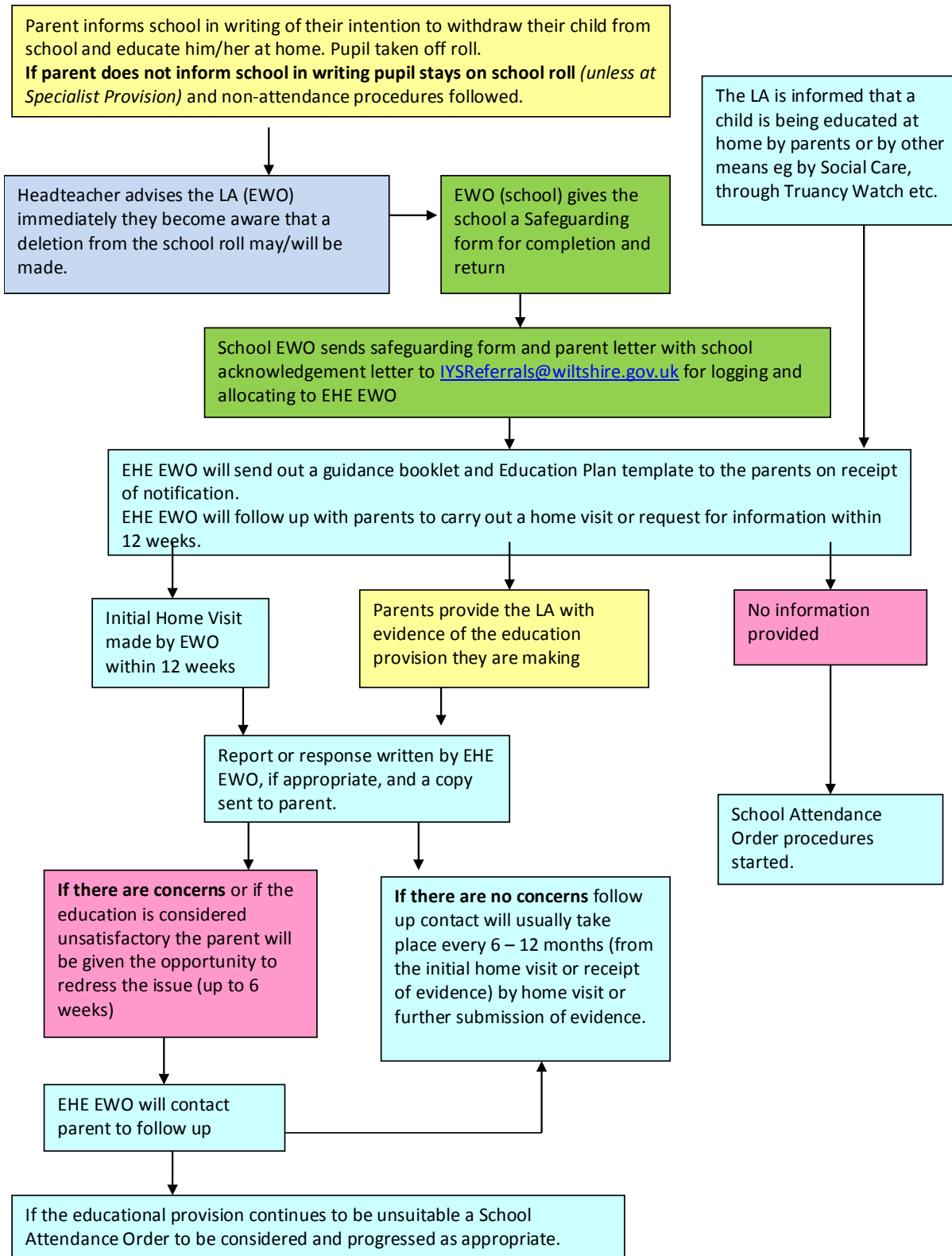
Name of EWO:

Date:

EHE action flowchart for children with an EHCP



Elective Home Education EWO Action Flowchart



Education Welfare
Support and Safeguarding Services
2nd Floor
County Hall
Trowbridge
Wiltshire
BA14 8JN

Address

Date

Your ref:
Our ref: 001

Dear

Dear

**Re: Forename SURNAME (dob)
Elective Home Education**

I understand that you are now educating..... at home and I enclose an EHE booklet that will provide some initial information for you.

The council needs to satisfy itself that is receiving an appropriate education and in order to do this, I would like to make an informal home visit to offer support where I can and answer any questions you may have.

I can offer a visit on:

..... at

This visit is several weeks away to give you and time to adjust to education at home. However, if this time/date is not convenient, please contact me and we can rearrange.

I also enclose an Elective Home Education Plan, which would be helpful to complete giving your initial thoughts on the education provision you hope to provide for Please return this in the pre-paid envelope provided.

Your details will be shared with Health Providers to ensure your child is offered statutory health services available to all young people of statutory school age. If you wish to opt out of this service, please contact me in writing at the address above.

I look forward to meeting you and

Yours sincerely,

Education Welfare Officer

Education Welfare
Support and Safeguarding Services
2nd Floor
County Hall
Trowbridge
Wiltshire
BA14 8JN

Address

Date

Your ref:
Our ref:

Dear

**Re: Forename SURNAME (dob)
Elective Home Education**

I would like to visit you to enable me to complete my informal enquiry to ascertain that.....is receiving a suitable education, and propose visiting on.....

If this is inconvenient, or if you would like to provide information about 's education in another way, please contact me. Ways in which information can be provided can be found in Section 2.4 of the information booklet sent to you.

I look forward to meeting you.

Yours sincerely

Education Welfare Officer

Education Welfare
Support and Safeguarding Services
2nd Floor
County Hall
Trowbridge
Wiltshire
BA14 8JN

Address

Date

Your ref:
Our ref:

Dear

Re: Forename SURNAME (dob)
Elective Home Education

Further to my contact with you, you have indicated that you would like to provide information about 's education by.....(*method of information giving*).

The Local Authority needs to be satisfied that suitable education is provided to therefore please will you forward a report or evidence of the education provision.

When I have received your report I will contact you again,

Yours sincerely

Education Welfare Officer

Education Welfare
Support and Safeguarding Services
2nd Floor
County Hall
Trowbridge
Wiltshire
BA14 8JN

Address

Date

Your ref:
Our ref:

Dear

**Re: Forename SURNAME (dob)
Elective Home Education**

Please find enclosed a copy of the EHE Report following my home visit on..... I am pleased to inform you that the LA deems that the education you are providing for..... is suitable.

Please read the report carefully and if there are any inaccuracies please contact me on the number below.

A recent change to our service means that your details will be shared with Health Providers to ensure your child is offered statutory health services available to all young people of statutory school age. If you wish to opt out of this service please contact me in writing at the address above.

I will contact you in 12 months to arrange another home visit but in the meantime if you would like to discuss any aspect of EHE with me please do not hesitate to contact me.

Yours sincerely

Education Welfare Officer

Education Welfare
Support and Safeguarding Services
2nd Floor
County Hall
Trowbridge
Wiltshire
BA14 8JN

Address

Date

Your ref:
Our ref:

Dear

Re: Forename SURNAME (dob)
Elective Home Education

Following my visit I am writing to inform you that the Local Authority is not satisfied that a suitable education is being provided for. Please read the enclosed report which gives details of why the education provision is not deemed suitable. Please contact me if there are any inaccuracies.

You will be given the opportunity to address the issues raised and I will contact you again in six weeks time to consider any changes made to the education provision.

If you would like to discuss this with me please do not hesitate to contact me on the number below.

Yours sincerely

Education Welfare Officer

Education Welfare
Support and Safeguarding Services
2nd Floor
County Hall
Trowbridge
Wiltshire
BA14 8JN

Address

Date

Your ref:
Our ref:

Dear

Re: Forename SURNAME (dob)
Elective Home Education

We agreed, at our previous meeting, that you would be happy for me to visit again to discuss and review’s home education programme.

I would like to visit you onat.....

If this is inconvenient, please contact me to arrange a mutually convenient time.

I look forward to meeting you again.

Yours sincerely

Education Welfare Officer

Education Welfare
Support and Safeguarding Services
2nd Floor
County Hall
Trowbridge
Wiltshire
BA14 8JN

Address

Date

Your ref:
Our ref:

Dear

Re: Forename SURNAME (dob)
Elective Home Education

Further to my previous contact with you, you have indicated that you would like to provide information about..... 's education by.....(*method of information giving*).

The Local Authority needs to be satisfied that education continues to be provided to Please will you confirm that your home education programme is still in place and forward a report or evidence of the education provision.

If you would prefer to meet with me then please do not hesitate to contact me.

I look forward to hearing from you.

Yours sincerely

Education Welfare Officer

ELECTIVE HOME EDUCATION PLAN

The questions may not all be relevant to your child's age or the form of education you are intending to provide for your child, however it would be helpful if you could complete the form as fully as possible.

Section 7 of The Education Act 1996 states: 'The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and attitude and to any educational needs he may have'. The education provided should promote the child's physical, intellectual, social and emotional development.

Pupil Name:			
Date of Birth:		Male/Female:	
Address:			
Post Code:		Telephone No:	
Parent/s Names: Address: (if different)			
Email address			

What activities will make up your child's day?

--

Subjects covered/topics and projects

Maths	
--------------	--

English	
----------------	--

--	--

--	--

--	--

--	--

What resources will be available to your child?

How will you help your child with topics that you find difficult yourself?

Are there other's who will be helping with your child's education?

How much time will you devote to your child's education?

Where will your child study?

How will you monitor your child's learning and progress?

How and where will you keep records of your child's work and progress?

What support groups or other support and advice will be available to you?

Do you want your child to take GCSEs or other examinations / qualifications?

How will you encourage contact with other children?

What are your child's views about being educated at home?

Any other information?

Name..... Date.....

Signed.....

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ELECTIVE HOME EDUCATION

A Guide for Parents and Carers

July 2018

Education at Home

Local Authority Guidance

EDUCATION IS COMPULSORY – SCHOOL ATTENDANCE IS NOT

The freedom to educate children at home forms an intrinsic and essential element of educational provision in our society, a right that has been protected by a succession of Education Acts.

This booklet is provided as a guide to help you, as a parent or carer, understand your rights and responsibilities with regard to educating your child at home, those of the Local Authority (LA) as well as offering a variety of sources of information that you might find useful.

PART ONE – PARENTAL DUTIES

What is the duty of a parent/carer with regard to the education of their child?

1.1 Section 7 of the Education Act 1996 states that:

“The parent [/carer] 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”

Section 9 of the Education Act 1996 states that:

“In exercising or performing all their respective powers and duties under the Education Acts, the Secretary of State, the local education authorities and the funding authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents [/carers], so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.”

The United Nations Universal Declaration of Human Rights, article 26(3) states that:

“Parents/carers have a prior right to choose the kind of education that shall be given to their children”.

The European Convention for the Protection of Human Rights for Fundamental Freedoms, article 2 of Protocol No 1 states that:

- a Everyone has the right to education.
- b Education shall be directed to the full development of the human personality.
- c No person shall be denied the right to education ... the state shall respect the right of parents [/carers] to ensure such education and teaching is in conformity with their own religious and philosophical convictions.

1.2 When is education compulsory?

The law requires a child to be educated from the beginning of the school term following their fifth birthday to the last Friday in June in the school year in which the child reaches age 16.

1.3 Does anyone else have parental responsibilities other than a parent?

Under section 576 of The Education Act 1996 a parent is also defined in relation to a child or young person as also including any individual:

- a who is not a parent of his but who has parental responsibility for him, or
- b who has care of him

People other than a child's natural parent can acquire parental responsibility through:

- a being granted a residence order
- b being appointed a guardian
- c adopting a child

Under the Children Act 1989 an absent parent still retains responsibility for the educational provision made for a child.

1.4 School or education at home – whose decision?

As parents/carers are responsible for ensuring that their children are properly educated, it is their decision whether to use schools or provide education at home.

1.5 As a parent/carer, do I have to inform or seek permission from the Local Authority if I wish to educate my child at home?

Parents/carers must inform the school if they intend to withdraw their child from school in order to educate her or him at home and the school then has the duty to inform the LA. Apart from those circumstances, the decision to inform the LA or not is entirely for the parents/carers to make. It is, though, helpful to the LA as it tries to carry out its duties, if parents/carers inform it that they are planning home education.

1.6 What if my child is already registered at a school and I wish to educate at home?

The Education (Pupil Registration) Regulations 2006 act stipulates the grounds on which the name of a pupil of compulsory school age shall be deleted from the admission register, including, but not exclusively, "... that he has ceased to attend the school and the proprietor has received written notification from the parent [/carer] that the pupil is receiving education otherwise than at school;" (8.1.d.)

The proprietor also has a duty under the Education (Pupil Registration) (England) Amendment Regulations 2016 to

"... make a return to the local authority for that pupil as soon as the ground for deletion under regulation 8 is met in relation to that pupil, and in any event no later than the time at which the pupil's name is deleted from the register."

A return will generally include:

- “(a) the full name of the pupil;
- (b) the full name and address of any parent with whom the pupil normally

resides;

(c) at least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency;

(d) the particulars specified pursuant to regulation 5(1)(ca) [of the aforementioned act], if applicable;

(e) the particulars specified pursuant to regulation 5(1)(g) [of the aforementioned act], if applicable; and

(f) the ground under regulation 8 upon which their name is to be deleted from the admission register.” (Section 5.7.a-f.)

1.7 Do I have to have qualifications or need to make special provision?

Parents/carers are not required to:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable
- have 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
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation or match school-based, age-specific standards.

However, it is helpful to the LA as it carries out its responsibilities if parents/carers do have a plan, even if very broad and flexible. Many children find it valuable to date their work so that they can see their own progress. While the education being offered does not have to follow any specified curriculum, it must be broad enough to ensure that it leads to the “full development of the (child’s) personality”, as the European Convention puts it.

1.8 What if my child has Special Educational Needs? (SEN)

The law upholds the right to home educate children with SEN and parents/carers do not need any particular qualification or special needs training to do so. If at any time you are concerned about your child’s progress you can phone or write to the LA who will be able to advise you further. (See address under Part 4.1.)

Even if your child is benefiting from a formal Education Health Care Plan (EHCP) known in Wiltshire as a My Plan (which is a legal way of specifying how best to help a child reach full potential through education) it is possible for the EHCP to confirm that home education is the chosen approach.

Please note that if your child is registered to attend a special school the

consent of the LA must be sought before removing your child. This is not intended to undermine or limit your parental rights.

PART TWO – LOCAL AUTHORITY DUTIES

2.1

What is the duty of the LA in relation to the home education of children?

S437 of the Education Act 1996 states that:

If it appears to a Local Authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a Notice in writing on the parent/carer requiring him to satisfy them within the period specified in the Notice that the child is receiving such education.

The essence then, of the LA's duty is to seek to be satisfied that the education being offered to a child at home is suitable to that child's age, ability and aptitude and takes account of any special educational needs he/she may have. The LA needs the help of parents/carers in making that judgement and in the overwhelming majority of cases the LA is satisfied.

2.2

Will the LA make any contact with a parent/carer in relation to education of children at home?

If the LA becomes aware that a parent/carer is home educating or is intending to do so, it may make an informal request for information from parents/carers to establish that a suitable education is being or will be provided.

2.3

Am I obliged to comply with this request?

The law is clear that if a parent/carer does not provide information for the LA to base its judgement, it is open to the LA to conclude *prima facie* that the education is not satisfactory. (Phillips v Brown, unreported, Divisional Court, 20 June 1980.)

2.4

How will the LA satisfy itself that a child is receiving suitable education at home?

There are various ways in which parents/carers can provide evidence that a child is receiving an efficient and suitable education such as:

- Write a report.
- Provide samples of work.
- Invite a representative of the LA to their home with or without the child being present.
- Meet a representative of the LA elsewhere, with or without the child.

- Have the educational provision endorsed by a recognised third party.
- Provide evidence in any other appropriate form.

2.5

Who in the LA is likely to make an initial contact with parents/carers who have the intention of, or who are already, undertaking home education?

In Wiltshire LA it is usually an Education Welfare Officer (EWO). Occasionally the EWO may also be supported by a teacher through the Specialist Special Needs Service.

2.6

If the LA is satisfied that suitable education is being provided will there need to be further contact?

Following the initial contact, it is usual for the LA (through the link Education Welfare Officer) and the parent/carer to mutually agree follow up contacts. The frequency of these contacts most commonly occurs between six months and a year, but can be varied according to individual needs. Most parents/carers value this support from the LA as an opportunity for a two-way exchange of information, sharing of innovative practice in home education or a time to discuss difficulties that might have arisen.

2.7

What if the LA is not satisfied that a suitable education is being provided?

If the LA is not satisfied that a suitable education is taking place then further informal contact in writing, visits or consultation will be offered with the aim of helping you to overcome any difficulties within a *mutually* agreed time scale.

If the LA still considers that a child is receiving a less than satisfactory education the LA has a duty under s437 of The Education Act 1996 to serve notice on the parent/carer requiring them to satisfy the LA that their child is receiving suitable education “otherwise than at school”. If a parent’s/carer’s reply is unsatisfactory, or they fail to reply, the LA may consider issuing a School Attendance Order. The process is summarised as follows:

- The LA serves parents/carers with a notice giving at least two weeks to satisfy the authority that the child is being educated properly.
- If parents/carers fail to satisfy the authority the LA has to consider whether it is expedient for the child to go to school. If they believe it is, they will serve a second notice telling parents/carers which school they intend to name, giving a chance to choose an alternative.
- The authority then serves a School Attendance Order requiring parents/carers to register their child as a pupil named at the school on the order.
- Parents/carers can ask for the order to be revoked because they are educating “otherwise”.
- The LA can prosecute the parent/carers if they do not cause their child to become a registered pupil at the named school in the Order and thereby fail to secure regular attendance at that school, but this action will fail if

2.8 the court is shown that they are educating otherwise, “in a manner to convince a reasonable person... on the balance of probabilities”.

Will the LA pass on information about my child to any other service?

The LA will not pass on information to any other service without the written consent of the parent/carer unless there are any child protection concerns. These concerns will be referred to the appropriate authority.

3.1 **PART THREE – VARIED APPROACHES TO HOME EDUCATION**

What does the law mean by “an efficient and suitable education”?

Some clearer definition of the terminology “an efficient and suitable education” is provided through Case Law, (Harrison and Harrison v Stevenson, 1982) when “suitable education” was defined as one which enabled children ‘to achieve their full potential’ and was such as ‘to prepare children for life in modern civilised society’. The courts have further ruled that education is suitable if it equips a child for life within the community to which he/she belongs as long as it does not reduce the child’s chance to adopt some other form of life in later years, should he/she wish to do so. ‘Education’ was defined as “the development of mental powers and character and the acquisition of knowledge through the imparting of skill and learning by systematic instruction”. The term ‘efficient’ was defined as achieving “that which it sets out to achieve”.

3.2

What is meant by “full-time”

Currently there is no legal definition of “full-time”. Children normally attend school 22 – 25 hours a week for 38 weeks of the year. However, when measuring contact time this is not relevant to elective home education as there is often almost continuous one-to-one contact and education may take place outside normal “school hours”.

3.3

Do I have to follow a formal curriculum for home education?

No, and you do not have to follow the National Curriculum as this only applies to the education of children who are registered pupils of state supported schools.

3.4

As a parent/carer, can I choose what I feel to be the most suitable educational approach for my child?

Whilst the right of parents/carers to determine the nature of their child’s education is enshrined in law, they must ensure that such education is suitable to their child’s age, ability, aptitude and any special educational needs that he/she may have. Most parents/carers, in choosing the style of education that they feel best meets the needs and interests of their individual

child, do meet the requirements of the law.

In those rare instances where this is not the case then the LA will act to ensure that the child's needs, which are held to be paramount under the Children Act 1989, are met.

3.5

What are some of the ways in which a child can be educated at home?

The following list describes only some of the ways in which parents/carers have gone about educating children at home and is by no means exhaustive:

- Private tuition through open or distance learning via college.
- Education through a child's own 'discovery' focussing on interests as they arise naturally, with and without formal tutoring.
- Formal teaching based on some, or all, of the National Curriculum syllabus, using a timetabled approach and perhaps even following school terms.
- Vary their educational approach according to what seems to suit their child at any particular time and stage of development.
- Flexi-schooling, i.e. children spending part of their time in school and being granted leave of absence by the school to receive part of their education out of school. For arrangements of this kind, parents/carers must have the consent of the schools. Schools do not have to give this consent; they have discretion whether to agree to leave of absence being given and parents/carers have no absolute rights in this respect.
- Focus on topic or project work as appropriate.

3.6

How do I educate my child at home? How can I prevent him/her becoming isolated?

Good social and communication skills are important for all children's development. As such, children need to work and play with others and parents/carers who home educate try and encourage contacts through a wide range of activities including sporting or social events. Linking into local networks of other parents/carers who are also home educating can be a useful source of social contact as well as encouraging children to develop friends through play or youth activities.

GCSE and A level syllabi can be obtained directly from examination boards and set books and other materials can be purchased from most good booksellers. (See Part 4 for contacts.)

Please note that where parents/carers have chosen home education, the LA is unable:

- To direct teaching or tutoring
- To provide books or other teaching materials
- To provide funding for taking GCSEs or other examinations
- To provide funding for correspondence or college courses

3.7

Does my child have to take GCSEs?

There is no educational requirement for children who are home educated to take any qualifications, however it would be wise to seek information, advice and guidance as to qualifications required for entry into further and higher education and/or for accessing specific career paths.

3.8

Can my child work?

Regulations regarding child employment are the same for children who are educated at home as for those who attend school. Every child of statutory school age MUST have a work permit if they are working. For further information regarding work permits and performance licences please contact the Education Welfare Service.

4.1 **PART FOUR – SOURCES OF INFORMATION AND SUPPORT**

WILTSHIRE LA CONTACT

For enquiries about Elective Home Education please contact Wiltshire Council on 0300 4560108.

If a young person has a named Education Welfare Officer (EWO), or there is an EWO linked to their school, enquiries should be via the named EWO.

Special Educational Needs

SEND
County Hall
Bythesea Road
TROWBRIDGE
BA14 8JN

Tel: 0300 456 0100

USEFUL ORGANISATIONS

Advisory Centre for Education (ACE) Ltd
1C Aberdeen Studios
22-24 Highbury Grove
LONDON
N5 2DQ
www.ace-ed.org.uk

Choice in Education

PO Box 20284
LONDON
NW1 3WY
www.educationchoice.org.uk

Christian Education Europe
Maranatha House
Unit 5
Northford Close
SHRIVENHAM
SN6 8HL
www.christian-education.org.uk

Department for Children Schools and Families
Social Inclusion Division
Sanctuary Buildings
Great Smith Street
LONDON
SW1 3BT
www.dcsf.gov.uk

Education Otherwise
PO Box 325
Kings Lynn
PE34 3XW
www.education-otherwise.org.uk

www.edyourself.org

Home Education Advisory Service
PO Box 98
Welwyn Garden City
HERTS
AL8 6AN
www.heas.org.uk

Oxford Home Schooling
Oxford Open Learning Trust Ltd
4 Kings Meadow
Oxford
OX2 0DP
www.oxfordhomeschooling.co.uk

ACCESS TO RESOURCES & EDUCATIONAL MATERIALS

BBC Information Line
www.bbc.co.uk/education

Co-ordination Group Publications Catalogue

Tel: 08707 501 262
www.cgpbooks.co.uk

Cambridge Information Ltd
Combs Tannery
STOWMARKET
IP14 2EN
www.caminfo.co.uk

Casebourne Home Tuition
4 Rushbrook Way
Rivermead
SHREWSBURY
SY2 5TQ

Education Now
www.educationnow.co.uk

Freedom in Education
www.freedom-in-education.co.uk

Gabbitas Educational Consultants Ltd
Carington House
126/130 Regent Street
LONDON
W1B 5EE
www.gabbitas.co.uk

www.theguardian.com/gnmeducationcentre/resources-for-teachers

HOME EDUCATION RESOURCES

Home Education Centre
www.homeeducationcentre.org.uk

Home Education UK
www.home-education.org.uk

Horticultural Correspondence College
Fiveways House
Westell Road
Hawthorn
Corsham
www.hccollege.co.uk

Learndirect
www.learndirect.co.uk

National Extension College

The Michael Young Centre
Purbeck Road
CAMBRIDGE
CB2 2HN
www.nec.ac.uk

Open and Distance Learning Quality Council
16 Park Crescent
London
Q1B 1AH
www.odlqc.org.uk

Qualifications & Curriculum Authority
83 Piccadilly
LONDON
W1J 8QA
www.qca.org.uk

Rapid Results College
Tuition House
27/37 Georges Road
LONDON
SW19 4DS
www.rapidresultscollege.co.uk

The Student Support Centre
Freepost MB2038
Beckenham
Kent
BR3 1BR
www.simply-education.co.uk

EDUCATIONAL WEBSITES

www.countryreports.org
260 countries profiled with historical, geographical and political information and maps.

www.educationguardian.co.uk/primaryresources
Range of fun and practical project based activities

www.gcse.com
GCSE revision guides

EDUCATIONAL SOFTWARE AVAILABLE WITH REVIEWS

www.planet-science.com
Science website

www.primaryresources.co.uk
Ideas on every National Curriculum subject

www.schoolzone.co.uk

Educational site

www.spartacus-educational.com

History website

www.teachingideas.co.uk

Primary phase activities, plus book reviews.

www.bbc.co.uk/bitesize/

Key Stage resources and activities.

www.sparklebox.co.uk

Primary teaching resources

www.khanacademy.org

Web based learning platform

www.interhigh.co.uk

Web based school that provides live classes and GCSE programs

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Elective Home Education

Guidelines for Local Authorities

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Ministerial Foreword

Education is a fundamental right for every child and we recognise that parents have the right to choose to educate their child at home rather than at school. These guidelines have been prepared to help local authorities manage their relationships with home educating parents.

Parents are responsible for ensuring that their children receive a suitable education. Where parents have chosen to home educate, we want the home educated child to have a positive experience. We believe this is best achieved where parents and local authorities recognise each other's rights and responsibilities, and work together. These guidelines aim to clarify the balance between the right of the parent to educate their child at home and the responsibilities of the local authority.



Jim Knight
Minister of State for Schools and Learners



Andrew Adonis
Parliamentary Under Secretary of State for Schools

Part 1

Introduction

- 1.1** Elective home education is the term used by the Department for Children, Schools and Families (DCSF) to describe parents' decisions 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. These guidelines are intended for use in relation to elective home education only. ***Throughout these guidelines, 'parents' should be taken to include all those with parental responsibility, including guardians and carers.***
- 1.2** 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.
- 1.3** The purpose of these guidelines is to support local authorities in carrying out their **statutory** responsibilities and to encourage good practice by clearly setting out the legislative position, and the roles and responsibilities of local authorities and parents in relation to children who are educated at home.

Reasons for elective home education

- 1.4** Parents may choose home education for a variety of reasons. The local authority's primary interest should lie in the suitability of parents' education provision and not their reason for doing so. The following reasons for home educating are common, but by no means exhaustive:
- distance or access to a local school
 - religious or cultural beliefs
 - philosophical or ideological views
 - dissatisfaction with the system
 - bullying
 - as a short term intervention for a particular reason a
 - child's unwillingness or inability to go to school
 - special educational needs
 - parents' desire for a closer relationship with their children.

Part 2

The law relating to elective home education

2.1 The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not.

2.2 Article 2 of Protocol 1 of the European Convention on Human Rights states that:

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions."

