

By email: [educom@parliament.uk](mailto:educom@parliament.uk)

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### **Education Committee call for evidence: ADCS response**

1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to submit evidence to the Education Committee's call for evidence on elective home education (EHE).

#### **Introduction**

2. EHE has received a renewed focus from the media and government over recent years with multiple consultations and a call for evidence from the Department for Education. ADCS remains clear that parents and carers who opt to electively home educate should register with the local authority (LA) and that LAs should be resourced to establish systems and safeguards to assure themselves that children and young people who are home educated are receiving a good standard of education, delivered in a suitable learning environment, and that they are safe.
3. Education is a fundamental right for every child in this country and ADCS members recognise that parents and carers can choose to educate their child at home rather than at school. We want this to be a positive experience and our members wish to work in partnership with parents and carers, to help and support them to be confident in fulfilling this important role. However, the duties placed on LAs and the lack of clarity offered in the legislation and guidance to date with regards to the suitability and efficacy of home schooling makes this a difficult task, particularly against the backdrop of the rising number of families opting to educate other than at school. Covid-19 and the associated partial closure of schools has significantly impacted on the number of families electing to home educate their children, yet LAs still have a statutory duty to safeguard all children and young people in their area. This has created serious capacity challenges for many LAs trying to offer the necessary support to the increasing number of families who have decided to home educate.

#### **The duties of LAs with regards to home education**

4. LAs have a duty to establish whether a suitable education is being provided but do not have a role in assurance of this. In practice this means a home visit is offered (which may or may not be accepted by the family), but local approaches do vary across the country. ADCS believes LAs should be funded to fulfil an assurance role or monitoring visit and parents should be required to engage with this process on an annual basis.
5. There is no legal definition nor any national guidelines on what constitutes a 'suitable,' 'effective,' or 'full-time' programme of education in the home to assist with this role.

There is no accepted framework against which LAs can benchmark provision and parents and carers can choose what will be monitored, for instance, whether a home visit can take place and/or if the child is present. Similarly, there are no specific requirements as to what should be included in the programme of learning in the home. Whilst there should be scope for the development of a personalised package of learning, this does not mean that some minimum standards or expectations should not be clearly articulated e.g. a suitable education should include English, maths, ICT and social activities outside of the home.

6. Research conducted by ADCS has found that the known number of children being home educated has increased by approximately 20% each year for the past five years. ADCS therefore believes the current level of monitoring is unsustainable in a context of ongoing public austerity and requires a significant input of new money and a commitment from government to ensure that our collective aspirations for children and young people who are educated at home are met.

### **Statutory register**

7. ADCS remains clear that the Department for Education should introduce a compulsory register of all children and young people who are being home educated. Children educated outside of mainstream education are likely to have less contact with statutory agencies and this poses a risk that any abuse or neglect will go unnoticed by those with a responsibility to safeguard children. Voluntary registration schemes can only ever be partially effective and only children and families who are known to, and engaging with, the local authority can be offered advice and support. Without a national register there is no firm basis to confirm at either a local or national level how many children and young people of school age are being educated other than at school as it is not known how many children have never attended a school or have moved across borders. As well as helping us to understand how many children and families are opting out of the mainstream schooling system, this data would assist in holding schools to account for exclusionary practices (both formal and informal). The register must follow a national format and information contained within it could include: name of child(ren) and the parent(s) or carer(s) overseeing education in the home, date of birth, place of birth, address and contact details, previous school attended (if applicable) and whether the child has any special educational needs. The register should also include the name and address of any other education settings that a child is attending both outside and within normal school hours.
8. This will help LAs to ensure that enough support is available for home educating families in their area and have a fuller understanding of the size of the cohort. More specific information on when a LA should be notified that a child is being home educated is required as this would assist local authorities with place planning. This could be done during the school admissions period or when the child reaches statutory school age in the cases where they have never attended a registered school.
9. Ensuring the safety of all children and young people is in everyone's interest and the sharing of information between local agencies is a vital part of this. ADCS members

would welcome emphasis placed on the need for all public bodies and agencies to share information with the LA where they believe that a child or young person of school age is being home educated. It is recognised that not all parents or carers will contribute to a register.

