

Response ID ANON-8YT5-1VQS-5

Submitted to **Home Education – Call for Evidence and revised DfE guidance**

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Introduction

1 What is your name?

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3 Are you responding as an individual or on behalf of an organisation?

Organisation

4 If you are responding on behalf of an organisation, what is your organisation?

Organisation:

Education and Children's Services Group of Prospect

5 Which of the following best describes the capacity in which you are responding to this consultation?

Choose answer from dropdown list:

Charity or non-governmental organisation

If Other, please give details:

6 Which local authority area are you based in?

Please select:

7 Would you like us to keep your responses confidential?

No

Reason for confidentiality:

Information about home educated children

8 How effective are the current voluntary registration schemes run by some local authorities? 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?

Registration - text:

Present schemes are not effective as there are no agreed standards on what information is kept and to what detail.

A mandatory duty should apply to both parents as well as local authorities to register children educated at home. This is to ensure such children are first and foremost safe, and that they can be monitored to ensure they are actually receiving a suitable level of education (suitable to their age, aptitude and ability) as well as a broad and balanced education.

Whilst Section 3.8 of the current guidelines state that the school must delete the child's name from the school roll on receiving written notification that the child is to be educated otherwise, this call for evidence also states that "parents are not obliged to notify the school or anyone else that the home education is the reason for withdrawing children from school.

However, the Education Registration regulations do not allow a school to remove a child from roll just because the parent says they wish to take the child off roll (if they do not say they are home educating). The school (or Local Authority dependent on the level of core funded service/traded service buy in) should then, instead, follow up non-attendance or register as Children missing from education (CME) if those criteria are met.

9 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?

Data - text:

There should be a standard set of data gathered by LA's and the same statutory power that is used to track CME applied in the case of children who may be

This revision: <https://library.prospect.org.uk/id/2018/01273/2018-07-04>

educated at home. Many LAs are highly under resourced to monitor, track and safeguard these children. There should be core funding allocated to each LA which is protected for this purpose. There should be annual returns made to the newly shaped local safeguarding children boards (multi-agency safeguarding arrangements) and to the DfE.

Information sharing across LA boundaries by multi-agency partners such as DWP and health partners would be a great step forward in tracking down highly mobile CME, but also those children who are home educated from birth and never register with an education provider. So a resounding 'Yes' to the second question.

10 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?

Other settings - text:

'Yes' to both questions.

Flexi- schooled children in maintained schools are already on the local authority register as should children be who are on short term reduced timetables.

The government could make separate arrangements in relation to independent schools OR ensure that there is sufficient, ring-fenced funding for all LAs to deliver this duty. It would make sense if the new local multi-agency safeguarding arrangements have oversight of ALL children, in whatever setting they're educated within, in a particular area rather than have two separate systems.

11 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?

Sanctions - registration - text:

If there is evidence that a parent is not providing an efficient and suitable education for a child then an attendance order should be considered, but only after the parent has been given the opportunity to address the concerns. This option exists already but we think they are rarely used in LAs (the DfE should hold stats on this). The difficulty lies in proving what is "suitable". If a parent provides no evidence, this can be reason to apply for an SAO. If a parent provides limited evidence e.g. a list of what they are doing, this can be deemed to be sufficient evidence - in actual fact there is no evidence at all that the child is receiving an education.

There are no other useful legal sanctions that we are aware of although an Education Supervision Order (ESO) could potentially be used to support a child's return to school if there are other concerns that need addressing. The bottom line here is that it is a parent/carer's responsibility to ensure that their child receives a suitable education, and failure to comply is a legal breach of duty and should be prosecuted as such. The massive gap/loophole is the clear definition of "suitable".

The other aspect of possible prosecution is that it would give the judiciary the opportunity to say very clearly to the parent/guardian that the LA have a duty to ensure children are safeguarded and so ensure that LA officers have an opportunity to physically see children and to talk with them about their general well-being. In some cases at present, parents/carers refuse to permit LA officers to see or speak with their children, and DCS colleagues have a difficult decision to make around 'justifiable cause' and whether Police intervention is required.

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

Pressure on parents - text:

Local authorities could keep note on why children are being educated at home

Parents should have the right to report any instance where a school has attempted to pressure a parent to remove their child to the local authority for investigation, and possible action). The LA then needs the resources to be able to follow this up. The powers to investigate Academies are limited.

