

Overview and Scrutiny Review

# Elective Home Education



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## Introduction to the Review

Parents are required by law to ensure their children of a school age receive an appropriate full-time education. In most instances this is achieved by registering their children with a school. However, some parents choose to educate their child other than at school; in the UK this is commonly known as Elective Home Education (EHE). The number of children in Lancashire registered as home educated has steadily increased over the last eight years and this reflects the national trend.

The county council fully acknowledges a parent's right to choose to educate their children other than at school and has procedures in place to support parents who opt to home educate.

At the Children and Young People Overview and Scrutiny Committee in July 2008, members were presented with a report about the current picture of Elective Home Education in Lancashire. Members of the committee raised concerns about the infrequency of visits to those children being educated at home and the ability of the local authority to ensure that they are safe.

As a result of the following discussion it was resolved that a Task Group should be formed with the aim of investigating and considering relevant information in more detail in order to provide the Committee with a greater understanding of EHE issues.

The task group was agreed at the September 2008 Management Committee, where it was decided that the task group would

consist of six members; five being County Councillors and one co-opted member.

The task group met between October 2008 and March 2009. The following report details witnesses with whom the task group met; the information the task group received and the conclusions that the task group reached. It also includes recommendations that the task group wishes to make about the issue of Elective Home Education in Lancashire.

## Membership of the Task Group

The following members served on the task group:

- **County Councillor  
Tim Ashton**
- **County Councillor  
Mrs. Pat Case CBE**

- **County Councillor  
Graham Davies**
- **County Councillor  
Stephen Large (Chair)**
- **County Councillor  
Miles Parkinson**
- **Mr. John Withington, Parent  
Governor, Primary Phase**

## Scope of the Scrutiny Review:

At the first meeting of the task group in October 2008, the task group agreed that the review should address the following objectives:

- To examine the issues arising from the increasing number of children in Lancashire being educated away from school. This should include a consideration of:
  - The strength of the current legislative framework and how effectively it allows the council to ensure that the education and safeguarding of all children is accounted for;
- Each of the five Every Child Matters Objectives, with a particular emphasis on 'staying safe';
- The capacity of the council's current support structures in meeting its obligations as a Children's Services Authority.
- Concerns raised by the Children and Young People O&S committee about the usual, single annual visit to children who are Home Educated.
- Whether it would be possible to encourage early intervention before a child is removed from the school environment in order to be home educated; including finding ways for schools to work with families who wish to remove their children;
- The suggestion that issues affecting children should be considered by each of the council's directorates in their daily work;
- The situation regarding Traveller Children registered

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as being Home Educated. Other authorities do not include Traveller children who are not in school as part of their Home Education statistics but this demographic does form a large proportion of children who are registered as being home educated in Lancashire.

- To make recommendations for any improvements to current EHE policies adopted by the county council that the task group deems as necessary.

## Methodology

### Witnesses

The following witnesses met with the task group and shared information:

### Lancashire County Council Officers

- **Maureen Davenport**, Lancashire Education Inclusion Service (LEIS) – Head of Service, Children and Young People Directorate
- **Frances Molloy**, Schools Attendance Lead, Children and Young People Directorate
- **Angela Robinson**, LEIS Teacher, Children and Young People Directorate
- **Greg Vickers**, Children Missing Education (CME) County Co-ordinator, Children and Young People Directorate
- An officer from the DCFS

### Home Educators

The task group met with a group of Home Educators and their children, **Lynda Howard** was the contact point for this meeting

- **Alison Sauer**, Director SC Education and Business Development and the lead trainer for local authorities about Home Education in the UK
- **Fiona Nicholson**, Chair Education Otherwise Government Policy Group, Member Education Otherwise Disability Group, Trustee Education Otherwise

### Documents

The task group considered the following documents during their review:

- **Elective Home Education** – the original report to committee in July 2008 and the Minutes following the meeting
- **LEIS – Elective Home Education, Guidelines for Parents** – The county council's main document for supporting Home Educators in Lancashire

- **Elective Home Education, Guidelines for Local Authorities** – from the DCFS, guidelines on Local Authority responsibilities and rights related to Elective Home Education
- **Every Child Matters Framework** – The overarching framework, the task group considered this as a way to structure their approach for considering the provisions and potential gaps for the welfare of children in relation to Elective Home Education
- **Revised Statutory Guidance for local authorities in England to identify children not receiving a suitable education** – While Home Educated children are not necessarily children who are missing an education, there is guidance in this document which suggests local authorities need to be ensuring the educational welfare of all the children in their area. This is also from the Department for Schools, Children and Families

## Websites

Education Otherwise -

<http://www.education-otherwise.org/>

Education Otherwise is the largest support network for Home Education in the UK, the task group met with representatives/members from the organisation

ContactPoint -

<http://www.everychildmatters.gov.uk/deliveringservices/contactpoint/>

This was referred to by the EHE team and CME team as a possible way to find children who are potentially missing education and to add unknown children to the register of home educated children.

