

Report for: Children and Young People’s Scrutiny Panel: 2 March 2020

Title: Elective Home Education: Data, Legislation, Powers and Safeguarding, and Unregistered Schools

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Ward(s) affected: N/A

1. Describe the issue under consideration

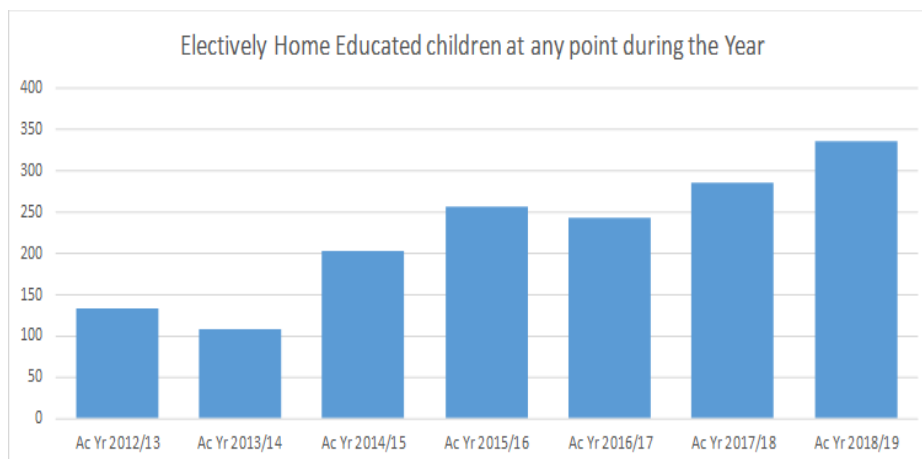
This report sets out the current position, bound by the relevant legislation, in relation to children recorded as being electively home educated in Haringey, and gives an update on the position regarding unregistered schools.

2. Recommendations

- 2.1 Further multi agency consideration to be given to Haringey’s approach for children and young people home schooled who are subject to child protection plans for neglect and other forms of maltreatment attributable to the parenting.
- 2.2 The Education Welfare Team to encourage families to use the School Nursing Service, and implement any appropriate outcomes from health assessments undertaken.

3. Background information

- 3.1 There has been an increase in the numbers of parents wishing to electively home educate their children. This is a national trend, and not limited to Haringey.



3.2 In mid-February 2020, there were 184 children recorded as being electively home educated in Haringey, 68 of whom are girls and 116 are boys. Year groups are detailed below:

EHE Children by Year	
Year Group	Number
0	2
1	7
2	12
3	11
4	15
5	20
6	15
7	22
8	24
9	12
10	25
11	19
Total	184

3.3 There are currently six electively home educated children known to have an Education and Health Care plan (EHCP); four children are subject to a Child in Need plan and there are currently no electively home educated children subject to a child protection plan.

3.4 There are a number of reasons why a parent might wish to electively home educate their child(ren), and parents are not legally obliged to inform either the school or the local authority as to why they have chosen to do so. Where the reason is known, the most cited reasons are:

- religious reasons
- philosophical choice by the parent
- a place at a preferred school has not been offered.

3.5 Other reasons include:

- unresolved bullying allegations
- child's needs not being met by the school
- medical
- parental relationship with the school has broken down
- avoiding an exclusion from school
- avoiding enforcement action as a result of irregular school attendance
- attending a supplementary education provision as part of the child's education
- Gypsy/Roma/Traveller families choosing to home educate.

Legislation and Powers

3.6 All children of statutory school age must be educated on a full time basis. This is stated in Section 7 of the 1996 Education Act:

“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 to any special educational needs he may have, either by regular attendance at school or otherwise”

where “*otherwise*” refers to elective home education. Parents are therefore legally entitled to educate their child(ren) at home.