OFSTED should look in detail at all children that are removed to be home educated, when they investigate a school –and look at the story of each child. Regional Schools Commissioners should work with local authorities to share best practices and take an active role in investigating where non grant maintained schools are reported to put pressure on parents to remove children. The Age Weighted Pupil Funding (AWPU) should be removed from the school and allocated back to the LA to support their functions in overseeing this area of work.

The school should be required to hold any child on roll for a period of time if a parent informs they are home educating. This would allow time for investigations into any vulnerabilities and for the LA to potentially broker a meeting with a parent and look for ways to support them if they are withdrawing their child as a reactive response rather than as a positive lifestyle choice.

For families where there are Child Protection or Children in Need issues, the ability to safeguard these children becomes more limited. We should automatically be able to put a hold on requests in these cases until Social Care has assessed the risk factors. Again, in all of these cases, the LA must be resourced to deliver this. There is absolutely no spare capacity in Education Welfare Services.

More research needs to be done into the reasons WHY parents/carers choose this route. If it is to avoid (permanent) exclusion then we need to understand why the child has reached this point. Is it inflexible behaviour management systems in school? Is the school's curriculum offer broad, balanced and appropriately adjusted to meet the child's needs? Are the current accountability measures for schools providing a perverse incentive meaning that schools "can't afford" too many low attaining children on their roll?

13 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

Monitoring educational provision made at home or for home-educated children

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

LA monitoring practice - text:

Many local authorities at best make one, one hour visit per year to those being educated at home. Some make only telephone contact or contact by email or by post. The LA should be able to see the child and gather their views –how else do we know that they are safe?

Some authorities have more contact with EHE families as the start of the process to ensure that parents/carers understand their full responsibilities, and then taper the contacts in proportion to Officers' assurances that all is well.

Some parents/carers refuse access to the home/place of education and/or to the child. This makes the job of LA Officers trying to discharge the LA's statutory duties almost impossible and raises inevitable, and perhaps unwarranted, safeguarding questions.

The authority should invite the parents to meet with a named officer to discuss their proposals or home educational provision. Any such meeting should be mutually agreed and take place at a mutually acceptable location. The child should be given the opportunity to attend any mutually agreed meeting, or otherwise to express his or her views, but the child should not be obliged to do so. Either during such a meeting, or otherwise, the parents and the authority should consider and agree what future contact there will be between them. Whether or not meetings are arranged, contact should take place on an annual basis.

15 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?

Changes: monitoring - text:

We would advocate an annual evaluation through a home visit (or at a local school/neutral venue if required), which involves the child. The nature of the evaluation could be that work is compared with previous years' work and checked for progress, and an assessment made of the appropriateness of curriculum being offered. It is currently unclear whether parents/carers must ensure that the National Curriculum is delivered, or parts of it. It would be very helpful to have some clear guidance for parents/carers and LA Officers about what children should be taught if they are educated at home. A summative evaluation report should be produced and shared with parents/carers, and submitted to DfE to enable national monitoring to be undertaken.

Contact between the parent and local authority should take place at least on an annual basis. The authority should keep a written record setting out any discussions, recommendations or agreements made with parents, and where relevant, the reasons for them. Any written report should be copied to the parents, and where appropriate, the child.

Again, there are resourcing issues for LAs in relation to all of the above

16 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?

Monitoring: duties on parents - text:

Yes.

It is the duty of every parent to provide efficient education for their child suitable to his/her age, ability and aptitude. The key requirement of sanctions is that they are effective deterrents and escalate in a proportionate way to ensure compliance without penalising the child.

There should be a higher threshold as to proof of education delivered by the parent. In the absence of this, a very limited time to improve should be in place.

If concerns remain, a School Attendance Order remains a good option but LAs need to be sure that the standards around evidence of education are clearly articulated. An Education Supervision Order may also be a possibility.

17 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?

Seeing the child - text:

Definitely mandatory for both. See also points 14 and 15 above.

We think it should be mandatory to see the child and the education setting. Checks should be made regarding the child's well-being (safeguarding), the curriculum offer and the environment in which the curriculum is delivered. This would enable an assessment to be made on factors such as the child's reading age and his/her capability in mathematics in relation to what would expect for that age, as well as the delivery of British Values, and actions taken to ensure appropriate social development of children (especially very young children), and so on.

18 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?

Children's views - text:

We think the child should have time on their own with an appropriate adult and, again, clear guidance should be provided – something like a structured conversation framework which can be used to talk to the child.

The UN Convention on the Rights of the Child – Article 12 stated that: -

Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

19 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?

