

ELECTIVE HOME EDUCATION

To: **Children and Young People Committee**

Meeting Date: **9 February 2016**

From: **Adrian Loades, Executive Director: Children, Families and Adults Services**

Electoral division(s): **All**

Forward Plan ref: **N/A** *Key decision:* **No**

Purpose: **The Committee is asked to consider the extent of Home Education within Cambridgeshire and the reasons why parents elect to educate their children at home.**

Recommendation: **Members are asked to note the report and advise on any further information required.**

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1.0 BACKGROUND

- 1.1 Education is compulsory for all children from the start of the school term following their fifth birthday. Whilst education is compulsory, school is not. Parents can choose to provide their child with a suitable education at home and this is known as Elective Home Education (EHE). The responsibility for a child's education rests with their parents. Section 7 of the Education Act 1996 states that:
 - a) *The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude, and*
 - b) *to any special educational needs he may have, either by attendance at school or otherwise*
- 1.2 The guidelines for local authorities on Elective Home Education 2007 & 2013, helps local authorities manage their relationships with home education parents and aims to clarify the balance between the right of the parent to educate their child at home and the responsibilities of the local authorities
- 1.3 Cambridgeshire County Council recognises that many parents provide a suitable education and we will continue to encourage a positive and productive relationship through the delivery of an information, advice and guidance service.
- 1.4 These guidelines explicitly state that:
 - 1.4.1 Parents who are home educating their children are under no legal duty to register with, or otherwise inform, the local authority;
 - 1.4.2 The local authority has no legal right of access to children who are being home educated by their parents;
 - 1.4.3 The local authority may request information from parents who are home educating their children but parents are under no legal duty to respond to these requests;
 - 1.4.4 The local authority may request that parents who are home educating their children agree to a home visit or other meeting with a local authority officer in order that the provision being made for the children may be assessed but parents are under no legal duty to agree to these requests;
 - 1.4.5 The local authority may make informal enquiries of parents who are home educating their children but parents are under no legal duty to respond to these enquiries;
 - 1.4.6 The local authority may serve a School Attendance Order "if it appears" that a home educated child is not in receipt of suitable education (reference to Section 437 of the Education Act 1996).
- 1.5 The guidelines, set within the overall context of section 437 of the 1996 Education Act, suggest that, unless it has reasons to believe otherwise, the local authority should accept that parents who state that they are providing a suitable education for their children at home are indeed providing such an

education.

- 1.6 The local authority is thereby required to make a passive assumption that a home educated child is receiving a suitable education, without supporting and corroborative evidence being supplied by the parents.

2.0 MAIN ISSUES

2.1 Parental Responsibilities

- 2.1.1 Section 3.31, Elective Home Education Guidelines 2007 (13) highlights:
“Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of "full-time". Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, but this measurement of "contact time" is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place outside normal "school hours".
- 2.1.2 The type of educational activity can be varied and flexible. Home educating Parents are not required to:
- Teach the National Curriculum
 - Provide a broad and balanced education
 - Have a timetable
 - Have premises equipped to any particular standard
 - Set hours during which education will take place
 - Have any specific qualifications
 - Make detailed plans in advance
 - Observe school hours, days or terms
 - Give formal lessons
 - Mark work done by their child
 - Formally assess progress or set development objectives
 - Reproduce school type peer group socialisation
 - Match school-based, age-specific standards.
- 2.1.3 Local authorities should offer advice and support to parents on these matters if requested.
- 2.1.4 There are a significant number of home educating parents who have a hostile attitude towards local authorities and any attempts to elicit engagement rarely succeed.
- 2.1.5 Parents can express an intention to home educate when it would appear that there is no motivation to educate their child, but to escape the pressure from either the school, education welfare officer or both. There are also cases where the decision to home educate can be seen as a defence against child protection concerns.
- 2.1.6 When families of whom we have no previous knowledge and/ or contact are brought to the Local Authority's notice, we are required to act in response to our legal duty to identify, as far as it is possible to do so, children missing education (CME) and get them back into education. If on investigation we receive confirmation that families are home educating, we do follow up and try to correspond with the parents. However the EHE guidelines make it very

clear and explicit to home educating parents that they are under no legal duty to register with or otherwise notify the local authority of their presence or intentions.