- 3.7 The law requires that all children access a full time and efficient education. Parents who choose to electively home educate their children are not required to follow the national curriculum, enter them for SATs, GCSEs or any other examination. They are not required to ensure that their children are educated in “British Values”, or other PHSE subjects. They do not have to educate their children in accordance with a timetable, or on set days. There is now a general consensus and case law that:
- an ‘efficient’ education achieves what it sets out to achieve;
 - education is deemed ‘suitable’ if it enables the child to achieve his/her full potential, equipping a child for life within the community of which he/she is a member, rather than the way of life in the country as a whole, as long as it does not prevent the child from adopting some other way of life subsequently if he/she wishes to do so. In Haringey, a suitable education will be expected to include maths and English which includes reading and writing. There is also an expectation that cultural activities will be used to raise awareness of the wider society and the different cultures within the United Kingdom;
 - there is currently no legal definition of “full-time education”, although the DfE has previously provided guidance. 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. The type of educational activity can be varied and flexible.
- 3.8 Parents of children with an Education and Health Care Plan are legally entitled to electively home educate their children, and they continue to be entitled to any support detailed in an EHC plan. The exception to this rule is when a child is a registered pupil at a special school, in which case agreement to delete a pupil from the school’s registers must be sought from the local authority.
- 3.9 Parents of children who are subject to a child protection plan, who are subject to a child in need plan. who are known to the youth justice team or are otherwise deemed to be “vulnerable” are also entitled to electively home educate their children.
- 3.10 Local authorities are not obliged to offer financial assistance to parents who choose to electively home educate their children, and most local authorities do not do so. Haringey has employed an advisory teacher to work with electively home educating families to provide advice and guidance in relation to the

education taking place, and to support children back into school where necessary.

- 3.11 The Department for Education published revised guidance for local authorities and parents in relation to elective home education in April 2019 which highlighted and reaffirmed the powers available to local authorities, and the rights of parents.
- 3.12 A form of legally permitted elective home education is known as flexi-schooling, where a school gives permission for a registered pupil to be absent for part of the day or week in order to take part in an educational activity sourced by parents. This could include specific lessons that are only available during the day e.g. tennis coaching. The head teacher of the school must agree to such a parental request; if the parent causes their child to be absent without permission, the absence may be marked as unauthorised in the school's registers, and enforcement action may ensue. This type of home education is relatively rare in Haringey, and schools are not obliged to inform the local authority in such cases. Only two of our schools, Stroud Green Primary and Chestnuts Primary, currently have flexi schools as a policy. Schools would be expected to ensure the child is engaging in the privately arranged session.
- 3.13 Electively home educating parents do not have to allow officers access to their homes or to see their children. They are not legally required to provide evidence of the education being offered to their children, although the local authority may take a view about a lack of evidence of education, and take further steps.

Practice in Haringey

- 3.14 When a parent has decided they wish to electively home educate their child, and that child is registered at a school, the school cannot legally remove that child from roll until the parent has made their request in writing. The school is then legally required to inform the local authority that the child is being electively home educated.
- 3.15 Schools are requested to complete a referral form, detailing the parent(s)' names and address, the child(ren)'s details, and the reason (where known) why the family has decided to electively home educate. The school is also requested to include any relevant information relating to vulnerabilities, special education needs and safeguarding concerns.
- 3.16 If the family do not reside in Haringey, or are known to be moving away, the new local authority's elective home education officer will be informed via e-mail and telephone call if necessary from officers in Haringey.
- 3.17 For children not registered at a school, parents choosing to electively home educate their child are not legally required to inform the local authority. There is a notification form, accessed via the Haringey Council website¹, that parents can use to voluntarily inform the local authority of their wish to home educate their child.

¹ <https://www.haringey.gov.uk/children-and-families/schools-and-education/information-parents/educating-your-child-home>

- 3.18 When parents move away from Haringey, move to another address within the borough, or return their child to a school, they are under no obligation to inform the local authority of this information. Some attempted contact with electively home educating families is unsuccessful due to the family no longer residing at their Haringey address.
- 3.19 Most notifications of electively home educated children are received from schools. There is regular liaison with Health colleagues, who have been requested to inform the Education Welfare Service (EWS) of any children who present at GP clinics, health centres and hospitals and whose parents state they are electively home educating. At Health colleagues' request, initial contact letters contain details of Vaccinations UK and the School Nursing Service, and details of electively home educated families are shared with Health colleagues to offer these services.
- 3.20 There is regular liaison with the Special Educational Needs team to ensure that all electively home educated children with Education, Health and Care Plans (EHCPs) are known so that contact with parents and visits are planned appropriately.
- 3.21 All new referrals for children who are being electively home educated are screened prior to allocation to the Elective Home Education (EHE) advisory teacher. This is to check whether a child is deemed to be "vulnerable". Such families are prioritised for contact and visits.
- 3.22 On receiving the notification, checks are undertaken on the Mosaic database for Social Care/Early Help engagement, and contacts will be made with any agency already known to be working with the family to alert them that this decision has been made. The advisory teacher will also undertake checks to ascertain whether the family are known to other services or teams. This may lead to multi agency meetings with the parents to discuss whether any further action is required to support the child. The parental decision to electively home educate will then be acknowledged in writing, and an initial visit will be arranged. Priority will be given to children deemed to be vulnerable following Mosaic checks or due to information provided by the school.
- 3.23 The EHE advisory teacher's primary role is to assess the education that a child is receiving, and to provide advice and guidance in order to improve the education, should this be necessary. However, the advisory teacher will on all occasions be vigilant in relation to any safeguarding concerns, and any such concerns will be raised with the Education Welfare Service (EWS) manager for further advice. The child may then be referred to Multi Agency Safeguarding Hub (MASH). In terms of neglect, this may be difficult to measure as neglect happens over a period of time and if the education that has been assessed is satisfactory/good, there will be no reason for the advisory teacher to arrange another visit for perhaps up to a year.
- 3.24 During a visit, the advisory teacher checks the education work that has been produced by the child. The visit is to also assess the suitability of the environment where the education is taking place. The child is generally present at these visits and the advisory teacher speaks to the child to get a good sense

