

**Children's Services Scrutiny Committee – 13<sup>th</sup> September 2012**

**Report of the Director of Children's Services**

**Elective Home Education Report for the Academic Year 2011 - 2012**

**Purpose of Report**

1. To inform and update the Children's Services Scrutiny Committee on the current work being undertaken in relation to Elective Home Education.

**Background**

2. **Parental Responsibilities are:** The responsibility for a child's education rests with parents. The law requires that a parent provides suitable education for their child or children. In the majority of cases this means that parents send their children to school. Some parents however prefer to educate their child or children at home. When a parent elects to home educate their child or children there is no clear definition of what a suitable education should be. As a result guidance has to be drawn from cases presented to the law courts. For example:
3. The diversity of modern society and styles of education give parents considerable freedom of choice in enabling children to achieve their potential. In the case of *R v Secretary of State for Education and Science, ex parte Talmud Torah Machikei Hadass School Trust* (1985)(Times, 12 April 1985) Mr Justice Woolf held that:
  - Education is 'suitable' if it primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so.
4. Examining the meaning of the expression *full-time* shows the hours spent on teaching in schools are not relevant to home education, which generally takes place on a one-to-one basis, or in small groups, in very different conditions.
5. Provided the child is not registered at a school, the parent is not required to provide any particular type of education, and is under no obligation to:
  - have premises equipped to any particular standard
  - have any specific qualifications

- cover the same syllabus as any school
- adopt the National Curriculum
- make detailed plans in advance
- observe school hours, days or terms
- have a fixed timetable
- give formal lessons
- reproduce school type peer group socialisation
- match school, age-specific standards
- seek permission to educate 'otherwise'
- take the initiative in informing the Local Authority
- have regular contact with the Local Authority

6. **Local Authority responsibilities are:**

- To provide accurate and clear written information about Elective Home Education on the Local Authority website re. legal position, roles and responsibilities of both the Local Authority and parents.
- To recognise that there are many approaches to educational provision, not just a 'school at home' model.
- The Education and Inspection Act 2006, Section 4, placed a duty on Local Authorities to make arrangements to identify children not receiving a suitable education. However, parents do not have to register a child as being home educated, unless they are leaving a school's roll.
- The Local Authority has no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under Section 437(1) of the Education Act 1996, a Local Authority's shall intervene if **it appears** that parents are not providing a suitable education. The Local Authority shall serve a note in writing on the parents requiring them to satisfy the Local Authority within the period specified in the notice that the child is receiving such education. However, in such cases, the Local Authority is encouraged to resolve the situation informally, negating the need to serve an Attendance Order.
- Section 11 of the Children Act 2004 sets out the arrangements to safeguard and promote the welfare of children. However, this does not extend Local Authority powers, under Section 175(1) of the Education Act 2002, to enter the home of, or

otherwise see, children for the purpose of monitoring the provision of Elective Home Education.

- When a child comes onto the Elective Home Education register, our Standard Operating Procedures are such that safeguarding checks are carried out for all new children added to the Elective Home Education list. This provides transparency with information sharing between Dudley Safeguarding Board, the Education Investigation Service and other services involved in Elective Home Education.
  - These links raised awareness that Social Services had involvement with 34 Elective Home Education children either in the past or presently with issues of domestic violence, neglect, youth offending or child protection. A few cases have resulted in Child Protection Case Conferences being initiated that have resulted in the child/ren being returned to school and three children were removed from the family home and taken into care.
7. The number of children on the Elective Home Education Register continues to be fluid, with 6 (3.1%) children / young people moving out of the Dudley area and 28 (14.4%) students being referred to Admissions procedures or the Fair Access Panel for a return to school. ( Academic year 2011-12)
8. In the academic year 2011 -12, 194 children have at some stage been on the Elective Home Education register. This is an increase over the numbers in the previous academic year. The three-year rolling average shows ever increasing numbers with the associated implications re: staff workload and resources.