- 2.1.7 An NSPCC report published in March 2014 entitled ‘Children not educated in school: learning from case reviews’ finds that:
“Home education is not, in itself, a risk factor for abuse or neglect. We support a family’s right to choose how to educate their children and know that this can be a safe, supportive and effective option. However, case reviews have shown a very small number of carers use home education as a means to isolate a child. This can prevent authorities and universal services identifying problems concerning a child’s health and wellbeing”

- 2.1.8 Broadly, the motivations of the Home Educating community vary but can be seen to fall into four categories on the following spectrum:

Behavioural or unresolved attendance issues: encouraged to opt out or avoiding prosecution	Reacting to curricular or structural difficulties	Special social, emotional or learning needs not being met, being caused or aggravated; bullying	Political, religious, cultural or lifestyle proactive choices
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- 2.1.9 Cambridgeshire - Elective Home Education Numbers by Area & Locality (15 January 2016)

Area	Locality	Number of EHE students
East Cambs & Fenland	Bottisham, Burwell & Soham	24
	Ely, Littleport & Witchford	42
	March & Chatteris	46
	Whittlesey	22
	Wisbech	82
AREA TOTAL		216
Hunts	Huntingdon	29
	Ramsey, Sawtry & Yaxley	54
	St Ives	9
	St Neots	33
AREA TOTAL		125
South Cambridge & City	Bas, Mel, Com & Gam	62
	Cambridge North	62
	Cambridge South	47
	Cottenham & Swavesey	75
	Sawston & Linton	18
AREA TOTAL		264
COUNTY TOTAL		<u>605</u>

- 2.1.10 More data information can be found at [Appendix 1](#).

2.2 Local Authority Offer

- 2.2.1 An Elective Home Education administrator ensures that all interventions with home educating parents are recorded on the Local Authority data base. The administrator liaises with parents to facilitate information sharing and to provide updates on the Local Authority offer. The Administrator regularly meets with the Behaviour and Attendance Manager to review the register of home educated children and based on the information held make a decision on the child's vulnerability, which will now also include considerations regarding the potential risk of radicalisation; and where applicable make onward referrals to appropriate agencies.
- 2.2.2 To develop a more inclusive service a consultation exercise was completed earlier in 2015. The following outlines the interventions now being delivered to the EHE community as part of an informed offer:
- 2.2.3 We continue to build on the work delivered to engage with local Elective Home Education parent groups.
- 2.2.4 We will reflect changes to Children Missing Education and Pupil Registration Regulations as the Department of Education has agreed to take action as an outcome on Ofsted insisting that there needs to be an increased level of tracking when a child is taken out of school. Changes will therefore need to occur with the Children Missing Education Guidance and the Pupil Registration.
- 2.2.5 The Association of Elective Home Education Professionals is a welcome and very important development that should allow Local Authorities to engage with government representative and influence policy.

3.0 ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

- 3.1.1 There are no significant implications for this priority

3.2 Helping people live healthy and independent lives

- 3.2.1 There are no significant implications for this priority

3.3 Supporting and protecting vulnerable people

- 3.3.1 The report above sets out details of significant implications in paragraphs 2.2.1

4.0 SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

- 4.1.1 There are no significant implications for this priority

4.2 Statutory, Risk and Legal Implications

- 4.2.1 The following sets out details of significant implications identified by officers:

- 4.2.2 Changes to Local Authorities duties around Children Missing Education may have an impact on Elective Home Education guidance.
- 4.2.3 In December the Ofsted chief inspector, Sir Michael Wilshaw, warned that the safety and wellbeing of a small number of children could be at risk as a result of being educated illegally in unregistered schools. Three unregistered schools or madrassas were shut down by Ofsted in Birmingham in November as they were offering a narrow Islamic-based curriculum using anti-Semitic, homophobic and misogynistic materials. The pupils at these schools were thought to have been home educated. The Education Secretary, Nicky Morgan, has announced an intention to look into those educated by their parents after pledging to clamp down on such schools, not least as it links to the anti-terrorist PREVENT agenda.
- 4.2.4 Separately, a national newspaper, 'Independent on Sunday', made a Freedom of Information request regarding the number of pupils who are home educated, which received a lot of publicity in late December as the newspaper said there were estimated to be between 20,000 and 50,000 home educated children in England and Wales. According to the report the government is now considering proposals for parents to have a contact at local councils in order to be more certain of the number of pupils who are home-schooled. The report quoted a senior government source as saying: "There has always been the freedom in this country for people to educate their children at home. Many people do it very well. But we need to know where the children are and to be certain they are safe. For every parent doing a brilliant job, there may be someone filling their child's mind with poison. We just don't know. We don't have reliable figures." Previous attempts to seek greater regulation of elective home education have been challenged.
- 4.2.5 Local Authorities currently have no statutory duties in relation to monitoring the quality of home education on a routine basis. We have no powers to enter the homes of, or otherwise see, children or monitor the quality of their work, for the purposes of monitoring the provision of elective home education. We do wish to make a clear offer to families for support with issues that they tell us that would like assistance with. This is a different approach to some other local authorities who still insist on visits and contacts when the legal position to do so is weak to the point of uselessness.

4.3 Equality and Diversity Implications

- 4.3.1 There are no significant implications for this priority

4.4 Engagement and Consultation Implications

- 4.4.1 There are no significant implications for this priority.

4.5 Localism and Local Member Involvement

- 4.5.1 There are no significant implications for this priority.

4.6 Public Health Implications

- 4.6.1 There are no significant implications for this priority.

Source Documents	Location
<p data-bbox="193 208 1007 280">Elective Home Education Guidelines for Local Authorities</p> <p data-bbox="193 392 1007 504">Children not educated in school: learning from case reviews Summary of risk factors and learning for improved practice – NSPCC</p> <p data-bbox="193 795 1007 840">Ed Yourself</p>	<p data-bbox="1007 208 1394 324">https://www.gov.uk/government/publications/elective-home-education</p> <p data-bbox="1007 392 1394 616">https://www.nspcc.org.uk/preventing-abuse/child-protection-system/case-reviews/learning/home-education-update/</p> <p data-bbox="1007 750 1394 840">http://edyourself.org/articles/latotalnumber.php</p>

APPENDIX 1

1. Cambridgeshire - Reasons for home educating academic year 2014/15 (more than one reason may have been given) All Data from FOI report 15th July 2015

14-16 Funding	1
Attendance/Prosecution	5
Bullying	34
Dissatisfaction with School Environment	57
Emotional & Behavioural Difficulties	8
Lifestyle/Cultural/Philosophical	75
Medical – Child	5
Medical – Parent	2
Not Preferred School	10
On the advice given by other professionals	4
Other*	23
Particular Talent	2
Problems with SEN Provision	5
Religious Beliefs	7
School Refuser/Phobic	9

2. Number of Children registered as being home educated - The following table represents the numbers of Cambridgeshire Children registered as being Home educated throughout an academic year

Year	No of children – registered throughout the academic year
2009/2010	200
2010/2011	420
2011/2012	498
2012/2013	585
2013/2014	663
2014/2015	776

Based on the ONS mid-year population estimates for the numbers of children known to be living in the local authority (from ages 5 to 16 inclusive) the percentage of children being home educated within the authority would be approximately 0.9 percent (January 2015)

3. **Gender** - For the academic years stated above, we are able to break down the gender of home educated children and the curriculum year which they are in:

Year	Male	Female
2009/2010	106	94
2010/2011	223	197
2011/2012	258	240
2012/2013	285	300
2013/2014	329	334
2014/2015	388	388

4. Curriculum Year

Year	NCY1	NCY2	NCY3	NCY4	NCY5	NCY6	NCY7	NCY8	NCY9	NCY10	NCY11
2009/10	6	10	15	10	15	18	16	32	26	29	23
2010/11	36	21	28	25	22	25	54	49	61	53	46
2011/12	52	36	33	31	29	26	50	63	72	56	50
2012/13	75	27	30	42	35	36	53	71	71	76	69
2013/14	83	51	33	37	42	49	67	71	79	74	77
2014/15	82	50	71	52	62	59	68	78	90	82	82