Parents have a right to educate their children at home. Section 7 of the Education Act 1996 provides that:

"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."

2.3 The responsibility for a child's education rests with his or her parents. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law¹ 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 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".

Parental rights and responsibilities

2.4 Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age. Parents are not required to register or seek approval from the local authority to educate their children at home. Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. However, local authorities are encouraged to provide support where resources permit - see section 5.

¹ Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (12 April 1985)

Parents must also ensure that their children receive suitable full-time education for as long as they are being educated at home.

Local authorities' responsibilities

- 2.5** The DCSF recommends that each local authority provides written information about elective home education that is clear, accurate and sets out the legal position, roles and responsibilities of both the local authority and parents. This information should be made available on local authority websites and in local community languages and alternative formats on request. Local authorities should recognise that there are many approaches to educational provision, not just a "school at home" model. What is suitable for one child may not be for another, but all children should be involved in a learning process.
- 2.6** Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to 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. The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (for example, at home, privately, or in alternative provision). The guidance issued makes it clear that the duty does not apply to children who are being educated at home.²
- 2.7** Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.

However, under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears** that parents are not providing a suitable education. This section states that:

"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education."

Section 437(2) of the Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

- 2.8** Prior to serving a notice under section 437(1), local authorities are encouraged to address the situation informally. The most obvious course of action if the local authority has information that makes it appear that parents are not providing a suitable education, would be to ask parents for further information about the education they are providing. Such a request is not the same as a notice under section 437(1), and is not necessarily a precursor for formal procedures. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so.³

² Statutory Guidance for Local Authorities in England to Identify Children not Receiving Education available at <http://www.everychildmatters.gov.uk/ete/childrenmissingeducation/>.

³ Phillips v Brown (1980)

2.9 Section 437(3) refers to the serving of school attendance orders:

"f-

(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local education authority, within the period specified in the notice, that the child is receiving suitable education, and

(b) in the opinion of the authority it is expedient that the child should attend school,

the authority shall serve on the parent an order (referred to in this Act as a "school attendance order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order."

2.10 A school attendance order should be served after all reasonable steps have been taken to try to resolve the situation. At any stage following the issue of the Order, parents may present evidence to the local authority that they are now providing an appropriate education and apply to have the Order revoked. If the local authority refuses to revoke the Order, parents can choose to refer the matter to the Secretary of State. If the local authority prosecutes the parents for not complying with the Order, then it will be for a court to decide whether or not the education being provided is suitable and efficient. The court can revoke the Order if it is satisfied that the parent is fulfilling his or her duty. It can also revoke the Order where it imposes an education supervision order. Detailed information about school attendance orders is contained in *Ensuring Regular School Attendance* paragraphs 6 to 16.⁴

2.11 Where the authority imposes a time limit⁵, every effort should be made to make sure that both the parents and the named senior officer with responsibility for elective home education in the local authority are available throughout this period. In particular the Department recommends that the time limit does not expire during or near to school holidays when there may be no appropriate point of contact for parents within the local authority.

2.12 Local authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states:

"A local education authority shall make arrangements for ensuring that 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."

Section 175(1) does not extend local authorities' functions. It does not, for example, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

⁴ Available at www.dcsf.gov.uk/schoolattendance/prosecutions/index.cfm From January 2008 the guidance will be entitled *Ensuring Children's Right to Education; Guidance on the Legal Measures available to Secure Regular School Attendance*

⁵ A notice given under s.437(1) must be a period of not less than 15 days. An Order continues in force as long as the child is of compulsory school age unless amended by the LA or revoked (s.437(4)).

- 2.13** The Children Act 2004 ("the 2004 Act") provides the legislative framework for developing children's services as detailed in *Every Child Matters: Change for Children*. The background and aims of Every Child Matters can be found on its dedicated website⁶. Section 10 of the 2004 Act sets out a statutory framework for cooperation arrangements to be made by local authorities with a view to improving the well-being of children in their area.
- 2.14** Section 11 of the 2004 Act sets out the arrangements to safeguard and promote the welfare of children. However, this section does not place any additional duties or responsibilities on local authorities over and above section 175(1) of the Education Act 2002. *Statutory Guidance on Making Arrangements to Safeguard and Promote the Welfare of Children under section 11 of the Children Act 2004* has been updated and published in April 2007⁷.
- 2.15** As outlined above, local authorities have general duties to make arrangements to safeguard and promote the welfare of children (section 175 Education Act 2002 in relation to their functions as a local authority and for other functions in sections 10 and 11 of the Children Act 2004). These powers allow local authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern (sections 17 and 47 of the Children Act 1989). However, such powers do not bestow on local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.
- 2.16** Section 53 of the 2004 Act sets out the duty on local authorities to, where reasonably practicable, take into account the child's wishes and feelings with regard to the provision of services. Section 53 does not extend local authorities' functions. It does not, for example, place an obligation on local authorities to ascertain the child's wishes about elective home education as it is not a service provided by the local authority.
- 2.17** Section 12 of the 2004 Act and the regulations, made under this section (which came into force on 1 August 2007), provide the legal framework for the operation and maintenance of ContactPoint, due for deployment, initially to the "Early Adopter" local authorities in the North-West of England in September/October 2008, and to all other local authorities and national partners between January and May 2009. ContactPoint will contain only basic demographic and contact information, including the place where the child is educated, on all children in England, which will enable local authorities to identify and contact one another easily and quickly, so they can, where appropriate, provide a coordinated response to a child's needs. Further information about ContactPoint is available on the Every Child Matters website⁸.

⁶ Available at www.everychildmatters.gov.uk/

⁷ <http://www.everychildmatters.gov.uk/resources-and-practice/IG00042/>

⁸ Available at www.everychildmatters.gov.uk/contactpoint/

Part 3

Clear policies and procedures

- 3.1** The DCSF recommends that each local authority should have a written policy statement on elective home education, and be willing and able to provide guidance for parents who request it. Local authorities should also provide clear details of their complaints procedure and deal with any complaints in a sensitive and timely manner. The DCSF also recommends that local authorities should regularly review their elective home education policies so that they reflect current law and are compatible with these guidelines. It is recommended that local authorities seek input from home educating families and home education organisations in developing their elective home education policies. Home education organisations' contact details may be found through an internet search Paragraphs 4.10 to 4.11 cover reviews of policies and procedures.
- 3.2** All parties involved in elective home education should be aware of their roles, rights and responsibilities. Local authorities' policies should be clear, transparent and easily accessible. Any procedures for dealing with home educating parents and children should be fair, clear, consistent, non-intrusive and timely, in order to provide a good foundation for the development of trusting relationships.
- 3.3** The DCSF recommends that each local authority should have a named senior officer with responsibility for elective home education policy and procedures. This officer should be familiar with home education law, policies and practices. Local authorities should organise training on the law and home education methods for all their officers who have contact with home educating families.

Contact with parents and children

- 3.4** Local authorities should acknowledge that learning takes place in a wide variety of environments and not only in the home. However, **if it appears** that a suitable education is not being provided, the local authority should seek to gather any relevant information that will assist them in reaching a properly informed judgement. This should include seeking from the parents any further information that they wish to provide which explains how they are providing a suitable education. Parents should be given the opportunity to address any specific concerns that the authority has. The child should also be given the opportunity, but not required, to attend any meeting that may be arranged or invited to express his or her views in some other way. Parents are under no duty to respond to such requests for information or a meeting, but it would be sensible for them to do so.
- 3.5** If it appears to a local authority that a child is not receiving a suitable education it may wish to contact the parents to discuss their ongoing home education provision. Contact should normally be made in writing to the parents to request further information. A written report should be made after such contact and copied to the parents stating whether the authority has any concerns about the education provision and specifying what these are, to give the

child's parents an opportunity to address them. Where concerns about the suitability of the education being provided for the child have been identified, more frequent contact may be required while those concerns are being addressed. Where concerns merit frequent contact, the authority should discuss them with the child's parents, with a view to helping them provide a suitable education that meets the best interests of the child.

- 3.6** Some parents may welcome the opportunity to discuss the provision that they are making for the child's education during a home visit but parents are not legally required to give the local authority access to their home. They may choose to meet a local authority representative at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. 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. Where local authorities are not able to visit homes, they should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. If they choose not to meet, parents may be asked to provide evidence that they are providing a suitable education. If a local authority asks parents for information they are under no duty to comply although it would be sensible for them to do so.¹⁰ Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form.

Withdrawal from school to elective home educate

- 3.7** First contact between local authorities and home educators often occurs when parents decide to home educate and approach the school (at which the child is registered) and/or the authority to seek guidance about withdrawing their child from school. It is important that this initial contact is constructive and positive, and local authorities should provide written information (see paragraph 2.5) and direct parents to a range of useful contacts such as those described in paragraph 5.1.
- 3.8** The school must¹¹ delete the child's name from their admissions register upon receipt of written notification from the parents that the pupil is receiving education otherwise than at school. However, schools should not wait for parents to give written notification that they are withdrawing their child from school before advising their local authority. Schools must¹² make a return (giving the child's name, address and the ground upon which their name is to be deleted from the register) to the local authority as soon as the ground for deletion is met, and no later than deleting the pupil's name from the register. They should also copy parents into the notice to the local authority. Further information is available in *Keeping Pupil Registers*,¹³ the Department's guidance on applying the regulations.
- 3.9** If a child is registered at a school as a result of a school attendance order the parents must¹⁴ get the order revoked by the local authority on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.

10 Phillips v Brown (1980)

11 Regulation 8(1)(a) of the Education (Pupil Registration) (England) Regulations 2006

12 Regulation 12(3) of the Education (Pupil Registration) (England) Regulations 2006

13 <http://www.dfes.gov.uk/schoolattendance/legislation/index.cfm>

14 Regulation 8(1)(a) of the Education (Pupil Registration) (England) Regulations 2006 and section 442 of the Education Act

- 3.10** Local authorities may encourage parents to inform them directly of the withdrawal of a child from school, but have no legal right to insist that parents do so. The only exception to this is where the child is attending a special school under arrangements made by the local authority, in which case additional permission is required from the authority before the child's name can be removed from the register.¹⁵
- 3.11** Local authorities should bear in mind that, in the early stages, parents' plans may not be detailed and they may not yet be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision. In such cases, a reasonable timescale should be agreed for the parents to develop their provision.
- 3.12** Schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the school and local authority must address the issues behind the absenteeism and use the other remedies available to them.

Providing a full-time education

- 3.13** Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of "full-time". Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, but this measurement of "contact time" is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place outside normal "school hours". The type of educational activity can be varied and flexible. Home educating parents are not required to:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable
- have 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
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards.

However, local authorities should offer advice and support to parents on these matters if requested.

- 3.14** It is important to recognise that there are many, equally valid, approaches to educational provision. Local authorities should, therefore, consider a wide range of information from home educating parents, in a range of formats. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.
- 3.15** In their consideration of parents' provision of education at home, local authorities may reasonably expect the provision to include the following characteristics:
- consistent involvement of parents or other significant carers - it is expected that parents or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education
 - recognition of the child's needs, attitudes and aspirations
 - opportunities for the child to be stimulated by their learning experiences
 - access to resources/materials required to provide home education for the child - such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.
- 3.16** If a local authority considers that a suitable education is not being provided, then a full written report of the findings should be made and copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable. If the authority is not satisfied that a suitable education is being provided, and the parents, having been given a reasonable opportunity to address the identified concerns and report back to the authority have not done so, the authority should consider sending a formal notice to the parents under section 437 (see paragraph 2.7) before moving on, if needed, to the issuing of a school attendance order (section 437(1)). See paragraphs 2.9 - 2.11.

Children with Special Educational Needs (SEN)

- 3.17** Parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a statement of special educational needs or not. Where a child has a statement of SEN and is home educated, it remains the local authority's duty to ensure that the child's needs are met.
- 3.18** Local authorities must have regard to the *Special Educational Needs Code of Practice*¹⁶. Although this document primarily covers special educational needs in the school and early years' settings, it does give information about SEN in relation to home education (paragraphs 8.91 - 8.96 of the Code). The Code of Practice emphasises the importance of local authorities and other providers working in partnership with parents. The Code of Practice is statutory guidance and schools, local authorities and others to whom it applies must have regard to it. This means that, apart from the references to the law, these bodies do not have to follow the Code to the letter but they must be able to justify any departure from its guidance. The foreword states that the Code is designed to help these bodies to "make effective decisions but it does not - and could not - tell them what to do in each individual case".

¹⁶ SEN Code of Practice is available at: <http://www.teachernet.gov.uk/docbank/index.cfm?id=3724>

- 3.19** 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 statement. Parents need only provide an efficient, full-time education suitable to the age, ability and aptitude and to any special educational needs the child may have as defined in Section 7 of the Education Act 1996. It is the authority's duty to arrange the provision specified in the statement, unless the child's parent has made suitable provision, for as long as a statement is maintained. In some cases a combination of provision by parents and LA may best meet the child's needs. Local authorities should consider, for example, providing access to additional resources or treatments where appropriate.¹⁷
- 3.20** Even if the local authority is satisfied that parents are making suitable arrangements, it remains under a duty to maintain the statement and review it annually, following procedures set out in chapter 9 of the SEN Code of Practice. In some circumstances the child's special educational needs identified in the statement will have been related to the school setting and the child's needs may readily be met at home by the parents without LA supervision. It may be appropriate, once it is established that a child's special needs are being met without any additional support from the LA, to consider ceasing to maintain the statement. This may be done at the annual review or at any other time. Where the statement is reviewed it should be made clear to parents that they are welcome to attend, but they are not obliged to do so.
- 3.21** Where the authority is satisfied that the child's parents have made suitable arrangements it does not have to name a school in part 4 of the child's statement. There should be discussion between the authority and the parents and rather than the name of the school, part 4 of the statement should mention the type of school the LA considers appropriate and that "parents have made their own arrangements under section 7 of the Education Act 1996".
- 3.22** The statement should also specify any provision that the local authority has agreed to make under section 319 of the Education Act 1996 to help parents to provide suitable education for their child at home. If the child who is to be withdrawn from the school is a pupil at a special school, the school must inform the local authority before the child's name can be deleted from the school roll and the authority will need to consider whether the elective home education is suitable before amending part 4 of the child's statement.
- 3.23** A parent who is educating their child at home may ask the local authority to carry out a statutory assessment or reassessment of their child's special educational needs and the local authority must consider the request within the same statutory timescales and in the same way as for all other requests. Local authorities should provide information to home educators detailing the process of assessment and both local authorities' and home educators' responsibilities with regard to provision should the child be given a statement. The views of the designated medical officer for SEN should be sought by the local authority where a child with a statement is educated at home because of difficulties related to health needs or a disability.

Part 4

Developing relationships

- 4.1** As noted in the Introduction to these guidelines, the central aim of this document is to assist local authorities in carrying out their statutory responsibilities with respect to elective home educated children. The DCSF hopes that this will enable local authorities to build effective relationships with home educators that function to safeguard the educational interests of children and young people: relationships that are rooted in mutual understanding, trust and respect. The guidelines outline a number of recommendations that are geared towards the promotion of such relationships.
- 4.2** Whilst there is no legal obligation on local authorities or home educators to develop such relationships, doing so will often provide parents with access to any support that is available and allow authorities to better understand parents' educational provision and preferences. A positive relationship will also provide a sound basis if the authority is required to investigate assertions from any source that an efficient and suitable education is not being provided.

Acknowledging diversity

- 4.3** Parents' education provision will reflect a diversity of approaches and interests. Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child. One approach is not necessarily any more efficient or effective than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, local authorities should not specify a curriculum or approach which parents must follow.
- 4.4** Children learn in different ways and at different times and speeds. It should be appreciated that parents and their children might require a period of adjustment before finding their preferred mode of learning and that families may change their approach over time. Parents are not required to have any qualifications or training to provide their children with a suitable education. It should be noted that parents of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside the school setting and these factors should not in themselves raise a concern about the suitability of the education being provided.

Providing information for parents

- 4.5** The provision of clear information has an important role to play in the promotion of positive relationships. Local authorities should provide written information and website links for prospective and existing electively home educating parents that are clear and accurate and which set out the legal position, and roles and responsibilities, in an unambiguous way. We also recommend that contact details for home education support organisations should be provided. Home education organisations' contact details may be found through an internet search. All written information should be made available to parents in local community

languages and alternative formats on request. From April 2008 local authorities will have a legal duty¹⁸ to broaden the information they make available to parents to support their children.

- 4.6** As noted in paragraph 3.3 we recommend that local authorities should, if the parents wish, provide them with a named contact within the authority who is familiar with elective home education policy and practice and has an understanding of a range of educational philosophies. If the authority invites parents to meet the named contact (see paragraph 3.6), any such meeting should take place at a mutually acceptable location and the child concerned should also be given the opportunity, but not be required, to attend that meeting, or otherwise to express his or her views. Either during such a meeting, or otherwise, the parents and the authority should consider and agree what future contact there will be between them, recognising that in many instances such contact might be beneficial but is not legally required.

Safeguarding

- 4.7** The welfare and protection of all children, both those who attend school and those who are educated at home, are of paramount concern and the responsibility of the whole community. *Working Together to Safeguard Children 2006*¹⁹ states that all agencies and individuals should aim proactively to safeguard and promote the welfare of children. 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, these concerns should immediately be referred to the appropriate authorities using established protocols.²⁰
- 4.8** Parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those whom they engage are suitable to have access to children. Parents will therefore wish to satisfy themselves by taking up appropriate references and local authorities should encourage them to do this. A small number of local authorities choose to assist home-educating parents in this task by undertaking Criminal Records Bureau (CRB) checks free of charge on independent home tutors and the DCSF endorses this helpful practice. Tutors employed by a local authority or an agency may also undertake work for home educating parents, in which case CRB checks ought to have been made already.
- 4.9** Paragraph 2.12 to 2.15 details local authorities' duties to make arrangements to safeguard and promote the welfare of children.

¹⁸ Section 12 of the Childcare Act 2006

¹⁹ *Working Together to Safeguard Children, 2006* is available at: <http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/>

²⁰ *Working Together to Safeguard Children 2006*

Reviewing policies and procedures

- 4.10** Local authorities should review all of their procedures and practices in relation to elective home education on a regular basis to see if improvements can be made to further develop relationships and meet the needs of children and parents. Home education organisations and home educating parents should be involved in this process of review. Effective reviews, together with the sensitive handling of any complaints, will help to secure effective partnership.
- 4.11** Local authorities should bear in mind that Ofsted report on the way local authorities cater for elective home educating families within their areas. Local authorities should keep home educators and home education support organisations informed of the policies and procedures of Ofsted reviews and any input they will have.

Part 5

Support and resources

- 5.1** When parents choose to electively home educate their children they assume financial responsibility for their children's education.
- 5.2** Local authorities do not receive funding to support home educating families, and the level and type of support will therefore vary between one local authority and another. However, we recommend that all local authorities should adopt a consistent, reasonable and flexible approach in this respect, particularly where there are minimal resource implications. As a minimum, local authorities should provide written information (which is also available through the internet) on elective home education that is clear and accurate and which sets out the legal position (see paragraphs 4.5 - 4.6). Some local authorities may be able to offer additional support to home educating parents, but this will vary depending on their resources. Examples of additional support include:
- provision of a reading or lending library with resources for use with the home educated children
 - free, or discounted, admission into community programmes (including local authority owned community and sports facilities)
 - access to resource centres (including local school resources where feasible)
 - National Curriculum materials and curricula offered by other educational institutions
 - information about educational visits and work experience
 - providing assistance with identifying exam centres willing to accept external candidates.

The National Curriculum

- 5.3** Although home educated children are not required to follow the National Curriculum a number do. National Curriculum tests and assessment arrangements are developed and administered by the Qualifications and Curriculum Authority (QCA) on behalf of the Secretary of State. Information to support these arrangements is provided both electronically and in hard copy through the QCA's website at www.qca.org.uk or by telephoning their publications office on 08700 606015.
- 5.4** In addition, the DCSF's website at www.dcsf.gov.uk will allow access to the National Curriculum and associated schemes of work, aimed at setting standards across all schools. Some documents are also distributed via Departmental publications which can be accessed through links on the Stationery Office site at www.tso.co.uk/ or by telephoning 0845 602 2260.

Connexions Service

5.5 The Connexions Service is an England only service. Its purpose is to provide support to all 13 to 19 year olds and to young people who have not yet reached 25 years if they have a learning difficulty, in order to encourage, enable or assist their effective participation in education or training. The Connexions Service also assists young people to obtain suitable employment and related training and education. Its services and responsibilities cover children and young people who are being educated at home. From April 2008 each local authority will be funded and have responsibility for the provision of Connexions services in its area. The local Connexions Service is responsible for maintaining an overview of the learning and work status of all young people that are covered by its remit and seeks to ensure that none fall between the responsibilities and remit of different agencies and thus become marginalized or lost to the system. Sections 117, 119 and 120 of the Learning and Skills Act 2000 make provision about the supply of information to Connexions providers, subject to normal data protection principles.

Flexi-schooling

5.6 This paragraph has been removed (March 2013). See main web page on Elective Home Education guidelines.

Local authorities' role in supporting work experience

5.7 Work experience is not a statutory requirement. However, the Government's objective is for all Key Stage 4 pupils to undertake work experience in the last two years of compulsory schooling. Over 95% of Key Stage 4 pupils go on placements each year. The law relating to the employment of children generally places statutory restrictions and prohibitions on employers in this respect. Where the employment is in accordance with arrangements made by a local authority or a governing body, with a view to providing pupils with work experience as part of their education in their last two years of compulsory schooling, these restrictions will generally not apply.²²

5.8 Children educated at home have no entitlement to participate in work experience under arrangements made by a local authority but we encourage local authorities to assist the parents of home educated children who wish to pursue work experience through such arrangements. Where home educated children do participate in such schemes, consideration should be given to the extent to which such children are covered by, for example, the health and safety, child protection and insurance provision made on behalf of school children, often by intermediary bodies, which are necessary to safeguard the child.

²² see section 560 of the Education Act 1996, as amended by section 112 of the School Standards and Framework Act 1998

Education Maintenance Allowance

- 5.9** Education Maintenance Allowance is an income tested weekly allowance available to learners over the age of 16 as an incentive to stay on in education at school or college after GCSEs. It is not available to learners whose parents elect to home educate them after the age of 16.

Truancy sweeps

- 5.10** When planning and running truancy sweeps, LAs should refer to the DCSF's *School Attendance and Exclusions Sweeps Effective Practice*²³. This includes a section on children who are educated outside the school system. Those taking part in the sweeps, including police officers, police community support officers, local authority staff and anyone else taking part in the sweep should be fully familiar with this guidance, act in accordance with it and be aware that there is a range of valid reasons why compulsory school-age children may be out of school.

Gypsy, Roma and Traveller Children

- 5.11** Local authorities should have an understanding of and be sensitive to, the distinct ethos and needs of Gypsy, Roma and Traveller communities. It is important that these families who are electively home educating are treated in the same way as any other families. Home education should not necessarily be regarded as less appropriate than in other communities. When a Gypsy, Roma and Traveller family with children of school age move into an area, they are strongly encouraged to contact the local Traveller Education Support Service for advice and help to access local educational settings. Most LAs provide such a service. Further guidance can be obtained from the DCSF's Guide to Good Practice on the education of Gypsy, Roma and Traveller children - *Aiming High: Raising the Achievement of Gypsy Traveller Pupils* which can be obtained from DCSF Publications (reference DfES/0443/2003). Another (external) source of information is www.gypsy-traveller.org/education/.

Gifted and talented children

- 5.12** Although the Department does not have hard data, anecdotal evidence suggests that many home educated children would be identified as gifted and talented were they to attend a school. Some home educated children are likely to be exceptionally able; others will have additional educational needs.
- 5.13** Local authority support for home educated children should take into account whether they might be gifted and talented. Through the lead officers for gifted and talented education, these children may be able to access local and regional learning opportunities alongside pupils from local schools. Authorities are encouraged to draw parents' attention to Young Gifted and Talented (YG&T), the Learner Academy for gifted and talented children and young people aged 4-19. YG&T is available to home-educated learners as well as to those in schools. They can access free and priced opportunities advertised in its Learner Catalogue, use its discussion forums and benefit from other resources and support as they become available. Electively home educated children and their parents can register with YG&T at www.dcsf.gov.uk/ygt.

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Department
for Education

Elective home education

**Departmental guidance for local
authorities: draft for consultation**

April 2018

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Summary

About this departmental guidance

This is departmental guidance from the Department for Education. It is non-statutory, and has been produced to help local authorities understand their role in relation to elective home education.

Expiry or review date

This guidance will next be reviewed before September 2019.

Who is this guidance for?

This guidance is for:

- Local authorities
- Schools
- Organisations concerned with elective home education
- Parents, although a separate and parallel document for parents is published alongside this one

Introduction

The government's aim is to ensure all young people receive world-class education which allows them to realise their full potential, regardless of background, in a safe environment.

Educating children at home works well when it is a positive choice and carried out with a proper regard for the needs of the child. This guidance is intended to help local authorities understand their powers and duties in relation to children who are being educated at home, and how those relate to the obligations of parents. The overall intention is to enable local authorities to operate effectively within the existing legal framework, and use resources effectively and proportionately according to the needs of the children concerned.

1. What is elective home education?

1.1 Elective home education is a term used to describe a choice by parents to provide education for their children at home or in some other way which they choose, instead of sending them to school. This is different to education provided by a local authority otherwise than at a school - for example, tuition for children who are too ill to attend school. Throughout this guidance, 'parents' should be taken to include all those with parental responsibility, including guardians and foster carers.

1.2 Parents may choose to engage private tutors or other adults to assist in providing a suitable education, but there is no requirement to do so. Learning may take place in a variety of locations, not just in the family home.

1.3 Although children being home-educated are not normally registered at any school or college, parents sometimes choose to make arrangements for a child to receive part of the total provision being made at a school, or at an FE college if the child is aged 14 or above. The purpose of this will often be to provide education in specific subjects more easily than is possible at home. Such arrangements are sometimes known as 'flexi-schooling'. Schools and colleges are under no obligation to agree to such arrangements, but some are happy to do so.

2. Reasons for elective home education - why do parents choose to provide it?

2.1 Parents may choose home education for a variety of reasons. The local authority's primary interest should lie in the suitability of the home education being provided and not the reason for it but the latter can have a bearing on how well a family is likely to carry it out. There are many reasons why parents educate children at home, including:

- Ideological or philosophical views which favour home education
- Religious or cultural beliefs, and a wish to ensure that education is aligned with these
- Dissatisfaction with the school system
- Bullying of the child at school
- As a short term intervention for a particular reason
- A child's unwillingness or inability to go to school
- Special educational needs
- Disputes with a school over the education of the child, in some cases resulting in 'off-rolling' or even exclusion

2.2 Some of these reasons mean that home education will be undertaken as a positive choice which is expected to lead to a better outcome for the child than other alternatives; in other cases however home education may be attempted almost as a last resort. When the impetus is a negative one, that may well have implications for the quality of home education which can be provided – although it should not be assumed that this is inevitably the case. Furthermore, these various reasons are not mutually exclusive and for some children at least several of them may apply. When local authorities engage with home-educating families they should bear in mind this diversity.

2.3 That diversity is likely also to be reflected in the provision made for home educated children. There is more discussion of this in the section dealing with the issue of 'suitability', but it should always be borne in mind that there are no specific legal requirements as to the content of home education provided the parents are meeting their duty in s.7 of the Education Act 1996 (see below for more on that duty). This means that education does not need to include any particular subjects, and does not need to have any reference to the National Curriculum (but see section 9 below on suitability); there is no requirement to enter children for public examinations. There is no obligation to follow the 'school day' or have holidays which mirror those observed by schools. Many home educating families do follow a clear academic and time structure but it should not be assumed that a different approach which rejects conventional schooling is necessarily unsatisfactory or constitutes 'unsuitable' education.

