# Report to Children & Young People's Scrutiny & Policy Development Committee

**Report of:** Dawn Walton, Director of Commissioning, Inclusion & Schools

_____

**Subject:** Elective Home Education

_____

**Author of Report:** Joel Hardwick, Head of Commissioning: Inclusion & Schools

_____

**Summary:**

There are three current key issues related to this area of work:

- Ensuring that children who are home educated are safe and well, particularly given the rise in the number of children with vulnerabilities in this cohort
- Ensuring that suitable education provision is in place
- Ensuring that the school system is able to support all children, with a variety of needs, such that families do not feel that home education is their only option

The response to these issues is addressed in this report, both in terms of the local plans and strategies as well as the national and legislative picture linked to recent consultations. The information presented has been requested by the Committee to enable it to scrutinise performance in this area of work.

_____

**Type of item:** The report author should tick the appropriate box

| | |
|---|---|
| Reviewing of existing policy | **X** |
| Informing the development of new policy | |
| Statutory consultation | |
| Performance / budget monitoring report | |
| Cabinet request for scrutiny | |
| Full Council request for scrutiny | |
| Call-in of Cabinet decision | |
| Briefing paper for the Scrutiny Committee | |
| Other | |

**The Scrutiny Committee is being asked to:**

The Committee is asked to consider the current position described in the report as well as the developing work in this area and provide views and comments.

_____

**Background Papers:** None     **Category of Report:**     OPEN

Report of the Director of Commissioning, Inclusion & Schools

## Elective Home Education in Sheffield

**1.    Introduction**

1.1    Sheffield is comparable with other local authorities regionally and nationally in that the number of children entering home education has increased in the past 5-10 years. The EHE cohort is becoming increasingly fluid, with growing numbers of children registered with the EHE service for short periods of time only. Between 2013 and 2018, there was an overall increase from 268 in 2013 to 539 in 2018.

1.2    There are three current key issues related to this area of work:

- Ensuring that children who are home educated are safe and well, particularly given the rise in the number of children with vulnerabilities in this cohort
- Ensuring that suitable education provision is in place
- Ensuring that the school system is able to support all children, with a variety of needs, such that families do not feel that home education is their only option

1.3    The response to these issues is addressed in this report, both in terms of the local plans and strategies as well as the national and legislative picture linked to recent consultations.

**2.    Elective Home Education in Sheffield**

What was the submission of SCC to the national consultation?

2.1    Elective home education continues to feature prominently within the political and social arena. Two consultations have taken place recently; in 2018 *Home Education – Call for Evidence and Revised DFE Guidance* resulted in a revision of previous EHE non-statutory guidance. The SCC response to this consultation is attached at Appendix 1.

2.2    A further consultation following the call for evidence in 2018 closed in June 2019. Sheffield did not add to its 2018 response in this round.

What was the response to the consultation from the DfE?

2.3    The DFE response to the 2018 consultation resulted in the production of revised non-statutory guidance.  In a departure from previous practice, two documents were produced – Elective Home Education: Departmental guidance for parents and Elective Home Education: Departmental guidance for local authorities.  Whilst the revised guidance has not introduced additional duties, it has the potential to substantially alter EHE practice. Clarification has been provided to address issues pertaining to the rights and duties of both parents and local authorities. In particular,  the processes LA's should follow when working with parents providing suitable provision and, more importantly, how to

respond when parents are not, have been included within the revised guidance. Local authorities are expected to adopt a more proactive approach with regards to EHE; the onus is on local authorities to do 'whatever is actually possible' (p12) to identify children educated at home and establish the nature of the provision they are receiving.

2.4    The outcome of the second consultation is yet to be published, but it is expected that this will determine whether a duty should be placed on local authorities to maintain a register of children not attending school and the information parents and providers should be required to submit to the LA in connection to this duty.

What are the statutory responsibilities of an LA with regard to Home school children and what does SCC do?

2.5    The primary responsibility for a child's education rests with the parent. This duty, enshrined in law, is not unconditional as parents must ensure that their children receive a full time, efficient education which is suitable to age, aptitude, ability and special education need. The responsibility of SCC in relation to home educated children is directly related to the parental duty; the local authority is tasked with establishing whether parents are fulfilling their duty. Within SCC, this process commences with a request for curriculum information. Parents are expected to provide sufficient information to determine whether suitable provision is in place at home. If the information presented is incomplete or not provided at all, further action is taken by SCC which may involve home visits, meetings with the family and referrals to the Children Missing Education team. In those instances where resolution has not been possible, a referral is made to the Attendance Legal Team with a request for a School Attendance Order.

What are the plans for the future of the service provision in SCC?

