

Children's Services Committee

Report title:	Elective Home Education: the Norfolk Picture
Date of meeting:	16 January 2018
Responsible Chief Officer:	Sara Tough Executive Director of Children's Services
Strategic impact	
<p>The Local Authority's responsibilities for elective home education are discharged through Services to Home Educators (SHE) and supported by the Attendance Team. From 1st January 2018, these teams are now managed within the overall remit of the new Education, Quality Assurance and Intervention Service.</p> <p>Links to Norfolk County Council priorities are:</p> <ul style="list-style-type: none">• Excellence in education• Supporting vulnerable people <p>This report provides contextual information in relation to Elective Home Education (EHE). It enables Members to be aware of the LA's duties for children and young people who are home educated, current performance in accordance with these duties and areas for improvement are identified and acted upon.</p>	

Executive summary

There are currently 1223¹ children known to be home educated in Norfolk. Given the rise in numbers of children known to be home educated in Norfolk since 2012, this report has been devised to provide a summary of the current situation, the impact on capacity, the risks and the changing national landscape.

A summary of data relating to children who are known to be home educated is provided at Appendix 1.

Recommendations:

Members are recommended to note the current law and guidance on Elective Home Education (EHE) and proposed changes to guidance.

Members are recommended to comment on the current performance given the increase in numbers and the complexity of cases locally and the prospect of additional and clearer statutory responsibilities in this area.

1. Proposal (or options)

- 1.1 Given the increase in numbers and the complexity of cases locally and the prospect of additional and clearer statutory responsibilities in this area, it is recommended that consideration is given to current staffing levels and whether the LA is currently suitably resourced to establish the required systems and safeguards for home educated children in Norfolk.

2. Evidence

¹ Data accurate as of 14 December 2017

2.1 Local Authority Duties in relation EHE

- 2.1.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents or carers at home, rather than providing education for their children by sending them to school. This is different to education provided by a local authority other than in a school. The responsibility for a child's education rests with his or her parents and they have a right to educate their children at home. Parents are not required to register or seek approval from the LA to educate their children at home but they must ensure that their children receive suitable full-time education for the duration of the home education.
- 2.1.2 Local Authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis but do have a duty under the Education Act 1996 (Section 436A) to identify, as far as is possible, children who are not receiving a suitable education otherwise than being at school (for example at home, privately, or in alternative provision). The Local Authority will therefore make enquiries in all cases where parents are home educating in order to satisfy itself that the child(ren) concerned are in receipt of suitable education; this responsibility is carried out primarily by Norfolk County Council's Services to Home Educators.
- 2.1.3 In addition, Section 437(1) of the Education Act 1996 further requires the Local Authority to intervene if it appears that parents are not providing a suitable education. If there is no evidence of a suitable education being in place after enquiries, the case will be referred to the Attendance Service as a Child Missing Education. This Team will ensure the implementation of the School Attendance Order process, under [Section 437 – 443](#) of the Education Act 1996 to bring about the child's enrolment in education for those children identified as not receiving a suitable education
- 2.1.4 The LA's responsibilities for elective home education as outlined above are discharged through Services to Home Educators (SHE) with support from the Attendance Team. The SHE Team comprises of three full time equivalent posts – 1 Lead Teacher, a Services to Home Educators Officer and 1 Business Support post (currently a job share). From January 2018, the Attendance Service will consist of 7 full-time staff; 1 Senior Attendance and Entitlement Officers and 6 Attendance and Entitlement Officers.

2.2. The current picture

- 2.2.1 Numbers of children who are electively home educated (EHE) are not routinely captured via a national data return. Whilst there is no national data set to make a reliable comparison with other LAs about the numbers known in Norfolk, the findings from surveys undertaken by the Association of Directors of Children's Services (ADCS) help to give national context to the Norfolk picture; findings from these surveys are referenced throughout this report. The available data is summarised at Appendix 1, with key points summarised in the following paragraphs.
- 2.2.2 There has been a year on year rise in numbers of children known to be home educated in Norfolk since 2012 (see table 1:1). This appears to be a national trend with 92% of respondents to the most recent ADCS survey reporting similar year-on-year increases in the number of children and young people being home schooled. Table 1.2 demonstrates the rise in referrals particularly since autumn 2016 and also the relative fluidity of the population.