3. The starting point for local authorities

3.1 Parents have a right to educate their children at home. Section 7 of the Education Act 1996 provides that:

"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."

3.2 **This means that the responsibility for children's education rests with their parents.** In England, education is compulsory, but – despite the phrase 'child of compulsory school age' quoted above – going to school is not.

3.3 In the case of some children who are home educated, this means that they never attend school. More commonly, however, perhaps in around 80-90% of the total in most local authority areas¹, children educated at home have attended school at some previous point.

3.4 Local authorities currently have no specific duties or powers relating to home education *per se*. This reflects the fact that the legal framework, contained in the Education Act 1996 (and essentially carried forward from the Education Act 1944), although allowing for home education, was not drawn up with a view to enabling ongoing oversight of significant numbers of home educated children. However, few people would argue today that parents should be able to exercise their right to home educate children with absolutely no independent oversight, despite their having the legal responsibility set out above. The job of each local authority is therefore to find an appropriate balance between parental autonomy and its overall responsibilities for education of children in its area.²

3.5 Because of this, the department recommends that each local authority should, as a minimum:

- have a written policy statement on elective home education which is clear, transparent and easily accessible, and preferably drawn up in consultation with local families who educate children at home and setting out how they will seek to engage and communicate with them;

¹ See survey report by Association of Directors of Children's Services (ADCS) at <http://adcs.org.uk/education/article/elective-home-education-survey-2017-summary>

² Sections 13 and 13A of the Education Act 1996 and s.175 of the Education Act 2002.

- seek to offer guidance to all known home-educating families in their area and provide advice and support for parents who request it;
- regularly review their elective home education policies so that they reflect current law and local circumstances, and are compatible with this guidance document;
- provide clear details of their complaints procedure and deal with all complaints in a sensitive and timely manner.

3.6 Some local authorities go further than this, for example by operating voluntary registration schemes so that support can be given more readily, and more information is available on home educated children in their locality. Such schemes can also help authorities discharge the responsibilities which they have under ss. 436A and 437 of the 1996 Act (see below). However, registration is not a legal obligation for either parents or authorities.

3.7 Local authorities should bear in mind that when Ofsted carries out inspections of local authorities³, it reports on the way in which local authorities deal with vulnerable children in their areas. Home-educated children are NOT 'vulnerable' by definition; but some children educated at home do fall into that category, and therefore Ofsted will look at the way each local authority deals with this issue, in particular the ways in which it identifies children who are not receiving suitable education and what steps the local authority takes to deal with that. Local authorities should keep home educators and home education support organisations informed of Ofsted reviews and any input they will have.

³ Under s.136 of the Education and Inspections Act 2006.

4. How do local authorities know that a child is being educated at home?

Children who have never attended school

4.1 One of the most significant issues for local authorities in maintaining adequate oversight is the initial identification of children who are being educated at home. As already noted, some children never attend school in the first place, and therefore an authority may be unaware of the very existence of a child who is being educated at home. There is no legal duty on parents to inform the local authority that a child is being educated at home. There is no overall database of children who live in particular areas. Local authorities may find census data useful, but it will never be accurate in that it is may be several years old, and may not have been completed accurately in the first place. Local authorities may not in general have open access to data relating to health or benefit claims (as opposed to being able to confirm receipt of benefits for specific families), and in any case there may be some parents who do not claim such benefits. Local authorities are therefore encouraged to use any other data sources available to them to identify children living in their area who are not on the roll of a state school or registered independent school.

4.2 Identification of children who have never attended school and may be home educated forms a significant element of fulfilling an authority's statutory duty under s.436A of the Education Act 1996 - to make arrangements to enable the authority to establish, so far as it is possible to do so, the identities of children in its area who are not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than at school (for example, at home, or in alternative provision). Until a local authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home is potentially in scope of this duty. The department's [children missing education statutory guidance for local authorities](#) applies.

4.3 It should be noted that the caveat in s.436A 'so far as it is possible to do so' should not be interpreted as meaning 'so far as the authority finds it convenient or practical to do so'. It means what it says, and the authority should do whatever is actually possible. If the department receives a complaint that a local authority is not doing enough to meet its duty under s.436A, it will consider whether there is sufficient basis for making a direction under s.496 or s.497 of the Education Act 1996.

4.4 In particular, local authorities should explore the scope for using agreements with health authorities, general practitioners and other agencies, to increase their knowledge of children who are not attending school. Some local authorities already actively encourage referrals from doctors and hospitals of children whom there is reason to think may be home educated. Under s.10 of the Children Act 2004 local authorities should have arrangements in place to promote co-operation between the authority and its partners who deal with children, and under section 11, arrangements should be in place

to ensure that functions are discharged with regard to the need to safeguard and promote the welfare of children. These arrangements should include information sharing protocols and it is possible for these to allow sharing of data on children who appear to be home educated and about whom there is a concern as to the adequacy of that education. The Data Protection Act 1998 allows for such sharing of data in principle but local authorities and their partners will of course need to ensure that their particular arrangements are compliant.

Children who have attended school

4.5 In some respects, fulfilling the s.436A duty in relation to children who may be home educated is easier for local authorities when a child has attended a school, but it is not necessarily the case that such children will automatically become known to the local authority.

4.6 Although most local authorities encourage parents who withdraw a child from school for home education to notify the school and/or the authority, (and DfE guidance to parents also encourages this) there is no legal obligation on parents to provide such notification, either in writing or otherwise, or indeed to provide any reason for withdrawal. The only exceptions to this are (a) that a child may not be removed from the roll of a special school without the consent of the local authority if enrolled there under arrangements made by the local authority⁴, and (b) in cases where a child is enrolled at a school in accordance with a school attendance order, when the authority must revoke the order (or amend it to replace the school with a different school) before the child can be removed from the roll⁵.

4.7 It was formerly the case that schools were obliged by the Education (Pupil Registration) (England) Regulations 2006 to notify the local authority that a child had been withdrawn for home education only when the school had been notified of this in writing by the parents. From September 2016 the Regulations were amended so that the local authority must be informed of all deletions from the admission register when this takes place at a non-standard transition time. Local authorities may also require schools (including independent schools) to provide information, under arrangements set out by the authority concerned, about children who leave at standard transition times. Local authorities are entitled to ask schools whether there is any further information available which would suggest that a child may be now home educated, but a school may genuinely not know the reason for withdrawal. A state-funded school must respond reasonably to any request from the local authority for any information it has about the reasons for withdrawal.

4.8 As set out in the statutory guidance on Children Missing Education, referenced above, local authorities should also be working together to identify children, and share data about those who have left a school in one local authority area but have moved to

⁴ Regulation 8(2), Education (Pupil Registration) (England) Regulations 2006. A question on the future of this provision is included in the Call for Evidence issued at the same time as this draft guidance.

⁵ Regulation 8(1)(a) of the same regulations

another.

4.9 These changes mean that a local authority should be more readily able to identify children in its area who are being home educated, or may be home educated, and it should be maintaining data on all such children, whether or not it also operates a voluntary registration scheme for home educating families.

5. Local authorities' responsibilities for children who are, or appear to be, educated at home

5.1 Although the duty under s.436A dealt with above means that local authorities must make arrangements to find out so far as possible whether home educated children are receiving suitable full-time education, once that has been established local authorities have no specific statutory duty to monitor the quality of home education on a routine basis.

5.2 Discussion of local authority responsibilities in relation to home education tends to centre on those families where the education is unsatisfactory - or at least potentially so - and an authority's home education policies need to be clear about the processes used in such cases. However, local authorities' policies should also make clear also how the authority interacts with those families where a suitable full-time education is being provided and both parties wish to maintain a suitable level of contact and assurance. Children in these families where children do receive a suitable education at home form a very significant proportion of the total number of home educated children in England, and it is important that a system is in place for them which is proportionate and therefore light-touch where that is appropriate, but can act in the interests of the child, particularly if a change in circumstances occurs. Maintaining such oversight is consistent with the local authority's duty under s.436A.

5.3 There are no detailed legal requirements as to how such a system should work, and it is for each local authority to decide what is necessary and proportionate. Seeking to establish a positive relationship between the local authority and the home-educating parent will allow authorities to better understand parents' educational provision and preferences and offer them appropriate support. A positive relationship will also provide a sound basis if the authority is required to investigate assertions from any source that a suitable education is not being provided.

5.4 However, the department recommends that local authorities:

- should provide parents with a named contact who is familiar with home education policy and practice and has an understanding of a range of educational philosophies;
- ordinarily make contact with home educated parents on at least an annual basis so the authority may reasonably inform itself of the current suitability of the education provided. This will enable the local authority to fulfil its duty to serve a notice on any parent who does not appear to be providing efficient and suitable education (see below);
- have a named senior officer with responsibility for elective home education policy and procedures, and the interaction with other work on issues such as unregistered settings, vulnerable children, and welfare;
- organise training on the law and home education methods for all officers who have contact with home-educating families;

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- ensure that those LA staff who may be the first point of contact for a potential home-educating parent understand the right of the parent to choose home education. It is very important that parents are provided with accurate information from the outset to establish a positive foundation for the relationship;
- Work co-operatively with other relevant agencies such as health services to identify and support children who are being home educated.

6. What should local authorities do when it is not clear that home education is suitable?

6.1 Questions as to the quality of home education provision normally arise either when a child is first being home educated, or alternatively when there is a change in the circumstances of a child whose education was previously satisfactory. In the latter case, this change may not be a specific event; it can simply be that as a child grows older, the provision of education is becoming beyond the resources of the parents.

6.2 Families beginning home education sometimes state that they are entitled to a period during which the home education provided for the child may not meet the requirements in s.7 because they are still, as it were, building up the provision to a satisfactory level. Some parents may go further and describe this period as being necessary for 'de-schooling'. There is no legal basis for such a position. Whilst it is not unreasonable that good home education develops with experience, and it would be unrealistic to make a judgement about the suitability of home education provision only a few days after it is started, families should be aiming to offer satisfactory home education from the outset, and to have made preparations with that aim in view. Every week in which a child is not being educated properly is a week lost. In such cases, a reasonable timescale should be agreed for the parents to develop their provision; it is easier to do this if the parents are engaging constructively with the local authority.

6.3 Issues related to what constitutes satisfactory home education are dealt with in later sections of this guidance. This section deals with the sequence of action which may have to be undertaken when provision appears to be unsatisfactory.

6.4 The department's advice is that in all cases where it is not clear as to whether home education is suitable (including situations where there is no information available at all), the authority should attempt to resolve those doubts through informal contact and enquiries. An authority's s.436A duty (and that under s.437, see below) forms sufficient basis for informal enquiries. Furthermore, s.436A creates a duty to adopt a system for making such enquiries.

6.5 The most obvious course of action is to ask parents for information about the education they are providing. Parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child's education, then it will be very easy for the authority to conclude that the child does not appear to be receiving suitable education. This is confirmed by relevant case law.⁶ In many cases, this will allow the situation to be resolved, either by evidence being provided that the home education is satisfactory, or by agreement on alternative approaches.

6.6 Informal enquiries can include a request to see the child, either in the home or in another location. But the parent is under no legal obligation to agree to this simply in

⁶ *Phillips v Brown* [1980] Lexis Citation 1003

order to satisfy the local authority as to the suitability of home education, although a refusal to allow a visit can in some circumstances justify service of a notice under s.437(1) or even a school attendance order.⁷ The question of access to the child in relation to safeguarding powers is dealt with in a later section.

6.7 It should be borne in mind that there are alternatives which fulfil the s.7 duty other than full-time education at home; these include flexi-schooling, which is described in a later section.

6.8 If informal contacts do not resolve the position, then the 1996 Act provides a framework for formal action.

6.9 Under s.437(1) of the Education Act 1996, local authorities must act if it appears that parents are not providing a suitable education. This section states that:

"If it appears to a local authority that a child of compulsory school age in their area is not receiving suitable⁸ education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education."

Section 437(2) of the Act provides that the period specified for a response shall not be less than 15 days beginning with the day on which the notice is served.

6.10 Local authorities considering whether they should serve a s.437(1) notice in a specific case should note that current case law means that a refusal by parents to provide any information in response to informal enquiries will in most cases mean that the authority has a duty to serve notice under s.437(1). This is because in the absence of other information that suggests that the child is being suitably educated and that the parents' refusal to answer is for some unrelated reason, the only conclusion which an authority can reasonably come to, if it has no information about the home education provision being made, is that the home education does not appear to be suitable.

6.11 The local authority must consider any response made by the parent in response to the s.437(1) notice, in the light of s.437(3). Section 437(3) refers to the serving of school attendance orders:

"If –

*(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local authority, within the period specified in the notice, that the child is receiving suitable education, **and***

⁷ *Tweedie v Pritchard* [1963] Crim LR 270; *R v Surrey Quarter Sessions Appeals Committee ex parte Tweedie* [1963] Crim LR 639.

⁸ 'suitable' means efficient, full-time, and suitable to the child's age, ability, and aptitude, and to any special educational needs they may have (section 436A(3))

(b) in the opinion of the authority it is expedient that the child should attend school,

the authority shall serve on the parent an order (referred to in this Act as a "school attendance order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order."

6.12 In considering whether it is satisfied by the parent, it is open to the authority to consider any other relevant information available to it – not only through its own contacts with the family but also information provided by other agencies and other sources and the child's former school (if any), as to the child's circumstances and needs.

6.13 The information needed to satisfy the test in s.437(3)(a) depends on the facts of the case and the judgement of the local authority. However, if the parent refuses to make any response to a notice served under s.437(1) that refusal in itself is likely to satisfy the test in s.437(3)(a) - and such a parent should expect to be served with a school attendance order.

6.14 The other limb of s.437(3) relates to whether it is expedient for the child to attend school. If the home education is not suitable in terms of s.7, then normally it would be expedient⁹. However, there are some circumstances in which the authority might reasonably take the view that it is not - although there would normally need to be some exceptional circumstance to justify not making a school attendance order. Examples where this could be the case are:

- a. if the child is within a few weeks of ceasing to be of compulsory school age;
- b. if the child has physical, medical or educational needs leading to extreme vulnerability in a school setting, and the local authority should consider alternatives such as tuition provided by the authority itself;
- c. the parent is actively working with the authority to improve the home education and seems likely to achieve suitability within a very short time.

After a school attendance order is served

6.15 At any stage following the issue of the order, parents may present evidence to the local authority that they have now made satisfactory arrangements for the child's education and apply to have the order revoked. This evidence must be considered, and the order must be revoked unless the authority is of the opinion, having considered that evidence, that the parents have not made satisfactory arrangements.

6.16 If the local authority refuses to revoke the order, parents can choose to refer the matter to the Secretary of State, who may give a direction to the local authority which

⁹ In *Phillips v Brown*, 'expedient' was defined as 'advantageous, fit, proper or suitable to the circumstances of the case'

either requires revocation of the order, or confirms it.

6.17 Whether or not the parents have sought revocation and intervention by the Secretary of State, if they do not cause the child to attend school then the authority should consider prosecution, and should proceed with this unless there is very good reason not to do so. An example of that might be because the circumstances point to seeking an Education Supervision Order instead (see below) - for example, the family might have few resources and fines would have less relevance. Under s.447(1) of the 1996 Act, a local authority considering prosecuting a parent for non-compliance with a school attendance order must in any case consider either as an alternative to prosecution or as well as prosecution, making an application for an Education Supervision Order (the implications of this are dealt with in the following section on safeguarding).

6.18 If the local authority does prosecute the parents for not complying with the order, then it will be for a court to decide whether or not the education being provided is suitable, full-time and efficient. The court can direct that the order shall cease to be in force if it is satisfied that the parent is fulfilling his or her duty.

6.19 The department is aware that some local authorities have been reluctant to prosecute for non-compliance with a school attendance order, for reasons connected with costs, and the behaviour of some parents who deliberately withhold information about home education provision but are then able to easily satisfy the court that the home education is suitable. This is an understandable concern, but local authorities must bear in mind their public responsibilities as prosecutors; in such cases they may wish to seek legal advice about the prospect of obtaining a costs order against a successful defendant on the basis that the prosecution would have been unnecessary if not for the defendants' unreasonable conduct.

6.20 It should be noted that the offence of not complying with a specific school attendance order is only committed once. Therefore if a parent is convicted and fined, but still does not send the child to school, the process of serving a notice under s.437(1) and if necessary, serving a further order under s.437(3) must be undertaken again. This means that a parent willing and able to be fined repeatedly can continue unsatisfactory provision of home education indefinitely, if the local authority relies on education law alone. The implication of this is that in some cases the local authority may need to consider using other powers.

7. Safeguarding: the interface with home education

7.1 Sections 10 and 11 of the Children Act 2004 give local authorities general duties for promoting the well-being and (in relation to their non-education functions) safeguarding and promoting the welfare of children in their areas. This includes children educated at home as well as those attending school. Section 175 of the Education Act 2002 requires authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare. In effect therefore the general duties of local authorities in relation to safeguarding are the same for all children however they are educated.

7.2 The department's view is that there is no proven correlation between home education and safeguarding risk. In some serious cases of neglect or abuse in recent years, the child concerned has been home educated but that has not usually been a causative factor and the child has normally been known anyway to the relevant local authority. However, it must be acknowledged that a child being educated at home is not necessarily being seen on a regular basis by professionals such as teachers and this increases the chances that any parents who are using home education to avoid independent oversight may be more successful by doing so.

7.3 This means that in drawing up their home education policies local authorities should be very clear about the circumstances in which they may be relying on safeguarding powers rather than those available under education law, and in particular they should not attempt to pressure parents by conflating the two.

7.4 As already noted, the local authority has no express statutory powers in the Education Acts to enter the home to enquire into the education being provided without the agreement of the parents, nor can it impose any legal obligation on parents to let its officers see or talk to children for the purposes of monitoring the provision of elective home education. But there may be cases where the parents' refusal would be sufficient, taken together with other evidence and circumstances, to justify the making of a school attendance order.

7.5 Local authorities sometimes cite their safeguarding powers as being relevant to determining whether a child is receiving a suitable education, and the actions they can take if he or she is not.

7.6 A failure to provide suitable education is capable of satisfying the threshold requirement contained in s.31 of the Children Act 1989 that the child is suffering or is likely to suffer significant harm. 'Harm' can include the impairment of health or development, which means physical, intellectual, emotional, social or behavioural development, so the provision of unsuitable education clearly can amount to this. The causing of significant harm need not be intentional or deliberate, but case law¹⁰ indicates that it must be 'considerable, noteworthy or important'.

¹⁰ *In re B (A Child)(Care proceedings: Threshold Criteria)[2013] 1 WLR 1911*

7.7. Whether the provision of unsuitable education does amount to significant harm must always depend on the particular circumstances of the child, and whether those circumstances mean that the child's intellectual and social development are being, or are likely to be, significantly impaired. Case law does provide examples where lack of suitable education has amounted to significant harm.¹¹ Although some cases will be relatively clear-cut (for example if a child was being provided with no education at all for months), in other cases a local authority may need expert advice from teachers or educational psychologists.

7.8 Sometimes the local authority may not have been able to obtain sufficient information to determine whether the significant harm threshold is met and the authority should consider employing its powers under Part 5 of the Children Act 1989.

7.9 The starting point for this would normally be an investigation under s.47 of the 1989 Act, which requires an authority to make enquiries to enable it to decide whether action should be taken to protect the child's welfare, if it has reasonable cause to suspect that the 'significant harm' threshold referred to above is met. Reasonable cause can include the lack of any substantive information about a child's education, so if the 'if it appears' test in s.43(91) is satisfied then there will usually be reasonable cause in terms of s.47. These enquiries can include taking steps to gain access to the child.

7.10 Such enquiries may yield enough information. If they do not, and in particular because the parents refuse access to the child then the authority has a number of options available. It can apply to a court for a child assessment order under s.43 of the 1989 Act. For such an order to be made there must be reasonable cause to suspect that the significant harm threshold is met, the assessment must be necessary to determine whether the threshold is met, and it must be unlikely that an assessment would be satisfactorily made without such an order.

7.11 In many cases the use of an education supervision order (ESO) under s.36 of the 1989 Act will in any case be appropriate and sufficient. These orders are made under s.36 of the Children Act 1989 and give local authorities a formal supervisory role in the education of children who are subject to them. The High Court or the family court can make an order if satisfied that a child of compulsory school age is not receiving efficient full-time education suitable to the child's age, ability and aptitude and to any special educational needs they may have. Where a school attendance order is in force for the child but has not been complied with, there is a presumption that the child is not receiving a suitable education unless the contrary is demonstrated. The advantage of an education supervision order is that it continues to be in force so long as determined by the court (which may extend it beyond the initial one-year term); it is not a 'one-off' like prosecution for non-compliance with a school attendance order.

¹¹ *Re S(A Minor) (Care Order: Education)* [1978] QB 120 and *Re O (A Minor) (Care Proceedings: Education)* [1992] 1 WLR 912

7.12 As noted previously, the use of an ESO should in any case be considered as an alternative to, or as well as, prosecution for non-compliance with a school attendance order. Use of an Education Supervision Order does not depend on the 'significant harm' threshold being met, and under s.36(5) of the 1989 Act, unless it is proved that a child who is currently subject to a school attendance order is being properly educated, then it is assumed that he or she is not, for the purposes of deciding whether an order should be made. Applying for an ESO will often be the proportionate response when parents are not complying with a school attendance order.

7.13 The local authority is under a duty, if an ESO is made, to give 'due consideration' to the 'wishes and feelings' of the child and the parent(s) and this might result in improved home education. However, an ESO imposes a duty on parents to allow the supervisor (the authority) reasonable contact with the child, though this need not necessarily be at the child's home - unless the court imposes a visit at home as a specific condition of the order (paragraph 16 of Schedule 3 to the 1989 Act). Persistent failure to comply with direction given under an ESO is an offence unless the parent can show that he has taken all reasonable steps to comply, or that the direction is unreasonable. But in such cases the authority should be prepared to first make clear to the parents that the result of this may be an application to the court for a care order under s.31 of the Children Act 1989. This makes ESOs potentially very useful in ensuring that a child is suitably educated.

Care orders

7.14 Whether or not an ESO is made, if it is concluded that the significant harm threshold is met but the parents continue to refuse to remedy the situation, it is highly unlikely that circumstances would make it appropriate to seek an emergency protection order under s.44 of the 1989 Act. However, it may be necessary in certain cases to apply for a care order under s.31. The effect of such an order is not necessarily that the child is removed from the parental home: the local authority is given parental responsibility for the child and can make decisions regarding the child's education even if the child continues to live at home with the parents. If the parents did not comply by causing the child to attend school - assuming the authority has decided he or she should - then the child can be removed from the home into the local authority's direct care. The use of such an order is of course a last resort, and should only be necessary in a very small minority of cases. But the key point for local authorities to bear in mind – and make clear to parents – is that this could be the end result of continued failure to provide suitable education and a continued obstruction of an authority's efforts to ensure that the child receives suitable education.

7.15 It must be emphasised that the department believes that resorting to the use of care orders should only arise very rarely, in the most egregious cases of a failure to provide a suitable education and a persistent refusal by parents to co-operate.

7.16 Statutory guidance on these provisions of the 1989 Act and ss.10 and 11 of the 2004 Act, among other child safeguarding and welfare matters, is set out in [Working Together to Safeguard Children](#).

8. Home-educated children with special educational needs (SEN)

8.1 The parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a statement of special educational needs or an Education, Health and Care Plan (EHC plan), or neither. References here to EHC plans include statements of SEN unless otherwise stated.

8.2 Local authorities must have regard to the statutory guidance in the [Special Educational Needs Code of Practice](#) when carrying out SEN functions. The Code provides information about SEN in relation to home education (paragraphs 10.30 – 10.38). The Code emphasises the importance of local authorities and other providers working in partnership with parents. They must fulfil their statutory duties towards children and young people with SEN or disabilities in the light of the guidance set out in it.

8.3 Local authorities have a duty under s.22 of the Children and Families Act 2014 to identify all children in their areas that have SEN. This includes home-educated children.

8.4 When a child has a EHC plan, it is the local authority's duty to ensure that the educational provision specified in the plan is made available to the child - but only if the child's parents have not arranged for the child to receive a suitable education in some other way. Therefore if the home education is suitable, the local authority has no duty to arrange any special educational provision for the child; the plan should simply set out the type of special educational provision that the authority thinks the child requires but state in a suitable place that parents have made their own arrangements under s.7 of the Education Act 1996. The authority will of course continue to check the suitability of the home education as required by sections 436A and 437 of the 1996 Act, and if at any point it considers that the home education is no longer suitable, it must ensure that the special educational provision specified in the EHC plan is made available.

8.5 Under s.19 of the Children and Families Act 2014, a local authority must have regard to the views, wishes and feelings of the child and parents when exercising its SEN functions. Where parents feel strongly that their child with SEN (with or without an EHC plan) should be educated at home but cannot undertake this themselves, and the local authority agrees that it would be inappropriate for the child to receive the necessary special educational provision in a school, post-16 institution, or state-funded early years setting, the authority have the power, under s.61 of the 2014 Act, to arrange for the special educational provision that the child requires to be provided in the child's home. If a local authority does this for a child with an EHC plan, the plan should clearly explain the arrangements, and the authority will have a duty under s.42(2) to ensure that the education specified in the plan is provided. It is important to distinguish between a situation like this, in which a local authority itself arranges special educational provision in a child's home because it considers education in a school or other institution inappropriate, and a situation in which a child's parents arrange their own home education as described in the paragraph above.

8.6 If a school already attended by a child is a special school and the child is attending it under arrangements made by the local authority, the local authority's consent¹² is necessary for the child's name to be removed from the admission register, but this should not be a lengthy or complex process and consent must not be withheld unreasonably. If the child is to be withdrawn to be educated at home then the local authority, in deciding whether to give consent, should consider whether the home education to be provided would meet the special educational needs of the child, and if it would, should give consent. The Call for Evidence which is being published alongside this draft guidance asks a question about the future of this provision.

8.7 As with other children educated at home, local authorities do not have a right of entry to the family home to check that the provision being made by the parents is appropriate and may only enter the home at the invitation of the parents. However, parents should be encouraged to see a process of engagement with the child as part of the authority's overall approach to home education of pupils with SEN, including the provision of appropriate support, rather than an attempt to undermine the parents' right to home educate. Local authorities should not assume that because the provision being made by parents is different from that which was being made or would have been made in school that the provision is necessarily unsuitable.

8.8 As described in paragraph 8.5 above, local authorities have power under s.61 of the Children and Families Act 2014 to arrange for parents to make the special educational provision that it considers necessary for a child with special educational needs in the form of suitable home education, if the parents' commitment to home education (or other circumstances) makes it inappropriate for their child to attend school. There is no specific duty to provide additional funding in consequence of this but the existence of the power means that any request for such assistance must be reasonably considered. The high needs block of the Dedicated Schools Grant is intended to fund provision for all relevant children and young people in the authority's area, including home-educated children. However this relates only to costs incurred by parents as a result of the special needs. Costs which would be incurred anyway by the parents in providing home education even if there were no special needs (for example the cost of heating), should not be funded, in line with the general position that parents who choose to educate children at home bear the financial responsibility for doing so, since a state school place (or state-funded place) is available for the child.