### **Benefits and potential disadvantages for children who are electively home educated**

10. ADCS members recognise that parents and carers can elect to educate their child at home rather than at school and that this can be a positive experience. Indeed, having one-to-one support in a comfortable environment may suit the learning needs of some children. However, the decision to home educate is not always in the best interests of children and families. In some instances, parents can be encouraged by a school to educate their child at home in order to avoid a permanent school exclusion. This practice, known as 'off-rolling', was highlighted in the Timpson Review of School Exclusions (2019) as a growing concern. When off-rolling occurs, parents will not be prepared for the realities of home educating or the practicalities of arranging exams if their child is due to sit their GCSEs. Further, the recent partial closure of schools highlighted many of the issues that some families face in the home learning environment such as digital poverty or food poverty.

### **The quality and accessibility of support available for home educators and their children**

11. Many LAs provide support to home educating families, such as through the use of exam facilities or access to part-time education programmes. Budgets for EHE vary widely across the country and therefore LAs are restricted as to the level of support they can provide. However, LAs will often contact EHE families shortly after they left the school roll and organise home visits where possible. This is reliant upon parents engaging with the LA which does not always happen meaning that the LA cannot be certain of the learning needs of the child without seeing them. Where children have additional needs, it is particularly important that the LA can be satisfied that they are receiving the support they require. The 2019 ADCS EHE survey sought to understand the proportion of children being home educated with an education, health and care plan (EHCP) and the majority of responding LAs reported that the proportion is less than 5%, however, others reported that it is as high as 10%. LAs reported that their EHE teams will work with multi-agency partners and early help teams to support families who are known to them to ensure that children's needs are met.

### **Safeguarding**

12. Parents and carers may choose to supplement home learning via engagement with other home educating families, attendance at a training centre or the use of a private tutor. Concerns arise when attendance at this provision is regular but the setting is not registered and is in fact operating illegally as a school, often out of poor-quality accommodation and teaching a narrow curriculum. These independent schools that operate illegally are often able to do so due to the lack of statutory definition as to what full-time education is. Nevertheless, Department for Education guidance states that

“Generally, we consider any institution that is operating during the day, for more than 18 hours per week, to be providing full-time education.” This is too vague and creates potential loopholes which allows some proprietors of illegal schools to continue to operate.

13. Home educated children are not vulnerable by definition, however, some do fall into this category, and LAs can only safeguard children who are known to them, thus strengthening the case for mandatory registration. Unregistered education settings, such as tuition centres, are not currently regulated in the same way as full-time education settings and it is extremely difficult for local authorities or Ofsted to identify all those settings that do operate illegally. Consequently, countless children are put at risk of safeguarding issues such as radicalisation, online threats or abuse and neglect and both the Casey Review (2016) and the Wood Review (2016) raised concerns over the inability of local authorities to monitor the quality of education or level of risk that children and young people attending these settings face. As of April 2019, Ofsted received reports of nearly 500 suspected illegal schools and ADCS members would welcome legislation that further strengthens the ability of local authorities and the inspectorate to identify educational settings that are operating beyond the bounds of the law.

### **Impact of Covid-19**

14. Since the outbreak of the pandemic, ADCS is aware of many councils reporting a significant increase in the number of families electing to home educate their children. The Association is currently collecting data through its annual EHE survey which this year includes the number of families electing to home educate since 1 September 2020. Already LAs have noted that there has been a substantial increase in the number of requests to home educate since the beginning of the academic year in comparison to previous years and some LAs are reporting that they do not have the capacity to offer the necessary support to these families. Many families are reporting Covid-19 and health concerns as a primary reason for choosing to educate their children at home. Others may have found their experience of home learning during the partial closure of schools a positive experience, however, parents or carers must be aware that they will not necessarily receive the same support and learning materials that they received from their school to assist with home learning. Further, contact with other households is still very limited and ADCS members are concerned that the restrictions being put in place to mitigate the spread of the virus will severely limit the kind of support that home educating families previously relied upon.
15. It is essential that any guidance the Department for Education distributes to parents or carers is clear on this point. Whilst LAs are doing all they can to alleviate any concerns or fears around safety in schools, the major upturn in parents or carers home educating their children makes it difficult to reach every family. ADCS members would welcome further support from government in communicating these messages and reassuring families.

**The Association of Directors of Children's Services Ltd**

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