2.6    Parents continue to cite 'dissatisfaction with school/educational needs not met' as the primary reasons for elective home education. In response to this, various strategies have been introduced. All parents are asked to confirm whether they have elected to educate at home. Challenges are made as and when required if de-registration does not appear to have be initiated by the parent. A 12 week agreement is currently in place which enables the LA to return children to their exit school if issues are identified during this time or the parent no longer wishes to provide an education at home. Recent changes to EHE guidance have enabled the LA to gain ongoing updates from parents regarding the suitability of provision and establish whether the needs of children are being met.

How is the wider education system seeking to improve support for children?

2.7    We are currently undertaking much work on the wider inclusion and SEND agenda within the Sheffield school system, and linking up work across education, health and care. Much of this is linked to the published written statement of action following the local area Ofsted/CQC inspection in autumn 2018. Under this plan:

- We will make sure there is good and positive engagement with children, young people, families/carers and professionals across this entire area of work to support, signpost, and shape services and the workforce.
- We will identify and understand needs of all children at the earliest possible stage that are continually reviewed, with clear pathways to access appropriate care, treatment, therapy and support when needed, underpinned by high quality data and tracking.
- We will create sufficient, flexible, high quality local provision, care and support covering the city, age range, and spectrum of needs, using all available data.
- We will continuously work to ensure each individual has a high-quality, up-to-date, personalised plan to help them broaden their horizons, raise their aspirations and encourage their potential to progress.

2.8    One of the key areas highlighted in the inspection report was around the mainstream school system. The work there is intended to improve the system and ensure that moves to home education are a positive move taken by families for their own reasons and not linked to a lack of available support.

**3.    What does this mean for the young people of Sheffield?**

3.1    The process and developments described should ensure that: all children and young people in home education are safe and well; that there is a clear route to support around home education provision; at the point of moving into home education there is a clear route for discussing young people's views and aspirations and a route back into school if appropriate; and, that families regain confidence in the support available in mainstream schools.

**4.    Recommendation**

4.1    The Committee is asked to consider the current position described in the report as well as the developing work in this area and provide views and comments.

**SHEFFIELD RESPONSE TO DfE CONSULTATION 2018**

**1) How effective are the current voluntary registration schemes run by some local authorities? What are the advantages and disadvantages associated with these local voluntary arrangements, and what would be the advantages and disadvantages of mandatory registration of children educated at home, with duties on both local authorities and parents in this regard?**

The voluntary registration scheme means it is only possible to maintain a partial list of children educated at home. Those that do voluntarily choose to register are being actively open about their choice and external involvement. As a cohort, they are therefore less likely to be at risk, either in terms of safeguarding or provision of suitable education. England is one of the few countries that does not operate any form of registration or monitoring of provision. LAs have the basis of a scheme in terms of the lists they currently hold. A compulsory registration scheme would be a formalisation and extension of current practice and would support LAs to ensure that children are safe and accessing suitable education.

**2) What information is needed for registration purposes, and what information is actually gathered by local authorities? Would it help the efficacy of these schemes, and the sharing of information between authorities, if there were a nationally agreed dataset or if data could be shared by national agencies, such as DWP or the NHS?**

A nationally agreed data set would be beneficial. It would ensure consistency between all LAs and enable the collation and comparison of data. As it stands there is no means of producing data regarding the national picture of home education. Whilst individual rights to privacy should be respected, requiring a national data set, including joining up and sharing data between agencies, would add a further safeguard towards ensuring that children are safe and accessing suitable education.

**3) Does experience of flexi-schooling and similar arrangements suggest that it would be better if the scope of registration schemes included any children who do not attend a state-funded or registered independent school full-time? If so, do you think that local authorities should be able to confirm with both state-funded and independent schools whether a named child is attending that school full-time?**

Yes, registration should cover all children. LA's should be able to confirm with state funded and independent schools whether a named child is attending. Without being able to do this there would be no possibility of verifying information. It is accepted that children within schools are monitored in terms of their whereabouts, safety, well being, outcomes etc. This should be the same for children educated at home.

**4) Would the sanction of issuing a school attendance order for parental non-compliance with registration be effective, or is there another sanction which would be more useful?**

School attendance orders are not always an efficient mechanism in relation to home educated children, they can leave a child in limbo for an extended period of time in those cases where suitable education is not being provided.

**5) What steps might help reduce the incidence of schools reportedly pressuring parents to remove children to educate them at home?**

A clear and universal approach to the information and context around each deregistration would be a further safeguard in the system, formalised through the Ofsted process, to ensure an openness and accountability within the system. Guarding against poor practice and supporting the interests of the child.

**6) Is there an argument for some provision which allows a child to return to the same school within a specified interval if suitable home education does not prove possible?**

Yes. A protocol of allowing children to return to their exit school within 12 weeks of entering home education is in place in this authority. The protocol is in the interests of the child. It should also encourage good practice and accountability from the school as they will be aware that the child will return to them if home education is not suitable and will not pass on to a neighbouring school.