8.9 In some cases a local authority will conclude that, the home education provision that is being made for a child with a EHC plan does not meet the child's needs. In such cases the procedure to be followed in s.437 of the Education Act 1996 is similar to the same as for other children who are educated at home but are not receiving a suitable education, although the consideration of suitability may well be more complex and need to draw on a wider variety of information, for example educational psychologist reports. Furthermore, the naming of a school in the order must conform with the provisions of s.441.

¹² Regulation 8(2) of the Education (Pupil Registration) (England) Regulations 2006

8.10 When a home educated child's EHC plan names a school, some local authorities instruct the school to add the child's name to its admission register without the parent's agreement, with the result that the parent is committing an offence if the child does not attend the school. It is not lawful for a school to do this. It is up to the child's parent whether to arrange for the child to be registered as a pupil at the school.

8.11 Information about the right to request an EHC needs assessment and the right to appeal should be available to all parents including those who are considering home education because they feel that the special educational support being provided in the school is insufficient to meet the child's needs.

8.12 Young people may also be educated at home in order to meet the requirements to participate in education or training until the age of 18. Local authorities should involve parents, as appropriate, in the reviews of EHC plans of home educated young people who are over compulsory school age.

9. What do the s.7 requirements mean?

9.1 Section 7 of the 1996 Act requires parents to provide an efficient, full time education suitable to the age, ability and aptitude of the child and any special educational needs which the child may have.

‘Suitable’

9.2 Article 2 of Protocol 1 of the European Convention on Human Rights states that:

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions."

9.3 This means that the wishes of parents are relevant. However, it does not mean that parents are the sole arbiters of what constitutes a suitable education. There is no definition of an ‘efficient’ or ‘suitable’ education in English statute law. A court will reach a view of suitability based on the particular circumstances of each child and the education provided.

9.4 However, clearly a local authority must have a basis on which to reach the decisions called for in s.437 of the Education Act 1996 as to whether or not the education being provided is suitable. In the department’s view the term ‘suitable’ should be seen in the following light:

a. it should have a minimum standard which enables a child to participate fully in life in the UK by including sufficient secular education. This means that even if the home education is primarily designed to equip a child for life within a smaller community within this country it should not foreclose the child’s options in later life to adopt some other mode of living, and to be capable of living on an autonomous basis so far as he or she chooses to do so. This view is compatible with the small amount of potentially relevant case law;¹³

b. notwithstanding (a), the home education provision need not follow specific examples such as the National Curriculum, or the requirement in academy funding agreements for a ‘broad and balanced’ curriculum, nor the independent school standards prescribed by the Secretary of State¹⁴. Conversely, however, if the home education does successfully deliver one or more of those examples then that would constitute strong evidence that it was ‘suitable’ in terms of s.7;

¹³ Eg *Harrison & Harrison v Stevenson* (Appeal, 1981, Worcester Crown Court, unreported) and *R v Secretary of State for Education and Science ex parte Talmud Torah Machzikei Hadass School Trust* (April 1985, unreported)

¹⁴ In regulations made under s.94 of the Education and Skills Act 2008

c. local authorities should interpret 'suitable' in the light of their general duties, especially that in s.13 of the Education Act 1996 relating to the development of their community, and that in s.175 of the Education Act 2002 requiring that education functions are exercised with a view to safeguarding and promoting the welfare of children. Whilst these duties are very broadly drawn, it will be evident that if home education provided by a family taught children values or behaviour which was in clear conflict with the values of British society and would also be in conflict with 'Fundamental British Values' as defined in government guidance¹⁵ (for example by seeking to promote terrorism, or advocating violence towards people on the basis of their race, religion or sex), then it would not be in accordance with the authority's general duties to regard that education as being 'suitable'.

However, there is no requirement on parents to actively promote the Fundamental British Values, as there is for schools;

d. the first sentence of ECHR Article 2 of Protocol 1 quoted above confers the fundamental right to an effective education, and relevant case law¹⁶ confers very broad discretion on the state in regulating that law. For example, a local authority may specify minimum requirements as to effectiveness in such matters as literacy and numeracy, in deciding whether education is suitable;

e. although it may well be a good starting point in assessing suitability to assess whether the curriculum and teaching have produced attainment in line with the 'average child' of the same age, it must be borne in mind that the s.7 requirement is that the education is suitable to the child's ability and aptitude. If a child's ability is significantly above or below what might be regarded as 'average' then allowances must be made for that; and similarly the home education may legitimately cater specifically for particular aptitudes which a child has even if that means reducing other content;

f. factors such as very marked isolation from a child's peers, and being educated in an environment which makes it very difficult to learn (for example is very noisy or is otherwise very unsuitable environmentally) can indicate possible unsuitability.

9.5 The department does not, however, believe that it is in the interests of home educated children, parents or local authorities for there to be detailed centralised guidance on what constitutes suitability. This issue should be viewed on a spectrum, and although there will be clear conclusions to be drawn at either end of that spectrum, in between each case must rest on a balance of relevant factors depending on the circumstances of each child.

9.6 Despite this, local authorities should attempt to make clear in their home education policies what overall factors they will take into account and how they will go about

¹⁵ <https://www.gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published>

¹⁶ Eg *Konrad v Germany* (2006) European Court of Human Rights app. 35504/03

assessing suitability.

‘Efficient’

9.7 An efficient education, within the meaning of s.7, is one which achieves what it sets out to achieve. It is important this concept is not confused with suitability. A wholly unsuitable education can be efficiently delivered – but would still be unsuitable.

‘Full-time’

9.8 There is currently no legal definition of what constitutes ‘full-time’ education, either at school or in the home. Although there is no need for home education to replicate school timetables, it may nonetheless be useful for it to be borne in mind that in state schools children of compulsory school age normally receive around five hours education a day for about 190 days a year. The department’s registration guidance for independent schools sets 18 hours teaching a week as the baseline for registration of the school. However, in home education there is often continual one-to-one contact and education may take place outside normal ‘school hours’ and term time, and the type of educational activity can be varied and flexible.

9.9 However, local authorities should be enabled by parents to assess the overall time devoted to home education of a child in terms of the number of hours per week, and weeks per year so that this information can be set alongside that relating to suitability to ensure that the home education meets the requirements of section 7. The department is not aware that the issue of whether home education is full-time is often a difficult matter for local authorities to reach a conclusion on. As with suitability, the issue as to whether education is ‘full-time’ should be viewed on a spectrum but education which manifestly is not occupying a significant proportion of a child’s life will probably not meet the s.7 requirement.

Further information

Children's rights and views

10.1 The United Kingdom has ratified the United Nations Convention on the Rights of the Child (UNCRC). Article 12 of the UNCRC requires states to provide a right for children to express their views and for due weight to be given to those views, in accordance with the age and maturity of the child. This does not give children authority over parents, and a decision to educate a child at home is a matter for parents. However, parents should be encouraged to consider whether home education is likely to be successful if their child is unhappy to be educated in this way, or the provision of suitable home education is not realistically possible.

10.2 Section 17(4A) of the Children Act 1989 puts a duty on local authorities to, so far as reasonably practicable, take into account a child's wishes and feelings with regard to the provision of services for a child in need. However, s.17(4A) does not extend local authorities' functions. It does not, for example, place an obligation on local authorities to ascertain the child's wishes about elective home education, as that is not a service provided by the local authority.

Disputes between parents

10.3 In some cases two parents (usually divorced or separated, but both having parental responsibility) may disagree as to whether home education is desirable, or at least is being provided properly. In such cases the parent who has custody, whether or not awarded by a court, is normally in effective control of the education provided and whether the child attends school. If the local authority believes that the education being provided is not suitable it should take action in relation to that parent but keep the other parent informed of what is happening.

10.4 Occasionally in such cases, the parent who does not agree with the provision of home education may succeed in getting a child's name entered onto the register of a school. If the child then does not attend that school, both parents may be committing an offence. This situation can arise because the law of education generally assumes that parents will agree on the education of their child. Clearly however it is desirable for matters to be resolved without recourse to the courts and local authorities should attempt to help parents reach a common view on what is in their child's best interests.

Pressure exerted by schools on parents

10.5 Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.

10.6 The practice of 'off-rolling' pupils through pressure on parents to withdraw them for home education is thought to be a significant contributor to the increase in numbers of home educated children, particularly those aged 14-16, although information on the practice is difficult to obtain. In many cases it is likely that the parent will be unable to provide proper home education, even if willing to attempt this. Local authorities should seek to reach agreements through schools forums which discourage pressure on parents to educate children at home.

Flexi-schooling

10.7 Although most children educated at home have all the provision made at home, or alternatively partly at home and partly in other ways such as attendance at privately-run part-time tuition settings, it is not essential that this be so. Some children who are educated at home most of the time are also registered at school and attend school for part of the week – perhaps one day a week. The purpose of this is usually to ensure the provision in specific subjects is satisfactory, although it can also help in other ways such as socialisation.

10.8 Schools are not obliged to accept such arrangements if requested by parents. If they do, then time spent by children being educated at home should be authorised as absence in the usual way and marked in attendance registers accordingly. It is not appropriate to mark this time as 'approved off-site activity' as the school has no supervisory role in the child's education at such times and also no responsibility for the welfare of the child while he or she is at home. Some schools have expressed concern that such absence may have a detrimental effect for the purpose of Ofsted inspection, but this is not the case; schools with significant flexi-schooling numbers have had good outcomes from Ofsted inspections. Schools which have flexi-schooled pupils should be ready to discuss with Ofsted inspectors the arrangements they have in place to deal with the requirements caused by such pupils.

10.9 Another form of flexi-schooling available to home educated children aged 14-16 is part-time attendance at further education colleges or other post 16 institutions. Again, this is normally to help with specific subjects and/or socialisation. Colleges may claim funding from the Education and Skills Funding Agency for such provision.

Unregistered settings

10.10 Local authorities may encounter children who are said to be educated at home but in practice spend large amounts of time at various types of unregistered settings. These are distinct from the part-time settings mentioned previously which are genuinely supplementary to home education; the unregistered settings normally provide most if not all the education received by the child. Such settings fall into two main groups:

a. unregistered independent schools. These settings often serve specific communities, whose members may not always understand the legal obligations of parents to ensure a full time suitable education for their children. The settings are operating illegally, and the department works with Ofsted and local authorities to have them shut down whenever they are found and where necessary or appropriate, to bring prosecutions. If investigations into home education of children suggest the existence of an unregistered independent school, the department would be grateful to receive relevant information. It is not illegal for parents to send their children to such settings. At the level of the individual child however, the local authority must consider whether the education received by the child taken as a whole, at the setting and at home, is suitable, and take action as required;

b. yeshivas, which provide religious education to males in certain Jewish communities, some of them still of compulsory school age. These are not regulated, although the department has recently announced its intention to require that all settings providing a full-time education to children of compulsory school age must register, and that would encompass these settings. The boys aged 13-16 attending yeshivas are normally said to be educated at home for secular subjects. When a local authority is considering whether home education provided is suitable, it should take into consideration the education provided both at home and at the yeshiva, and also the hours attended at the yeshiva.

10.11 Home educated children sometimes attend settings which operate part-time with a specific purpose. An example of these would be madrassahs, which teach children about the Koran; but this category would also encompass sports clubs and dance/drama schools. Parents may say that such attendance constitutes part of the child's overall home education package; and in assessing whether education is suitable and full-time, local authorities should be prepared to take account of such attendance - although if the attendance is for only a short period each week and is of a specialised nature, it may be marginal to the conclusion as to whether the child's education meets the s.7 requirement.

Safeguarding – use of tutors by parents providing home education

10.12 Parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. As in all situations where parents themselves employ tutors, the suitability of those tutors in terms of access to children is for the parents to ascertain. Parents will therefore wish to satisfy themselves by taking up appropriate references and ensuring that the tutor has a reasonably recent DBS disclosure certificate, and local authorities should encourage them to do this. A small number of local authorities choose to assist home-educating parents in this task by undertaking Disclosure and Barring Service (DBS) checks free of charge on independent home tutors and the DfE endorses this helpful practice.

10.13 Tutors employed by a local authority, a school, or an agency may also undertake work for home-educating parents, in which case DBS checks ought to have been made already and parents should confirm whether this is so with the body supplying the tutor.

Acknowledging diversity

10.14 Parents' education provision will reflect a diversity of approaches and interests. Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child. One approach is not necessarily any more efficient or effective than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, local authorities should not specify a curriculum or approach which parents must follow.

10.15 Children learn in different ways and at different times and speeds. It should be appreciated that parents and their children may require a period of adjustment before finding their preferred mode of learning and that families may change their approach over time. Parents are not required to have any qualifications or training to provide their children with a suitable education. It should be noted that parents from all educational, social, religious and ethnic backgrounds successfully educate children outside the school setting and these factors should not in themselves raise a concern about the suitability of the education being provided.

10.16 In discharging their responsibilities in relation to home education, local authorities should bear in mind that they are subject to the Public Sector Equality Duty contained in s.149 of the Equality Act 2010, and should ensure that their policy and practice in relation to home education is consistent with that duty.

Support for home educators

10.17 When parents choose to home educate their children they assume financial responsibility for their children's education.

10.18 Local authorities do not receive funding to support home-educating families (except in relation to high needs SEN as described above), and the level and type of support will therefore vary between one local authority and another. However, DfE recommends that all local authorities should adopt a consistent, reasonable and flexible approach in this respect, particularly where there are minimal resource implications. As a minimum, local authorities should provide written information (which is also available through the internet) on elective home education that is clear and accurate and which sets out the legal position. Some local authorities may be able to offer additional support to home-educating parents, but this will vary depending on their resources. Examples of additional support include:

- provision of a reading or lending library with resources for use with home educated children
- free, or discounted, admission into community programmes (including local authority owned community and sports facilities)
- access to resource centres (including local school resources where feasible)
- National Curriculum materials and curricula offered by other educational institutions
- information about educational visits and work experience
- providing assistance with identifying exam centres willing to accept external candidates

National Careers Service

10.19 The [National Careers Service](#) is a free careers service for adults and young people aged 13 and over in England. Advice and guidance can be accessed via the telephone and online. The National Careers Service provides confidential advice and guidance to help children make decisions on learning, training and work opportunities.

Work experience

10.20 Work experience is not a statutory requirement for children. If a work experience placement is secured for a home educated child, the employer should contact the local authority's education department or education welfare service to find out if a child permit is required.

16 to 19 bursary fund

10.21 The [16 to 19 bursary fund](#) is not payable to young people whose parents elect to home educate them after the age of 16.

Gypsy, Roma and Traveller Children

10.22 Local authorities should have an understanding of and be sensitive to the distinct ethos and needs of Gypsy, Roma and Traveller communities. It is important that these families who are educating their children at home are treated in the same way as any other families in that position. Home education should not necessarily be regarded as less appropriate than in other communities. When a Gypsy, Roma and Traveller family with children of school age move into an area, they should be strongly encouraged to contact the local Traveller Education Support Service for advice and help to access local educational settings. Further guidance can be obtained from the DfE's report: [Improving the outcomes for Gypsy, Roma and Traveller's pupils](#). The [Advisory Council for the Education of Romany and other Travellers](#) is another source of information.

Looked-after children

10.23 Local authorities acting as corporate parents of looked-after children should bear in mind that they assume the duties of parents under s.7 of the 1996 Education Act to ensure that the child receives a suitable full-time education; and local authorities in whose areas such children are placed by other authorities should take the same steps to ensure that the child is not missing education as they would for any other child resident in their area.

Other matters

Other relevant departmental advice and statutory guidance

[to be completed in finalised version]



Department
for Education

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Wiltshire Council	
Families & Children Services (FCS)	
Policy in respect of Children Missing Out on Education (CMOE) and Children Missing Education (CME)	
Document Author & Role	Responsible Person & Role
Mal Munday Head of Service, Support & Safeguarding (Strategic)	Jen Salter Head of Service, Support & Safeguarding (Operations)
<u>Approval</u> Associate Director, Families & Children's Services	<u>Date of Approval</u> 9 th July 2018
<u>Distribution:</u> FCS SMT Children's Select Committee	9 th July 2018
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The latest version of this document can be found on tri-ex	

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Foreword

All children, regardless of their circumstances are entitled to a full-time education, suitable to their age, ability, aptitude and any special educational needs they may have. Children and young people who are not being educated quickly become at risk of failing academically and socially. If their whereabouts are unknown, they may be particularly at risk of physical, emotional and psychological harm.

Section 436A of the Education Act 1996 requires the Local Authority to establish the identities of children within the area who are not registered at a school and are not receiving suitable education otherwise than at a school. Children of compulsory school age within this category are regarded as Children Missing Education (CME) and should be returned to full time education.

Wiltshire Council is committed to ensuring that children and young people are in receipt of a suitable form of education and facilitated back into education where this is not evident.

The Department for Education (DfE) issued updated statutory guidance relating to Children missing from Education in September 2016¹ and Local Authorities must have procedures in place to comply with the Statutory Guidance.

Definitions

Children Missing out on Education (CMOE) refers to any child of compulsory school age who is NOT registered at any approved education activity, alternative provision² or elective home education AND has been out of educational provision for *at least 4 weeks. This also includes where a child is not attending school despite having a school place, or being enrolled in some form of approved education activity or alternative provision.*

Children Missing Education (CME) refers to those children and young people who are missing i.e. their family or their individual whereabouts are unknown.

¹ <https://www.gov.uk/government/publications/children.missing.education>

² This includes children placed on “alternative timetables” by schools (either part time or full time where those children are not attending)

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1. Purpose/Duty of the Local Authority

- 1.1 Under the Education and Inspections Act 2006, Part 1, Section 4, Wiltshire Council has a statutory duty to identify children who are not receiving education. Under the School Standards and Framework Act 1998, as amended by the Education Act 2002, Wiltshire Council also has a statutory duty to provide promptly a school place for every child requiring one. As part of this duty it is necessary to ensure that any child or young person of statutory school age is allocated a school place as soon as possible, and in any event, the local authority (LA) will process in- year transfer forms within 10 school days if all relevant information has been provided.
- 1.2 Wiltshire Council has a duty under Section 436A of the Education Act 1996 to establish (so far as it is possible to do so) the identities of children in our area who are of compulsory school age but who are not registered pupils at a school or in receipt of some other form of suitable education. We must therefore identify all children within our area and ensure that they are either registered pupils at a maintained, non – maintained or independent school, academy or receiving education other than at school.
- 1.3 The obligation under Section 436A of the Education Act 1996 to make arrangements to identify children and young people who are not receiving a suitable education includes a duty to intervene. Local Authorities also have a duty to safeguard and promote the welfare of children and young people through their educational obligations (Working Together 2015/Keeping Children Safe in Education 2015).
- 1.4 This policy informs Local Authority Officers, schools and other agencies about the procedures to be followed in order to prevent children missing out of education and also identify children who are/or might be missing from education (whereabouts unknown). It should be read in conjunction with DFE statutory guidance; Families & Children’s Service’s safeguarding policies, Wiltshire Safeguarding Children’s Board (WSCB) Safeguarding Policies, and the WSCB Multi-Agency Thresholds Document, ‘Children Missing from Home and Care Protocol’.
- 1.5 This policy outlines the procedures necessary to establish, wherever possible, the identities of children in Wiltshire that are not receiving a suitable education, and/or are identified as missing.

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1.6 Current evidence suggests that consistent and regular attendance in education is a protective factor for all children and young people and that it is a key responsibility of the Local Authority and its school. One way for the Local Authority and its schools to safeguard the welfare of children is to ensure that they are all on a school roll or registered as Electively Home Educated; and that children are not removed from roll inappropriately and become 'missing'.

1.7 Note should also be taken of the following:

[The Education \(Pupil Registration\) \(England\) Regulations 2006](#)

[The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2013](#)

[Children Missing Education: Statutory Guidance for Local Authorities 2016](#)

<http://www.wiltshire.gov.uk/schools-iin-year-fair-access-protocol-primary-schools.pdf>

<http://www.wiltshire.gov.uk/schools--in-year-fair-access-protocol-secondary-schools.pdf>

Statutory Guidance for Local Authorities in England to Identify Children not receiving a suitable Education 2009 (Revised April 2013).

2. **Scope**

2.1 This policy details good practice and procedures for everyone in Wiltshire Children's and Young Peoples Workforce, regardless of their discipline or agency. Key partner agencies include Community Health, Schools, Police, Child and Adolescent Mental Health, Voluntary and Community Organisations.

3. **Context**

3.1 'Missing' children are amongst the most vulnerable in the country. Children either fail to start in appropriate provision or simply become lost from school rolls or fail to re-register at a new school when they move area. It is vital that practitioners in all services work together to identify and re-engage these children back into appropriate education provision as quickly as possible.

3.2 Children who remain disengaged from education are potentially exposed to higher degrees of risk, which could include engagement in anti-social or criminal behaviour, social disengagement, sexually risky behaviour, substance misuse (including alcohol), sexual and/or criminal exploitation.

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- a. This policy and procedures should ensure that the Local Authority;
 1. Meets statutory duties relating to the provision of education and safeguarding the welfare of children missing in education.
 2. Ensures robust multi-agency systems are in place in Wiltshire to identify and track children missing from education or at risk of being so.
 3. Ensures that monitoring and reporting of systems are in place in order to identify a lead agency and a key worker for all children missing from education.

3.4 Children drop out of the education system and are at risk of 'going missing' because they;

- *fail to start appropriate provision and so never enter the system (e.g. pre-school to reception/Year 1 or new to area and no application is made to school (CMOE).*
- *cease to attend (including alternative provision) (CMOE).*
- *are excluded (CMOE).*
- *may be subject to illegal and unofficial exclusion or withdrawal (CMOE)..*
- *may be removed from rolls with no named destinations (where a Head teacher* persuades a parent to remove their child from the school roll)* This includes 'off-rolling' pupils from school registers. (CMOE).*
- *are not receiving suitable Elective Home Education (CMOE).*
- *fail to complete transition between providers or unable to find a suitable school place after moving into the Local Authority (CMOE).*
- *go missing (individually or with their family); or disappear from the area of Wiltshire and cannot be traced (CME).*

3.5 Some children who experience certain life events are more at risk of going missing from education. This is not an exhaustive list but may include:

- 1 Young people who have committed offences
- 2 Children living in a woman's refuge
- 3 *Missing children*
- 4 Children of homeless families, perhaps living in temporary accommodation, house of multiple occupancy or bed and breakfast
- 5 Children with long term medical and emotional problems
- 6 Unaccompanied asylum seekers
- 7 Children of refugees and asylum seeking families
- 8 Children in new immigrant families, who are not yet established in the UK and may not have a fixed abode
- 9 Looked After Children

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- 10 Children from Roma or travelling backgrounds
- 11 Young Carers
- 12 Children living in households where there is significant deprivation and social problems
- 13 Children from transient families (family who move often from one geographical area to another)
- 14 Parents/guardians with mental health issues
- 15 Teenage parents
- 16 Children who are permanently excluded from school (especially those excluded illegally) www.dfe.gov.uk/guidance/exclusions
- 17 Children who engage in substance misuse including alcohol
- 18 Young people in forced marriage or under threat of forced marriage
- 19 Those at risk or suffering from Child Sexual / Criminal Exploitation
- 20 Children with complex Special Education Needs and Disabilities.

Note: This policy does not replace the South West Child Protection Procedures and Working Together 2015. Existing safeguarding procedures and mechanisms for reporting and recording child protection concerns must be observed at all times.

4. Roles and Responsibilities

- **Education Welfare Officers (EWOs)** primarily and all Children's Services' staff (generally) have the responsibility on behalf of Wiltshire Council to ensure that they:
 - a Follow up of all referrals of children and young people reported as or detected as missing from education (**CMOE**)
 - b Liaise with all partner agencies to track children and young people who may be missing education (**CMOE**)
 - c Collate information on all reported cases of CME in Wiltshire maintained schools, academies and alternative provision providers (**CME**)
- Upon receipt of notification the EWO will attempt contact with the family by undertaking a visit to the home, continuing telephone calls and writing to the parent/carer. This will be in conjunction with carrying out checks with other agencies such as Social Care, Police, Housing and other partner agencies. Where a child is not located an entry will be made on the database. Safeguarding processes will be followed at this stage if there is any evidence that the child is at risk.

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- Families & Children's Services' staff retain an overview of 'Education Other Than at School' (EOTAS) provision and its staff attend Fair Access Panels in Wiltshire. EWOs and council services (e.g. SEND/Support and Safeguarding/Virtual School staff); offering child centred support to young people identified by schools as being at risk of permanent exclusion; and may be involved in allocating a range of alternative educational provisions within the county through established referral routes, panel arrangements and agreed protocols. There are strong links with colleagues supporting pupils from identified vulnerable groups e.g. Special Educational Needs, Looked After Children (including the Virtual School), Support and Safeguarding Teams.

Admissions Team

The Admissions Team have overall responsibility and accountability for ensuring all children and young people in Wiltshire receive an appropriate offer of placement.

- 4.5 *The Admissions Team are the first point of contact for any application. However Voluntary Aided and Academy Schools are responsible for considering their own applications and forwarding the outcome to the Admissions Team. Named admissions officers will be the lead officer for children not on a school roll and waiting for a school place. The Admissions Team has a lead officer responsible for contacting the EWO staff and the lead EWO Manager when a child known to them has been out of school for 20 days or more.*
- 4.6 Children missing education (CME) procedures should be followed where a child or young person has not taken up an allocated school place as expected and/or has 10 days or more continuous absence from school without an explanation and/or has left school suddenly and the destination is unknown.
- 4.7 Schools should start to complete the Children Missing Education Checklist if a pupil has had a maximum of 5 days of school non-attendance and where the school has been unable to contact the parent/carers. The **CME checklist** in **Annex 1** should be followed. The form (**Annex 1A**) notifying the Council officially that a child is missing from education **should be sent into the Council once 10 days of continuous absence have been reached** although if schools have any concerns before this point; they should initiate their own safeguarding process and do necessary follow up checks. *This can be supported by proactive 'Register checks' by EWOs to ensure that Headteachers are appropriately coding pupil's absence.*

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Any concern of a Child Missing Education should be reported to the Local Authority to the relevant Education Welfare Officer. All schools have an allocated link Education Welfare Officer to whom reports should be made.

Informing the Local Authority of Deletions from the School Register.

4.8 The Regulations require schools to notify the Local Authority in the following circumstances as soon as the grounds for deletion are met:

- The pupil is moving away from the area and is known to have registered at another school
- The school medical officer has certified that the pupil has a medical condition and is unlikely to return before ceasing to be of compulsory school age
- The pupil is leaving a non-maintained school and is not known to have registered at another school
- The school has received written notification from the parent that the pupil is receiving education otherwise than at school
- the pupil has been permanently excluded

Schools should inform the relevant Education Welfare Officer in the case of pupils who have an EHCP (Education Health Care Plan/'SEN Statement') immediately where;

- i They become aware that a school roll deletion may be made
- ii A pupil is withdrawn by the parent/carer from the school without warning
- iii They receive a verbal notification of a parents' intent to home educate.

5. CMOE/CME Monitoring Group

5.1 A monitoring group *led by a manager* in the Support and Safeguarding Service has set up an internal multi-disciplinary (Virtual School, SEND, Support & Safeguarding etc.) group which keeps a list of all children & young people who are either CME or CMOE (see Foreword for definitions). The group will track or monitor all such young people; taking the necessary action to intervene or direct intervention to ensure the presenting issues are addressed.

5.2 The above is supported by lists, which are kept by EWOs for all children who are registered as Elective Home Educated and those who are formally classed as 'Children Missing Education' (absent 10 days or more / whereabouts

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unknown).

