

<b>TITLE:</b>	<b>REPORT ON ELECTIVE HOME EDUCATION (EHE) 2015 – 2017</b>
<b>FOR CONSIDERATION BY:</b>	<b>CHILDREN’S SELECT COMMITTEE 06/02/18</b>
<b>REPORT DATED:</b>	<b>29/01/18</b>
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<b>ANNEXES ATTACHED:</b>	<b>Annex 1: Elective Home Education DfE Guidance for Local Authorities Annex 2: Wiltshire Council EHE Guide for Parents (2018)</b>

**1. Purpose of Report**

1.1 To provide assurance and the opportunity to challenge to Select Committee on arrangements for monitoring Elective Home Educated children.

**2. Background**

2.1 This report outlines:

- Safeguarding Implications
- What Elective Home Education is (including attached guidance in Annex 1 & 2)
- What the Department for Education guidance requires
- Key Local Authority processes
- Education Welfare Service issues
- Our Wiltshire context
- Our priorities 2017-18

**3. Safeguarding Implications**

3.1 Wiltshire Council has specific responsibilities under Section 11 of the 2004 Children Act, and Section 175(1) of the Education Act 2002 (plus related Statutory Guidance) 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. 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.

3.2 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.

#### 4. **What is Elective Home Education?**

- 4.1 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.
- 4.2 Elective Home Education in Wiltshire is governed by statute and Department of Education guidance (see Annex 1) 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.
- 4.3 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 Education Welfare Service (which sits in the Support and Safeguarding Service of the Families and Children's Directorate).

#### 5. **What does DfE Guidance require?**

- 5.1 Annex 1 indicates 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'.

- 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).

## 6. **Local Authority Processes**

- 6.1 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 2) setting out the legal position, roles and responsibilities for parents/carers, and that of the Local Authority.
- 6.2 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.

## 7. **Education Welfare Service**

- 7.1 The establishment of the Education Welfare Service is 9.91 full time equivalent staff – including 1 full time equivalent Penalty Notice Licensing Officer. The resource dedicated to monitoring Elective Home Education is in effect 2 full time equivalent Education Welfare Officer (EWO) roles – which is considered sufficient resource to oversee the area of work, as this work is generally supported by the whole EWO Team.
- 7.2 All communications initially to semi specialist EHE EWOs will be channeled 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.
- 7.3 What if the Local Authority is not satisfied that a suitable education is being provided? (see Annex 2 section 2.7)

- i. 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.
- ii. 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:
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.

## 8. The Wiltshire Context

The information below is based on academic years.

### 8.1 2015-2016 – Total Numbers

i.

Total number of young people known to be electively home educated.	<b>385</b>
Number of safeguarding concerns raised	4 (1%)
Number of notices given to parents for unsatisfactory provision	10 (2.6%)
Number of School Attendance Orders served.	0

ii. **2016-2017 – Total Numbers**

Total number of young people known to be electively home educated.	<b>437</b>
Number of safeguarding concerns raised <i>Referred to the MASH for oversight and/or assessment</i>	16 (3.6%)
Number of notices given to parents for unsatisfactory provision	16 (3.6%)
Number of School Attendance Orders served (commenced but withdrawn after parental improvement to provision)	1 (0.2%)

iii. **2017 – present (from 01/09/17) – Total Numbers**

Total number of young people known to be electively home educated.	<b>419</b>
Number of safeguarding concerns raised.	2 (0.5%)
Number of notices given to parents for unsatisfactory provision.	4 (1%)
Number of School Attendance Orders served.	0

**Note:**

*Children remain on roll (not school roll) for the period that they are EHE so will roll over on the register from one academic year to the next.*

**8.2 Gender (2017-18 academic year to date)**

Male            213 (51%)  
Female         206 (49%)

*Of these, 2 young people identify as Transgender, and 1 young person identifies as Gender Neutral.*

