

## Written evidence submitted by Norfolk County Council

### **This evidence is submitted on behalf of Norfolk County Council Children's Services, Services to Home Educators.**

Our EHE team is small but highly knowledgeable and experienced in the 'world' of Home Education and the challenges Parents, Educational Settings and Local Authorities experience. We would like to share our experiences with the Education Select Committee in light of their forthcoming discussions on Home Education.

### **The Committee invites written submissions addressing any or all of the following points:**

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

*Firstly, we would like to stress that the current guidance on EHE makes it clear that the LA has no formal powers or duty to monitor the provision of education at home. Until guidance and legislation gives LA's a clear mandate to do this, any local arrangements are reliant on voluntary engagement. Whilst our experience is that the majority of known home educating families want to and do work with the LA, some of the most vulnerable children could be missed in the current arrangements.*

*Secondly, in our experience, the barriers to ensuring a suitable education is in place can sometimes be in those circumstances where limited information is provided in writing. This is accompanied with a refusal to meet with a LA representative to discuss the education. In order to address this issue, it would be helpful if powers and duties could include a more precise definition of 'suitability' and powers to request information from parents e.g. sighting samples of work.*

*Further, the role of schools in the process is mainly ignored. We would welcome a more pro-active role for schools, in supporting parents with their decision and a time lapse prior to removing from roll, so other professionals can become involved to ensure removing from roll is in the best interests of the child.*

*Clearly defined responsibilities of both the LA and parent (and schools) would support LAs to take a proportionate and fair approach in their contact with families. It would be helpful if parents had a specific duty to provide evidence of the education being provided. This duty should specifically state what information needs to be provided and at what level. If this is not received, it should support the LA to reach the conclusion that a suitable education is not in place and the legal powers already available via a SAO or ESO should be initiated. The proposed guidance does support this approach but without a legislative change we are concerned that it may be difficult to enforce.*

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

*It is clear from discussions with other LAs that practice and application of legislation and guidance is variable across the Country with some areas having no registration scheme at all.*

#### **Advantages of mandatory registration:**

1. *Mandatory registration will assist LAs to have a more accurate picture of the education being provided to all children within the area. LAs will therefore be better equipped to meet statutory duties in accordance with s437(1) and 336A of Education Act 1996 to identify children not registered at school or receiving suitable education and intervene accordingly. Increased powers to the LA will only benefit children not in a school.*
2. *Mandatory registration and assessment of the education in place for children could provide a mechanism for identifying safeguarding concerns about some children who*

currently are invisible. This is an issue explored in some national serious case reviews.

3. Practice across LA's should become comparable and home educating families should receive the same levels of support and challenge regardless of where they live.

#### **Disadvantages:**

1. A mandatory registration scheme could be seen in itself as a sufficient safeguard for children but some families will not fulfil this requirement and we will remain reliant to a large extent on parental co-operation. In order to identify all children who have not been registered at a school or as home educated there will need to be clear national and local responsibilities and information sharing agreements between agencies that compel them to share information where they believe a child is missing education.
2. Some parents may object to have to register their child as receiving education at home.

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

##### **Benefits:**

1. Parents can introduce a flexible curriculum which meets the direct needs and interests of their child. A child can create and study a curriculum they want to learn, enjoying more choice and drive.
2. Parents can ensure their children are taught in line with their educational philosophies that are well-suited to their child's learning style. It can allow Parents/Carers to define what education means to them, allowing Family beliefs, values and lifestyles to shape a Child's education for the better in a rich and diverse Society
3. EHE can offer Children with particular needs a more flexible and sympathetic learning environment.
4. Parents can limit the influence of external factors on their children.

##### **Disadvantages:**

1. In order for one person to remain home as 'teacher', he or she may have to give up their job effectively reducing the family income.
2. Parents are responsible for funding their child education.
3. EHE Parents/Carers are not as clearly or robustly accountable for the Education provided as professionals in School.
4. Home may not be the safest place for some children, and authorities may never know of a child receiving education at home, under the current legislation restrictions. Children also lack trusted adults in their lives. EHE children are a minority group and some are likely to face disadvantage.
5. Children's social development has to be considered, opportunities to mix with other children need to be planned into the working day.
6. In the current environment with restricted movement and closure of services in response to Covid-19, it will make it more difficult for home educated children to access the breadth of resources and activities that are available to children who attend school.
7. Parents need to be pro-active in accessing standard examinations for their child, finding their own examination centre. Currently outcomes for EHE children do not appear to be known or measured.