- 5.3 All lists are checked with Support & Safeguarding Service, Children’s Social Care data bases (including the list of young people at risk of Child Sexual Exploitation); and action is directed where there are key concerns and interventions are required.

Note: We only know about who we know about; who we have been informed about or the situations we have detected. It is an expectation that all schools advise the local authority formally of any child whose parents/carers are electing to Home Education, or are where schools have moved children and young people onto alternative timetables and provision- whether part time or full time.

6 Taking Responsibility – it’s everyone’s responsibility

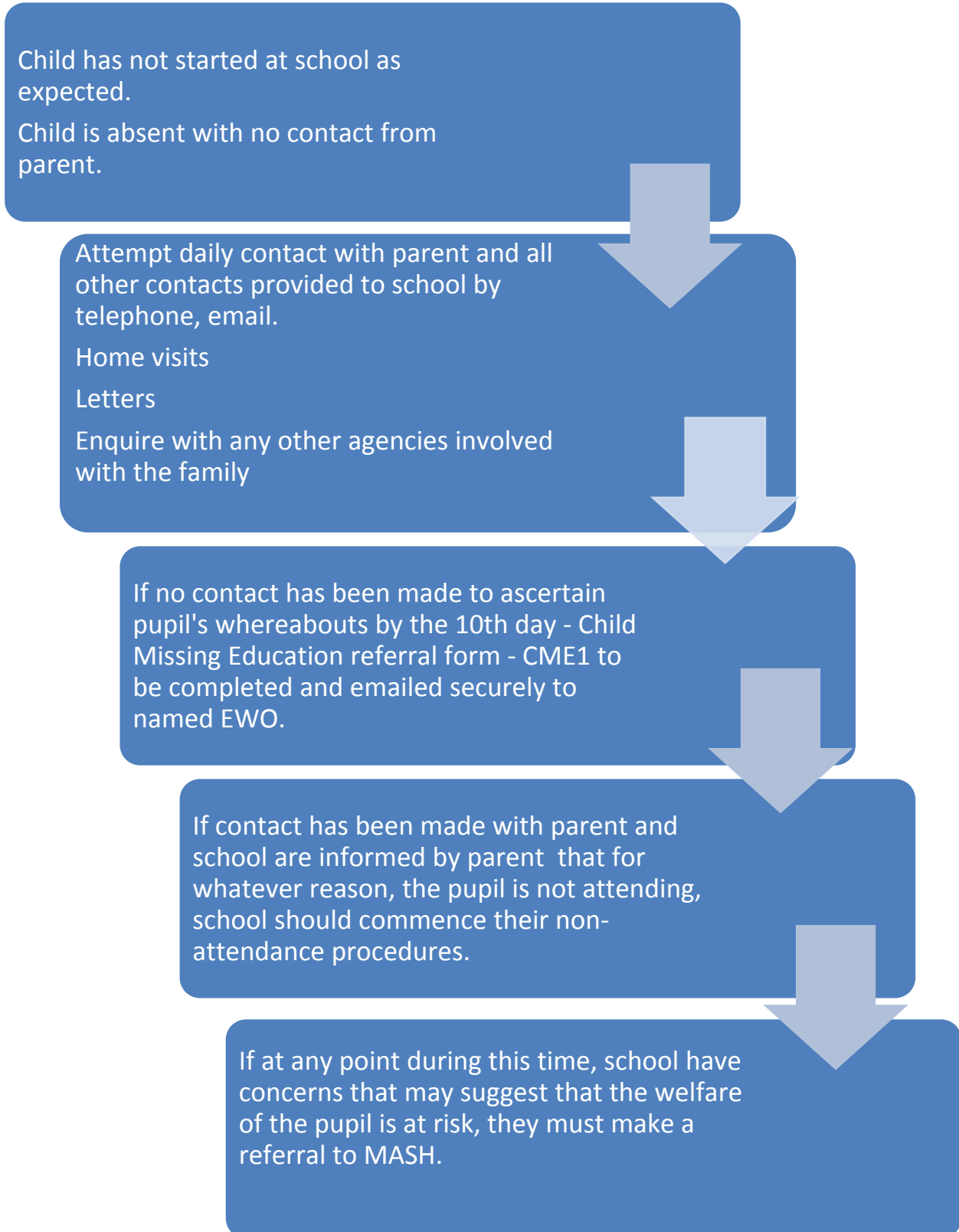
Ensuring that children remain in education is everybody’s responsibility regardless of their role. It is not just the job of Admissions Officers, schools, and Education Welfare Officers. Every professional working with children and young people must remain vigilant and act accordingly. This includes working with schools to improve the quality of school provision, school manager’s leadership standards (School Effectiveness Team), and the quality of Alternative Provision (Children’s Services Commissioning Team).

7. Virtual School Processes and Children Missing (Out on) Education

CMOE/school CME are linked closely to the work of the VSOs. They hold a caseload of Looked After Children and are in close contact with schools; social workers and carers, they will be respond directly to issues around provision, part-time timetables etc. VSOs will track cases ensuring timely action in identified cases making use of expenditure from Pupil Premium as required.

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Child Missing Education Checklist



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CHILDREN MISSING FROM EDUCATION

NOTIFICATION TO EDUCATION WELFARE FOR INTERVENTION (CME1)

Referrals should be made no more than 10 days after the last attendance as soon as a school has completed their investigations. If there are concerns regarding the child's vulnerability, then a referral can be made earlier via discussion with the school's Link EWO.

Please note: If the pupil is known to Social Care at CiN or CP, the linked Social Worker should be informed immediately.

Name of child		Gender	
Date of birth		Yr Grp	
Name of school			
Date last attended			
What has school done to date?			
Have emergency contacts been contacted?			
What was the outcome of this contact?			
Is the pupil on the SEN register?			
Has school completed/registered a CAF?			

If yes. What was the date of the last Team Around the Child meeting (TAC)?			
Names of parent/s			
Who has PR?			
Address held on school file			
All phone numbers and email addresses			
Form completed by		Position in school	

Send completed form and pupil registration certificate to school's named link EWO as a password protected document.

Annex 2 – CMOE Policy 090718

WILTSHIRE CHILDREN MISSING OUT ON EDUCATION (CMOE) REDUCING VULNERABILITY AND HARM TO & FROM YOUNG PEOPLE

TERMS OF REFERENCE (TOR)

<u>1</u>	<u>Governance</u>	<u>2</u>
<u>2</u>	<u>Group Members</u>	<u>2</u>
<u>3</u>	<u>Definition of CMOE</u>	<u>2</u>
<u>4</u>	<u>Purpose of CMOE</u>	<u>2</u>
<u>5</u>	<u>Tracking</u>	<u>4</u>
<u>6</u>	<u>Confidentiality</u>	<u>4</u>

1 Governance

- (CMOE) Children Missing Out On Education group terms of reference and membership will be reviewed annually to ensure that the group consists of professionals who will assist the Local Authority to discharge statutory duties in relation to the provision of education for children in year groups R to 11.
- CMOE minutes will be available for scrutiny by senior managers.

2 Group Members

- The Group consists of officers from Wiltshire Council Families and Children's Services, Education, SEND, Support and Safeguarding, Commissioning and Performance and Information.

3 Definition of CMOE

Children Missing out of Education (CMOE) refers to:

- any child of compulsory school age who is NOT registered at any approved education activity, alternative provision or elective home education AND has been out of educational provision for at least 4 weeks.
- Children on EHE, alternative or part time arrangements which are not stable or of concern

Children Missing Education (CME) refers to those children and young people who are missing i.e. their family or their individual whereabouts are unknown.

4 Purpose of CMOE

- The purpose of CMOE is to ensure that a coordinated and joined up approach is taken in corporate oversight of identified children. This approach is targeted at those children who are identified as not being in statutory education or where education provision is unsuitable or not meeting the needs of the child. This will include children whose parents/carers are not discharging their parental responsibility to ensure their child receives education.

Children of interest will be those who:

- Are permanently excluded from school;
- Have a high rate of fixed term exclusion which may result in permanent exclusion;
- Have no school place or are waiting for a school place to be identified;

- Are identified and reported by schools as Children Missing Education (CME);
- Are deemed as medically unfit for school;
- Are on adapted timetables or in alternative educational provision;
- Are being Electively Home Educated (EHE) and provision is deemed unsatisfactory;

Where 'off-rolling' is a concern;

- The group oversight is not intended to replace individual agency procedures nor replace other actions that workers may take to ensure children are in receipt of appropriate education and are safeguarded. The work of the Group is primarily about corporate oversight and leadership to focus on identified stuck cases, find solutions and ensuring a cohesive joined up approach is undertaken by all of the services involved in each individual case, with senior management oversight.
- Robust challenge may be made to workers, agencies and professionals where it is clear that there has been no progress in resolving a case. Cases may be escalated where there are concerns that a resolution cannot be reached.
- CMOE will be made aware of individual cases by professionals including Support and Safeguarding staff; Education Welfare Officers; SEND lead workers; CME officer. The date of the referral to CMOE group shall be the date of the next meeting of the group
- Information held by CMOE, currently in spreadsheet format, will be held in a central location and will be accessible to attendees of the CMOE group. Attendees will access the information and update it when there is new information in regard to a case. All lists are checked with Support & Safeguarding Service, Children's Social Care data bases (including the list of young people at risk of Child Sexual Exploitation); and action is directed where there are key concerns and interventions are required
- The CMOE group works within Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children' (2015); the Education Act 1996; Special Educational Needs and Disability Code of Practice 0-25 years (2014)
- The CMOE group works to Wiltshire Council policy and procedures in relation to Children Missing Education. Appendix I

5 Tracking

- Minutes of meeting are kept which clearly show the children of highest concern and the steps being taken to resolve their position including SMART actions. Stuck cases are escalated to ...

6 Confidentiality

- It is noted that data protection considerations will be over-ridden where there is a significant child protection issue and children are deemed to be at risk of significant harm.
- All information about young people discussed at CMOE is personal and sensitive and therefore subject to data protection measures.

Annex 3 – CMOE Policy 090718

Education Welfare Practice Standards

Non School Attendance

If issues of non school attendance arise, we'd expect the school to contact their EWO for a consultation. After 10 session of unauthorised absence in a 6 month period, a DART is completed by the school and allocated to the linked EWO. The EWO should contact the school within 72 hours to agree the plan of intervention/action. The EWO should make contact with the parent/carer within 72 hours of the referral. A meeting should take place within 10 working days of the referral with the school and parents.

The meeting is chaired by the EWO and should be attended by school staff, parent/carer, child as appropriate and any other professionals involved. A Standard Police Caution is given by the EWO at the outset of all meetings (unless there is an exception applied based on EWO judgement). There is a proforma template for the meeting complete by the EWO. This should be completed and circulated within 10 working days of the meeting date. The timescale for the next meeting date will be dependent on the plan agreed and actions to be taken. A meeting should take place no more than 6 weeks later. It is expected that the group of professionals work together in order to understand the reason for non attendance and support improvements. This should be treated as a team around the child meeting and discussion about whether the completion of a CAF is necessary.

The EWO may decide that a penalty notice or court prosecution is appropriate, following attempts to work collaboratively to improve have been undertaken. If non attendance is 75% upwards a penalty notice is likely to be deemed appropriate. In this instance, the EWO will issue a warning letter for improvement to be made within the period defined. Non payment of fines will result in progression to court. The EWO prepares the files for court and produces a witness statement. Court documentation should be completed within 20 working days of the decision being made.

Children Missing Education (CME):

A CME notification is received from the school. This is allocated to an EWO who should undertake a home visit within 3 working days. The EWO should make all attempts possible to locate the child.

These cases are overseen by the Children Missing out of Education Group which meets monthly in order to agree what action should be taken for those children who remain missing.

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Wiltshire Council

Children's Select Committee

04 September 2018

Families and Children's Transformation (FACT) programme update

Purpose of Report

1. To provide an update to the Children's Select Committee on progress of the Families and Children's Transformation (FACT) programme.

"All Wiltshire Families Thrive"



Background

2. The report submitted to the Committee on 17th April 2018 outlined the rebranding of the Children's Service Integration Project into the Families and Children's Transformation (FACT) programme and set out the activity that would be progressed through projects within the programme.
3. This report will provide an update on the programme to progress service developments across the partnership that will support the programme which is driven by five key principles:

- **Help when you need it**

We will intervene earlier; providing support early to prevent families' difficulties escalating and in doing so improve outcomes and reduce demand for higher tier services

- **We are Better Together**

We will simplify and integrate processes and improve multi-agency integrated working and collaboration and in doing so reduce spend by eradicating duplication.

- **More time to be with Families**

We will maximise the time our staff can spend with families and in doing so improve the child's experience of support.

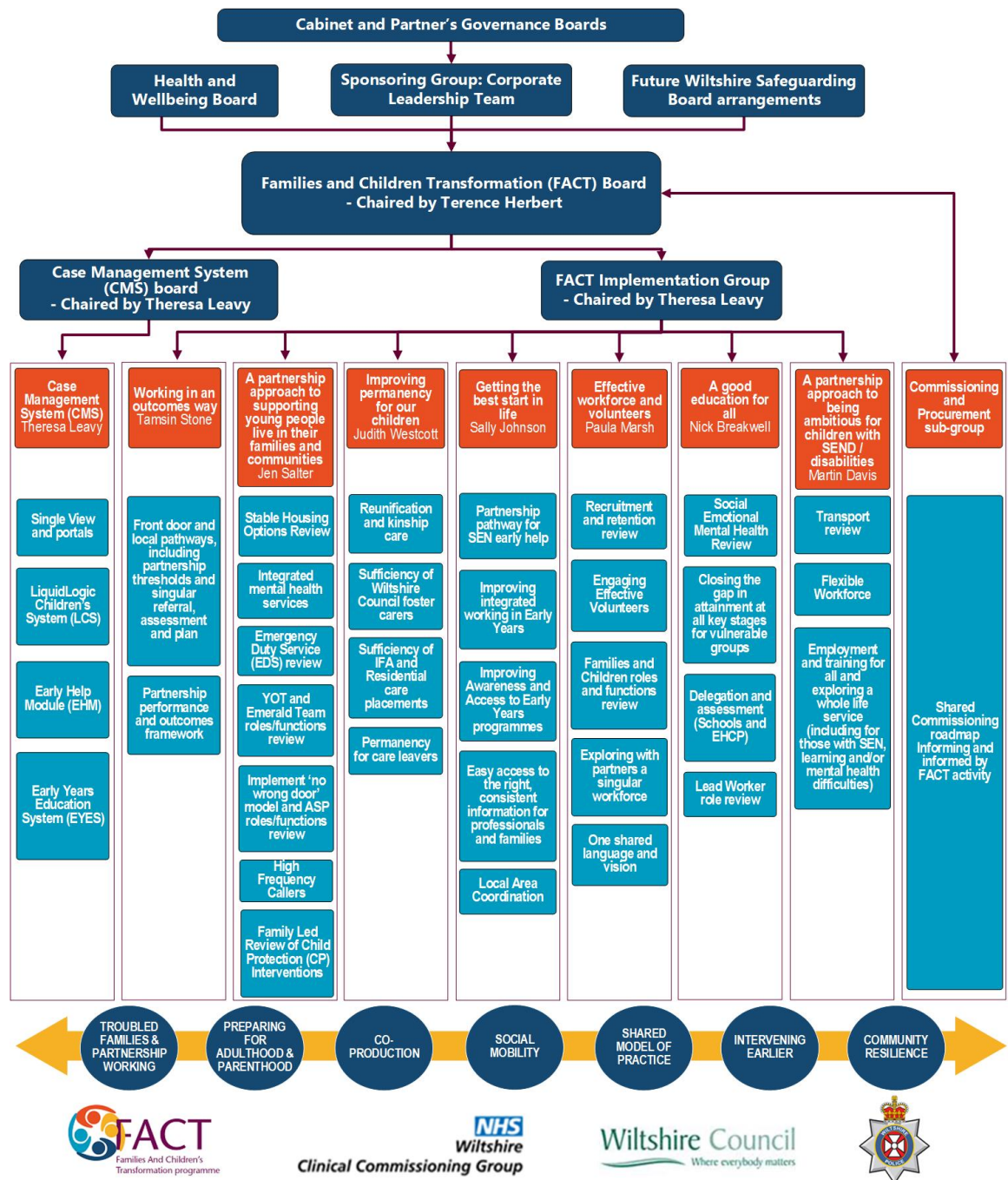
- **Investing in our Staff**

We will ensure we are an effective confident workforce with an effective practice framework.

- **Resilient communities with Equity of Opportunity**

We want to ensure all our children and young people reach their full potential by having high aspirations for, and creating opportunities with, those who are disadvantaged through poverty or vulnerability. We want to support families in overcoming difficulties and being able to care for their children and each other.

4. The FACT programme is overseen by a multi-agency Board (comprised of key partner agencies) which, in turn, reports to the Health & Wellbeing Board. Programme Sponsor is Terence Herbert, Corporate Director, Wiltshire Council. Programme Lead is Theresa Leavy with support from the core FACT Team (comprised of business secondments and the council's Programme Office and Systems Thinking teams).
5. The FACT programme is comprised of eight workstreams covering all aspects of a child and families need for help and support:
 - Case Management Systems development (IT-enabled integrated working)
 - Working in an outcomes-based way
 - A partnership approach to supporting young people to live in their families and communities
 - Improving permanency for our children
 - Getting the best start in life
 - Building an effective workforce and volunteer base
 - A good education for all
 - A partnership approach to being ambitious for children with Special Educational Needs and Disabilities
6. Learning from other change management programmes, the importance of employee engagement and co-production is not under-estimated. All workstreams are led by senior management who oversee a variety of projects within their workstreams. Projects are led by staff and partners with colleagues across our joint workforce having involvement in the FACT programme.
7. A visual of the workstreams (in red) and their associated projects (in light blue) is shown below:



Main Considerations for the Council

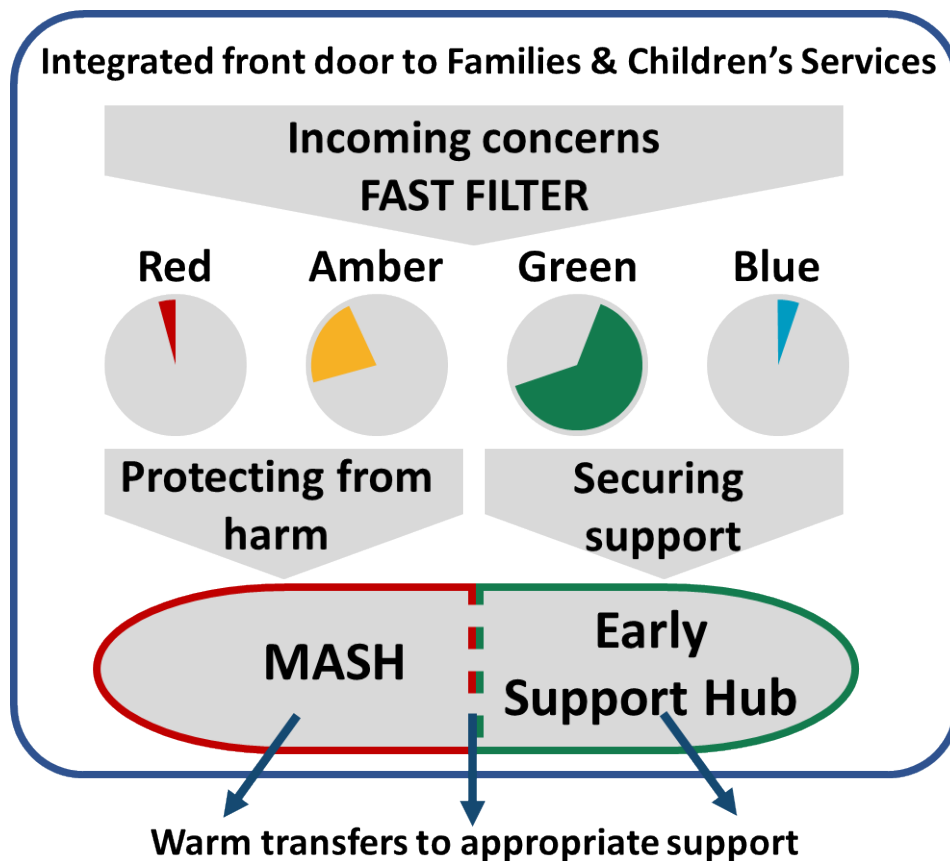
8. Council Business Plan

Families and Children’s Transformation (FACT) programme supports the Council’s business plan by working to:

- Create stronger communities
- Protect the vulnerable
- Deliver innovation

9. The **CMS (Case Management System)** brings together multiple IT systems across early years, education, early help, SEND and safeguarding into one system, so all information on our families, children and young people is shared in one place.
10. The new case management system will enable users to input, read and retrieve information relevant to the child and family they are working with, allowing an improvement in our partnership working through the faster exchange of information. It will also provide a holistic view of the child and their family to help with good decision making, enabling practitioners to see the impact of any service provision to children and families. Furthermore, the new system will streamline IT and admin based activities, releasing staff time to spend with children and families and enabling integrated working across agency partnerships.
11. Following the fifth data migration exercise (out of six) in July, an extensive programme of testing has started. This will involve up to twelve staff from across Children's Services being co-located, and the Adult Care team have created space in their seating area so they can work together during this period. The new system is being rolled out from November of this year with partner agencies commencing access to the system in January 2019.
12. The activity in the **Working in an Outcomes Way** workstream has led to the development of a partnership performance and outcomes framework - a shared framework across the FACT partnership which allows us to see whether we are truly making a difference to the children and families we work with.
13. On 31st July 2018, the FACT Programme Board signed off proposals for the creation of the Early Support Hub and an implementation plan is currently being developed.
14. The Early Support Hub will support cases that do not meet the current thresholds for MASH intervention. 75% of Contacts to our front door do not require allocation to social care but require professional advice, consultation and careful brokering of appropriate early support.
15. We know that when we invest time and expertise to advise and support professionals effectively, we see less demand back into our front door as there is a higher likelihood that the child and family's needs will be appropriately met (as evidenced by CIN Step Down to Early Help audits and analysis of MASH Consultation outcomes).
16. Impact will be measured once the service is in place and conversations are underway to ensure that the model fits seamlessly into the access points of other partners and will result in services being represented in the MASH that currently aren't e.g. children's centres. It is anticipated that impact will be measured through:
 - Conversion rates to referrals
 - Re-referral rates

- Analysis of CAF (Common Assessment Framework) activity



17. Bringing in the service offers rotation opportunities for staff across the triage, MASH and Early Support Hub functions – which opens up opportunities for learning, skill development and gaining expertise and supports cross pollination of good practice. Providing effective skill transfer and capacity building of the Information Officer role by partnering them with Social Workers (or through having easy access to social work expertise)
18. Ultimately this will generate greater windows of opportunity for intervening earlier through reciprocal referral pathways and warm call transfers and ensure appropriate follow up of support to ensure that it has had a positive impact on outcomes for families.
19. Advice and guidance within the Early Support Hub will be governed by the revised thresholds that are currently out for consultation with staff and partners (as agreed at the FACT Board on 31st July 2018). This guidance will meet the Wiltshire Safeguarding Children's Board statutory requirements and be owned by them but will also incorporate a partnership approach to how thresholds will be managed reflecting a common language.

20. It is anticipated that this will promote a conversational based approach to determining the services required and encourage a holistic review of the family situation to ensure that all contributing factors have been taken into account.
21. The **partnership approach to supporting young people to live in their families and communities** workstream is developing a number of projects to take a whole family approach, identifying causes of need and then using the support of relevant professionals and the voluntary sector to meet the needs of the family until stability is reached.
22. The High Frequency Callers project is taking a multi-agency, multi-disciplinary, strategic approach to identify and enable improved prevention and interventions with young people and families who interact most frequently with most of the agencies that make up the 'Wiltshire system'. The project group will collectively learn about the way these systems work with and for the people who most frequently contact us, resulting in a small scale, localised trial to test potential improvements to our multi-agency service delivery. The results of this trial will be reviewed for subsequent introduction into operational delivery.
23. The wraparound, multi-disciplinary approach also supports projects such as the "No Wrong Door" (proposal agreed at the FACT board on 29th March 2018) which is implementing a service delivery model to divert adolescents from being taken into care by providing a multi-agency approach to targeted support including the provision of residential care if required.
24. Research from other local authorities who have implemented a similar model (including North Yorkshire who have received an Outstanding rating from OFSTED) demonstrate a reduction in the number of young people being taken into care and associated improvements in their overall outcomes including education and employment options and general health and well-being.
25. Ensuring that the right staff with the right skills are in place to support the model is a crucial piece of work that is underway across the council, police and health. Multi-professional working simplifies relationships with young people and families who appreciate a single channel of communication, even if there is subsequently support from specialists. There is good evidence that youth work and health professional approaches were valued by young people and families and can complement social work practice and deliver positive outcomes.
26. Improving outcomes for this group will reduce costs to the Local Authority and to a range of agencies (National Health Service and the police, etc) by building resilient families and young people that are less likely to engage in risky behaviour.
27. Through the successful implementation of the No Wrong Door project it is anticipated that the impact of the new service will:

- Reduce adolescent entries into care
 - Reduce out of county placements
 - Reduce the use of 'unnecessary' residential placements
 - Improve placement and accommodation stability
 - Improve engagement and achievements in education, employment and training (EET)
 - Deliver good planning of transitions from care to independent living
 - Develop resilience, self-esteem and wellbeing
 - Improve access to support in a crisis for young people and carers
 - Create increasingly attractive and innovative job roles and fostering opportunities.
28. It is anticipated that the No Wrong Door service model will begin delivering services to young people and their families in the autumn
29. The **Improving Permanency** workstream is reviewing how to improve quality across our Children in Care services, ensuring that there is sufficient resource to deliver the council's longer-term fostering strategy, while maximising the value, impact and outcomes for those young people who are in an external care placement.
30. The reunification and kinship care project will look to deliver further improvements in how we are able to support families in crisis to remain involved in the care of their children where appropriate, therefore avoiding the need for children to move into a care placement. The project will also require a focus on ensuring stability for children and young people, developing early approaches that secure the best outcomes for children, and strengthening the transition process for young people into adulthood and independence.
31. The projects in this workstream will require significant benchmarking activity and research with other local authorities to investigate and identify key actions that need to be taken in order to meet project objectives. This scoping work is currently underway and will lead to a number of proposals. It is recognised that progressing the work is likely to require a minimum degree of invest to save to create the sort after transformational goals.
32. The **Getting the Best Start in Life** workstream brings together numerous colleagues from across the council and health landscape including Early Years and Maternity Services, to ensure that appropriate resources and services are in place to achieve the greatest impact on a child's future over the first 1001 days (conception to two) and then up to school age.
33. The integrated working in Early Years project is working closely with colleagues from various services including children's centres, to ensure that families experience coordinated and seamless support, with a smoother transition for children and families between services from conception to reception years.

