

Written evidence submitted by Essex County Council

Please find below the information that Essex County Council wishes to submit in response to the Education Select Committee's Call for Evidence in relation to Home Education.

The duties of local authorities with regards to home education, including safeguarding and assuring the quality of home education;

Current guidance to local authorities, published in April 2019, in respect of their 'duties' to children and families involved in elective home education, remains ambiguous and open to interpretation. This is evidenced by the fact that all local authorities have their own local practices in place to respond to new cases of home education and also in respect of how frequently (if at all) they make contact with families to seek updates as to the home education arrangements that are in place for this cohort of children and young people. This equates to a postcode lottery in respect of the way in which local authorities choose to advise, support and guide home educating families and the level of resourcing available to focus on this particular cohort of children and young people.

In England, parents are able, with ease, to remove their child from a school roll in favour of home education. Furthermore it is clear that, within the home education community, there remains an assumption that parents do not have to engage with their local authority and that the local authority has no right to question/request information about the home education arrangements which are in place. This 'system' has the potential to fail children and young people as their parents are not required to evidence, prior to the child losing their school place, how they intend to meet their child's educational needs and ensure that the education that they provide is both 'efficient' and 'suitable'. This should be contrasted with the more robust system which is in place within Scotland, where pupils remain on roll until parents have evidenced how they intend to meet their child's educational needs.

We would welcome any move to increase duties placed on parents to comply with their local authority's requests for evidence of a suitable education. Where a request is made for a pupil to be de-registered from a school roll, we would be in full support of any increased local authority responsibilities which allow for all children to remain on their school roll until the local authority has been able to assess whether parents are able to offer a suitable home education. In order to truly safeguard children and young people and protect their right to a suitable education, a child should not lose their school place until the local authority is satisfied that their parents are able to offer a suitable home education. The current arrangements allow significant periods of disruption to occur during a child's educational journey, in cases where 'after the event' assessments are conducted and result in home education arrangements being deemed 'unsuitable'.

In respect of our safeguarding duties, it is our view that, in order to truly safeguard children, any monitoring assessments should include direct contact with the child to seek their views and thoughts regarding their home education. We would also appreciate clarity as to how regularly we should be seeking updates from parents in relation to their child's home education provision. The recently updated guidance advises local authorities to:

"ordinarily make(s) contact with home educated parents on at least an annual basis so that the authority may reasonably inform itself of the current suitability of the education provided. In cases where there were no previous concerns about the

education provided and no reason to think that has changed because the parents are continuing to go a good job, such contact would often be very brief.”

This statement within the updated guidance causes us significant concern for the following reasons:

- The statement is very much open to interpretation and allows different local authorities to determine how frequently/infrequently they choose to make contact with home educating families, so long as this task is completed on ‘at least an annual basis’;
- “very brief” contact “on at least an annual basis” cannot possibly act as a sufficient safeguarding mechanism for children and young people within the home education community. Much can change for a child/family within a year and it is our view that the current, albeit recently updated, arrangements fail to suitably safeguard children and young people;
- When considering the worst case scenario under the current arrangements, it could be assumed that some children and young people may have no regular contact with anybody outside of their immediate household, until the local authority instigates the ‘annual’ contact that the updated guidance affords. This is a significant failing in respect of ‘safeguarding’ and something which we urge the department to address, as a matter of urgency.

In regards to assuring the quality of home education, where a pupil is removed from a school/academy roll in favour of elective home education, local authorities would be better-placed to assure the quality of home education if the pupil’s funding transferred, from the school to the local authority, to enable an appropriate offer of advice and guidance in this respect. Currently schools retain any age-weighted pupil unit (AWPU) that they have received for a pupil who is then removed from roll in favour of elective home education.

Whether a statutory register of home-educated children is required;

To reiterate some of the points made within our responses to previous DfE consultations/calls for evidence on this exact point, Essex County Council would welcome a duty to maintain a register of ALL children and young people who are home educated within our jurisdiction for the following reasons:

In Essex a voluntary registration scheme is in operation and we do not believe that this has been fully utilised by our local home education community. Our available data shows that on 1st October 2020, we had 2018 children and young people, falling within cohorts Reception through to Year 11 registered in Essex as home educated. This is compared to 1578 on the same date in 2019 and 1510 on the same date in 2018 - an increase of 33.64% over two years.

It is our view that the advantages of mandatory registration of children educated at home (with duties on both local authorities and parents in this respect) would be:

- all children and young people will be known to the local authority whose jurisdiction within which they reside. Local authorities will be better-equipped to safeguard their children and to ensure that the right level of school places are available, should parents elect to return their children to the school system at any point;
- the local authority would be in a position to ensure that all key services available to children and young people are aware of every child that is eligible for their

services. Currently, much information is shared by these services via schools but children and young people not on roll at a school are not in receipt of information which may be of use to them. By introducing mandatory registration a fairer system can be introduced by local authorities to address this current issue.

