

# REPORT FOR CHILDREN, SPORTS AND LEISURE POLICY AND SCRUTINY COMMITTEE

## ELECTIVE HOME EDUCATION

Monday 24 November 2014

Westminster City Council adopted a revised Elective Home Education Policy from March 2014.

This report outlines emerging issues and developments in the provision of services to support children in families who have elected to home educate.

In the light of these, Policy and Scrutiny Committee members are asked to consider:

- (a) What their view is currently of the relationship between Westminster City Council and Elective Home Education families
- (b) Whether they would like to make any recommendations to officers with regard to Local Authority support for Elective Home Education families resident in Westminster

### 1. Elective Home Education – overview and National Context

- 1.1 Education is compulsory – school is not. Parents/carers have a duty in law to ensure that their children receive an efficient and suitable full time education; whilst many choose to do this by ‘regular attendance at school’, others will elect to home educate their children.
- 1.2 Elective home education (EHE) is the term used to describe parent/carers’ decision to provide education for their children at home instead of sending them to school. This is different to home tuition provided by a Local Authority or education provided by the Local Authority other than at school.
- 1.3 The numbers of families in England who home educate are not known. Graham Badman, in the *‘Report to the Secretary of State on the review of Elective Home Education in England’* (2009) quotes DFES data from 2007, when approximately 20,000 children were known to their local authorities as home educating.
- 1.4 This figure is supported by data available on a home education website *EdYourself*, maintained by Fiona Nicholson, an independent consultant in the field. This reports that ‘snapshot data’ from 152 Local Authorities in England, in April 2013, indicated 20,842 known home educated children.
- 1.5 However, Badman went on to say the number was more likely to be nearer 80,000 and it is widely acknowledged that true figures are currently impossible to establish.

1.6 Reasons families will electively home educate vary widely but include the following.

- a general philosophy on child centred learning, with parent as the primary/best educator and the child learning at their own pace
- a wish to spend more/quality time with children in their formative years
- parents who travel – EHE offers continuity with flexibility
- a belief that health or special educational needs are best met at home
- a belief that schools are too structured
- a belief that schools are not structured enough
- a belief that a child is being bullied or is unhappy at school
- failure to secure a place at a school of choice
- to avoid being prosecuted for non-attendance at school
- to avoid a potential permanent exclusion from school

## **2. Recent developments in Westminster**

- 2.1 From September 2013, support for children who are electively home educated has been provided by the ACE (Attendance (statutory functions), Child employment and entertainment and Elective home education and children missing education) team. The team is responsible for fulfilling the Local Authority's statutory duties with regard to EHE.
- 2.2 The Local Authority is committed to operating a consistent standard of support and intervention across Westminster City Council, the London Borough of Hammersmith and Fulham and the Royal Borough of Kensington & Chelsea, combining and adopting previous best practice from each of the boroughs.
- 2.3 Following consultation with professional staff in each borough and two meetings with advocates for EHE families between April 2013 and December 2013, the revised EHE policy was formally adopted in Westminster on 25 March 2014 following confirmation from the Cabinet Member for Children and Young People.
- 2.4 The revised policy and procedures outline a process whereby a Local Authority Home Education Adviser (HEA) will, wherever possible, meet with all EHE families to discuss education provision and offer advice if necessary.
- 2.5 Although home visits are offered, and in the significant majority of cases preferred by families, the LA fully accepts these are not compulsory and alternative venues (such as libraries, council offices or cafes) are also possible.
- 2.6 In the small number of cases where families have been steadfast in their wish to have no interaction with the LA in relation to EHE, further options, such as providing a professional endorsement of education provision, have been considered.

- 2.7 The team have worked with in excess of 100 EHE families since September 2013 across the three councils, with 116 children meeting with the HEA, with the agreement and cooperation of their parents; 12 of these meetings have involved Westminster residents.

**Case study 1**

An Elective Home Education mother, who was well known to the Home Education Adviser (HEA), had to appear in court in relation to a custody dispute with her husband. The HEA was able to provide a report for the court, supporting the education provision being made for the children at home; education was not therefore able to be used as a reason for the husband to get full custody.

**Case study 2**

Parents who had elected to home educate their 15 year old were supported by the HEA in getting information about exam facilities and college placements. Because of her direct involvement, the HEA will be able to provide a reference in relation to the young person's learning, ensuring she will be able to start her chosen 'A' level courses.

- 2.8 However, in 3 cases (2 in Westminster), families, supported by advocates have been adamant that they will not meet with the HEA; other methods to establish that the child(ren) are in receipt of education have been suggested and LA officers' efforts continue.
- 2.9 Section 7 of the Education Act 1996 states that a parent of any child of statutory school age must ensure that the child receives efficient full-time education that is suitable to their age, ability and aptitude and to any special educational needs the child may have.
- 2.10 Local Authorities have a duty to be satisfied that all children of statutory school age resident within borough boundaries are in receipt of education provision, in school or otherwise; this fully respects families' rights to EHE.
- 2.11 In addition, the Education Act 2002 confirms 'A local education authority shall make arrangements for ensuring that the functions conferred on them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children'.
- 2.12 Westminster Legal Services advised that the revised policy, including the wish to meet with EHE families if possible, is legally compliant; the new policy was therefore formally adopted in March 2014.
- 2.13 An option is also available for the Local Authority to initiate School Attendance Order Proceedings; if proceedings are successful, the Magistrates would direct the children to enrol at a school, unless the family provide evidence to the court of the provision being made. The latter is what Local Authority officers aim to establish through their contact with families, as described in the policy.