- 2.2.3 There are currently 979 children recorded on the Synergy System as being *known* to the Local Authority as being home educated however the number is higher. We have received an unprecedented increase in the number of new referrals with a total of **388** referrals received by SHE since 1st September 2017. The most referrals received in any one Term prior to this was 236. As a result, it has not been possible to meet this within current resources and there is a backlog of referrals to be processed and a total of 244 cases to be recorded on the system as home educated. This means that the actual number of children known to be home educated is **1223**² although the characteristics of those 244 are not reflected within the dataset provided.
- 2.2.4 The characteristics of the current population appear to reflect the trends identified in the ADCS surveys. Overall, slightly more males are known to be home schooled than females. There is a significant jump in the number of children being home schooled between key stages one and two with proportion of children home educated in key stages 2 to 4 being broadly similar. Of the current children known to be home educated, 80.6% are recorded as having previously attended a Norfolk School with 19.4% not recorded as attending a Norfolk School. 8% of the population have an EHCP or are undergoing assessment.
- 2.2.5 The reasons for this increase appear to be complex and wide ranging. In 44 % of cases, we have not been provided with the reasons for home education. It is clear however that a large number of home educators in Norfolk include those who are philosophically committed to this approach but they also include parents who have felt that they have no other option due to the result of issues and perceived failures of the system such as attendance, bullying, medical needs and special educational needs (see table 1.8). The SHE Team has identified instances where parents have indicated they have been encouraged or even pressured to take this option by the school themselves. In the most recent ADCS survey, 50 LAs reported that they felt ongoing changes to school structures and wide ranging curriculum reforms were impacting on the rising numbers of children and young people withdrawing or being excluded from the mainstream schooling system, our data on elective home education does not verify if this is the reason for the increase in numbers but does provide an indication that this is a wider systemic issue.
- 2.2.6 This growth may also, in part, be due to greater parental awareness of this option, along with improved LA recording techniques and reporting systems when a child is removed from a school roll. The fluidity of the population may potentially indicate home education is increasingly being used as a short-term intervention rather than a philosophical or lifestyle choice for some families. Between September 2016 and August 2017, 154 returned to school, with 96 children having returned to school since the beginning of the Autumn Term 2017.
- 2.2.7 Within the current cohort, there are an increasing number of complex cases and vulnerable children that require swift intervention, revisits within short-timescales and liaison with other professionals. Of the 179 new cases risk assessed since September 2017, 79 have a CareFirst record, 44%. Given the backlog in processing and risk assessing cases, this number could be higher. We currently have 2 children who are known to be working with Norfolk Family Focus Early Help and 1 where an initial child protection conference is due to be held. It is

² It should be noted that it is likely the number of children being home educated in the County is still higher; without a mandatory registration scheme or a duty placed on parents and carers to comply with enquiries from their LA, there is no way of knowing with certainty the true size of this cohort.

likely however that the actual level of vulnerability in this cohort is far greater as we are also aware that an increasing proportion of the children who are becoming home educated were either failing to attend school regularly or at risk of exclusion.

2.3 What is Working Well?

- The [Services to Home Educators Protocol](#) outlines how the Norfolk operates within the current national framework; this is publicly available along with clear guidance and support for those who are home educating or considering this option on the Norfolk County Council website
- SHE has a risk assessment process in place of all new cases including checks of CareFirst and requests for information from the child's last school where applicable.
- SHE now receives notifications of domestic abuse through Operation Encompass via the MASH.
- There are good working relationships and established systems with the Attendance Team and Child Missing Education Officer to improve response and outcomes for children where we cannot identify evidence of a suitable education being provided. As a result, we have worked proactively to address this issue with increased use of School Attendance Orders – 44 processes were started last year (previously only a small number of SAOs have been used).
- The Lead Teacher has engaged with local home educating groups, attends a regional network and a national body of professionals working in the field of elective home education.
- We have information sharing procedures in place with Public Health to facilitate home educated children's access to the Healthy Child Programme.

2.4 What have we done so far?

In response to the rising numbers locally we have.....