of their views and expectations (depending on the age of the child). This information is recorded in the presence of the parent/carer and child and all information is transcribed into a report that is sent to the family and uploaded onto Mosaic.

- 3.25 The advisory teacher takes care to hear the voice of the child as this is very important in tracking the child's progress as well as building a positive relationship with the child. It helps ensure that safeguarding observations are taking place and that the child is developing well educationally and emotionally, as well as learning lifelong skills.
- 3.26 Depending on the outcome of the visit, quality of work and educational progress of the child, the advisory teacher may request another visit in two weeks, one month, three months or six months. In cases where education is deemed to be satisfactory or good, a request will be made by the advisory teacher to visit annually.
- 3.27 The views of home education educators have been collated through personal interviews with the advisory teacher. Some educators welcome the visits, regularised monitoring and intervention as well as the advice and guidance that is provided. Others are defensive of their rights and decline any involvement with the advisory teacher.
- 3.28 Ideally, the parent or carer would permit the advisory teacher to visit the family at their home address, in order to assess education, but also to assess the suitability of the home for the purposes of education. Some parents refuse access to their home, but will meet the advisory teacher at a neutral venue. In rarer cases, parents will refuse to meet the advisory teacher at all, and will be requested to provide suitable examples of work via email or post.
- 3.29 In cases where it is clear that no education is taking place, or in cases where, despite efforts to improve the education being offered, the education remains unsuitable, or where the parent either refuses to engage with the EHE process or ignores all attempts to make contact, the case will be closed to the EHE advisory teacher and referred to the Children Missing Education (CME) team for a school place to be offered to the family.
- 3.30 If the family do not accept the offer of a school place, the parents are issued with a School Attendance Order (SAO) which is a time limited order (15 working days) in which to satisfy the local authority that their child is being electively home educated in an efficient and suitable manner, to register their child at a nominated school, or that their child has been registered at another school of the parent(s)' choosing.
- 3.31 Failure to comply with a School Attendance Order will result in legal proceedings against the parent.

Unregistered Schools

- 4.1 When an unregistered school is brought to the attention of the Local Authority, this is recorded by the Schools Admissions team. Because of potential

safeguarding concerns, the Local Authority Designated Officer (LADO) is also informed.

- 4.2 The provision is contacted in order to verify whether the provision is offering a full time education and, if so, whether the provision is in fact unregistered with the Department for Education (DfE). A list of pupils currently being educated is requested, as they would be recorded as being electively home educated as a result of the parental preference to their children being in an unregistered provision. This also ensures that such children are “in the system” and recorded on a database.
- 4.3 Unregistered education provisions are visited where necessary, and advice is provided as to registering with the DfE. The DfE take the lead in any investigations or actions to close the provision. In recent years, there have only been two known unregistered schools in Haringey, one of which has since closed, and the other has subsequently registered with the DfE. At the time of writing, there are no known unregistered schools in the borough.

5. Contribution to strategic outcomes

Priority 2 (People) of the Borough Plan sets out a vision where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential. A robust and suitable education is one of the keys to achieving this.

6. Use of Appendices

Haringey Council’s Elective Home Education webpage and link to the EHE policy:

<https://www.haringey.gov.uk/children-and-families/schools-and-education/information-parents/educating-your-child-home>

7. Local Government (Access to Information) Act 1985

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAV2.0.pdf

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