2002 – 2005	82.0
2003 – 2006	102.3
2004 – 2007	129.0
2005 – 2008	150.0
2006 – 2009	170.7
2007 – 2010	180.7
2008 – 2011	181.7
2009 – 2012	186.0

9. Tracking of children has continued to be successful, with contact having been made with and information established for each child.
10. Reports and / or file notes, together with the Elective Home Education database, are up-to-date and held securely.

11. We continue to have well-embedded procedures for monitoring the effectiveness of home education, by the Local Authority 's preferred option of a home visit, a meeting at Saltwells Education Development Centre or a parent report. It is pleasing to note that we have only 3 families that have chosen to write a written report, rather than have direct contact with the Local Authority. However, it is still of concern that for the eight children / young people (4.1%), it is difficult to assess if they are receiving a suitable education. We believe this is a reflection of the importance we place on developing effective relationships with children, parents and the Elective Home Education community.
12. Systems are also well-embedded for cases where the education being provided is deemed to be unsuitable. Contact with parents and children is directly proportioned to need, with more frequent contact where concerns have been identified and have to be addressed, e.g. educational progress, Special Educational Needs, child protection and welfare.
13. It is pleasing to note that all of the 28 children who were returned to mainstream or special schools this year were with the agreement and support of families. This includes three children on the Child Protection list and two 'children in need'.
14. Elective Home Education has continued to work effectively with other departments within Children's Services and other agencies to ensure a two-way flow of information to address individual cases, namely:
  - ✓ Admissions
  - ✓ Autism Outreach Team
  - ✓ Children's Health Department
  - ✓ Children Missing Education
  - ✓ Connexions
  - ✓ Education Business Partnerships
  - ✓ Education Investigation Service
  - ✓ Family Intervention Teams
  - ✓ Traveller Education
  - ✓ Parent Partnership
  - ✓ Safeguarding Board
  - ✓ Speech and Language Therapy
  - ✓ Schools and Colleges
  - ✓ Special Educational Needs Team
  - ✓ Social Services

15. The effectiveness of the communication between colleagues is enhanced by what brings us together. We have developed an ethos where we embrace our responsibilities and help each other succeed. We strive to understand the big picture then do our part. We acknowledge that, by working together, we can and do produce better results than any of us can achieve alone.
16. However, in terms of a return to school for Elective Home Education students, this continues to be problematic. The lack of spaces in some of our primary and secondary schools continues to be an issue and, together with Fair Access Panel and Admissions protocols, often results in significant time lapses before Elective Home Education children who are not receiving a suitable education are finally placed. This is compounded if individuals are referred to township and then borough panels. There is also the specific issue with Fair Access Panel protocols, in that Elective Home Education students are returned to the school they previously attended. This makes no sense from the parents' perspective for children / young people who have become Elective Home Educated for alleged bullying. This matter is part of an on going dialogue with schools as they revise their Fair Access Protocol.
17. The number of children with a Statement of Special Educational Needs is continuing to decrease. In this academic year the number has reduced to 6, namely: 1 girl and 5 boys.

2004 /05 =	1
2005 / 06 =	4
2006 / 07 =	13
2007 / 08 =	12
2008 / 09 =	11
2009 / 10 =	9
2010 / 11 =	8
2011 / 12 =	6

18. For children with special educational needs, there is a process of interim assessments with specialist areas so that Elective Home Education visits and reports feed into the annual review of the statement.
19. Protocols are embedded for assessing requests from parents of children in special schools who need to seek the permission of the Local Authority before electing for home education and for the review of the annual statement, since the Local Authority has a duty to ensure that the child's special educational needs continues to be met. It is pleasing to note the continued development of outreach support for Elective Home Education children, which includes Cherry Tree Learning Centre, Pens Meadow, Rosewood and Sutton Special Schools.

20. The reasons given by parents for electing for home education show little variation from last year, namely:

	<b>Reasons</b>	<b>No.</b>	<b>%</b>
1	Schools not meeting individuals' educational needs	34	17.5
2	Cultural issues/traveller children / lifestyle choice	34	17.5
3	Attendance / disciplinary issue with the school	30	15.5
4	Health problems / school phobia / emotional issues	24	12.4
5	Religious beliefs	21	10.8
6	Philosophical	18	9.3
7	Alleged bullying	17	8.8
8	Not accepting school on transfer to secondary/ admissions issue	9	4.6
9	Family circumstances	7	3.6

- The age profile, by year and key stage, is consistent with previous years' figures with greater numbers at the secondary stage of education.