Other settings - text:

The parent should be able to evidence the following characteristics of an efficient and suitable education:

- Consistent involvement of parents or other significant carers.
- Presence of a philosophy or ethos (not necessarily a recognised philosophy) with parents showing commitment, enthusiasm, and recognition of the child's needs, attitudes and aspirations.
- Opportunities to support the child's literacies, their numerical skills and their health and wellbeing.
- The opportunity for the child to be stimulated by their learning experiences.
- Involvement in a broad spectrum of activities appropriate to the child's stage of development.
- Access to appropriate resources and materials.
- The opportunity for an appropriate level of physical activity.
- The opportunity to interact with other children and adults.

Parents may find it difficult to make judgements about the above –particularly if they have withdrawn their child as a reactive response. We should be able to run safeguarding checks on any unregistered provision which might match the OFSTED safeguarding checks.

Many parents/carers who electively home educate do this now, as do millions of parents/carers whose children are registered in a school or educational setting. It adds breadth to schooling. It isn't the fact that the educational provision is coming from a non-school provider that's the important thing, it is how this fits into the child's full curriculum that matters. For example, if a parent regularly takes their school-taught child to a reading session at a local library as part of the child's reading and wider socialisation development this could be deemed as appropriate 'enrichment'. However, if this child is home educated and the parent is using this session as the child's pedagogical input for reading this could be deemed as inappropriate. It depends on the context and the wider curriculum offer for the child. A further aspect to this may be safeguarding checks that might be required, for example if parents/carers use home tuition.

20 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?

Private tutors - text:

See 19 above, and also 14 and 15 on monitoring of home education provision.

Although there are also many parents who use private tutors as an add on (i.e. top up tuition for children who attend full time school). The safeguarding/educational concerns would be similar. A register of the same confirming DBS, educational qualifications would be helpful with specific advice from the LA for parents as to what to check. Some Local Safeguarding Children Boards (LSCBs) used to offer advice on this.

21 Are there other matters which stakeholders would wish to see taken into account in this area? If so please insert comments below.

Yes

Monitoring: other considerations - text:

There need to be adequate resources in place to carry out this work. Additional resources to help LAs discharge their statutory responsibilities are essential.

In some areas, there are large, active EHE support groups including on social media. These are often closed to "outsiders" and can be very anti-LA. There is a very real concern that some of these groups may develop and espouse views and cultures that are not congruent with British Values and may be extreme.

Support for home-educating families

22 What might be done to improve access to public examinations for children educated at home?

Access to examinations - text:

The education authority should have no statutory obligation to provide financial or other support for the education of children whose parents elect to home educate including those with additional support needs. Neither should the authority be required to meet any costs associated with external candidates taking examinations or other qualifications. However, the education authority may consider individual circumstances, particularly when there are minimal resource implications.

An important factor for educational examination centres is whether or not the child's outcomes would be "on their books" or not, although as an external candidate we don't think that they are. This would need to be clarified. Additionally, the cost of examination entry, possible moderation exercises and invigilation would need to be paid for by the parent/carer. Parents/carers often do not take this into account when making the decision to home educate, often because they are responding in crisis situations or because they are not making fully-informed decisions after a period of independent guidance and then reflection. Clear unambiguous national guidance for parents/carers about the full responsibilities they are taking on if they decide to home educate needs to be produced.

23 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?

LA support - text:

Most LAs do not actively encourage EHE and may be wary of advertising comprehensive support arrangement for fear of increasing the prevalence of EHE. This could be especially true in areas where school place planning is precarious.

Providing support and guidance means that there needs to be a resourced system to go alongside it of checking compliance. See sections above on monitoring.

Other matters

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

Yes

Financial consequences of withdrawal - text:

Yes –we think the AWPU should be withdrawn and passed back to the LA to support the monitoring of the EHE population. Schools have a responsibility to make reasonable adjustments for children. If a child's needs warrant it, then additional support funding is often available to the school. If a school believes it cannot meet a child's needs then it should work with the LA and other providers in the LA to identify the best provision for the child. The overriding principle should be that funding follows the child.

We also think that the AWPU, and any other funding that the child may 'attract' because of social or economic factors for such children, should automatically be transferred to a clear line in LAs' DSG. Currently, once a child has become home-educated and removed from the school roll, once the next funding period (post October censuses) begins this child's funding effectively "disappears" because the child is not on roll at a school; presumably retained by the Treasury? This funding could help to fund provision in LAs to carry out their statutory duties in relation to EHE. It could, of course, be argued that this funding could be granted to the parent/carer to help them to deliver the educational offer to their child, but there would need to be clear monitoring of this public funding. Such process already exists for LAs.