**7) How effective is local authority monitoring of provision made for children educated at home? Which current approaches by local authorities represent best practice?**

It is not always possible to adequately support and monitor education provision at home under the current guidance. It is currently done through request and agreement of the family, often leading to difficulties obtaining the information and without being able to access the curriculum plan, evidence that the curriculum is being delivered, and regular ongoing contact and monitoring.

**8) If monitoring of suitability is not always effective, what changes should be made in the powers and duties of local authorities in this regard, and how could they best ensure that monitoring of suitability is proportionate?**

Monitoring of provision should include access to both a curriculum plan and children's work. This would ensure the curriculum plan is both appropriate and being delivered. It should also be monitored over time to ensure continuity, and particularly at changes of phase (e.g primary-age to secondary-age). Of course, families should be able to construct their provision as they choose, but in doing so they should be open to support and challenge in the interests of their child. That should include being able to state what their provision is and be able to evidence it is in place at regular intervals. The monitoring system should also enable families to be nudged towards accessing support at appropriate times.

**9) Should there be specific duties on parents to comply with local authorities carrying out monitoring if such LA powers and duties were created, and what sanctions should attach to non-compliance?**

Some sanction route is likely to be necessary and could include school attendance orders, education supervision orders, and in cases where the thresholds are met, action via social care.

**10) Is it necessary to see the child and/or the education setting (whether that is the home or some other place), in order to assess fully the suitability of education, and if so, what level of interaction or observation is required to make this useful in assessing suitability?**

It is necessary to see the education setting and it would be beneficial to see the student. Seeing the children would also enable the LA to fulfil its safeguarding duties.

**11) What can be done to better ensure that the child's own views on being educated at home, and on the suitability of the education provided, are known to the local authority?**

There should be a way for children to have their views recorded. Issues can arise in this area when children do not want to be at home. There are cases of children approaching professionals to state they do not want to be at home and a regular and open process for recording this would be helpful.

**12) What are the advantages and disadvantages of using settings which are not registered independent or state schools, to supplement home education? How can authorities reliably obtain information on the education provided to individual children whose education 'otherwise than at school' includes attendance at such settings as well as, or instead of, education at home?**

The advantages of these settings are that they allow parents unable to personally fully deliver education or with children that struggled with large environments, to access education. These need to be clearly part of monitoring processes, both curriculum and evidence of work. Such settings also present safeguarding risks to the system that should be addressed, both in terms of the monitoring of the setting and the families providing details where such settings are being used.

**13) What are the advantages and disadvantages of using private tutors to supplement home education? How can authorities best obtain information on the education provided to individual children whose education at home includes private tuition, or whom attend tuition away from home?**

Advantages are that parents may receive support, children can receive exam prep and tutors are a good way to supplement creative or autonomous provision with formal learning or core skills. Again, there are potential risks to the system, for example the potential for informal arrangements without appropriate safeguarding systems being in place.

**14) Are there other matters which stakeholders would wish to see taken into account in this area?**

All stakeholders working with children whether home education professionals, social workers, care workers, etc have a vested interest in ensuring children educated at home are suitably educated, safe and well. Issues affecting these children can have wider consequences and can impact on a number of other agencies.

**15) What might be done to improve access to public examinations for children educated at home?**

With growing numbers of children educated at home it may be possible to explore regional hubs which allow children from a particular region to access a dedicated exam centre. Some authorities provide access to exam centres whilst others will also pay for the exams.

**16) What good practice is there currently in local authority arrangements for supporting home-educating families? Should there be a duty on local authorities to provide advice and support, and if so how should such a duty be framed?**

Whilst parents must understand that the education is their responsibility, authorities should have to provide information and signposts towards support.

**17) Should there be a financial consequence for schools if a parent withdraws a child from the school roll to educate at home?**

Potentially if remaining academic year funding was transferred to the Authority pro-rata. This would enable the LA to do more to support such as providing access to exams, events, specialist advisers etc. It may also act as a minor safeguard against schools supporting the move where home education is unlikely to be in the interests of the child.

**18) Should there be any changes to the provision in Regulation 8(2) of the Education (Pupil Registration) (England) Regulations 2006 requiring local authority consent to the removal of a child's name from the roll of a maintained special school if placed there under arrangements made by the local authority?**

Children in specialist provision require support packages that may not be replicable at home. It is essential that there is a formality around this process to ensure the move would be in the interests of the child.

As covered in the answers above, it is in the interests of all current and future home educated children that captures vital basic information on safeguarding and ensures greater openness, support, and challenge around education.

**19) Comments are also invited on the revised DfE guidance documents for local authorities and for parents on current arrangements for elective home education (*the online response form allows for comment on separate sections of the documents*).**

The guidance is helpful in setting out the existing and proposed framework.

**20) Do you think that anything in the revised guidance documents could have a disproportionate impact, positive or negative, on those with 'relevant protected characteristics' (including disability, gender, race and religion or belief) and if so, how?**

Ensuring greater consistency, knowledge, support and challenge to home educated children has the potential to have a positive impact on those with relevant protected characteristics in the home educated cohort.