34. This will be achieved by developing an integrated 0-2 years pathway, complete with an integrated assessment tool and multi-agency training. This includes reviewing job roles across Early Years services to eliminate duplication and look at how we maximise the use of resources that support families. A partnership conference is being held in November of this year to bring professionals together to take this work forward. The intended impact of this will ultimately lead to an increase in children reaching the end of their reception year with a good level of development (GLD).
35. The **Effective Workforce** workstream contains a variety of projects that are intended to develop a robust, appropriately trained, confident team across a number of organisations, who will work directly to support the best outcomes for families.
36. To this end, the one shared language and vision project has been established to bring a multi-agency, multi-disciplinary team of professionals together to explore the development of a shared, relationship-based approach to direct work with children and families across the partnership workforce. The project aims to provide families with seamless support from services and this means families feel all of the people supporting them are pulling in the same direction, using the same language consistently and not using jargon.
37. A multi-agency workshop was held on 26 July to plan this work, focusing on gaining an insight into the work and approaches of other agencies, preventing confusion and misunderstanding between agencies and families and exploring a common vision for working with families.
38. The impact of this project is a partnership workforce that shares a common language and approach, leading to improved outcomes for those families that we support.
39. A number of job role reviews will also be undertaken as part of this workstream, to ensure that duplication is eliminated by having a clear definition of roles and responsibilities for all staff, handoffs between staff within and between teams and between different agencies are reduced, and families are having their needs met by the most appropriate professionals that are supporting them.
40. The **Good Education for All** workstream is currently developing plans to ensure that all vulnerable children achieve their academic potential and has a particular focus on closing the gap for pupils from vulnerable groups. This will involve reviews of how to implement improved partnership working, resulting in a better understanding of how different agencies work together in a child-centred way.
41. Engagement sessions with schools and focus groups are being established during the Autumn term to help shape and develop the projects within this workstream, with a view to building a shared vision and approach for this workstream.

42. The **Partnership approach to being ambitious for children with SEND/disabilities** workstream is looking to support children and their families to maximise independence, have aspirations, achieve them and reduce future need for additional resources. Where a plan is required it is multi agency and supports all needs (education, health, care and adulthood) holistically.
43. To this end a project group has been established to investigate the potential of a whole life service, offering seamless support to citizens through all stages of childhood and then into adulthood, aiming to maximise their independence and achieving the best possible outcomes.
44. This work has required significant research and benchmarking activity from other local authorities, as well as gaining the views of hard-to-reach children, young people and families. Much of this feedback has now been received and discussions are underway to consider the best way to deliver a whole life service to children young people and adults.
45. Central to developing the programme is **co-production** to ensure that staff, partners, parents/carers and children and young people are embedded in developing services that meet needs and improve outcomes.
46. The programme is involved in engaging these groups in a number of ways that will help identify and prioritise work moving forward:
 - Countywide questionnaire running until 7th September to gain the views of children, young people and parents/carers
 - Promotion of the programme at local family events across the summer which have resulted in additional consultation and involvement opportunities
 - Engagement with partnership staff, young people and parents/carers to assist in the development of a Partnership Strategy replacing a number of key strategic activities and plans at an event at the end of September
 - Co-production strategy assessment will be completed by the partnership to provide a baseline for the perceptions of level of co-production achieved by individuals, teams and organisations
 - Discussions with partners to identify common issues across the partnership that will support the development of a Performance and Outcomes Framework
47. Further progress on the impact of the programme will be available in the next 6-12 months as the first projects reach and complete their delivery phase.

Safeguarding Considerations

48. The programme will improve joint working with partners and we hope to achieve integration in certain areas leading to improve practice and thus outcomes, protecting children from harm.
49. This includes working with adult services and housing differently, and commissioning services more effectively which would contribute positively in the safeguarding of vulnerable children and adults.
50. One of the principles of the programme is focussed on providing a more intensive response to families at an earlier point when needs arise in order to prevent them escalating into statutory services. This is reflected in a number of the projects within the programme where an earlier multi-agency response with a consistent lead professional and an improved system of information sharing will result in more stable, resilient families.
51. Throughout system change via the projects within the programme statutory responsibilities around safeguarding will be maintained.

Public Health Implications

52. The proposals require input from Public Health and will lead to improved health of the local child and adult population. The new service supports the holistic identification of a child and family's needs and an integrated approach to supporting them to achieve positive change – this leads to improved health and wellbeing

Environmental and Climate Change Considerations

53. Currently within the programme there is little anticipated impact on carbon emissions. This will need to be considered separately for each project during the scoping and planning phases.

Equalities Impact of the Proposal

54. Operational children's services works with our most vulnerable children and families, including those impacted by poverty and facing inequality. the programme supports and contributes to the Council's commitment to:
 - a) tackle inequalities and promote cohesive communities
 - b) not discriminate in the way we provides services to the public
 - c) not to discriminate in our employment related practices
 - d) promote equality and good relations between different groups.
55. An review of whether an equality impact assessment is required for the programme will be undertaken

Risk Assessment

56. **Risks that may arise if the proposed decision and related work is not taken**

1.	Inadequate change leads to significant service cut backs within the council adversely affecting the outcomes for children and families
2.	Insufficient resource available to prevent families' difficulties escalating and in doing so, improve their outcomes and reduce demand for higher tier services
3.	Failure to exploit internal and external opportunities to eradicate duplication, simplify and integrate processes and improve multi-agency integrated working and collaboration.

57. **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

	Risk	Action to mitigate the risk
1.	Lack of cultural change across the partnership inhibits success of any transformational projects.	To mitigate against this staff and partners will be fully engaged in the design and transition process.
2.	Insufficient internal and partner capacity to progress project work due to operational pressures.	Emphasise to partners the key areas for partner engagement so co-production is strongest in these areas. Give advanced warnings of meetings or deadlines for input.
3.	Lack of co-production with children, young people and families results in limited improvement of their outcomes	Targeted engagement work will be undertaken with partners to agree strategic opportunities to engage children and families in initial consultation work, including community engagement events, social media campaign, schools' engagement

Financial Implications

58. It is anticipated that the programme will ensure that Families and Children's Services can maximise impact within the existing budget position. This recognises that savings will need to be made year on year and the programme will support the delivery of those savings with a view

to ensuring that the council delivers services that will improve outcomes from children and families, thereby reduce ongoing demand within social care.

Legal Implications

59. Each project within the programme will assess the legal implications of its intended outcomes and ensure that appropriate legal advice has been sought prior to decisions on services being made.

Options Considered

60. Projects within the programme that require a strategic decision will produce a paper detailing options that have been considered and rejected, as well as a preferred recommendation.

Conclusions

61. The conclusions reached having taken all of the above into account.

Proposal

62. The Committee is asked to note the progress made to date and recognise the commitment to the further development of performance and outcomes.
63. The Committee is asked to agree to a further progress update in twelve months' time.

Lucy Townsend
Director, Family and Children Services

Report Author:

David Ashdown, Families and Children's Transformation Programme
Jo Hobbs, Families and Children's Transformation Programme

16th August 2018

Background Papers

None

Appendices

None

Wiltshire Council

Children's Select Committee

4th September 2018

Update on Multi-Agency Forums (MAFs)

Purpose of Report

1. To update the Children's Select Committee on the current position in respect of the Multi-Agency Forums across Wiltshire, and specifically the support and input offered to them by the Support & Safeguarding Service.

Background

2. In December 2015 a Task Group of the Children's Select Committee conducted a deep dive meeting focused on MAFs. The deep dive had been prompted by the Committee's concerns following information received and some issues members had become aware of when attending MAF meetings. MAF's are intrinsically not directly run by the Council but it is our role to facilitate them and in light of that responsibility the Task Group made a number of recommendations for action.

4. The committee endorsed the Task Groups recommendations regarding MAFs at its meeting on 26th January 2016.

5. The Executive Response to the Interim Report of the Safeguarding Task Group was presented to the committee on 22nd March 2016, and monitoring of the outstanding actions taken up by the Safeguarding Children and Young People Panel.

6. Work on those recommendations was undertaken by the then Early Help Team Leader with Functional Lead for MAFs, Richard Harris, under the instruction of the then Early Help Head of Service Mal Munday. This work was tasked in June 2016, but did not commence until August 2016 due to staff illness. It then became part of the Children's Services Integration project, now Families and Children's Transformation program (FACT).

Main Considerations for the Council

Update on Recommendations from Task Group

7. The recommendations from 2016 were as follows:

- a. That the council should clearly state what it sees as the current purpose of the MAF which would then inform the terms of reference

Update:

This position was outlined in the executive response in 2016. This position has been promoted by what are now Early Intervention Advisors and Support and Safeguarding managers, prior to October 2017 CAF Coordinators and Early Help Team Leaders. We see MAF's as a critical aspect of our Early Help offer and intend as part of the work outlined below

b. That the council should work on the standardisation of the Terms of Reference for the MAFs to include the following as a requisite:

- Regular discussion of cases
- Meetings timings to allow for schools to attend
- Expectation that all schools would attend (head teacher, SENCO or any other appropriate representative)

Update:

This work was started, but not completed by the functional lead. Following CSI there was internal discussion about the proposed introduction of Local Allocation Groups, and this discussion has moved into FACT Discussions around Developing Local Pathways. An output of this work will be a revised TOR for MAFs, which will take into account the new Early Support Hub which is currently being trialled.

c. That the Council should produce template description of the job role for the MAF chair.

Update:

The Developing Local Pathways FACT workstream will be bringing MAF chairs together and this will be an item for discussion and progression.

d. That the Council should undertake comprehensive quantitative and qualitative reporting to monitor the effectiveness of MAFs which would be regularly reported to and monitored by the Safeguarding Children and Young People Panel.

Update:

The executive response outlined why this is not appropriate.

e. That there should be a clear line of responsibility for MAFs through head of service to associate director level within the council.

Update:

Following the creation of the Support & Safeguarding Service, this responsibility is now led by the Head of Service, Support & Safeguarding who is managed by the Associate Director for Families and Children's Services.

f. That the figures used to report on MAFs should include:

- CAFs number "against" the child population for that community area (e.g. x per 1000);

- More accurate way of reporting attendance of MAF (especially for schools).

Update:

The present recording of CAFS and Early Help activity is under development. The new integrated case management system which goes live in Phase One in November will improve both the capture and the reporting on Early Help interventions. At that juncture it will be possible to begin to design report at that level.

Update on activity of MAFS for academic year 2017/18

8. Wiltshire Pathways, the website of the Wiltshire Safeguarding Children’s Board, has publicised dates for 20 different MAFs. In the main, these mirror the 18 Community Area Boards, although there have historically been separate MAFs for Amesbury and Durrington (both in the Amesbury Community Area Board patch) and there has not been an operational MAF covering all of the South West Wiltshire Community Area Board, as there is no Wiltshire secondary school in this area. Previously, there had been attendance at equivalent groups in Shaftesbury and Gillingham by some Wiltshire Council staff.
9. In the 2017/18 academic year, the following MAFs operated:

Name	Last Meeting Date
Amesbury	January 2018
Bradford-on-Avon	9 th January 2018
Calne	19 th June 2018
Chippenham	28 th June 2018
Corsham & Melksham	18 th June 2018
Devizes & Lavington MAF	22 nd June 2018
Malmesbury	4 th July 2018
Royal Wootton Bassett	14 th March 2018
Salisbury West (SWAMAF)	4 th May 2018
Trowbridge Inclusion Forum	29 th June 2018
Westbury	5 th June 2018

The following MAFs did not meet in the 2017/18 academic year

Name	Last Meeting Date
Durrington	2016
Marlborough	February 2016
Pewsey	Spring 2018 – unclear if meeting took place
Salisbury & Southern	June 2017
Tidworth	June 2017
Warminster	January 2017

In addition, the Gillingham & Shaftesbury equivalent groups have not been attended by Wiltshire Council staff, and it is not known if they still run.

Present Position

10. Each of the five Support & Safeguarding Service (SASS) Teams (North, East, South, West 1 & West 2) now have in post an Early Intervention Advisor (EIA). They attend MAFs in their locality, providing data on the number of CAFs open to settings in that locality. They also offer a peer review exercise annually, although take up of this has been poor. It should be noted that some of these staff are part time, so depending on working days, may not be able to attend all meetings of the MAF.

11. Each SASS team has also committed a manager or senior social worker to attend each MAF to represent the service.

12. Other staff from SASS – Education Welfare Officers & Early Years Inclusion Officers have attended MAF meetings to network with professionals and promote their services.

13. Following the publication of Working Together 2018, Mark Gurrey, Wiltshire Safeguarding Children's Board (WSCB) chair is leading the work around what will replace the WSCB in order to fulfil the statutory obligations. He has expressed an interest in the current operation of MAFs, and we will work together with the FACT program to consider how the existing model could be built upon.

Safeguarding Considerations

14. MAFs provide an opportunity to build relationships between SASS staff and managers and local settings and hold case discussions to gain a wider perspective on the management of cases and possible interventions to promote better outcomes for children, young people and families. However, settings can also access their Early Intervention Advisor or consult with MASH for this purpose.

Public Health Implications

15. There are no public health implications.

Environmental and Climate Change Considerations

16. There are no environmental and climate change considerations.

Equalities Impact of the Proposal

17. There is no equality impact to the proposal.

Risk Assessment

18. There are no risks associated with the proposal in this report. There may be risks in any proposed changes by FACT or the changes to WSCB arrangements.

Financial Implications

19. There are no financial implications to the proposal.

Options Considered

20. No other options have been considered

Conclusions

21. The Support & Safeguarding has clarified its commitment to MAFs, both in principle and in terms of resource, where they function.

22. The ongoing FACT program and changes to the WSCB arrangements may both influence the future direction and shape of MAFs.

Proposal

23. For the committee to be aware of the ongoing transformation work both under FACT and WSCB that may have an impact on the future of MAFs.

24. For the committee to be aware of the contribution SASS make to MAFs, and to endorse this.

25. For the committee to consider its future role in relation to the topic.

Lucy Townsend
Director Family & Children Services

Report Author:

Jen Salter, Head of Service Support & Safeguarding
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22nd August 2018

Background Papers

Children's Select Committee Minutes 26th January 2016

Children's Select Committee Minutes 22nd March 2016

Memo from Mal Munday to Richard Harris, 24th June 2016

Family & Children's Services Transformation programme 'Developing Local Pathways' Draft 1

Appendices

None

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Wiltshire Council

Children's Select Committee

4 September 2018

Education Transformation Board – Stage 2 Update

Purpose of Report

1. The report provides an update on the progress of the Education Transformation Project in Wiltshire and outlines changes to the Local Authority's School Improvement Framework to be implemented from September 2018.

Background

2. In September 2016 The Education Transformation project was launched to address the following:
 - Respond to the DfE White paper, Education Excellence Everywhere (DfE, 2016)
 - Minimise the fragmentation arising from the differing status of schools
 - Provide a system to generate a collective responsibility and moral purpose
 - Reflect on national research and establish an enquiry into how other Local Authorities are responding to the changing landscape
 - Develop lateral partnerships rather than hierarchical
 - Avoid instability and uncertainty
 - Dovetail the work into that of other council transformation projects and business plans

Neil Baker, primary school Headteacher and chair of Schools Forum, was seconded for three days a week to lead on this project. The Education Transformation Board (ETB) was set up to oversee the work streams, endorse the change programme and agree any terms of reference. This group was chaired by the LA's Lead member for Children's Services, Cllr. Laura Mayes

The ETB established the core vision

'to create a strong, self-improving, self-sustaining school-led system to improve the educational outcomes for every child in Wiltshire.'

Its core principles were *'within schools, between schools and beyond schools'*.

The drivers were:

- Schools working for and on behalf of each other ensuring that all children are in a good school
- High quality school improvement evidenced by high quality interventions that secure a positive impact
- All schools to be sustainable (able to respond to needs, be self-improving and responsible for school improvement) and viable (financially/standards/leadership)
- Responding collaboratively to sub-regional data

The ETB also published its core values statement (Appendix 1). To create a school led system it was important that the design of the system was driven by school leaders. A Design and Task Board was set up to design the system.

On February 28, 2017 a conference was held to ask schools leaders how they would like the project to respond to the challenges and rationale of the ETB and the design board. Over 90 schools were represented covering a wide diversity of school types.

The conference identified characteristics that were desirable in the new system:

- Supporting peer to peer working
- Enabling schools, and the wider system, to respond to changing national requirements
- Offering effective challenge and support for school leaders and governors
- Enabling schools to validate their own Self Evaluation Framework (SEF)
- Building potential leaders of schools
- Enabling teachers, and leaders, to observe excellence and work alongside excellence
- Having access to research and innovation

Apart from the above leadership elements the conference also highlighted the need for:

- A central portal for CPD
- Clarification of the statutory duties of the Local Authority
- Swift and easy access to services
- Greater recognition and utilisation of National and Local Leaders of Education and Governance

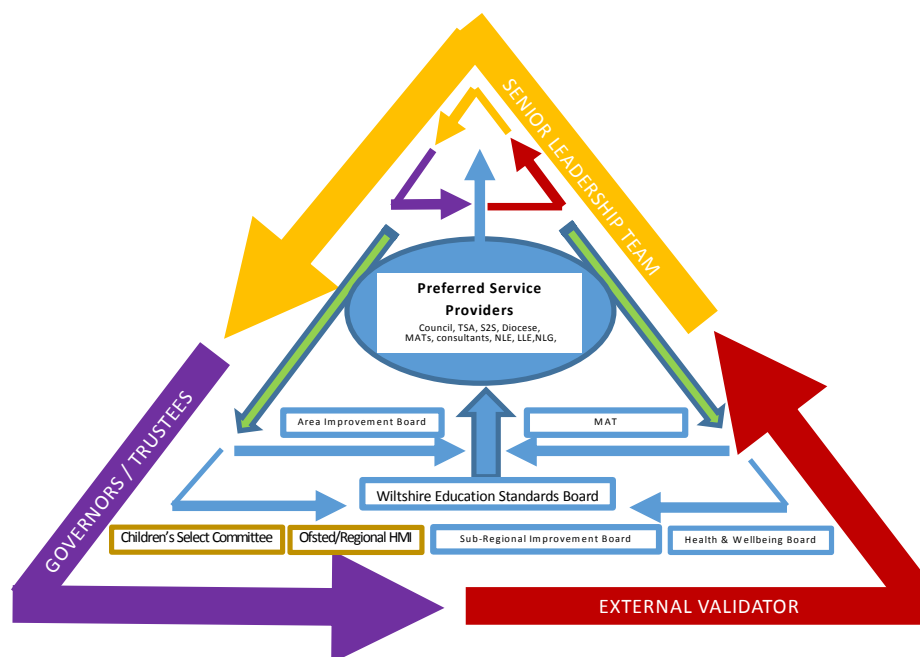
- Development of the working relationships with the Teaching School Alliances
- An evaluation of the financial audits for maintained schools
- A review of the safeguarding audit

Throughout the project regular communication was held with Local School Associations (WASSH, PHF WGA), local school/academy clusters, collaborative partnerships, RSCs office, Teaching School Alliances, relevant Diocese, Ofsted and differing Local Authority transformation projects. At each step of the programme endorsement was required from all of the above.

The 4th July 2018 saw the launch of the system. At the conference over 100 schools were represented with a diverse range of school phase and type. The principles and activities have been incorporated in the review of the School Improvement Framework which outlines the monitoring and support role of the LA for schools and academies.

Main Considerations for the Council

3. Principles of the Education Transformation Partnership from 2018



The above system diagram shows how the school led system works, with three corners of the triangle identifying key elements of the process.

- Any evaluation carried out by a school leadership team will be scrutinized by the governing body or board of trustees. To ensure that this is a valid and accurate judgement, an external validator will be required to verify the judgment. This can be carried out by the Challenge and Support Partner (CASP) if the school is a LA maintained school. If the school is an academy it is anticipated that they will seek an external validator to verify their judgements. The triangulation of key judgements is a key principle ensuring that schools have an independent view of themselves.
- Three key areas vital to the effective continued performance of schools will be reviewed: school effectiveness; school finances, and; safeguarding. Schools and academies all go through a parallel process to confirm standards (indicated by the green arrows). These are reported to governors or the academy trust board. These are then verified by the external validator.
- Outcomes from LA standards, the safeguarding audit and finance review of LA maintained schools will be collated by the LA and themes reported to the Wiltshire Education Standards Board (WESB). This board is tasked with ensuring that the thematic needs of schools and academies can be met through the providers of support within the county through Teaching School Alliances and other providers. The providers, collectively, need to be able to respond to demands placed upon schools for their continued improvement.

- As part of the process the system needs also to be able to respond to other identified needs from other boards such as the Health and Wellbeing Board.

Ongoing work is planned to further establish process and consolidate the working methods of the WESB.

The next steps are planned to include:

- Establishing three Area Improvement Boards
- Ensuring regular communication with WASSH, PHF and WGA
- Ensuring regular communication with the Service Providers and Teaching School Alliances
- Evaluating the initial implementation of revised processes and ongoing effectiveness

Reflecting other council transformation projects the proposed name is : The Education Transformation Partnership (ETP).



Safeguarding Considerations

4. Although this report does not include reference to issues regarding child protection, the broadest definition of safeguarding does take into account that safeguarding processes should optimise the life chances of individuals. The quality of school provision has a significant impact on supporting improved life chances for children and young people and for those groups vulnerable to underachievement, this is an essential consideration.

Public Health Implications

5. Educational attainment is one of the key outcomes for children and young people included in the Public Health Outcomes Framework.

Environmental and Climate Change Considerations

6. There are no specific environmental or climate change considerations in relation to this report.

Equalities Impact of the Proposal

7. It is an aspiration for all education establishments to be providers of at least a good standard of learning in order that they can achieve a good level of attainment and skills. The School Improvement Framework aims to provide an effective method of monitoring performance and providing support where schools and academies are vulnerable to decline. This will have an impact on the educational progress of children attending these schools and will impact on their achievements.

Risk Assessment

8. With diminishing financial resources including the removal of Educational Services Grant funding for school improvement from April 2018, the continued funding for the work required to continue to monitor all schools and academies, provision of support for vulnerable LA maintained schools and the deployment of Challenge and Support Partners will be a challenge.

Other challenges include distraction from the core vision and its principles; developing skills and ways of thinking in all leaders in Wiltshire; maintaining the collective responsibility and ensuring that validation is consistently insightful and challenging.

Financial Implications

9. There are a number of government financial policies that will directly impact on the delivery of school improvement activities. The Education Services Grant (ESG) has ceased in April 2018 and funding through the School Improvement, Monitoring and Brokerage Grant is reduced by central government from April 2018. Declining school standards as judged by Ofsted and thus more schools causing concern gives rise to financial strain and risk.

Legal Implications

10. There are no legal implications in relation to this paper.

Conclusions

11. With national ambition for an increasingly sector-led improvement landscape, key partnerships are ever more significant and the need for transparent accountability to all stakeholders never more important.

Whilst overview and monitoring of school performance remains a LA and RSC responsibility, the integration of partners in quality improvement is significant in creating the school-led system. With reduction in funding, capacity and powers it is essential that the system works to supporting the strong, self-improving, self-sustaining school-led system to improve the educational outcomes for every child in Wiltshire. The Wiltshire Education Transformation Partnership brings all stakeholders together to support the realisation of this aim.

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20 August 2018

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

Appendix 1 - Core Value Statement

Appendix 1 - Core Value Statement

‘To create a strong, self-improving, self-sustaining school-led system to improve the educational outcomes for every child in Wiltshire.’

Core values:

- a collective will to make the above happen
- to strive for excellence in all our schools
- where every child is important
- to have high expectations of ourselves, each other and for all our young people
- recognise that education is a key driver for embedding change

How can this be achieved?

- by working together and in close partnership with all types of schools
- by enabling and supporting schools to self-improve
- maintaining a sustained focus on improving outcomes and experiences for all children, especially those who are LAC, SEN and disadvantaged
- by monitoring data to enable schools to make informed decisions
- convene/enable partnerships to develop
- enhancing and developing a school-led system

Wiltshire Council stands for:

- a recognition that high quality educational provision is key to the success of Wiltshire
- continuous consultation with schools and its close partnership working
- being a convener, enabler and supporter for school improvement
- having a focus on improving educational outcomes for all children and young people

A self-improving, self-sustaining, strong school will have the following characteristics

- motivated and have a desire for self-improvement
- reflective
- culture of research and review
- strong problem solvers
- resilient
- partnership working for the right reasons (equity, trust and joint outcomes)

Recognised by:

- financial stability
- strong, embedded, relevant curriculum
- continuous CPD
- strong committed staff
- staff loyalty
- strong strategic planning
- using evidence to improve pupil outcomes
- knows its strengths and weaknesses

Wiltshire Council

Children's Select Committee

Date: 4 September 2018

School Ofsted Judgements

Purpose of Report

1. The report provides an overview of state funded (Local Authority (LA) maintained and academies) school inspection outcomes at the end of the 17/18 academic year, including analysis of inspection outcomes by phase of school, by LA maintained or academies and trends from last year. The report includes analysis of the current Ofsted inspection position from published reports as at the end of July 2018 for all schools and academies and further considers outcomes for schools for inspections carried out during the 17/18 academic year.

Background

2. The Office of Standards in Education (Ofsted) has the direct remit of 'Raising Standards, Improving Lives' and in its 2017-2022 strategy document states that it

"exists to be: 'A force for improvement through intelligent, responsible and focused inspection and regulation'" (Ofsted strategy 2017-22, p,5).

Inspection reports provide information for parents and other stakeholders and an accountability measure regarding the standard of education in each establishment. Ofsted is required to inspect state schools under section 5 of the Education Act 2005 and the inspections are carried out by Her Majesty's Inspectors (HMI) and Ofsted Inspectors who are past practitioners or, in the latter case, are serving headteachers or school leaders.

Inspections focus on four main areas

- Effectiveness of leadership and management
- Quality of teaching, learning and assessment
- Personal development, behaviour and welfare
- Outcomes for pupils

Where appropriate the effectiveness of early years or sixth form is also inspected.

From the evidence collected, schools are given an overall effectiveness grade:

- Grade 1 (outstanding)
- Grade 2 (good)
- Grade 3 (requires improvement (RI))
- Grade 4 (inadequate)

The inadequate category (4) is further subdivided into special measures or serious weakness depending on the capacity of school leaders to make the improvements needed. More recently Serious Weaknesses judgements have not been used, the implication being that Ofsted's view is that all schools judged inadequate lack leadership capacity. An LA maintained school judged inadequate will be issued with an academy order and be required to become a sponsored academy. The Secretary of State has a statutory duty to secure that change, but delays occur owing to pressures of finding sponsors.

Sponsored academies become new legal entities/new schools and in the past have not retained with their previous inspection grade. Where this has occurred these schools are included in the statistics in this report as ungraded (U), along with other new schools that have yet to be inspected. Ofsted has recently changed its methodology to incorporate the legacy grade of sponsored academies, so future analysis will reflect changes to this methodology.

Schools judged as Requires Improvement (3) need to improve to be 'good'. To receive this judgement a school will have received a 2 day inspection; it will be inspected again within 30 months.

Many schools previously judged as good (2) will receive a short one day inspection to determine whether they remain at least good and whether safeguarding is effective. Where the short inspection finds evidence of the school remaining good, a letter is published making this judgement clear. If the inspection finds practice that suggests the school is either likely to be outstanding or alternatively might not retain its good grade, a letter is published saying the school will for the time being, retain its current good grade and that the next inspection will be a full 2 days. This allows for a full evaluation of the effectiveness of the provision.

Annual risk assessments are carried out by Ofsted to identify where risks are higher or where there is evidence of a significant deterioration in standards. In this case a school will receive a full two day inspection.

Schools that were judged to have overall effectiveness of outstanding (1) in their previous section 5 inspection are exempt from routine inspection. However where the annual risk assessment identifies concerns, a 2 day inspection will be implemented.

The majority of the information included in this report is expressed as the percentage of pupil places that are in good and outstanding schools. The data does not focus on number and percentage of schools that are good

and outstanding. This allows for valid comparisons between the LA national and regional figures where the sizes of school may be markedly different, making comparison invalid.