- Worked on the dataset to ensure accurate data is available to show a child's last known educational establishment (where applicable) to identify any particular trends. 23 secondary schools had 6 or more pupils being removed from roll to home educate in 2016-17 – in one school there were 12 children removed in one academic year for this reason.
- Sent information to schools reminding them of the guidance in respect of home education: **Elective Home Education & Services to Home Educators Referral Procedures**
- In October 2017 a report was provided to the Education Advisory subgroup of the NSCB to provide information about the current picture along with a request to raise awareness of the issue within the relevant associations and cluster groups.
- Attendance Team has worked with the Lead Teacher to develop a process for identifying and responding to concerns about school practice in this area. In individual cases this has resulted in children being reinstated onto the roll of a school.
- The Attendance Service are supporting SHE to risk assess all new referrals to clear the current backlog.

2.5 National picture & Impact of proposed changes:

- 2.5.1 Attempts to address the issue were made by the last Labour government. It commissioned a review of the law, [The Badman Review](#), which recommended the introduction of a compulsory national registration scheme. More recently, in May 2016, the [Wood review of local safeguarding children boards](#), commissioned by the Department for Education, concluded that in relation to home education, that a 'local authority is not able to assess either the quality of education being

received by the child or whether there are any safeguarding issues that require attention' and that 'this needs to be addressed urgently'. Subsequent reports from the ADCS and concerns expressed by Ofsted about the link with illegal schools and radicalisation more recently illegal 'off-rolling' in schools have called on the Government to review the current legislation.

2.5.2 A Private Members Bill was been put forward by Lord Soley on 27 June 2017 and received its second reading in the Lords on 24 November 2017. The Bill, if it were to pass through parliament, would give greater powers but also responsibilities to LAs in respect of monitoring EHE arrangements.

2.5.3 In response to the Bill, the Government is taking the line that new guidance will prevent the need for new legislation. Parliamentary Under-Secretary of State, Department for Education Lord Agnew of Oulton stated:

'What is needed is an improvement in the way local authorities can go about their task, which is identifying children who may not be receiving a suitable education... we also acknowledge that by no means all children being educated at home are being educated well. Local authorities need to be able to act in such cases. We think they already have the tools for the job, but we want to hear the view of key participants in this debate. Accordingly, I can confirm to noble Lords today that we intend to publish a draft of revised guidance documents on elective home education for local authorities and for parents, and consult on them'

2.5.4 It is hoped that proposed changes to guidance will give Local Authorities greater powers to assure themselves that children and young people who are home educated are receiving a good standard of education, delivered in a suitable learning environment, and that they are safe.

2.6 What needs to happen / next steps?

- The Lead Teacher has been liaising with the regional network of home education professionals; enquiries indicate a similar picture is being experienced in other areas and the next step is to identify strategies being employed to meet this demand.
- Given the increase in numbers and the complexity of cases locally and the prospect of additional and clearer statutory responsibilities in this area, it is recommended that consideration is given to current staffing levels so that the LA is suitably resourced to establish the required systems and safeguards for home educated children in Norfolk.

3. Financial Implications

3.1 There are no financial implications relating to the issues outlined in this report at this time as these aspects of Local Authority duties are supported by resources within the Education, Quality Assurance & Intervention Service. The annual budget for Services to Home Educators has been £92,830 since 2015 with overspends in the previous two financial years and a predicted overspend in the current one.

4. Issues, risks and innovation

4.1 Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2016/17 acknowledges that providing capacity to oversee the growing number of home-educated children is becoming a challenge for local authorities. The year on year increase in numbers, the complexity of some of the new cases

and the unprecedented rise in the number of referrals since 1st September 2017 is starting to have an impact on SHE's capacity to effectively identify whether a suitable education is being provided to children through home education and to respond in a timely manner to identify where a child is not receiving the education they are entitled to. Given that children by the nature of being home educated can be essentially 'invisible', an inability to make timely and appropriate contact with these families has an inherent risk attached.

5. Background

National guidance and legislation

[Education Act 1996](#)

[The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2016/17](#), December 2017

[Overview of the ADCS Survey on Elective Home Education – May 2016](#)

[Summary Analysis of the ADCS Elective Home Education Survey October 2017](#)

[Home Education \(Duty of Local Authorities\) Bill \[HL\] 2017-19](#)

['Elective Home Education: Guidelines for Local Authorities'](#) (DCSF as amended in 2013)

Norfolk Guidance

<https://www.norfolk.gov.uk/education-and-learning/home-education>

[Services to Home Educators protocol](#) (updated September 2017)

[MI62/17 Elective Home Education & Services to Home Educators Referral Procedures](#)

Officer Contact

If you have any questions about matters contained or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

If you have any questions about matters contained in this paper please get in touch with:

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