## Site Visits

EHE Team Meeting – the task group attended a team meeting for the county council's EHE team in order to understand better the everyday implications and caseloads of the EHE team

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## Surveys and Publicity

Press Release – The council arranged a press release to inform the public that the review of Home Education was taking place. Overview and Scrutiny also encouraged those with experiences of home education to approach the task group with information. There was a high level of response and much general interest in the task group with various radio stations, newspapers and even North West Tonight running a story about the review.

Responses to the Press Release – The task group considered the responses from many people involved in Home Education across Lancashire.

## Findings

### Lancashire County Council's Elective Home Education (EHE) team

At the time of gathering evidence for this review (Oct 2008), 467 Lancashire children were registered as being home educated. In Lancashire there has been an increase in the number of children being home educated since 2001, and in the last four years the number has doubled. During the Lancashire Education Inclusion Service (LEIS) teacher's initial visit to see a child who is being home educated they will complete an EHE1A form with the individual who is responsible for the education of the child. This form is used to record why the family is choosing to home educate and how they intend to deliver the child's education, as well as

considering how each aspect of the Every Child Matters agenda will be fulfilled. The EHE team records the reasons that parents give for choosing to home educate their child, though the team recognises that it is often a mixture of reasons rather than just one. The categories used are as follows:

- **Medical** - Parents feel that medical needs are too great for school attendance
- **Refuser** - The child/young person has elected not to attend school and parents support this decision
- **Bullying** - Parents feel that bullying issues have not been dealt with effectively
- **Religious** - Parents believe Home Education is important to maintain their faith
- **Excluded** - Parents wish to avoid exclusion

- **Reactive** - Parents choose EHE to avoid a range of problems
- **Proactive** - Parents actively choose EHE as they feel it can best promote their values
- **Traveller** - Children, particularly at Key Stages 3 and 4, may be expected to assist in the home setting or family business

There is a concern that children who leave the school system because of bullying may find it more difficult and traumatic to access social activities and may become isolated within the home or education environment.

There is a further concern that it may be more difficult for home educated children to access services that are readily provided through the school environment, such as support networks and career advice. The potentially detrimental impact on the child's social well-being is also considered to be an issue. The home educated child's access to other people and to children their

own age was also raised as a concern by the task group.

When a child is removed from school to be home educated the Lancashire Education Inclusion Service (LEIS) teachers from the EHE team will usually make an initial visit to the family no earlier than forty school days after the child is registered as being home educated, but no later than sixty school days after the commencement of home education. Where there are no concerns about the education the child is receiving or the child's welfare this initial meeting will usually be followed by a further visit after 25 school weeks. Following this visit, further visits will usually take place annually. Where there are concerns about the education the child is receiving, the LEIS teacher will arrange to visit more frequently or seek further evidence of the education being provided; this will usually take place within fifteen school days.



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The LEIS teachers do not have a statutory right to access the family home or even see the child being home educated, though in Lancashire the team has found that there are very few homes and children that are consistently inaccessible.

Where access to a child is refused, it is often difficult, under current legislation and statutory guidance, for the LEIS team to move towards a resolution that ensures the child is safe and receiving a suitable education. The first point of contact would be the Children Missing Education team who would escalate any further concerns they had to Lancashire's Safeguarding Board. In making this judgement, LEIS teachers consider whether the child is in good physical health and whether they appear to be sound of mind. The confidence of the child is also considered as a factor in judging their well-being.

In the situation where a child enters the country there is currently no failsafe system that will allow a local authority to recognise if that child is in their boundaries. However, the county council and many other authorities have agreements with the Immigration Office that they can approach them with details that they have about a child that they believe has recently entered the county and have this information confirmed. ContactPoint is expected to be a potential solution to this problem; however, schools are the most efficient point for collecting the information that would be entered into the ContactPoint database. ContactPoint will also be used to identify children in Lancashire who the authority may not currently have registered as being home educated.

