

Agenda Item 52.

TITLE	Elective Home Education (EHE) Report
FOR CONSIDERATION BY	Children's Services Overview and Scrutiny Committee on 23 January 2018
WARD	None Specific;
DIRECTOR	Interim Director of People Services - Paul Senior

OUTCOME / BENEFITS TO THE COMMUNITY

For Overview and Scrutiny to note and accept the report and the associated policy and procedures. Overview and Scrutiny should be assured that the proposed EHE policy and procedures will be robust to ensure that children and young people, registered as electively home educated, are safe and suitably educated and that children missing education are identified and notified to Education Welfare in a timely way..

RECOMMENDATION

That the arrangements for Elective Home Education pupils are considered by the Committee.

SUMMARY OF REPORT

This report is intended to inform the Children's Services Overview and Scrutiny Committee about the provision of services to children and families who choose Elective Home Education (EHE) in the Borough.

Wokingham Borough Council (WBC) has a current population of 119 (as on 01/11/2017) children & young people registered as EHE. The EHE coordinator carries out annual visits (if agreed by parents) to assess the suitability of education provided to those on the EHE register but it should be noted that parents can opt not to comply with us. If the child has never been on roll at school, they do not have to register with us. This register provides opportunities to monitor in terms of safeguarding priorities.

Background

Elective Home Education offers families and carers the opportunity to provide education for the children and young people in their care independent from Local Authority or established school provision. The law states that the responsibility for a child's education rests with their parents/carers. Whilst education is compulsory, attending school is not.

Process:

A parent/carer can elect to home educate at any age or stage of a child's educational career. Should this option be taken from the earliest stage then the child will never be registered on any school roll and will not be known to the LA unless the information is either volunteered by the parents or we are made aware by another service. If the option to home educate is taken at a later stage then schools must inform the LA and the accountable service, in our case the Virtual School, and deregister the pupil from their roll. If a child has an EHCP then permission must be given by the SEN Team to deregister the child. The LA holds a register of families/carers who have elected to home educate – but their names appear only if they give consent. This cannot be enforced.

Provision:

The parent/carer must ensure that the education programme delivered 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 National Curriculum is not required. However, the programme must not foreclose the child's options in later years.

LA Duties:

- Provide clear information on EHE setting out the legal position, roles and responsibilities for parents/carers and LA.
- Statutory duty to make arrangements to identify EHE in their area.
- No statutory duty to monitor quality of EHE on a regular basis BUT can intervene if it appears that parents/carers are not providing suitable education (school attendance orders if necessary).
- Duty to promote safeguarding. This does not extend to empowering LAs to enter homes or see children for purposes of monitoring the quality of EHE provision. Where there are grounds for concerns in relation to safeguarding/welfare LAs can insist on seeing the child.

Wokingham context:

As part of the development of the Virtual School and its remit to oversee the effectiveness of education for our most vulnerable learners, an Education Coordinator has been in post as of the 1st January 2016. This role has the specific remit to oversee EHE. Prior to this the role was part of the Education Welfare Service. We have effective processes in place for notifications and maintain a register of EHE families and carers.

We are aware that there are some who have elected not to register. We offer annual visits for those registered and the majority engage with us.

Analysis of Issues

Current EHE roll analysis as of 01/11/2017:

119 EHE cases registered;

Male 57 (48%)

Female 62 (52%)

Gypsy, Roma and Traveller (GRT) children = 29 (24.4%). This is an increase on last year. As can be seen from this data, Wokingham EHE cohort has a large percentage of GRT children and young people represented – currently at 24.4% of the total EHE population, where GRT is more like 1% of the WBC pupil population as a whole. The Traveller Education Officer retired in Summer 2017, this role has since been taken up by Education Welfare. The previous officer had been supporting GRT families in the Borough for a long period of time and was key in developing good relationships between GRT families and the EHE Officer. These relationships will take time to rebuild between GRT families and the new Education Welfare Officer.

One key issue with the large number of GRT pupils registered as electively home educated is determining whether the education being provided is 'suitable'. Without clear legal guidance, some families are able to argue that, for example, an Irish traveller girl does not need to continue to learn to read and write as it is expected that she will marry and raise a family in their community.