#### **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;**

1. We strongly feel that appropriate support would be more easily provided if the Home Education cohort were genuinely educated due to parental preference rather than external pressures. We would like more legislation to provide the LA with powers to

*support families when they are making the decision to home educate to ensure it is the correct choice and a choice made freely.*

*We are aware that disagreements occur between schools and families which may result in either or both parties feeling home education is the only solution. We would welcome more flexibility to work with schools. The use of a blended learning approach, led by schools, and using specific packages that enable pupils to access direct support from trained staff online, has been extremely successful in enabling those pupils who struggle to access school full time to do this. It's important to note that these pupils still spend a significant proportion of their education in school but by having this level of flexibility the pupil is able to access a higher proportion of their learning. And they remain on a school roll.*

- 2. Support to home educating families for children with EHCPs is appropriately covered within the provisions set out in the SEN Code of Practice 2015, notably Sections 10.30-10.38. LA's either have a duty to arrange SEN provision for children home educated or a discretion to arrange provision depending on the circumstances of the case. This is met from LA's High Needs Block. This can be the delivery of direct provision to a child, or support via financial assistance. However, the arrangements for "support" are muddled by Section 61 Children and Families Act, which discusses the arrangement for "SEN provision otherwise at school and college", which is not terminology replicated in the SEN Code of Practice and needs to be clarified across both instruments. Language across both is confusing, driving unnecessary conflict between LAs and families as it is unclear what provisions apply in which circumstances.*
- 3. The notion of whether "home education is the right provision for child" as per 10.31 is also ambiguous especially when placed in the context of whether or not a child with SEND's experience in school has been a positive, inclusive and supportive one. There are routine instances of children being withdrawn from school to home education because SEND provision in schools has not been adequate, even with EHCPs in place, generally because of the environmental factors at play, particularly for neuro diverse children with significant sensory processing difficulties. In many instances' families feel they have no option but to "home educate" their child, because they are unable to cope in any school environment. Is this what is meant by home education being "right" for children? If so, in such cases, this is not usually representing an ideological or positive elective choice of families*
- 4. Most worryingly in regard to the undefined and unhelpful provision of Section 61 Children and Families Act, which neither places children under the direct responsibility of a school under which they are enrolled or indeed, under their parent's direct responsibility as per Section 7 of the Education Act 2002. In such instances, children are not enrolled in a school and Local Authorities are arranging and funding provision into children in a home education context. They are not, by definition, Children Missing Education, but again, guidance in this regard is also unclear.*

**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';**

- 1. As stated above, without the legislative weight of being able to physically see any child we feel may be at risk, it is not possible to determine their well-being. Academic achievement and provision can be assessed virtually if parents comply, but in order to safeguard a child, LA's need to be able to enter the home and/or have sight of the child. Also, in order to take account of the child's wishes and feelings about the education they are receiving, it is necessary to see the child with the opportunity for them to speak freely about their experience including any worries or concerns they have about the education being provided.*
- 2. Where we have identified that a suitable education is not in place, we utilise our legal powers through the School Attendance Order process. Whilst it has succeeded in*

*supporting the LA to ensure a child receives a suitable education in some cases, it is often a lengthy and cumbersome process that has taken over a year in some cases to enforce attendance. Delays can be due to the reluctance of schools to engage with the consultation process required to name the school in the order. At the point of enforcement, Magistrates' Court capacity to hear these cases quickly is also a matter that need consideration as can experience significant delays before cases related to non-attendance at school can be heard by the courts. The use of SAOs would be a more effective and suitable sanction if the process could be amended to become a more streamlined process leading to a timely return to suitable education for the child*

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

*Ofsted and DfE have published clear guidance on the definition of “illegal schools” and are actively pursuing and prosecuting instances where unregulated providers are suspected as such.*