Academies

Academies are publicly funded state schools, described as independent of local authority 'control', with the national requirements for compliance with national curriculum and regulations on teacher pay and conditions removed. Oversight of academies lies with an arm of the Department for Education, the Regional Schools Commissioner (RSC), and the LA has no powers of intervention. Academies are run by an academy trust that employs the staff. Like LA maintained schools, they are required to follow national regulations on admissions, SEND, fair access and exclusions. As of July 2018, 70% of primary schools and 16% of secondary schools in Wiltshire were LA maintained, the remainder being academies.

The role of the LA in supporting educational excellence

Whilst schools largely remain responsible for their own improvement, it remains the duty of the LA to act quickly when standards are declining to challenge school leaders, inform relevant partners, and for LA maintained schools, to intervene. LAs have the statutory responsibility to champion the needs of vulnerable learner, promote educational excellence and ensure fair access to a sufficiency of school places. The Director of Children's Services (DCS) and the Lead Member for Children's Services (LMCS) have the statutory duty to work with partners including headteachers, academy sponsors and governors to promote educational excellence, take rapid and decisive action in relation to poor performance and ensure the development of robust school improvement strategies. DCS and LMCS should also promote high standards by supporting effective school to school collaboration¹.

The DfE Schools Causing Concern guidance makes it clear that LA should work with the Regional Schools Commissioner (RSC) closely when underperformance is identified. Whilst it makes clear that "*Local Authorities should focus their activity on the schools they maintain rather than academies*"² the guidance also states that where the LA has concerns regarding an academy, it should alert the RSC. The RSC's operational capacity appears to have been restricted this year so they may rely on headteachers and local authorities for any operational intelligence.

Although it cannot intervene in academies, its role in monitoring the performance of all schools and academies is consistent with the LAs legal responsibility to promote educational excellence. Oversight and powers of intervention for academies are the responsibility of the RSC although the LA continues to monitor the performance of academies through end of key stage attainment and progress outcomes. Where concerns are identified the RSC is notified.

¹ Statutory Guidance on the roles and responsibilities of the Director of Children's services and the Lead member for Children's Services. DfE, 2013

² Schools Causing Concern statutory guidance, DfE, 2018, p, 33

Wiltshire's Local Authority School Effectiveness Review (LASER) process includes all schools and academies although there is a clear differentiation regarding approach and powers. LA maintained schools continue to be monitored by on-site visits and consideration of other performance data supporting identification of vulnerabilities and allowing the early provision of quality improvement activity to minimise the impact on pupils.

Wiltshire's activity to monitor, challenge and support schools and academies

The School Effectiveness team will continue to monitor and risk assess schools and academies through the Local Authority School Effectiveness Review (LASER). An initiative taken in response to declining Ofsted judgements, the Annual Performance Assessment (APA) is carried out using the most recent end of key stage 2 and 4 data for all schools including academies; each school receives a letter with the outcome of this assessment at the start of the academic year. In addition, for all LA maintained schools, an ongoing risk assessment of current activity to bring about improvements is carried out by the Challenge and Support Partner (CASP) three times a year. Both of these activities identify where performance is declining or not acceptable and support the provision of early support.

Where concerns have been identified with LA maintained schools, additional support will be provided through an Intensive Challenge and Support Partner (iCASP). An iCASP will support the school's improvement intensively and monitor increasing effectiveness through termly School Effectiveness Reviews (SERs).

Where there are concerns regarding academies, LA officers will continue to liaise with the RSC with the expectation that appropriate challenge will be secured for academies with identified underperformance, and that effective support is available. Continued reports of improvements will be sought from the RSC.

A reviewed School Improvement Framework will be implemented from September 2018. This includes the principles developed by the Education Transformation Board, to work with schools, academies, Teaching School Alliances, Multi Academy Trusts and other partners to secure arrangement for monitoring school and promote improvement activities to support a secure self-improving school-led system.

Main Considerations for the Council

3. a) Wiltshire 2017-18 end of year Ofsted summary

LA and national comparisons 2018

Ofsted produces an annual report with national and regional comparison in their annual report published at the end of the year. The most current information for comparative purposes is from the 31 March 2018 from Ofsted Data View.

31 March 2018 figures (Ofsted Data View)	England		South West		Wiltshire	
	% providers	% places	% providers	% places	% providers	% places
Outstanding (1)	21	23	18	21	15	21
Good (2)	65	62	66	62	68	63
RI (3)	10	11	12	13	12	13
Inadequate (4)	4	3	4	3	5	2
Total 1 and 2	86	86	84	83	83	84

Wiltshire's figures as of March 2018 were broadly comparable with the national and more closely comparable to the south west figures.

b) Trends over time

The table below shows the percentage of pupil places in outstanding to inadequate provision over time and compared to the national and South West figures. Nationally there has been a general trend of improving proportions of good and outstanding places. However this pattern is not repeated in either Wiltshire or the South west where 2016 saw the highest figures with declines since then with Wiltshire maintaining a narrowing lead over the region.

Good and outstanding places (%)	England	SW	Wiltshire
Mar18	86	83	84
Aug 17	85	86	88
Aug 16	85	88	93
Aug 15	80	84	88
Aug 14	77	79	83
Aug 13	76	79	82

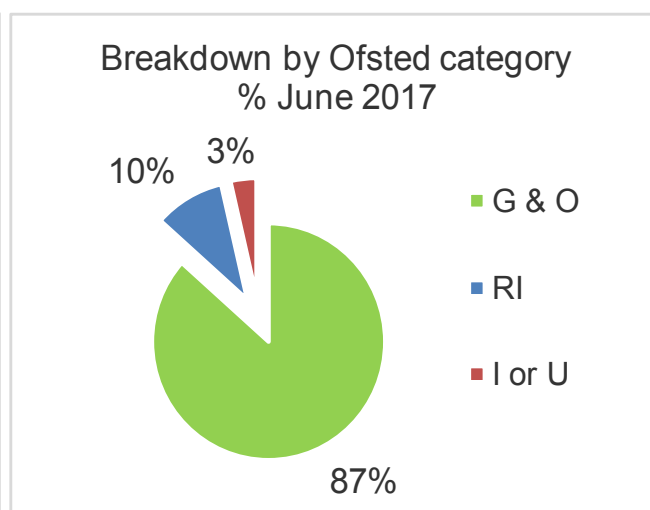
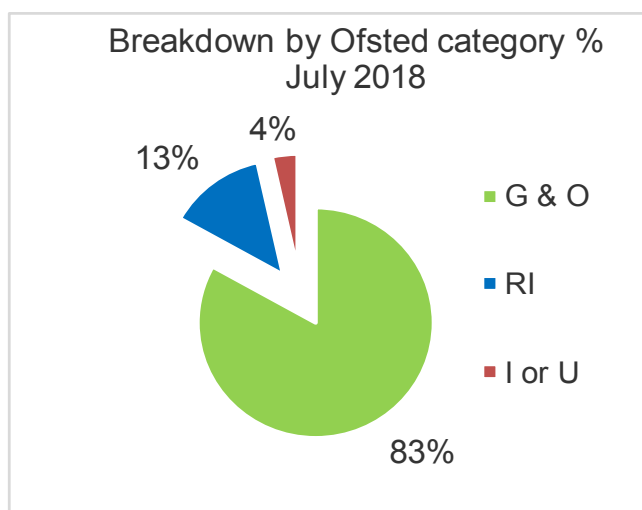
The 16/17 academic year saw 3 of Wiltshire's secondary academies judged as Requires Improvement; as these provide for nearly 3000 pupils, the impact of the % good and outstanding places is discernable. A large proportion of primary academies within one Multi Academy Trust fell below good, as did a larger number of LA maintained primaries. This trend has continued into the 17/18 academic year.

c) Current Ofsted position for all Wiltshire schools at end July 2018

The summary below gives the number and percentage of pupil places in outstanding, good, RI and inadequate school and academies in Wiltshire in as at July 2018. These figures only include reports that have been published by Ofsted so far.

Profile of Ofsted outcomes by phase of school (% pupil places) Figures in brackets give the comparison from end July 2017.

% places	All schools (237 schools 67,382 children)	Secondary (31 schools 28,724 children)	Primary (200 schools 38,076 children)	Special (6 schools 582 children)
Outstanding (1)	20.7 (21.1)	26.1 (26.1)	17.1(17.6)	0.0 (0.0)
Good (2)	62.1 (66.1)	60.4 (61.9)	63.3 (69.0)	68.2(82.0)
Requires Improvement (3)	13.4 (10.4)	12.8 (11.5)	13.5 (9.4)	31.8 (18.0)
Inadequate (4)	2.1 (1.6)	0.7 (0.0)	3.1 (2.8)	0.0 (0.0)
Unclassified	1.7 (0.9)	0.0 (0.6)	3.0 (1.2)	0.0 (0.0)
Total 1 and 2	82.8 (87.2)	86.4 (88.0)	80.4 (86.7)	68.2 (82.0)



Over the academic year 17/18 there has been a 4% decline in good and outstanding places with a commensurate increase by 3% in RI and 1% in inadequate places.

d) Inspections carried out during 2017-18 academic year

In total, there have been 61 published inspections during 2017-18, of which 15 schools were academies at the time of their inspection and 46 were LA maintained schools.

All inspections

Previously Good (2) and Outstanding (1)

43 schools 2→2

10 schools 2→3

3 schools 2→4

Previously RI (3)

2 schools 3→2

1 school 3→3

Previously Inadequate (4) or Ungraded (U)

1 school U→2

1 school U→4

Academies

9 schools 2→2

3 schools 2→3

1 school 3→2

1 school U→2

1 school U→4

77% of academies with existing grades achieved Ofsted grades the same or better
23% of academies with existing grades showed a fall in grade.
In addition, of the two previously uninspected academies, one achieved a 'Good' outcome and one was judged 'Inadequate'.

LA maintained schools

34 schools 2→2

7 schools 2→3

3 schools 2→4

1 school 3→2

1 school 3→3

78% of LA maintained schools achieved Ofsted grades the same or better than their previous grade
22% of LA maintained schools showed a fall in grade, including the three schools which declined from 'Good' to 'Inadequate'.

There is little difference in the inspection outcomes during 17/18 academic year for academies and LA maintained schools, with similar proportions of both receiving good, RI and inadequate inspection outcomes

Ofsted grade	Academies	LA maintained
Good (2)	11 (73%)	35 (76%)
RI (3)	3 (20%)	8 (17%)
Inadequate (4)	1 (7%)	3 (7%)

Of the schools that were inspected over the 17/18 academic year, the majority received a judgment of good. There were a higher proportion of providers receiving outstanding for Personal Development, Behaviour and Welfare than other inspection areas.

Grade	Number of schools (% in brackets)				
	Effectiveness of leadership and management	Quality of teaching, learning and assessment	Personal development, behaviour and welfare	Outcomes for pupils	Overall Effectiveness
1	1 (2)	0 (0)	11 (18)	0 (0)	0 (0)
2	47 (77)	48 (79)	42 (69)	49 (80)	46 (75)
3	9 (15)	9 (15)	6 (10)	9 (15)	11 (18)
4	4 (7)	4 (7)	2(3)	3 (5)	4 (7)

50 inspections of primary maintained schools and academies were carried out.

The majority of the inspections (36) were of good schools whose good grade was retained. 8 schools declined to RI and 3 were judged inadequate.

Primary schools

36 schools	2→2
8 schools	2→3
3 school	2→4
1 school	3→2
1 school	3→3
1 school	U→2

78% of primary schools with existing grades achieved Ofsted grades the same or better

9 secondary schools were inspected, the majority retaining a good grade. With one improving from RI to good, 3 others were judged RI or inadequate.

Secondary schools

6 schools	2→2
1 schools	2→3
1 school	3→2

88% of secondary schools with existing grades achieved Ofsted grades the same or better

1 school U→4

Two special schools were inspected: one maintained its good grading, one was judged RI.

Special schools

1 school 2→2

1 school 2→3

Published inspections from September 2017 to July 2018

DfE No	School	Age range	Status	Date of inspection	Grade	Previous grade	Movement
8652190	Woodlands Primary	pri	Main	04/07/2018	2	2	SAME
8653192	Westbury Junior	pri	Main	26/06/2018	2	2	SAME
8652060	Luckington Community	pri	Main	26/06/2018	2	2	SAME
8653468	Amesbury Primary	pri	Main	19/06/2018	3	2	DOWN
8652024	The Trinity Primary, Devizes	pri	Academy	13/06/2018	2	U	No prev. grade
8652086	Stanton St Quintin Primary	pri	Main	22/05/2018	2	2	SAME
8653049	Collingbourne Primary	pri	Main	15/05/2018	2	2	SAME
8654075	The John of Gaunt	secon	Academy	15/05/2018	2	2	SAME
8653086	Heddington Primary	pri	Main	24/04/2018	2	2	SAME
8652168	Priestley Primary	pri	Main	27/03/2018	2	2	SAME
8655406	The John Bentley	secon	Academy	22/03/2018	3	2	DOWN
8652000	The Corsham Regis Academy	pri	Academy	22/03/2018	3	2	DOWN
8652140	Wootton Bassett Infants	pri	Main	22/03/2018	2	2	SAME
8653201	Winterbourne Earls Primary	pri	Main	22/03/2018	2	2	SAME
8653141	Oare Primary	pri	Academy	13/03/2018	2	2	SAME
8652045	Gomeldon Primary	pri	Main	08/03/2018	2	2	SAME
8653362	St Andrew's Primary, Laverstock	pri	Main	06/03/2018	2	2	SAME
8653019	Broad Town Primary	pri	Main	06/03/2018	2	2	SAME
8652178	Princecroft Primary	pri	Main	28/02/2018	2	2	SAME
8653470	Wilton and Barford Primary	pri	Main	22/02/2018	4	2	DOWN
8654005	Salisbury UTC (opened Sep 2015)	secon	Academy	21/02/2018	4	U	No prev. grade
8652003	Fynamore Primary	pri	Main	20/02/2018	2	2	SAME
8655218	Clarendon Junior, Tidworth	pri	Main	20/02/2018	2	2	SAME
8653412	Christ The King Catholic, Amesbury	pri	Main	20/02/2018	4	2	DOWN
8653471	Lyneham Primary	pri	Main	07/02/2018	3	3	SAME
8653159	Seagry Primary	pri	Academy	07/02/2018	2	2	SAME
8654511	St Edmund's Girls	secon	Academy	06/02/2018	2	2	SAME
8652091	Harnham Infant	pri	Main	06/02/2018	2	2	SAME
8653355	St Nicholas Primary, Porton	pri	Main	30/01/2018	2	2	SAME
8653457	Somerfords Walter Powell Primary	pri	Academy	25/01/2018	2	2	SAME
8653140	Oaksey Primary	pri	Main	25/01/2018	2	2	SAME
8652198	Ludwell Community Primary	pri	Main	24/01/2018	4	2	DOWN
8652031	Neston Primary	pri	Main	23/01/2018	2	2	SAME
8655414	Hardenhuish	secon	Academy	23/01/2018	2	2	SAME
8655209	Paxcroft Primary	pri	Main	23/01/2018	2	2	SAME
8653186	Urchfont Primary	pri	Main	18/01/2018	2	2	SAME
8653454	Semley Primary	pri	Main	18/01/2018	2	2	SAME
8653036	Chirton Primary	pri	Main	17/01/2018	2	2	SAME
8654610	St Joseph's Catholic Secondary	secon	Main	16/01/2018	2	2	SAME
8652008	Fitzmaurice Primary	pri	Main	11/01/2018	2	2	SAME
8653460	Alderbury & West Grimstead Primary	pri	Main	12/12/2017	3	2	DOWN
8654002	The Clarendon Academy	secon	Academy	28/11/2017	2	2	SAME
8657009	St Nicholas	spec	Main	21/11/2017	3	2	DOWN
8652162	Noremarsh Junior Community	pri	Main	16/11/2017	3	2	DOWN
8653150	St Mary's Primary, Purton	pri	Main	16/11/2017	2	2	SAME
8653461	Kennet Valley Primary	pri	Main	15/11/2017	3	2	DOWN
8653220	Minety Primary	pri	Main	14/11/2017	2	2	SAME
8655402	Lavington	secon	Academy	14/11/2017	2	2	SAME
8653063	Durrington Controlled Junior	pri	Main	09/11/2017	2	2	SAME
8653176	St Mark's Junior	pri	Academy	07/11/2017	3	2	DOWN
8653465	Wylve Valley	pri	Main	05/11/2017	2	2	SAME
8653017	Longford Primary	pri	Main	16/10/2017	2	3	UP
8653090	Holt Primary	pri	Main	12/10/2017	2	2	SAME
8653318	Chilton Foliat Primary	pri	Main	12/10/2017	3	2	DOWN
8656906	Sarum Academy	secon	Academy	12/10/2017	2	3	UP
8653464	Old Sarum Primary	pri	Main	04/10/2017	2	2	SAME
8655206	Studley Green Primary	pri	Main	26/09/2017	3	2	DOWN
8652225	Bitham Brook Primary	pri	Main	19/09/2017	2	2	SAME
8657008	Exeter House Special	spec	Academy	14/09/2017	2	2	SAME
8652052	Hilmarton Primary	pri	Main	13/09/2017	2	2	SAME
8653406	Woodborough Primary	pri	Main	12/09/2017	2	2	SAME

Safeguarding Considerations

4. Although this report does not include reference to issues regarding child protection, the broader definition of safeguarding does take into account that safeguarding processes should optimise the life chances of individuals. The quality of school provision has a significant impact on supporting improved life chances for children and young people and for those groups vulnerable to underachievement, this is an essential consideration.

Public Health Implications

5. Educational attainment is one of the key outcomes for children and young people included in the Public Health Outcomes Framework.

Environmental and Climate Change Considerations

6. There are no specific environmental or climate change considerations in relation to this report.

Equalities Impact of the Proposal

7. All learners have the right to have the opportunity to make good progress in learning and achieve high standards. The report shows that in Wiltshire there are schools that are ineffective in their practices and not yet good. This will have an impact on the educational progress of children attending these schools and will impact on their achievements. This equalities issue remains a high priority with School Effectiveness working with other partners and LA services to support the outcomes delivered in the Disadvantaged Learners Strategy.

Risk Assessment

8. There are a number of national changes and developments which bring risks and associated costs for the local authority in relation to standards of performance in schools and academies.

The ability for the Local Authority School Effectiveness service to intervene and support and improve standards of performance is limited by a number of factors that may pose a risk to continued improvements for children and young people in state funded education

- As the number of Academies grows, the LA has less direct influence on standards of performance. Oversight of academies lies with the Regional Schools Commissioner (RSC) and the LA has no powers of intervention in academies. Relationships between the LA and academies remain good, although as part of national policy, it is primarily for the academy to determine their level of engagement with

the LA. It is for the RSC to intervene if and when necessary and the LA liaises closely with the RSC office to provide local information and knowledge about all schools.

- Although the LA remains responsible for educational excellence across the county, with diminishing financial resources including the withdrawal of Educational Services Grant funding for school improvement and other functions from April 2018, the ability for School Effectiveness to lever change in a variety of ways also diminishes. This, coupled with limited capacity, represents a potential need for change in the systems for monitoring performance and for school improvement provision. The Education Transformation Partnership is working to promote the changes that will need to be carried out for system change in order to create a strong, self-improving, self-sustaining school-led system to improve the educational outcomes for every child in Wiltshire.

Financial Implications

9. There are a number of government financial policies that will directly impact on the delivery of school improvement activities. The past funding by central government from the Education Services Transitional Grant and through the School Improvement, Monitoring and Brokerage Grant to resource the monitoring the performance of LA maintained schools, broker improvement provision and intervention where appropriate has reduced the amount of funding for school effectiveness activities over the last few years.

Ongoing funding reductions for school improvement activity have been managed to minimise direct impact on delivery of key strategies to improve performance. With a reduction in staff capacity to develop and sustain school improvement activity for LA maintained schools, it is possible that this focus will not be able to be sustained with the result of increased risk to performance standards.

Reduction in good and outstanding providers and places and higher proportions of RI and inadequate providers leads to operational problems in finding good providers to deliver school to school support, and brings financial problems, where LGA has estimated the cost to the LA of a school being judged inadequate is £250k.

Legal Implications

10. There are no legal implications in relation to this paper.

Conclusions

11. Wiltshire continues to have a comparable percentage of places in good and outstanding schools with the national and regional picture. Whilst this has declined since the high point in 2016, it is reflecting the picture in the south west where good and outstanding places have also declined since 2016. Both the South West and Wiltshire figures appear to be falling behind the national good and outstanding figures. The majority of good and outstanding schools and academies are maintaining their inspection status on subsequent inspection. The School Effectiveness Team continues to work with all schools and academies where possible, where there are known vulnerabilities to support and promote improvements and to prevent the decline of standards of performance before they fall to an unacceptable level.

Alan Stubbersfield,
Director Education and Skills

Report Author:
Jayne Hartnell, Acting Head of School Effectiveness

20 August 2018

Background Papers

None

Appendices

None

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DfE Changes – Update June 2018 – August 2018

Public Spending on Children in England: 2000 to 2020

1. The Children's Commissioner has published a report on public spending on children from 2000 to 2020, produced by the Institute for Fiscal Studies. Highlights include:
 - Spending per head on local authority-delivered children's services is due to fall by about 20% in real-terms between 2009–10 and 2019–20, taking it back to 2005-6 levels
 - Overall education spending increased considerably during the 2000s and it has been largely protected since 2010. However, this disguises sharp cuts to funding for 16-18 education of around 17% since 2009–10. In real terms, sixth form and further education spending per student will be at the same level in 2019–20 as it was in 1989–90
 - There are growing pressures on 'high needs' education budgets, as more children than ever are now attending specialist high-needs institutions. The numbers of pupils in maintained special schools increased by 25% between 2007 and 2017, far outstripping overall pupil growth and putting pressure on overall schools funding. The increase is largely driven by a huge rise in the numbers of children with autism in maintained special schools (up nearly 60% between 2012 and 2017)
 - Total benefits spending per child will fall by 17% between 2009–10 and 2019–20, returning to 2006–07 levels, due to steep cuts since 2010 in the amount of benefits for working age households with children. Excluding housing benefit, which is not paid directly to families, the fall in total benefits spending per child is 20% between 2009–10 and 2019–20
 - Low-income families with children saw income reductions of around 6-7% between 2010 and 2015 as a result of tax and benefit changes. Changes coming into effect after 2015, such as cuts to Universal Credit, will further reduce the incomes of the poorest families with children by up to 15%
 - The rate of child poverty today is roughly double the rate of pensioner poverty.
2. The full report can be downloaded [here](#).

30 hours childcare to be extended to foster carers

3. Foster parents will have access to the government's 30 hours 'free' childcare offer for three-and-four-year-olds from September 2018, giving them the same

rights as other working families in England. The eligibility of children in foster care will be determined by the responsible local authority, as criteria for accessing the additional hours include that it must be consistent with the child's care plan, and that parent(s) hold additional employment outside of their role as a foster carer. Statutory and operational guidance documents have been updated and can be accessed [here](#).

Gender separation in mixed schools

4. The DfE recently published a short, non-statutory guidance document for leaders and governors of mixed schools (maintained, academies and other independent) on the considerations to take into account when separating classes by gender. The guidance can be found [here](#).

Relationships education

5. The DfE has published its response to an earlier consultation on updates to relationships education alongside an updated version of draft guidance for schools. Respondents to the earlier consultation supported the inclusion of mental and physical health messages alongside those on relationships, sex and consent so the guidance takes a wider view.
6. The consultation on the draft statutory guidance is open until 7 November 2018 and, along with all related documents, can be accessed [here](#).

Academies Update

7. Number in Wiltshire at the beginning of August 2018:

Sponsored academies	23
Non-sponsored converter academies	70

8. New academies in this period:

Wilton & Barford CofE Primary

Working together to safeguard children

9. The DfE has published revised *Working Together* guidance which sets new legal requirements for the three safeguarding partners, who will be required to make joint safeguarding decisions to meet the needs of local children and families. Senior police, council and health leaders will jointly be responsible for setting out local plans to keep children safe and will be accountable for how well agencies work together to protect children from abuse and neglect.
10. The new advice is aimed at all professionals who come in to contact with children and families and includes guidance on current threats to child protection, such as sexual and criminal exploitation, gangs and radicalisation.
11. The revised Working Together 2018 version, transitional arrangements, statutory framework, and introductory letters from DfE and the Child Safeguarding Practice Review Panel can be accessed [here](#).

12. The Government has also announced 17 areas of the country as 'early adopters', which will work with the National Children's Bureau to implement the new local safeguarding arrangements before they are established across the rest of the country. Wiltshire's bid to be an early adopter has been successful, and the LA will develop approaches to set up multi-agency safeguarding processes and produce clear learning which can be shared across other areas.

Disqualification by association

13. The DfE has published revised statutory guidance for local authorities, maintained schools, academies and free schools relating to disqualification under the Childcare Act 2006. The new guidance removes disqualification by association for individuals working in childcare in non-domestic settings (e.g. schools and nurseries), where other safeguarding measures are observed and followed. The disqualification by association will continue to apply for individuals providing and working in childcare in domestic settings (e.g. where childcare is provided in a childminder's home). The revised guidance will come into force on 31 August 2018 and can be accessed [here](#).
14. The DfE has also published the outcome following the consultation on amending the childcare disqualification arrangements, which can be read [here](#).

Information sharing advice for safeguarding practitioners

15. The DfE has published updated practice guidance on information sharing for people who provide safeguarding services to children, young people, parents and carers. This guidance has been updated to reflect the General Data Protection Regulation (GDPR) and Data Protection Act 2018, and it supersedes the HM Government *Information sharing: guidance for practitioners and managers* published in March 2015. The guidance can be found [here](#).

Reporting a serious child safeguarding incident

16. Ofsted has published guidance on how local authorities should report a serious incident of child abuse or neglect, or the death of a child who is looked after. From 29 June 2018, local authorities in England must notify the national Child Safeguarding Practice Review Panel within 5 working days of becoming aware of a serious incident. Full details, including the online notification form, can be accessed [here](#).

Social Work England: secondary legislative framework and announcement of new Chief Executive Officer

17. The DfE and Department of Health and Social Care have published the government response to the public consultation on the regulatory framework for Social Work England, and announced the appointment of Colum Conway as Social Work England's CEO.

18. Respondents supported the majority of proposals, which have been further refined following consideration of the consultation feedback. The full response can be found [here](#).
19. Subject to parliamentary approval, the regulations will come into force when Social Work England takes over the regulation of social workers in England from the Health and Care Professions Council, not before Spring 2019.

Family and friends care

20. The DfE is seeking views on revisions made to this statutory guidance to include asylum seeking children being brought to the UK under the Dublin III Regulation to join family or relatives. The proposals can be found [here](#).
21. The revisions are intended to provide clarity and support to local authorities in fulfilling their role where children are being brought to the UK under the Dublin III Regulation. The consultation closed on 4 July. The results of the consultation and the Department's response will be published in summer 2018.

Placing a child aged under 13 in a Secure Children's Home

22. The DfE has updated its guidance for local authorities on when it is appropriate and how to go about placing a child under 13 in a secure children's home to now include what documentation the DfE needs, out-of-hours applications, secure placements under the 72-hour rule and how the DfE inform LAs of their decision. The full process can be found [here](#).

Grant funding for Virtual School Head role for previously looked after children

23. The Children and Social Work Act 2017 amended the Children Act 1989 to introduce a new duty on local authorities to promote the education of certain previously looked-after children. This duty comes into force on 1 September 2018. To support the implementation of virtual school heads' new role for previously looked-after children, the DfE is providing £7.6 million per year additional funding to local authorities until 2020. This funding will be provided via a grant under Section 31 of the Local Government Act 2003. Details of funding for 2018-19, including individual local councils' allocations, are now available and can be accessed [here](#). Wiltshire will be awarded £37,794.79.