Age

The table below provide a breakdown by National Curriculum Year group (NCY). From the table it appears that secondary transfer becomes a point at which the incidence of EHE increases.

NCY	Total Number EHE	% of caseload	No. of males registered	No. of females registered	No. of GRT Pupils registered
R	1	0.8%	1	0	0
1	5	4.2%	2	3	0
2	8	6.7%	3	5	0
3	7	5.9%	3	4	0
4	10	8.4%	9	1	0
5	12	10.1%	5	7	0
6	11	9.2%	5	6	0
7	10	8.4%	3	7	4
8	14	11.8%	10	4	7
9	17	14.3%	8	9	7
10	11	9.2%	4	7	7
11	13	10.9%	5	8	4

We are unable to break the figures down by ethnicity as this is often refused or not obtained and would therefore not show us any significant trend.

We have recently seen an increase in Years 9, 10 and 11 being withdrawn, most often due to mental health issues (such as anxiety) or a late identification of Special Educational Needs (SEND) where the young person is struggling to cope with the demands of attending mainstream school.

EHE children with Special Educational Needs:

- 0 with a statement or EHCP
- 25 who were SEN Support (SA/SA+) when they left school (21%). 9 GRT pupils make up 36% of the pupils who were on SEN support before being withdrawn.
- 94 with no noted SEN (79%). However, there are children within this group who do now have a diagnosis of ASC or other special educational need or severe health issue but who have no EHCP.

LA's responsibility for SEN is not removed when EHE applies, but practically to deliver those becomes very challenging. Educational Psychology are only able to offer support to home educating children when the LA maintains a statement or EHCP.

Reasons for electing to home educate:

This has been added to the revised registration forms. However, we do not always receive these back from parents and they do not always volunteer this information. There are a variety of reasons which may be given. GRT pupils are traditionally withdrawn at secondary level. There are other pupils who have been removed for religious reasons (Christian/Muslims). There is a significant proportion who have a diagnosis of Autism or a mental health issue. There are several children with severe health issues or disabilities. There are many long term home educators who do so for philosophical reasons or personal preference. There are also a large number who home educate temporarily while they wait for a space in their preferred school – either at a transition point (Year 7) or due to moving area.

Safeguarding concerns:

There are 115 children with no current safeguarding concerns recorded and 1 child on a Child In Need (CIN) plan, while 3 are either going through the Child and Family Assessment process or who are open to the Early Help Hub. Where a child is on a CIN plan or Child Protection plan, the EHE Officer attends all appropriate multi-agency meetings.

When new children are withdrawn to be home educated, a check is made with social care to see whether they are known.

Where children move areas, the EHE Officer shares information with the new Local Authority before removing the child from the EHE register. The EHE Officer also has close links with school admissions to monitor those who have made new applications to school or to identify any new EHE children.

‘Elective Home Education: Guidelines for Local Authorities 2007’ paragraph 4.7 states: ‘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 2007 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.’

‘Children Missing Education: Statutory guidance for local authorities’ January 2015 refers to the above guidance but incorporates further advice about safeguarding children EHE from Working Together 2013 guidance. As for any child living in Wokingham all efforts to protect and safeguard children and young people who are home educated should be made by all agencies. This should include ensuring that the families/carers taking this option are informed regarding key safeguarding practices such as safe recruitment and employment of staff to work with their children (tutors) and the LA should lead on ensuring all safeguarding concerns that are enforced within schools (FGM / CSE / Radicalisation) are applied to EHE families.

3 referrals have been made to CME so far in 2017, with another 2 potential referrals are expected by the end of term (Dec 2017). There are half termly multi-agency meetings held to monitor and share information regarding children registered as EHE or CME.

EHE Visits:

Visits are offered to families once they have been registered as home educating for 3 months. This is to allow them time to settle into new routines and formulate their plans for the child’s education. The purpose of the visits is to identify any children not receiving a suitable education and to offer families advice or guidance. If education is suitable, families are contacted annually to keep records up to date and to offer another home visit if required. However, parents are not legally obliged to agree to meetings or to supply information.

