

Written evidence submitted by Central Bedfordshire Council

Call for Evidence – Elective Home Education

Please find below the information that Central Bedfordshire 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;

"Local authorities (LAs) have no statutory duties in relation to monitoring the quality of home education on a routine basis."

The above is an extract from the response to a query by Lord Storey given by Lord Agnew of Oulton to the question of "who is legally responsible for a pupil's education when they are off-rolled" which was given on 10th May 2019.

Under section 436A Education Act 2006 (introduced by section 4 Education and Skills Act 2008), LAs are under a duty to identify children not receiving an education. Local Authorities must make arrangements to identify children of compulsory school age in their area who are not registered pupils at a school and are not receiving suitable education otherwise than at school. This legislation gives no substantial powers to an LA regarding children who are home educated, and it is left with having to 'prove a negative'. It is not enough to say that if a parent chooses not to engage with an LA, then this is sufficient evidence to have identified a child 'not receiving an education'.

There is no specific responsibility or powers within the Education Act 1996 that allows an LA to make contact with an home educating family to check on the safeguarding of their child. If parents engage with LA and it becomes apparent that there are issues that need addressing then of course this will happen. Should parents choose not to engage with an LA regarding their child/ren's education, which is their legal right, then on its own this is not sufficient evidence to escalate the situation to powers under the Children Act 1989

Is a statutory register of home-educated children required?

A register on its own without added legal requirements for parents, professionals and LAs is likely to give a false sense of security. We suggest the following.

- Legal responsibility for parent/s to inform an LA when they move into their area or decide to home educate their child when they become statutory school age. Whilst not popular this would need to come attached with a form of sanction should this not be complied with.
- As per one of the recommendations from the 'Laming Enquiry', if another professional becomes aware of a child where there appears to be no school/education, then there should be a statutory duty for the relevant professional to formally alert an LA of this.

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

Benefits

- Individual attention and instruction.
The ratio of educator to child is likely to be much higher than in a school and more time and focus can be given to an individual child.
- The Child can work at their own pace.
It is easier to tailor the education to the child's needs and abilities at home, than in a classroom of children working at various levels and abilities.
- Opportunity for child to learn from their own interests rather than strict curriculum
As a means of motivation and focus, some home educators will link the child's learning to specific interests.
- Reduced Stress Levels
Learning time does not have to be fitted into the constraints of a school day, allowing more flexibility and greater time between periods of learning
- Flexibility with holidays.
With education authorities becoming stricter about authorised absences, holidays or day trips in term time are almost impossible for children in school. With home education a parent can take a break whenever they wish and take advantage of off-season travel or days out.
- Lack of negative peer pressure.
The parent has much more authority as to who their child engages with.
- Ability to live within philosophical and religious beliefs
Home educating parents are in much stronger position to educate their child/ren in line with their personal beliefs.
- **Negatives**
- Expense
All costs must be met by the parent which can be substantial especially if the child is to progress to taking exams
- Access to Examinations
It is not easy for families to find examination centre's willing to allow their child to take formal examinations as private students. The practical/assessment requirements of a qualification can also be very difficult to fulfil
- Engagement with other children
Unless the parent takes proactive steps to encourage their child/ren to engage with others by attending clubs or groups, then they could appear to be quite isolated.

- Total Parental Commitment
The impact on family life of successfully home educating a child is substantial.
- Access to further education
With many families deciding that their children will not take formal examinations whilst school age, accessing further education can be challenging.
- Invisible Children
Whilst there is no link between home educated children and a higher incidence of safeguarding concerns, were these present they would be easier to hide.

Access to Advice and Support

LAs are given no specific funding for the support of home educated children and the DfE states quite clearly that all costs must be met by the parent.

Where a SEND child is EHE, they will not have access to the full range of advisory specialist services such as Educational Psychology, ASD Outreach etc and therefore gaining a full understanding of the young person's needs and how best to support them can be more challenging. If a young person with an EHCP is home educated, the educational psychologist would still be involved in the annual review but the support pre-EHCP is limited.

If the parent of an EHE pupil makes a request for EHC Needs Assessment, it can be challenging to ascertain the level of need as they often do not come with the level of detail that would accompany a school request. However, if the assessment is agreed, then an EP would complete an assessment as part of this.

EHE pupils can access all Health and Social Care services in the same way that school attendees can as well as post 16 Advice and Guidance from their LA

Regulatory framework

The legal powers currently available to an LA to ensure the academic achievement of home educated children are very limited and not sufficient for purpose.

The LA has to make a decision regarding the suitability a child's education without any powers to;

- Meet the child and parents
- Have access to the learning environment/family home
- Require access to the work the child is undertaking

The threshold of moving a case from being dealt with under the Education Act 1996 to the Children Act 1989 is not met just by a parent failing to engage with an LA or satisfactorily proving the child is being educated.

An LA can use powers under Section 437 Education Act 1996 where it believes a child may not be receiving a suitable education to issue a School Attendance Order. Where parents fail to comply with the Order once issued, the only sanctions available to Magistrates are either a fine of up to £1000.00 or a conditional discharge. Once a sanction has been applied then should an LA still believe the child is not being educated, it can only start the process once again unless the threshold has been met for an Education Supervision Order. The anomaly is that it is quite possible for a parent to be given a custodial sentence where their child has had irregular attendance school using Section 444 1(a) Education Act 1996, yet at the most

fined for not ensuring that their child receives any education at all for failing to comply with a School Attendance Order Section 443 Education Act 1996.

Updated guidance from the DfE in April 2019 regarding EHE has helped with clarifying a number of issues but this needs to be supplemented by changes in legislation and specific funding for both home educating parents and LAs.

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

A new legal framework needs to be created that give powers, duties, and responsibilities to both LAs and parents. Any voluntary code would fail to protect the most vulnerable children as it is unlikely their parents would engage on this basis.

There needs to be much clearer guidance as what the expectations are of Section 7 Education Act 1996 related to home educated children (see below)

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable -

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have,

either by regular attendance at school or otherwise."

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

Clarifications contained within the updated DfE Guidance of April 2019 are welcome but this is non statutory and insufficient to make a difference

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.'

COVID-19 has caused an increase in the number of children who have been removed from school to be home educated. From engagement with some of these parents the two issues that would support many of these children in returning to school would be;

- Availability of a vaccine
- Clearer advice from Medical Practitioners that does not undermine that given by the DfE in relation to 'shielding' having ceased and that nearly all children should be back in school.

A number of parents have commented that their child has achieved so much more when being educated at home in the 'lockdown' period or are emotionally in a much better place than whilst at school previously that they have taken the informed decision to withdraw their child to permanently home educate.

From safeguarding perspective where parents are not willing/keen for an LA to engage with their children, using the current Government Guidance about COVID-19 creates another opportunity to find reasons not to do so.

Central Bedfordshire Council - November 2020

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