More information about ContactPoint can be found at the following website: <http://www.everychildmatters.gov.uk/deliveringservices/contactpoint/>

The task group had further concerns about the use of tutors and other adults to help with the education of EHE children. These adults can often be from outside of the family and it is the responsibility of the parent to have these adults CRB checked. There is, however, no legal requirement for parents to do so. It was suggested that the Local Authority should perhaps consider providing an umbrella process by which to complete these checks on the behalf of parents. It has also been suggested by other organisations and home educators that the use of tutors is not a common occurrence across home education in Lancashire.

It should be recognised that the EHE team are operating on very limited resources and that they would require extra staffing to be able to increase the number of visits per year to home educating families or to provide services beyond the annual visits that currently take place.

### **Lancashire County Council's Children Missing Education (CME) team**

Where there are concerns about the education that a home educated child is receiving, the EHE team would refer that child to the Children Missing Education (CME) team.

The County Council has a CME database with over 250 cases in progress. The exact number, at the time of receiving the evidence, was unknown but it is thought there are about 311 current cases: 102 of these being in the East; 73 in the North and 66 in the Central region. About 70 of these cases had been actioned or closed and of the cases that are related to

home education, 9 have now been successfully closed.

There is a schools portal tool which is expected to be used more in the future and this allows for referrals from the schools of children who are suspected as being CME. This would potentially be widened in the future to allow public referrals which would hopefully highlight any children who are registered as being home educated but where there are concerns in the community that they are not receiving an education.

There are number of sources from which CME referrals are currently received:

- Professional colleagues
- General Public
- EHE team
- Other Authorities
- School referrals

There is anecdotal evidence to suggest that some children are now on the children missing education register because their

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parents were advised by the school to remove their child from that environment and that alternative educational provisions would be made available by the local authority.

## EHE and the Law

The legal grounding for home education is found in Section 7 of the Education Act 1996 and is limited to just a couple of sentences:

'The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable —  
(a) to his age, ability and aptitude, and  
(b) to any special educational needs he may have,  
either by regular attendance at **school or otherwise.**'  
[emphasis placed by the report author]

EHE is also subject to the law which dictates

compulsory school age. This states that a child must remain in education or training of some form until the last Friday in June after they turn 17.

The term full-time is mainly applicable to the school system and is much more difficult to explain when connected to home education due to the diverse nature of the education delivered

'Suitable' in terms of education is defined as, 'an education which achieves that which it set out to achieve'. It is also supposed to be an education that equips the individual for life within their community but does not restrict them from becoming part of another community if they would wish to do so in the future.

If a parent chooses to home educate before their child ever enters the school system they are not required

to inform anyone, though the council would encourage all parents considering home education to contact them. If the decision to home educate is made after the child has entered the school system, the parents of the child must inform the school, and the school must remove that child from their register and inform the local authority of this action within two days.

The local authority has no legal right to access the family home or to see the child that is being home educated and while written work is often requested as proof of the education being completed, it is not a legal requirement for parents to provide such evidence.

Home education can be used by parents to avoid accusations about truancy being made against them but it is thought that this is not common and, that if this

was the case, it would become clear during LEIS teacher visits through lack of educational evidence and this issue could then be referred to the Children Missing Education team.

### **Traveller Communities with children being Home Educated**

Traveller communities were considered separately as their way of life and approach to education can be very different to the approach considered by the current school system. It was noted that a common experience of LEIS teachers visiting traveller sites was to find children registered as being home educated doing work in the community or looking after their families rather than undertaking a 'traditional education'. However, many traveller communities have their own language which may make engagement in the classroom/school setting difficult.

During visits to traveller families where a child is being home educated, LEIS teachers have

often found that these children are working within their family businesses and while this may be considered educational, there are strict laws about when children can work, how long for, and the types of activities that they can be engaged in.

The task group was also informed that many local authorities do not include traveller communities in their statistics for the number of children who are registered as being home educated.

### **Other Organisations**

#### **Department for Children and Families (DCFS)**

In January 2009 it was announced that a National Review of Home Education was to be conducted. This national review is being conducted by the DCFS and will consider various aspects of home education. The review has invited as many stakeholders as possible to contribute and this report will be passed on to those running the review.