25 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 attending special schools: removal from roll - text:

No change. Parents/carers have the existing right to Independent Appeal if they have concerns that they feel the LA is not addressing.

27 What data are currently available on the numbers of children being educated at home in your local authority area?

Data on numbers of home educated children - text:

Data could include:

- Number of requests to educate at home approved during the year
- Number of children home educated where no consent from the education authority is required
- Number of home educated children reaching age 16
- Number of home educated children re-enrolling in school
- Number of home educated children leaving the area
- Current number of children being educated at home

The scale of the "hidden EHE" cohort needs to be identified locally and nationally. This cohort are those children who have never registered with an educational provider from birth or arrival in England. A great step forward would be to enable appropriate and effective data sharing between NHS and DWP and LAs to identify those statutory school-aged children who reside within a LA but who are not enrolled at a registered school.

26 Are there any other comments you wish to make relating to the effectiveness of current arrangements for elective home education and potential changes?

Other comments on effectiveness of current arrangements - text:

Current arrangements are inconsistent across the country and are poorly funded. Clear unambiguous guidance is needed for parents/carers, schools and LAs on what is required, along with the appropriate funding to do this.

28 Do you have any comments on any of the contents of the call for evidence document in relation to equality issues?

Equality issues - Call for Evidence - text:

All statutory school-aged children are entitled to a proper education that appropriately prepares them for their next steps, and ultimately to play their part in a modern British society. There is great anecdotal evidence that a growing minority of children who are home education are being denied this fundamental human right. We need to change what currently happens around these children because it simply isn't working.

Draft revised DfE guidance on home education: for local authorities

29 Comments on Section 1: What is elective home education?

What is elective home education?:

30 Comments on Section 2: Reasons for elective home education - why do parents choose to provide it?

Parents' reasons:

31 Comments on Section 3: The starting point for local authorities

The Starting Point:

See the sections above on monitoring and national guidance required.

32 Comments on Section 4: How do local authorities know that a child is being educated at home?

Local authority knowledge:

Registration with the LA is essential.

Citing a reason for withdrawal from registered school provision should be essential in order to track trends locally and nationally.

33 Comments on Section 5: Local authorities' responsibilities for children who are, or appear to be, educated at home

LA responsibilities:

Regular, effective monitoring and evaluation of home provision within a national framework is essential.

34 Comments on Section 6: What should local authorities do when it is not clear that home education is suitable?

LA action when not clear if home education is suitable:

Exercise existing powers, for example by issuing a School Attendance Order.

35 Comments on Section 7: Safeguarding: the interface with home education

Safeguarding:

As well as the potential educational neglect issue of failing to provide a "suitable education" (whatever that may be deemed to be), issues around physical and emotional safeguarding are often of concern for some children educated at home with a narrow curriculum and lower interaction with the wider world. Proper, regular, effective monitoring arrangements could provide better assurances to the multi-agency arrangements in each area for these children.

36 Comments on Section 8: Home-educated children with special educational needs (SEN)

SEN:

Current arrangements for children with Education, Health and Care Plans should continue. Children with needs at SEN Support level are more difficult to oversee under EHE arrangements at present.

37 Comments on Section 9: What do the s.7 requirements mean?

S.7 requirements:

Clearer guidance must be provided on what "suitable", "efficient" and "full time" mean. The rhetoric in the draft guidance does not move this agenda forward at all. The current statements and arguments are not written in plain English, and are difficult for parents/carers and LAs to interpret.

38 Comments on Section 10: Further information

Other matters:

There are some useful points in these sections which could form part of plainly written guidance documents for parents/carers and schools which could be discussed when parents/carers express a desire to home educate.

There is nothing helpful in here regarding public examinations, such as SATs and GCSEs, and whose responsibility it is to arrange and fund these. This would be welcomed.

Draft revised DfE guidance on home education: for parents

39 Comments on Section 1: What is elective home education (EHE)?

What is elective home education?:

40 Comments on Section 2: What is the legal position of parents who wish to home educate children?

Legal position of parents:

41 Comments on Section 3: So what do I need to think about before deciding to educate my child at home?

So what do I need to think about?:

42 Comments on Section 4: If I choose to educate my child at home, what must I do before I start?

What must I do before I start?:

43 Comments on Section 5: What are the responsibilities of your local authority?

LA responsibilities:

44 Comments on Section 6: Further information

Further information:

Draft guidance documents: equality issues

45 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?

Equality - guidance documents: text:

No