- 2.14 The change of policy has led to a level of interest in some parts of the Westminster EHE community who have made contact with local MPs and Councillors, questioning the introduction of a policy that supports Local Authority officers routinely attempting to meet with EHE families, as they maintain this is not supported by DfE EHE guidance 2007.
- 2.15 Professional bodies nationally are currently discussing the DfE 2007 guidance in relation to EHE which many believe is in need of revision, as it can be interpreted as not always helpful in supporting Local Authorities to fulfil their statutory responsibilities.

### **3. Background in Westminster**

- 3.1 Historically, Westminster officers had developed a strong relationship with EHE advocates and families who electively home educate. This involved regular meetings, discussions about policy documents and input into training and information sessions for colleagues.
- 3.2 The previous Westminster policy adhered closely to the DfE 2007 guidance. The revised policy, whilst having due regard to the DfE guidance and adopting a significant amount of content in the original Westminster policy, attempts to ensure the Local Authority can have greater confidence that all EHE children resident in the borough are in receipt of a suitable education.
- 3.3 The previous Westminster policy resulted in the new Tri Borough team responsible inheriting a list of 70+ EHE children; although in some cases there were reports from parents/carers on proposed education plans, the previous policy meant that in the significant majority of cases, neither parents nor children had ever had face to face contact with any Local Authority officer in relation to EHE provision.
- 3.4 During the course of the last 12 months all families on the list have been contacted; this has resulted in officers establishing that 60% were recorded inaccurately as Westminster EHE children –
- 28 children had returned to school
  - 9 children were no longer Westminster residents (including 5 who were no longer in the UK)
  - 6 children were over statutory school age
  - 2 children were not in receipt of any education at all; parents wanted advice on school placements
  - 2 children have statements of SEN; EHE had not been approved by the Local Authority's SEN service
  - 10 children cannot be traced and investigations continue
  - 13 children (9 families) are confirmed as EHE and will be supported under the new policy, along with all children identified as EHE Westminster residents since September 2013.

#### **4. On-going engagement with partners**

- 4.1 A Tri Borough EHE Working Party has been planned to include advocates Local Authority officers and EHE parents, to improve communication and understanding between the Local Authority and EHE families.
- 4.2 An initial scoping meeting, attended by Local Authority officers, advocates and a parent governor, took place in October 2014 and was used to agree terms of reference and explore ways to ensure different views were represented. Four further meetings are planned between January and June 2015. Nominations for membership of the working party are currently being sought and, in an attempt to maximise engagement, communication is planned with all EHE families shortly.
- 4.3 In addition, the Local Authority has offered to facilitate informal meetings with EHE families, either by borough or as one event, to enable interested families to be nominated by the EHE community, to sit on further working group meetings and contribute to plans and ideas to improve working relationships.
- 4.4 An early task of the working group will be to review template letters utilised by the Local Authority, seeking EHE parents/carers' feedback and input into future communication.
- 4.5 Additionally, the Local Authority is currently collating information, through a simple anonymous questionnaire, from all EHE families who have met with the Home Education Adviser this academic year. Of the 6 returns received to date, all families have responded that they understood the purpose of the meeting, found the guidance issued clear and found the meeting with the Home Education Adviser helpful.
- 4.6 Once a larger number of returns are received, the collated results will be shared with the working party and used to contribute to planning future services.
- 4.7 Local Authority officers regularly meet with other professionals working with EHE families and are active participants in the London Home Education Officers forum. This is an opportunity to ensure changes in locally agreed policy and procedures are bench marked against other boroughs' best practice.

#### **5. Conclusion**

- 5.1 It is proposed that the revised policy and procedures, which still aims to be 'light touch' and currently suggests only an annual meeting with the HEA, better supports Westminster in its responsibilities to ensure all children living within Westminster are in receipt of a suitable education, be it in school or otherwise, including EHE.

**Case study 3**

A school contacted the Local Authority to notify that they had received written confirmation from a mother that she had decided to home educate her 13 year old. The Local Authority made contact with the family and established that the child was in fact, receiving no education whatsoever but was instead caring full time for her mother. The family were not known to any support services, but after an initial assessment, referrals were made to mental health services and a young carers group. The child was returned to school with appropriate support in place.

- 5.2 Although the Home Education Adviser has observed some comprehensive and imaginative EHE provision, meeting with families to discuss their EHE provision continues to identify families who:
- Want advice on aspects of education and learning
  - Did not fully understand the implications of their choice
  - Want help with returning a child to school
  - Have previously unidentified social care needs.
- 5.3 The recommendations from the working party will be reported back to the Cabinet Member for review in summer 2015.