<b>Year</b>	<b>No. of Pupils</b>
Reception	2
1	11
2	9
3	8
4	6
5	8
6	15
7	20
8	19
9	33
10	30
11	33

<b>Year</b>	<b>No. of Pupils</b>	<b>%</b>
Reception	2	1.0
KS1	20	10.3
KS2	37	19.1
KS3	72	37.1
KS4	63	32.5

21. It is still of concern that parents will remove children at a late stage in their schooling to home educate.

22. The gender profile is shown below:

<b>Gender</b>	<b>No. of Pupils</b>	<b>% of Pupils</b>
Male	104	53.6
Female	90	46.4

23. The breakdown of Elective Home Education children / young people in terms of ethnicity is:

<b>Ethnicity</b>	<b>No.</b>	<b>Gender</b>
Pakistani	3	3 girls
Black African	5	4 boys, 1 girl
Mixed: White / Black African	1	1 boy
Mixed: White / Asian	4	2 boys, 2 girls
Mixed: White / Caribbean	3	2 boys, 1 girl
Any Other Ethnic Background	1	1 boy
Any Other White Background	5	4 boys, 1 girl
White British	142	72 boys, 70 girls
Gypsy / Roma & Traveller of Irish Heritage	30	18 boys, 12 girls

24. The trend of an increase in the number of non white-British students becoming Elective Home Education in the last seven years has now levelled out.
25. The Connexions Service has dedicated personal advisers for Elective Home Education students and has continued to provide career interviews, advice and guidance for home educated children. Post-16 destinations have been determined for all Year 11 students, namely:

<b>Destination</b>	<b>No.</b>
College	19
Employment	6
Glasshouse Arts Centre	1
Open University Degree	1
Traveller Lifestyle	3
Vocational Training	3

### **Dudley Local Authority support for Elective Home Education children**

26. The Local Authority has continued to provide significant support for Elective Home Education children this year to ensure that they are getting the best possible education. The support for Elective Home Education families consists of:

- The weekly provision at Pensnett 14-19 Education Campus for the delivery of GCSE classes in English and mathematics and the study of literacy and numeracy. This will be extended in September 2012 to include the teaching of functional skills. 46 children have attended throughout the year including seven Gypsy Roma Traveller children. This has included some very vulnerable children who have, therefore, been seen and monitored weekly.
- Attendance at Dudley College for Hair and Beauty and Construction courses. These college links will be further extended in September 2012 with students attending Halesowen College to follow Animal Care and Hairdressing programmes of study,
- ASDAN, Certificate of Personal Effectiveness and Personal Social Education programme with training provided by the Local Authority and delivered by an Elective Home Education parent. Next year will focus on the ASDAN Adult Literacy and Numeracy Programmes.
- Outreach support for Elective Home Education statemented children from Cherry Tree Learning Centre, Pens Meadow, Rosewood and Sutton Special Schools.
- Dedicated officers from the Connexions Team to support progression post 16 to ensure that there is effective transition from home education to higher and further education. It is pleasing to report that we again have no children in the NEET category.
- Dedicated officers from our Education Business Partnership Team to provide work experience for interested young people.
- An exciting development this year has seen the establishment of a virtual learning environment for Elective Home Education students.

27. The scoping of the design of the Elective Home Education, Virtual Learning Environment and the procurement, provisioning and populating of resources within the Elective Home Education Virtual Learning Environment has culminated with the provision of a Dudley Grid for Learning 'Portal' account to all Elective Home Education pupils, providing a 'one-stop' safe and secure virtual learning environment and allowing access to the following key features:

- The provisioning of RM Easymail Plus e-mail accounts for children to correspond with a 'virtual teacher'. This facility provides the opportunities for



children to ask a teacher for advice on their studies, as well as receive work electronically.