- Currently, home educating families are able to move from the jurisdiction of one local authority to another, without any expectation that they notify each relevant authority of their move. This leads to families 'falling off the radar' and causes significant work for local authorities who are forced to follow their 'children missing education' procedures in attempts to locate families who are found to have left their jurisdiction, often after some time has passed. By placing joint duties on both local authorities and parents, in respect of mandatory registration, any such provisions should include the need for families to alert their local authority when any significant changes to contact details take place e.g. address, email address, telephone contact number, etc.

The benefits children gain from home education, and the potential disadvantages they may face;

It is apparent, from the contact that Essex County Council has with home educating families, that home education can offer children and young people a broad and balanced education, suitable to their age, ability and aptitude. Where parents have the time to commit to sourcing and delivering a home education to their child/ren, this can provide the educational foundation to enable young people to move into adulthood with the skills and a work ethic which will allow them to access their chosen career, further/higher education course preferences, in the same way that a mainstream education is able to deliver to those pupils who engage. The home education community can be a very supportive community, providing opportunities for social interaction, sharing positive experiences, arranging educational visits, setting up study groups in particular subject areas, etc. and this support network can be invaluable to the children, young people and parents who engage with such support.

It is clear that, in recent years, a number of online education packages have come onto the market, enabling home educating parents to subscribe so that their children may access online tutoring, feedback and, in some cases, examination entries in the subjects that they may choose to study. There has also been an increase in the availability of fee-free resources which parents may choose to use to supplement the education that they provide themselves.

Whilst the availability of educational resources and support via the home education community is increasing for all home educators, it is also clear, from the contact that Essex County Council has with home educating families, that not all parents have the commitment, skills, confidence and financial resources that they may require to plan and deliver an 'efficient' and 'suitable' home education, one which will allow their child/ren to be in a position to fulfil their true academic potential. This is the main disadvantage of home education and the lack of scrutiny that applies to such arrangements. It is feasible, under the current guidance, that a child can be home educated in complete isolation, not being offered any opportunities to take physical exercise or to socialise with their peers. Children may be provided with an education which contains no provision for differentiated work to support any special educational needs that they may have or provide challenge in any particular subject(s) in which they may excel. Parental rights to choose home education should, in the

best interests of the child, be weighed against parental ability/capacity to deliver an education which is suited to their child's age, ability, aptitude and future aspirations.

The quality and accessibility of support (including financial support) available for home educators and their children, including those with special educational needs, disabilities, mental health issues, or caring responsibilities, and those making the transition to further and higher education;

Due to the current ambiguous guidance that is in place for local authorities, the quality and accessibility of support will vary (greatly) from one local authority to another. As an authority that directly neighbours so many different local/unitary authorities, we are acutely aware of how our approach to home education can vary when compared to our colleagues 'across the border'. Some authorities are in a position to offer support (including financial support where this is a viable option), others offer only advice and guidance and take the view that parents have elected to remove their child from the mainstream education system and have therefore accepted full responsibility, financial and otherwise, to source and deliver a suitable education to their child. Factors that will impact each local authority's approach include the number of registered EHE children within each local authority area (this varies significantly depending on the size of the area), available funding, available staffing resource/capacity, etc.

Children with special educational needs or disabilities, where an Education Health and Care Plan (EHCP) is in place, have access to the statutory annual review process and the advice, support and guidance that this is able to offer, regardless of whether they receive their education within a school or via elective home education. Those with identified additional needs but no formal EHCP are not offered the same access to services, once the decision to home educate is taken.

Where a home educated child has identified mental health issues, their access to support will very much depend on the family's willingness to report concerns and engage with relevant support services. Where the child is a pupil at a school, professionals are able to use their knowledge and expertise in identifying early signs of mental health issues and taking steps to report such concerns to relevant support services. This is not possible, once a parental decision to home educate is taken. The same would apply in relation to the support that may be made available for those children and young people with caring responsibilities within their home.

All local authorities are required to record the post-16 destinations of all young people falling within the remit of the annual September Guarantee exercise. This includes the young people who are registered as home educated at the time that they are due to complete their compulsory schooling phase. Any advice which is available to young people on roll at a school is equally available to any home educated young person who wishes to seek advice and guidance in respect of their post-16/further education options.

Whether the current regulatory framework is sufficient to ensure that the wellbeing and academic achievement of home educated children is safeguarded, including where they may attend unregistered schools, have been formally excluded from school, or have been subject to 'off-rolling';

It is not currently possible for any local authority to truly 'ensure' that the wellbeing and academic achievement of home educated children is safeguarded. This is due to the fact that parents may choose to approach their child's home education in many different ways and in line with any chosen educational philosophy. The inability to ensure wellbeing and academic achievement applies equally to children and young people who may be attending unregistered schools, those who have been the subject of formal exclusion or who have been subject to 'off-rolling.'

The current regulatory framework does not afford local authorities any additional duties or rights to monitor the academic achievements of home educated children who may have an educational history which would warrant some additional oversight of such arrangements (e.g. a history of being formally excluded from school). Where a child is known to have been the subject of off-rolling, local authorities may challenge schools to place such pupils back on their school roll, however, the current guidance and statutory regulations do not stipulate any explicit expectations in this respect.