5. Ethnicity academic year 2014/15:

Ethnicity	No. of Children
Any other Asian background	2
Pakistani	3
Black Caribbean	2
Any other Black background	1
Any other Mixed background	13
White/Asian	6
White/Black African	4
White/Black Caribbean	6
Info not yet obtained	12
Any other Ethnic Group	1
Refused	4
White British	277
White Eastern European	1
White English	1
White Irish	2
Traveller Irish Heritage	9
Any other White background	29
Gypsy/Roma	70
Blank	108

6. Special Education Needs Status academic year 2014/15:

6.1	SEN Status	No of Children
	Education Health and Care Plan	2
	School Action	57
	School Action Plus	39
	SEN Support	17
	Statement	22

6.2	SEN NEEDS (more than one reason may have been given)	No of Children
	Autistic Spectrum Disorder	17
	Behaviour, Emotional and Social Diff	46
	Hearing Impairment	2
	Moderate Learning Difficulty	45
	Other Difficulty/Disability	10
	SEN support no specialist assess	1
	Severe Learning Difficulty	5
	Social, Emotional and Mental Health,	10
	Speech, Language or Communication Difficulty	20
	Specific Learning Difficulty	35

7. Elective Home Education Student annual numbers:

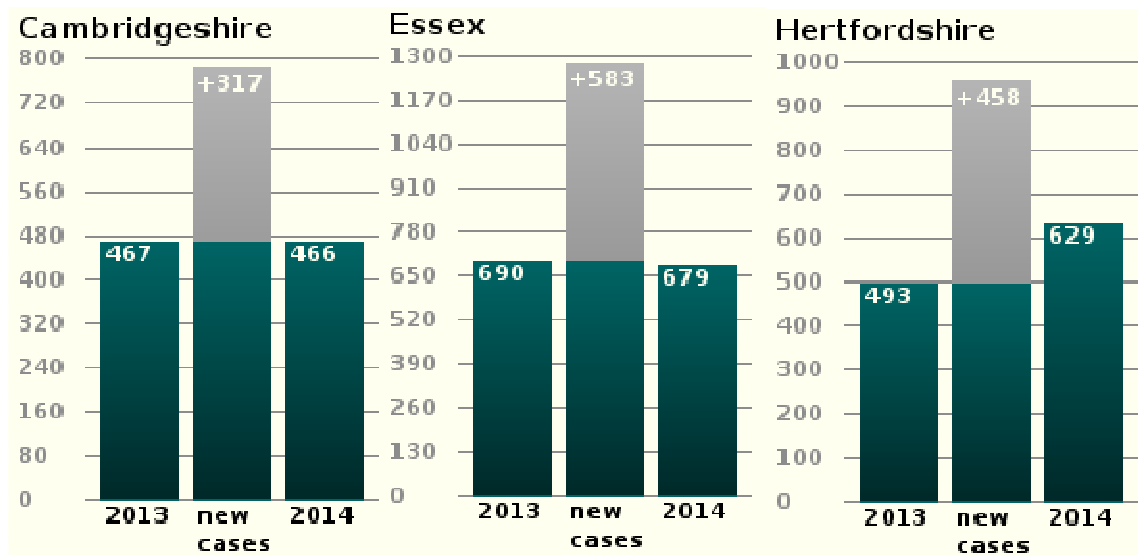
- 7.1 The following table provides the number of Elective Home Education students at the beginning an academic year and at the close.

In terms of the academic year 2014/15 we had a total of 776 students registered throughout the year.

	No of Home Elective Education Children
Sept 2014	497
July 2015	533

The pattern of 'churn' equates to 253

- 7.2 The graph demonstrates the high turnover of children being registered as Home Educated and then leaving home education during that academic year. One reason for this is parents' home educating whilst awaiting a school place. A similar pattern of 'churn' can be seen in other Local Authorities



(Data taken from Ed Yourself site – further comparative information can be accessed on <http://edyourself.org/articles/latotalnumber.php>)

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January 2016