- The provision of a safe and secure 'chat-room' facility open to Elective Home Education pupils to take part in discussions/debates and seek clarification to questions relating to their studies.
- The provision of a safe and secure 'Instant Messenger' (IM) service for quick question and answer correspondence.
- Instant access to some of the best free resources on the Internet for English, Maths and ICT and to purchased resources for Science.
- Instant access to a bank of prepared resources from Dudley Grid for Learning to include Art, Humanities and Music.
- Access to a number of productivity tools purchased by Dudley Grid for Learning including J2e and Purple Mash (programs popular in secondary and primary schools).
- Access to a range of other free facilities including ICE (Safe Internet Search Engine) and the National Archives.

28. The system has been future-proofed with integration into the Integris Management Information System, capacity for additional users, integration of a virtual workflow and mark book environment as well as complementary parental access.

29. A further development commencing in September 2012 will be the introduction of a Core Science iGCSE covering the three elements of Biology, Chemistry and Physics. This will take place at Halesowen College to utilise their science facilities in a twilight session once per week. This introduction will ensure that all Elective Home Education children within Dudley Local Authority have the opportunity of studying all of the core subjects ensuring an entitlement curriculum.

30. In terms of outcomes and qualifications it is pleasing to note that results of the GCSE examinations in 2010/11, 100% of the 12 students ranging from Year 8 to Year 11 achieved grade A\*-C, namely:

English – 2A\*, 5A, 3B, 2C

Mathematics – 2A\*, 5A, 4B, 1C

31. For the present cohort, 18 children ranging from Year 9 to Year 11 have been entered for GCSE Mathematics and 10 for GCSE English. One year 11 girl has already attained 8 GCSEs at 'A' and A\* level and has just completed studying 'A' level Biology, Chemistry and Physics and a third year Open University maths degree.
32. It was also pleasing to note that an ex Elective Home Education student has just been awarded a first class honours degree in computer Science.
33. The Government's Education Committee's enquiry into the support available for home education does not wish to cause 'controversy in its muddling of safeguarding matters and education matters' but it is still of concern that nationally we have not addressed the tension that presently exists between local authority responsibility and parental rights, namely:
- Parents are not required to register their intent to home educate.
  - There is no clear workable definition of what constitutes an efficient and suitable full-time education.
  - There is no right of access to the home re. educational provision/working conditions.
  - There is no right of access to the child for educational purposes, although Local Authorities are responsible for safeguarding and promoting children's welfare.
  - Parents can presently elect for home education, even if there is a history of condoned absence, unmanaged truancy or other low level concerns.
34. In terms of financial support for home educators, the new guidance notes for the 2012 Alternative Provision Census includes a category entitled 'Not a school'. This allows the Local Authority to receive funding for arrangements that we make for the education of pupils of Gypsy, Roma & Traveller families and also children who are electively home educated by their parents who are receiving significant financial support by the Local Authority to attend a College of Further Education or other Alternative Provision and / or in support of the child's special educational needs.
35. There is no minimum age for the students, courses can be online and it is not necessary for the child to have a statement of special educational needs. It is a matter for the Local Authority to determine what support to give, but the Local Authority needs to be satisfied that the support being provided contributes to the overall education of the child and provides value for money.

## **Law**

36. In England, education is compulsory, but schooling is not. Section 7 of the 1996 Education Act provides that:

*'The parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable (a) to their age, ability and aptitude and (b) to any special educational needs they may have, either by attendance at school or otherwise.'*

## **Finance**

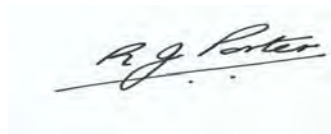
37. There are no direct financial implications arising from this report in respect of Elective Home Education. The (aforementioned) new Alternative Provision Census 2012 guidance notes are being considered as part of the wider formula funding review.

## **Equality Impact**

38. This report takes into account the Council's Equal Opportunities Policy.

## **Recommendations**

39. It is recommended that the Scrutiny Committee note and comment on the content contained within the report.



.....  
**Jane Porter**  
**Director of Children's Services**

## **Contact Officer:**

**Name:** Dave Perrett  
**Title:** Assistant Director  
**Telephone:** 01384 81425  
**Email:** dave.perrett@dudley.gov.uk