### 8.3 Ethnicity (2017 – 2018 academic year to date).

*We have difficulty in always capturing this information. This is a development issue.*

Gypsy/Roma/Traveller	46
Mixed Race	02
Asian British	01
White Other	01
Thai	01
Not known	368

*Anecdotally, we know that the majority of our home educated children are White British.*

### 8.4 Academic Age by Year Group (2017 – 2018 academic year to date)

R	5	(1.2%)
Y1	10	(2.4%)
Y2	22	(5.2%)
Y3	31	(7.4%)
Y4	26	(6.2%)
Y5	27	(6.4%)
Y6	22	(5.2%)
Y7	47	(11.2%)
Y8	47	(11.2%)
Y9	60	(14.4%)
Y10	59	(14.1%)
Y11	63	(15.1%)

### 8.5 EHE List segmented by those who are SEND (\*see below) 2017 – 2018 academic year to date.

Total EHE YP on the list	419
No of YP with SEN Statements (due to be converted to EHCP)	5
No of EHCP	29
SEN Support (My Support Plan)	2
Statutory SEND Assessment required or in process	3
Total SEND cases	39
Total SEND as % of the whole	9.3%

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Note: \* *Special Educational Need and Disability – in receipt of a Statement of Special Educational Need (SEN Student) or Education Health Care Plan (EHCP)*

## 9 **Where a child has Special Educational Needs and Disabilities.**

9.1 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).

## 10 **Service Priorities 2017 – 18**

10.1 The vast 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.

10.2 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.

10.3 Our business priorities going forward during the 2017-2018 academic year within the Support and Safeguarding Service are as follows:-

- i. To improve data management through the implementation of the new case management system – removing four legacy databases.
- ii. To ensure the ethnicity of those who are EHE is routinely captured.
- iii. To review the overall work and role of the Education Welfare Service set within the new Support and Safeguarding Service.
- iv. To set up a new performance framework (in addition to the above data) to capture:
  - a. % of initial home visits offered and accepted within 12 weeks of a parent/carer electing to home educate.
  - b. % of monitoring reports completed in 12 months.

- c. Total EHE month on month comparison and trend data.
- d. To record the reason for EHE (where known and provided) in all cases.
- e. To revise and reissue the EHE Policy and Guidance for parents (see Annex 2).
- f. To ensure key information for parents is placed on the Council website promptly.
- g. To record instances where schools fail in their duty to promptly notify the Local Authority where a parent/carer is electing home education.
- h. To ensure children are safeguarded and protected from harm in the very small number of cases where a Social Worker needs to become involved (Audit /Quality Assurance function).
- i. To robustly monitor, support and challenge parents/carers to appropriately educate their child within the confines of the law and guidance provided by the Department for Education.

#### 11. Business Analysis Matrix

Public Health Considerations	Monitoring children and parents/carers' application of Home Education Regulations generally contributes to the health and welfare of young people and their families. Information will be shared with Health Providers (unless parents/carers choose to opt out of this) in order that EHE children do not miss out on statutory health services (e.g. immunisation programmes) that are routinely available to children registered in schools.
Procurement and implications	As part of Children's Transformation (Phase 2); Support and Safeguarding Service is currently undertaking an in-house review of the Education Welfare Service 'offer' which will include feedback from parents, young people, staff, and schools.
Equalities impact	Parents/carers have a right to home educate their children regardless of race, gender, ethnicity and sexual orientation etc. We have noted the need to improve ethnicity recording of those children who are currently being home educated.
Financial considerations	Education Welfare Service delivery is set within the agreed Local Authority financial allocation.

Legal Implications	Select Committee are asked to note statutory guidance and requirements for Local Authorities in monitoring children who are electively home educated. These are set out in detail in Annex 1 and 2.
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11. **Conclusion**

Select Committee is asked to note this report and the role of Wiltshire Council in monitoring Elective Home Education; requesting an annual update.

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**Director**  
**Family and Children's Services**  
**30/01/18**