The current School Attendance Order process is in need of urgent review as it is our view that this process is too lengthy and ineffective in returning children to education where home education arrangements are deemed unsuitable. The court sanctions which may currently be applied where a parent is found to be in breach of a School Attendance Order are also a concern (as the maximum penalty is limited to £1000). To put this into context, if a child is on roll at a school and does not attend regularly, those with parental responsibility are liable for a fine of up to £2500 and/or up to 3 months imprisonment. If a parent fails to offer a suitable home education and fails to secure an educational placement via the school admissions process, the maximum sanction is a fine of up to £1000 and, when found to be in breach of any School Attendance Order which is issued by the local authority, their child will remain out of education and the local authority is required to work through the entire, lengthy School Attendance Order process again. It is our recommendation that the School Attendance Order 'process' be amended so that, as soon as a local authority issues a formal School Attendance Order requiring a parent to enrol their child at a school named within the Order, the relevant school be required to immediately place the pupil onto their school roll. If parents then fail to send their child to the relevant school, the local authority should then be in a position to take action, under section 444 1A Education Act 1996, and seek to prosecute those with parental responsibility for their failure to ensure the regular attendance of their child at school. This approach would remove the need for local authorities to prosecute parents for their 'breach of a School Attendance Order' and would allow local authorities to make use of the existing statutory provisions in respect of irregular school attendance and the higher level sanctions that courts have available in such cases.

As part of our responses to previous DfE consultations, we have shared our view that the accountability for attainment outcomes of those removed from a school roll in favour of home education should remain with the school at which the child was last on roll. This will serve to discourage any coercion or 'off-rolling' and encourage all schools to work with families to try to achieve the best possible educational outcomes for the pupil.

The introduction of increased local authority responsibilities in respect of monitoring the suitability of home education arrangements, along with a clear definition as to what local authorities may deem to be 'efficient' and 'suitable' is something that Essex County Council would welcome. The absence of a defined minimum standard which includes advice in relation to reading, writing and numeracy is a concern to all professionals within this field.

The role that inspection should play in future regulation of home education;

It is our view that the DfE should take steps to routinely collect data in relation to how many children and young people are removed from school rolls in favour of elective home education. This may be collected via the existing census returns that schools are required to submit. If this data were to be collected, the ability to identify schools where a disproportionate number of children and young people have been de-registered in favour of home education would be enabled. When inspecting schools, Inspectors could have this data to hand to inform discussions as part of their inspection process. We are aware that the Children's Commissioner requested this detail, as a one-off exercise, directly from local authorities but, especially in light of the impact that COVID-19 is having on the numbers of children and young people being de-registered in favour of home education, patterns in this respect may now warrant ongoing review and scrutiny.

What improvements have been made to support home educators since the 2010-15 Education Committee published their report on ['Support for Home Education'](#) in 2012;

Whilst communication and opportunities to share good practice between home education officers is much improved since the above-mentioned report was published in 2012, the same cannot be said in respect of the support that local authorities are able to make available to home educators. The Association of Elective Home Education Professionals (AEHEP) enables professionals in this field to access and share examples of good practice.

No dedicated funding has been provided to local authorities to enable them to offer specific support to their cohort of home educated families and, despite most local authorities reporting year on year increases in the number of children registered as home educated within their area, no additional finance has been made available, via central government, to allow local authorities to respond to such increases. If local authorities are expected to truly safeguard their cohort of registered home educated children and young people **and** assess the suitability of their education, dedicated funding needs to be released to enable this to be approached consistently, at a national level.

In recent years, many local authorities have significantly reduced their staffing resource in respect of home education support. Others have been forced to reduce their service offer to this particular cohort of families as numbers within their local home education cohort have increased, but no additional funding has been identified to increase staffing resource accordingly.

The impact COVID-19 has had on home educated children, and what additional measures might need to be taken in order to mitigate any negative impacts.'

Across Essex we have seen a significant rise in the number of children and young people who have been de-registered from a school roll in favour of home education, where the reason behind this parental decision is reported as being linked to COVID-19. Within Essex the following comparative data will demonstrate the rise in de-registrations that we have recorded locally:

- A total of 529 Elective Home Education notifications were received from schools during the month of September 2020, compared with 150 during September 2019;

- A further 203 notifications have been received, during October 2020. This may be compared with a total of 106 notifications which were received during October 2019.

It is clear that many families have taken advantage of their rights to elect to home educate as a way of managing their ongoing anxieties in relation to COVID-19 and the risks that this virus poses. Parents, as always, have not been required to evidence (ahead of their child being removed from a school roll) how they intend to meet their child's educational needs and local authorities have been provided with no additional advice, powers or finance to be able to respond differently within this unprecedented, post-lockdown landscape. It is difficult for local authorities to act in order to mitigate any negative impacts, when they do not have the capacity/resource to identify what those negative impacts may be or to respond accordingly to any emerging patterns of need within this cohort.

Essex County Council

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