Bursary for care leaver apprentices

24. The DfE has published updates to the apprenticeships funding policy, including a change to the funding for care leavers who start apprenticeships.
25. To help care leavers overcome the extra barriers they often experience, the DfE is introducing a £1,000 bursary payment to support care leavers aged 16-24 starting an apprenticeship, paid via their training provider. This came into effect on 1 August 2018. Details can be accessed [here](#).

Stability Index 2018

26. The Children's Commissioner has published the Stability Index 2018, which measures and reports on the levels of stability experienced by children in care. The 2018 update provides the latest measures of placement, school and

social worker stability experienced by children in care in 2016/17. It also contains a number of developments over last year's report, and it features significantly improved data on social worker stability, based on returns from local authorities. The report is available to download [here](#).

Secure schools

27. The Ministry of Justice has published a draft 'how to apply guide' for secure schools and is inviting comments on this document and the proposed approach. The Taylor Review of the youth justice system recommended the creation of secure schools, and the MoJ is proposing these new schools will be dual registered as both a 16 to 19 academy and a secure children's home. The draft can be accessed [here](#).

Children and adolescent mental health services

28. The government has published its response to the *Transforming Children and Young People's Mental Health Provision: a Green Paper and Next Steps* consultation. Over 2,700 responses were received after a 13-week consultation. There was support for the overall aim of the proposals, including better joining up between health and education and providing earlier support in or near schools and colleges, and a greater focus on improving access to NHS services for those who need specialist support. The government plans to roll-out their new approach to at least a fifth to a quarter of the country by the end of 2022/23. The full outcome can be found [here](#).

29. The government has also published its response to the report from the Education and Health and Social Care Select Committees following their joint inquiry into *Transforming Children and Young People's Mental Health Provision: a Green Paper and Next Steps*, which can be accessed [here](#).

TERENCE HERBERT
Corporate Director

Report author: Nicola McCann, EY Information and Co-ordination Manager,
Children's Services. 15/08/2018

Largely taken from the DfE website content 01 June to 15 August 2018.

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Wiltshire Council

Children's Select Committee

4 September 2018

Task Group Update

Purpose

To provide an update on recent task group activity and propose any decisions requiring Committee approval.

1. Child and Adolescent Mental Health (CAMHS) Task Group

Membership:

Cllr Phil Alford (Chairman)
Cllr Clare Cape
Cllr Gordon King
Cllr Hayley Spencer
Cllr Fred Westmoreland

Supporting Officer: Natalie Heritage

Terms of Reference:

That the CAMHS Task Group:

- a) Consider the governance arrangements for the recommissioned CAHMS service;
- b) Explore and understand the new CAHMS model in comparison to the existing model and consider the evidence base for any changes. Then where appropriate, make recommendations to support its implementation and effectiveness;
- c) Look at existing data and ensure that the new model's performance will be robustly monitored and benchmarked against this by the council, partners and by the proposed future scrutiny exercise;
- d) Consider access and referral points within the new CAHMS model and, as appropriate, make recommendations to maximise take-up by children and young people in need of support;
- e) Explore where CAMHS sits within the overall landscape of children and young people's mental health and, within this, consider whether prevention services are effective

Recent Activity

The task group have been conducting interviews over the summer with GPs, CAMHS clinicians, pupils and teachers, the Wiltshire Parent Carer Council,

professionals from the Council's SEND service, social workers from both Support and Safeguarding, as well as Children in Care and an Education Welfare Officer.

The interviews have provided great insight into where CAMHS sits within the overall mental health offer for children and young people in Wiltshire and how accessible the service is, as well as typical referral points. The task group are grateful to all who have been involved in these interviews so far; as their input has been invaluable.

The final interview to be arranged is proposed between a CAMHS therapist allocated to a Thrive Hub school and this is hoped to take place on 6 September. The task group will also be meeting on 6 September to draw together the key themes that have arisen from their summer interviews. These themes will then be raised with Commissioners at 1 November meeting.

Report author: Natalie Heritage, Senior Scrutiny Officer. T: 01225 718062 E: Natalie.Heritage@wiltshire.gov.uk

Children's Select Committee Forward Work Programme

Last updated 1 SEPTEMBER 2018

Children's Select Committee – Current / Active Task Groups			
Task Group	Details of Task Group	Start Date	Final Report Expected
Child and Adolescent Mental Health Services (CAMHS)	Link	October 2017	TBC
SEND Passenger Transport	TBC	TBC	TBC
SEND School Provision	Link	October 2017	TBC
Strategy and Support Programme for Disadvantaged Learners	TBC	TBC	TBC
Traded Services for Schools	TBC	December 2017	TBC

Children's Select Committee - Rapid Scrutiny		
Topic	Details	Date

Children's Select Committee – Forward Work Programme			Last updated 1 SEPTEMBER 2018		
Meeting Date	Item	Details / Purpose of Report	Associate Director	Responsible Cabinet Member	Report Author / Lead Officer
4 Sep 2018	Corporate Parenting Panel Annual Report	To receive the annual report.		Cabinet Member for Children, Education and Skills	
4 Sep 2018	Children out of Education Policy	To receive the draft of Wiltshire's updated policy for Elective Home Education	Lucy Townsend (Director - Family and Children's Services)	Cabinet Member for Children, Education and Skills	Mal Munday
4 Sep 2018	Family and Children's Transformation (FACT) Update	To receive a progress update on the Family and Children's Transformation (FACT).	Lucy Townsend (Director - Family and Children's Services)	Cabinet Member for Children, Education and Skills	
4 Sep 2018	Update on Multi-Agency Forums (MAF's)	To receive a briefing update on the performance and progress of MAF's in Wiltshire.	Lucy Townsend (Director - Family and Children's Services)	Cabinet Member for Children, Education and Skills	Jen Salter
4 Sep 2018	Education Transformation Board - Stage 2 Update	To receive an update on work performed so far and the future of the Education Transformation Board.	Alan Stubbersfield (Interim Director - Education and Skills)	Cabinet Member for Children, Education and Skills	
4 Sep 2018	School Ofsted Judgements	To receive a report on school Ofsted judgments since September 2017.	Alan Stubbersfield (Interim Director - Education and Skills)	Cabinet Member for Children, Education and Skills	

Children's Select Committee – Forward Work Programme			Last updated 1 SEPTEMBER 2018		
Meeting Date	Item	Details / purpose of report	Associate Director	Responsible Cabinet Member	Report Author / Lead Officer
6 Nov 2018	Wiltshire Council Apprenticeship Growth Target	To receive details on Wiltshire Council's submission to central government on how we are fulfilling our apprenticeship target.	Joanne Pitt	Cabinet Member for Children, Education and Skills	Joanne Pitt
6 Nov 2018	Family and Children's Transformation (FACT) - Year One Assessment	To receive an update regarding the progress made 1 year following the launch of the new service.	Lucy Townsend (Director - Family and Children's Services)	Cabinet Member for Children, Education and Skills	Tamsin Stone
6 Nov 2018	Provisional School Outcomes 2017/18	To receive the provisional outcomes for pupil performance in public tests and examinations.	Alan Stubbersfield (Interim Director - Education and Skills)	Cabinet Member for Children, Education and Skills	David Clarke
6 Nov 2018	Annual Early Years Standards Report 2017-18	To report to children's select committee local authority standards for early years and pre-school provision including sufficiency, pupil outcomes and Ofsted grades.	Alan Stubbersfield (Interim Director - Education and Skills)	Cabinet Member for Children, Education and Skills	Natalia Reyner
6 Nov 2018	School Ofsted Judgements	To receive a report detailing school Ofsted judgements since the last school term.	Alan Stubbersfield (Interim Director - Education and Skills)	Cabinet Member for Children, Education and Skills	

Children's Select Committee – Forward Work Programme			Last updated 1 SEPTEMBER 2018		
Meeting Date	Item	Details / purpose of report	Associate Director	Responsible Cabinet Member	Report Author / Lead Officer
15 Jan 2019	Family and Children's Transformation (FACT) Update	To receive an update on the progress of Family and Children's Transformation (FACT).	Lucy Townsend (Director - Family and Children's Services)	Cabinet Member for Children, Education and Skills	
15 Jan 2019	Nursery Places Update	To receive the annual update on nursery places.	Alan Stubbersfield (Interim Director - Education and Skills)	Cabinet Member for Children, Education and Skills	Susan Tanner
15 Jan 2019	School Ofsted Judgements	To receive a report detailing school Ofsted judgements since the last school term.	Alan Stubbersfield (Interim Director - Education and Skills)	Cabinet Member for Children, Education and Skills	
5 Mar 2019	Family and Children's Transformation (FACT) Update	To receive an update on the progression of Family and Children's Transformation (FACT).	Lucy Townsend (Director - Family and Children's Services)	Cabinet Member for Children, Education and Skills	

Children's Select Committee – Forward Work Programme			Last updated 1 SEPTEMBER 2018		
Meeting Date	Item	Details / purpose of report	Associate Director	Responsible Cabinet Member	Report Author / Lead Officer
5 Mar 2019	Educational Outcomes for Disadvantaged Learners	To provide an overview of the attainment and progress of pupils eligible for the pupil premium in Wiltshire compared with similar outcomes in England, the south west and local authority statistical neighbours. The report will include an outline of the activity carried out to improve outcomes across the County.	Alan Stubbersfield (Interim Director - Education and Skills)	Cabinet Member for Children, Education and Skills	Jayne Hartnell
5 Mar 2019	School Ofsted Judgements	To receive a report detailing school Ofsted judgements since the last school term.	Alan Stubbersfield (Interim Director - Education and Skills)	Cabinet Member for Children, Education and Skills	
16 Jul 2019	Performance & Outcomes for Families & Children's Services	To receive an overview of the performance and outcomes of children's social care.	Lucy Townsend (Director - Family and Children's Services)	Cabinet Member for Children, Education and Skills	Lynda Cox

Terence Herbert, Corporate Director

Children, Education & Skills

Director, Families & Children’s Services - Lucy Townsend

Head of SEND Service - Nicholas Breakwell	Head of Care & Placement - Martin Davis	Family and Children Transformation Project Lead - Theresa Leavy	Head of Support and Safeguarding – Jen Salter & Mal Munday	Head of Performance Management & Co- ordination - Lynda Cox	Head of Quality Assurance - Claudia Megele
<ul style="list-style-type: none"> As per SEND strategies listed in commissioning section below. 	<ul style="list-style-type: none"> Placements Commissioning Strategy 2018 (as below in development) Corporate Parenting Strategy 2018-2022 	<ul style="list-style-type: none"> Partnership Strategy in Development 	<ul style="list-style-type: none"> YOT Strategic Plan (due for renewal by 31/07/18) EWO Traded Service Plan (in draft) CMOE/CME Policy (in draft) Working Together to Safeguard Children 	<ul style="list-style-type: none"> See below – managed WSCB Business Manager 	<ul style="list-style-type: none"> Detailed in WSCB list below.

Director of commissioning – Helen Jones	Director, Education & Skills - Alan Stubbersfield			
Head of Children’s Commissioning – Susan Tanner <i>All published through the former Children and young people’s Trust</i>	Head of School Effectiveness – Jayne Hartnell	Traded Services Manager – Nick Cave	Head of Employment – Jackie Tuckett	Head of School Place Commissioning - Clara Davies
<p>Page 218</p> <ul style="list-style-type: none"> • Joint Commissioning Strategy Framework for Children and young People in Wiltshire • Child Health Improvement strategy 2014 – 19 • Reducing Child Poverty strategy 2014 – 20 • SEN Strategy Supporting Schools 2015 – 18 • SEND Strategy 2016 – 19 • Early Help Strategy 2014 • Neglect Strategy 2015 -18 • Wiltshire CCG Transformation Plan for Children and Young People’s Mental Health and Wellbeing 2015 – 21 • Young Carers strategy • Obesity Strategy 2016 – 20 (Led by Public Health) <p>In consultation and/or development</p> <ul style="list-style-type: none"> • Placements Strategy (LAC and SEND) • Joint ASD Strategy (Adults and children) <p>Plans</p> <ul style="list-style-type: none"> • Wiltshire Children and Young People’s Trust Plan 2016 -19 • Sustainable Transformation Plan for Wiltshire, BANES and Swindon 	<ul style="list-style-type: none"> • School Improvement Framework • Disadvantaged Learners Strategy 	<ul style="list-style-type: none"> • Wiltshire Council Commercial strategy • Traded services commercial plans • Please note: Through traded activities connection to service area strategy’s such as the Wiltshire property strategy, etc. 	<ul style="list-style-type: none"> • Education and Skills strategy 2014 to 2020 • SWEAN Plan to 2020 • SWLEP Apprenticeship Growth Strategy 2018-2020 Aligned to Wiltshire Action plan. • Higher Futures strategic plan 2017-2020 • SWLEP emerging HE strategy • E&S comms plan • Routes to employment action plan • Skills for Young People action Plan 	<ul style="list-style-type: none"> • School Places Strategy 2017-2022 • Co-ordinated Admissions Arrangements, versions for 2017/18, 2018/19 and 2019/20 currently live • Fair Access Protocol • Annual Report to the Schools Adjudicator, June 2017

Strategy
Early Help Strategy 2014 - Published by WSCB and the Children’s Trust, this strategy sets out Wiltshire’s early help offer, including plans for the national Troubled Families initiative. We want to achieve the best possible outcomes for children and young people by providing the right help as soon as it is needed.
Neglect Strategy 2015-18 - Jointly published by the WSCB and Children’s Trust, this strategy sets out aims and objectives for tackling neglect and preventing, reducing and managing its effects on children and young people.
Allegations Management Policy
Bruising and injuries to non-mobile children Protocol
Child Protection and Sexual Exploitation Process
Discharge Planning Protocol: Discharge of Children and Young People from Acute Hospital Settings
Escalation Policy – (note Wiltshire’s Escalation Policy now differs to the one from South West Child Protection Procedures)
Keeping Children Safe in Education – information for all school and college staff part 1 – September 2016
Local Authority Guidance for Schools: Code of Conduct (for safer working practice)
Minimum Expectations for Privately Employed Nurses
Model School Child Protection Policy
Pre-Birth Protocol to Safeguarding unborn babies
Rapid Response Meeting Agenda
Social Networking Policy
Strategy Discussions and Section 47 Enquiries
Single Assessment Protocol
Supervision Principles
Safer Recruitment Principles
Swindon and Wiltshire Missing from Home and Care Protocol
Unexpected Child Death Contact List
Thresholds for Safeguarding
Wiltshire and Swindon Child Death Process
Wiltshire Harmful Sexual Behaviour Protocol
For full child protection procedures please visit the South West Child Protection Procedures site at www.swcpp.org.uk .

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WSCB

Appendix 1:

Headline data

Families and Children's Services:

Placement Services

- Adoption - aims to provide a range of safe, secure and enduring adoptive placements to meet the assessed needs of children waiting to be adopted in order to promote and safeguard their welfare. To recruit a sufficient pool of prospective adopters to offer placement choice in order to meet the assessed needs of the children. The Adoption Panel makes recommendations to the Agency's Decision Maker on whether a child should be placed for adoption; whether a prospective adopter is suitable to adopt a child; and whether a child should be placed for adoption with a particular prospective adopter. From October 2018 Wiltshire Council will participate in Adoption West, a Regional Adoption Agency, along with five other councils. The functions currently undertaken by the Wiltshire Fostering Service will transfer to Adoption West. A Board of Directors, chaired by the Wiltshire Council Corporate Director for Children and Education, will oversee performance of Adoption West.
- Fostering - aims to provide and maintain stable, first-rate foster care for children and young people. To recruit, train and approve foster carers and deliver ongoing support to them to give them the skills and confidence they need to develop meaningful relationships with the children and young people they care for and provide stable and loving homes while they are part of the foster family.
- Children in Care - will ensure that children who are looked after are placed in properly approved placements, suitable to meet their needs and that, wherever possible, siblings are placed together. They will be placed in a family placement unless there are assessed reasons why residential care or an alternative type of placement is the better option.
- Care Leavers - If a young person remains in care until adulthood Children's Services will ensure that they are supported when they leave care, including through remaining in their foster placement (Staying Put). Our responsibilities for these young people continue until they are 25. This support will include personal assistance with living independently and with accessing and making the most of education and employment opportunities.
- Virtual School - The Virtual School is responsible for improving and supporting the educational attainment of all children and young people in the care of Wiltshire Council, including those who live and attend schools in other Local Authorities.
- Emergency Duty Services - provides statutory services to vulnerable children and adults who are in need of safeguarding or protection outside of office hours.

Quality Assurance and Principal Social Worker

- Conference and Reviewing Service – has responsibility for setting up and chairing statutory reviews for looked after children and chairing multi-agency child protection conferences and checking that practice across agencies is robust and effective. The Service provides a quality assurance function with regards to quality of work within children's social care and partner agencies and planning for children subject to a child protection plan and looked after children.
- Independent Visitor Scheme - An Independent Visitor is a trusted adult from outside the system who can offer consistent, long-term help throughout the time a young person is in care and on leaving care. Their role is to 'visit, advise and befriend' the young person with whom they are matched.

Support and Safeguarding Service

- MASH - provides a central point of contact for public and professionals for referrals into Families and Children's Services. The co-located team of professionals from the core agencies of children's social care, the police, community health services and other key partner agencies including domestic abuse and substance misuse services will deliver an

integrated service, including the provision of information, advice and signposting to appropriate services. It brings together professionals from services that have contact with children, young people and families, and makes the best possible use of their combined knowledge to keep children safe from harm. Emerald Team CSE and Missing and the Designated Officer for Allegations (DOFA) are also collocated, as well as a number of virtual partners including adult mental health services.

- Care Proceedings Case Manager - Where a child has suffered, or is likely to suffer, Significant Harm in the future it is the local authority's duty to consider the evidence and decide whether to take legal action for example Pre-Proceedings or Care Proceedings. This role manages and supports the timely progression and conclusion of such cases to ensure good outcomes for these children.
- Contact and Assessment - undertake intensive community based parenting assessment as requested by the case holding social work teams for children on the edge of care and in care proceedings. In addition to assessments the team are responsible for providing contact to children within the same threshold and have dedicated workers who support long term contact arrangements for Looked After Children.
- Support and Safeguarding - Children's Services, together with their local authority colleagues as corporate parents, will work to enable a child's own family including their wider family to meet their needs. They will facilitate services, including early help services, to support children and families consistent with the child's safety and well-being. This includes Early Intervention Advisors (formerly CAFCo) and offers advice and support to staff/professionals working with children and young people with multiple needs below the threshold for social care intervention. The service is focussed on providing a more intensive response to families at an earlier point when needs arise in order to prevent them escalating into statutory services. Creating mixed teams of both Family Keyworkers and Social Workers within each area team – with the Family Keyworker maintaining a constant relationship with the child/family during any required step up or step down across the social care threshold.
- Early Years Inclusion - support early years settings to support young children 0 – 5 years who are at risk or showing to be developmentally delayed. Additionally, they provide coordination of professionals/services/families within the early years setting and can offer specific support for young children on My Support Plans or CAFs transitioning into reception. In order for settings to be self-regulatory, EYIOs also support practise and provide training within individual or cluster of settings with behaviour management, speech and language and English as a second language.
- Education Welfare and Penalty Notices - provides a service to schools to support them in raising attendance and improving punctuality, ensuring effective practice with regard to children missing from education, elective home education, pupil exclusion from school, and children who are unable to attend school because of medical needs.
- PAUSE is a multi-agency team responsible for the support to women who have had two or more children removed from their care. The aim is to ensure they're supported to resolve their own difficulties and subsequent parenting deficits; whilst not having more children, in the hope they will in the future be able to parents future children in their care.

Special Educational Needs and Disability (SEND) Service

- SEND Support - co-ordinates arrangements for Statutory Assessment and/or Education, Health and Care Plan (EHCP) with regard to statutory deadlines. A My EHC Plan is a statutory plan created by a Lead Worker as a result of an Education, Health and Care Plan assessment. It is required under the Children and Families Act. A My Support Plan is designed to capture the same information, but for young people who do not meet the statutory threshold for support. Secure appropriate provision for children and young people with an EHC Plan.

- Specialist SEN/SEN Inclusion Support - help schools and settings understand and meet the needs of children and young people with identified or suspected special educational needs and/or disabilities. Support for children and young people with literacy, numeracy and learning difficulties, as well as those with identified Specific Learning Difficulties such as dyslexia and dyscalculia; support for children and young people with language and/or social communication needs such as difficulty interacting with others, or understanding classroom language and routines, and specific diagnosis such as an Autism Spectrum Disorder, or Specific Language Difficulty.
- Educational Psychology - use psychology to support the development, inclusion and achievement of children and young people with Special Educational Needs and Disabilities (SENDs). Work to promote the well-being, inclusion and achievement of children and young people through working with young people and their families, schools, and associated agencies.
- Behaviour Support - works with Wiltshire Primary Schools to provide support for all pupils with social, emotional and mental health needs (SEMH).
- Ethnic Minority Achievement - to improve the capacity of schools to raise the attainment and achievement of pupils from minority ethnic groups and of learners of English as an Additional Language, including pupils from Traveller ethnicities.
- Sensory Impairment and Physical and Medical Needs - provide advice on strategies, interventions and classroom management for children and young people with physical and medical needs to enable them to be fully included in the life of the school or Early Years setting.
- DOFA - contact for reporting significant safeguarding concerns about someone who is working or volunteering with children and young people.

Youth Offending Partnership

- Youth Offending and Prevention - works with children and young people who are involved in offending behaviour, working with the young person, their parents or carers, the victims of crime, volunteers and the local community. This includes supporting young people who may be at risk of getting into trouble but have not yet committed an offence; young people who have committed offences to change their behaviour and stop reoffending; and working with victims of crime to make sure they are given a voice within the criminal justice system. The Youth Offending Service also recruits community volunteers who support individual young people, lead Referral Order Panels, act as Appropriate Adults and support victims.

Safeguarding in schools and early years settings

- Supports maintained schools, academies, independent schools and early years settings to fulfil their statutory and non-statutory safeguarding obligations.

Performance and Information

- Responsible for compiling activity and performance data, including DfE statutory returns and local reporting.

Education and Skills:

School Effectiveness

- School Improvement - the Local Authority School Effectiveness Review (LASER) strategy identifies whether a school is providing an acceptable standard of performance and whether it is likely to continue doing so. Current performance and future risks are considered to ensure that support can be put in place rapidly to mitigate risks and future underperformance and make sustainable improvements.
- Risk Assessing School Performance - Challenge and Support Partners (CASPs) work with the headteacher, senior leadership team and governing body as appropriate to provide personalised and targeted support and challenge based on a shared analysis of the annual performance assessment (APA), the school's strengths and areas for development.; discuss the school's targets and priorities for the coming year by considering information provided by the school on its APA, Ofsted outcomes, national test results, trends over time, pupil achievement data and analysing the evidence for the school's improvement; challenge the school where necessary, particularly on its capacity to improve and whether it is focusing on the most important priorities for improvement and development; monitor progress and impact of agreed actions to secure continued improvement and support school leaders to identify and report the level of risk.
- Intensive School Support – where rapid, effective and decisive action to avert decline in school effectiveness is needed and intensive, immediate action is necessary. Where possible, the school will remain responsible for driving the improvement, closely monitored by the Intensive School Support Co-ordinator in conjunction with the support of an iCASP and School Effectiveness Reviews (SERs).
- Quality Improvement for end of key stage standards - provides comprehensive training and support to ensure that accurate judgements are made at the end of KS1 and 2 and in the phonics screening checks. The Data for Self-Evaluation Team works closely with schools to provide timely data to support their self-evaluation and target setting. These reports provide schools with detailed analysis of their performance and context.
- School Governance - offers advice and training opportunities to help governors, trustees and clerks become more effective and fulfil their responsibilities.
- Early Years Learning and Development Advisory Team – Provides guidance, support and challenge to managers and practitioners in early years settings and headteachers and teachers in schools and children's centres with the effective delivery and monitoring of the Statutory Early Years Foundation Stage Framework. The team has a statutory duty to support any school or early years setting judged less than good in an inspection, to provide guidance or training to all providers that require it and to support any new nursery provision. A menu of training courses is delivered annually. The team leader is also responsible for the statutory moderation requirements for the EYFS profile assessment in schools and for advice, guidance and training on early years assessment and tracking from birth to five.
- Family Learning - provides a targeted approach helping to engage parents and carers of different ages and backgrounds to gain new skills, reconnect with learning, learn how to support their children and better prepare them for progression to further learning, employment or volunteering. Family Learning includes a range of community-based and outreach learning opportunities designed to help people of different ages and backgrounds gain a new skill; reconnect with learning; prepare to progress to formal courses; learn how to support their children better; support wider government policies on localism, social justice, stronger families, digital inclusion and social mobility; to support flexible and responsive provision for learners aged 19+ without level 2 qualifications or without GCSE, English or Maths at grades A* to C.

- Wiltshire Learning Hub - provides high quality multi-media teaching and learning resources on loan. Resources on offer include books, artefacts, models, ICT equipment, role play, costumes, puppets, DVDs, CDs, CDROMS and interactive whiteboard activities. Membership is open to all primary, special, academy and independent schools.
- School support – including supporting the achievement of disadvantaged learners, supporting recruitment and the first year of new headteachers, NQT quality assurance and professional development, and structural change and academy conversion.

Traded Services

- Traded services for schools – providing high quality in the classroom and back office support to Wiltshire schools and the surrounding areas.

School Place Commissioning

- Admissions - Administer school admissions for children across Wiltshire, validating and processing application forms and sending decision letters to each applicant. Co-ordination of all Admissions appeals.
- Premises/School Organisation - showing how and where school places are to be provided, any plans to add or remove places, any proposals to open, close or alter a school, liaising with planners over proposed housing developments and gain contributions for school buildings

Employment and Skills

- Work Wiltshire – provides information and links for next steps in education, apprenticeships, information for employers, support available for those with barriers to work, information for those looking for work or wanting to upskill, financial support, further and higher education, local projects, support for schools, and policies and data.

Commissioning:

Childcare Team

- Childcare Team - is responsible for developing and supporting sufficient childcare for children 0-19 years countywide, including nurseries, childminding, and before and after school clubs.

Commissioners

- Commissioning is the process for deciding how to use the total resources available to deliver the outcomes required to meet identified needs in the most efficient, effective, equitable and sustainable way. At its simplest, commissioning is the process of planning, agreeing and monitoring services. Commissioners support the Council and its partners to develop and deliver commissioning arrangements which will improve outcomes for particular groups of children and young people.

WSCB:

- The Wiltshire Safeguarding Children Board (WSCB) have responsibility for coordinating and scrutinising the effectiveness of services being delivered to children and young people across Wiltshire. The WSCB is made up of professionals who work in services for children and families including health, education, police, fire and the voluntary sector. Members meet regularly with the aim of providing effective community and professional leadership and influence in relation to safeguarding across all partner agencies.

APPENDIX 1 – Headline Data

POPULATION SNAPSHOT:

- 105,000 children and young people living in Wiltshire
- 68,000 children attending maintained schools
- 450 Elective Home Educated
- 11,000 children with SEN (3,000 children & young people with EHCP)
- 9,000 children taking up free child care (11,000 children attending children's centres)
- 11% Black or minority ethnic
- 7% Service children
- 10% living in poverty

SOCIAL CARE SNAPSHOT - March 2018:

- 2,730 cases open to social care
- 360 with child protection plan
- 443 Children in care (37 UASC)