*However, under the auspices of Section 61, children could be in receipt of full-time education from unregulated providers from within the confines of their home or, indeed, other community-based settings. This applies to a home tutoring companies, SEN “EOTAS” companies, e-learning companies. We would sign post the Select Committee to Skybound Therapies: <https://skyboundtherapies.co.uk/> where, in the case of our Local Authority, we were ordered by a SEND tribunal to commission this organisation to provide full time wrap around care, education and therapy to a child within the auspices of their home. Skybound is not a unique organisation. There are under no registration requirement and the Section 61 provisions do indicate a legal loophole where unregulated providers are legally able to deliver full time education to children without clear guidance or requirement in respect of pupil safety and welfare. It is surprising that, whilst extensive efforts have been made to define and clarify “illegal Schools” across the country, organisations are able to provide full time education to children under Section 61 auspices, where arguably, delivery from within the home or community environment poses just as much risk to children as those being taught in illegal schools. With the emergence of online and web-based radicalisation, the increase in use of online “illegal schools” in this context is equally as worrying.*

*This whole area of SEND delivery requires urgent review and strengthened legislation and statutory guidance to address the problems inherent in “home education” and “EOTAS” provision for home educated children with EHCPs.*

*Despite Ofsted inspecting all different types of educational provision, there is no accountability on parents for the education they provide (except currently loosely with the LA if they choose to engage). This is a failing. Where home education is a philosophical parental choice, it can work well. We need to prevent parents feeling it is the only option for their child or feeling coerced into this provision. The Inspectorate could have a role here by being more rigorous in their data collection with schools. Schools need to be held more accountable for the child that is removed from roll to home education. We would like to see a ‘transition period’, where discussions can occur with the school and family to ensure that removing a child from roll is in the best interest of the child. Currently LA’s have no powers to promote this process. If schools were aware that inspection were to look more closely at their off-rolling data, and if LA’s had greater powers prior to the removal of a child, the Home Education System could become more robust and fit for purpose.*

### **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;**

- 1. There is a good national network of EHE professionals who collaborate and share practice, supporting each other.*
- 2. With the escalation of social media and web-based organisations, there is a wealth of support available. The problem for families engaging with this support is being able to determine its’ quality.*
- 3. The ADSC is a strong organisation who collates annual information from LA’s on EHE provision. This information has not been used by Government to improve support or provision.*

4. *There is a national lack of government support for Local Authorities with Home education services, this includes no direct funding. Local Authorities have been struggling to meet the increasing demand. This has made it difficult for local authorities to assess the suitability of education and ensure all children are safe.*

*In summary, very little has changed despite national organisations collating annual data on the struggles and concerns of Services to Home Educators across the country.*

**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.'**

*Within Norfolk, there has been 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. Some parents have cited the reason behind their decision as being linked to COVID-19. However, some have not. But the increase in referrals to home education show that the increase this year, is disproportionate compared with other years.*

**ACCUMULATIVE DATA**

<b>Date</b>	<b>2019</b>	<b>2020</b>	<b>difference</b>
Total numbers 1.9.2020 – 02.11.2020	911	1809	898
Referrals 1.9.2020 – 02.11.2020	113	545	432

*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. The resources within our LA are such that we are struggling to manage the number of referrals. Parents are not 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 time.*

**The current regulatory framework is NOT sufficient currently**

**Finally:**

- *Whilst we have many examples of positive experiences for children who are home educated, we know that some parents either choose or feel pressured to make this choice for the wrong reasons. It is vital that any potential changes to guidance and legislation reflect and respect the diversity of this population and give LAs the powers and responsibility to act quickly where we feel children are vulnerable and not receiving a suitable education.*
- *Further clarity on the term 'suitable', and some 'thinking time' for parents considering withdrawing a child to home education so the LA can support/intervene, having appropriate resources to do so, would be helpful.*
- *There are some categories of vulnerable children where home is not safe so home education should not be an option – this relates to any child on a Child Protection Plan under section 47.*

- *The process for requiring a child to return to school as home educational provision is not acceptable, needs to be swifter.*
- *A County register for home educated children should be mandatory, so the Authorities are aware of children that are not, and never have been, in the education system. This is vital if we are to keep children safe and ensure children receive a quality education.*

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