If parents refuse the initial visit, the EHE Officer requests additional information to ensure that children are receiving an education. If no information is received, this is referred to the Children Missing Education (CME) Officer.

Of the 119 children registered as EHE on 01/11/2017, 90 (75.6%) have either been visited by the EHE Officer or sufficient information has been received. Of the 29 children who have not yet been visited – 19 (16%) are within the early period before visits are offered. 2 were not of statutory school age when they registered and are due visits shortly (both families already engage with the EHE Officer for older siblings). 3 are GRT teenage boys who go travelling over the Summer and are due to be contacted. 2 have asked for more time before a visit, 1 appointment has been arranged and 2 are potentially due to be referred to CME.

Other Current Strengths:

- Large number of families engage with the EHE Officer (75.6% currently, as explained above).
- Links to Public Health – we have sent information and consent forms to eligible EHE pupils for immunisations.

- Links to Post-16 are improving. Year 11s are sent an EHE Evaluation Form and signposted to Elevate. Information is also shared with Elevate to try and reduce the number at risk of becoming NEET. The EHE Officer provide advice and guidance to families with children in Year 11 regarding their next steps.
- The EHE webpage has been set up with more information for those considering EHE and for those families who are already home educating.
- The EHE Officer has participated in the ADCS EHE Survey (results attached) in the hope that this may influence new guidelines for Elective Home Education.
- A large number of EHE children do return to school. Since September 2017, 27 have come off the EHE register. 23 of these returned to school, while 4 of these have moved areas. Where we become aware of children who move areas, the EHE Officer informs the new home LA. Of our 11 current Year 6 children, 6 have applied via school admissions for a secondary school place. Of the 5 who have not, 4 are long term home educators who engage well with the EHE Officer and 1 is potentially moving countries.

Next Steps:

- Revision of current EHE policy
- Use the Virtual School structures to strengthen appropriate EHE links to children's social care and safeguarding systems.
- Explore links with GRT support systems.
- Revision of key information leaflet and website for families.

It is of paramount importance to develop and maintain positive working relationships with the EHE community and ensure an open-door approach, because it is only by parents' consent that any engagement takes place under current legislation. This strategy will enable WBC to support effective learning and positive outcomes for the children and young people involved and will facilitate ease of re-engagement should families choose to re-engage with formal education at any point. These relationships also enable closer support for any safeguarding activities required.

Summary of Legal Advice on the Proposed EHE policy:

From the draft policy, it appears that, following informal requests which receive no parental response, the council will then either pursue s437(1); or refer to Children Missing Education; or both. These do appear to be appropriate courses of action in these circumstances and are in line with other local authorities.

Referral to Children Missing Education in these circumstances is considered the best course of action by Wokingham, however, doing so is not strictly in line with the guidance on Home Elective Education, and therefore an unhappy parent could attempt to challenge by way of judicial review. Whilst this is a possibility, given recent case law this may be unlikely to succeed, and the benefit to overall education may outweigh the risk involved. However, case law appears to support the pro-active monitoring approach when information is not forthcoming from parent, as proposed by the draft policy.

Whilst the existing EHE guidance is just 'guidance' it is clear from the legislation in this area, that in exercising their functions, a Local Authority must have regard to any guidance from the Secretary of State. To go against this could potential open the Council to challenge from parents, and this could be subject to judicial review.

It is recommended that when drafting such a policy input is sought from home educating families and home education organisations. It may be worthwhile seeking such input in the policy going forward, if this is not already the case.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION -

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0		
Next Financial Year (Year 2)	£0		
Following Financial Year (Year 3)	£0		

Other financial information relevant to the Recommendation/Decision
N/A

Cross-Council Implications
N/A

List of Background Papers
Attached: <ul style="list-style-type: none"> • Draft EHE Policy • Draft Proposed EHE Procedures • ADCS Survey 2017 results

Contact Sian Biddlecombe	Service Education
Telephone No Tel: 0118 908 8218	Email sian.biddlecombe@wokingham.gov.uk

This page is intentionally left blank