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The Review will not question a parents right to home educate but it will aim to consider the power of Local Authorities and whether they should place more influence on safeguarding and monitoring of children who are home educated

It was recognised that there is a valid consideration to be made as to whether home education achieves the five outcomes of the Every Child Matters frameworks as readily as schooling. It was explained that officers are entitled to ask about the education that a child is receiving and that there are protocols in place for ensuring safety and welfare. Further to this, concerns were re-iterated as to where the 'child's voice' sits in the decision about their education.

The enormous amount of flexibility that currently exists for home education was

seen as a possible obstacle and it was questioned as to whether there might be a benefit in more structure and guidelines being applied to education other than at school.

It was felt the Local Authority does have appropriate tools for ensuring the safety of children in Lancashire but the National Review will consider any barriers that are being reported and is consulting with as many stakeholders as possible.

There is a question about whether the problems with access and barriers to communication with home educators being raised by council officers are perceived or real. It was suggested that some concerns can perhaps be explained by a lack of understanding of the statutory duties and rights available to the county council now.

## **Trainer and Consultant for Local Authorities in home education**

The task group was concerned by the suggestion that the county council does not know of all children who are being home educated in Lancashire.

The job title of LEIS teacher was suggested as a point of friction with home educators who often see the visits by these officers as intrusive and undertaking more of a policing role than a supportive one.

Education at home should not just be seen as school at home, it can take many forms that may never involve any written work. The county council recognises that not all education at home will follow a national curriculum or indeed has to follow the pattern of school at home. The council does ask for written examples of work but

the statutory guidance does not state that this is a mandatory requirement for home educators to fulfil.

The task group was informed that home education usually fails when it does not involve the full interaction of the parent and child in the process.

The task group heard that the council should trust the judgement of its officers or provide more training as an experienced and skilled officer would recognise the signs of abuse or a child who is not entirely safe or enjoying their education at home.

The safeguarding duty of the county council is suggested as being a passive one. The authority only has a duty to act when it has a concern and the mechanisms are in place or being developed to escalate situations where there are concerns.

The task group was informed that there were at least two serious

cases known in the UK where home education had been used as a cover for instances of abuse or forced marriage but this is out of at least 50,000 children who are thought to be home educated.

### **Education Otherwise**

Education Otherwise is a national organisation which works on a membership basis. It provides an online community and support for its members and also lobbies for change in government policy. Education Otherwise now has a local contact in nearly every region and uses this contact to facilitate workshops for the sharing of best practice and for encouraging contact amongst home educators. The organisation is also actively involved in regular meetings with government officials and ministers where they attempt to shape national policy.

One particular aspect that Education Otherwise is trying to change is the relationship between local authorities and home educators. They would like the

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relationship to be more about home educators knowing who to contact at the local authority when they need support, rather than enforced visits at massive intervals, such as the situation in Lancashire of annual visits.

Education Otherwise consider the whole Every Child Matters agenda in their approach to home education which is something that the task group had highlighted as important.

The task group heard that more resources should be made available for children who are home educated. In particular access to exams should be more readily available.

Other areas such as North Yorkshire and Somerset were cited as examples of best practice for trying to take a different approach and that these authorities

provided regular support to home educators.

There was a suggestion that members of Education Otherwise often find out about home educators who are known to the local authority and who need support. Education Otherwise will usually contact the local authority to ask them to contact such families.

Examples given suggested that much of the relationship between home educating families and the local authority depended on the officer that the family had contact with. Good experiences framed good relationships, whereas bad experiences have, on occasions, upset children in particular and left them fearful of local authority involvement.

It was felt that nationally there is an inconsistent approach by local

authorities to home education and that the role and responsibilities of the local authority would be better served by a supporting rather than instructing role.

Education Otherwise have found that that home educators in some areas are concerned about trying to change their approach to home education as they believe that they may not be allowed to continue educating their children at home. The overall impression that Education Otherwise have taken from correspondence is that home educators are fearful about their relationship with the local authority.

It was further suggested that an advocacy service may be beneficial to home educators when they are wary of the local authority. The task group suggested that this could be provided through the Voluntary,

Community and Faith Sector, where a group of home educators could bid for funding to provide such a service.

## **Evidence from Home Educators – Meeting and Correspondence**

### **Correspondence**

The correspondence from Home Educators identifies the following common themes:

- Where a child has been removed from school to be home educated they are seen to be thriving academically and much happier than they were;
- Home education is generally seen as a positive experience whereas the child's experience of school has usually been a negative experience;
- Home educators seem to find the Council approach to be intrusive and abrasive;
- Children benefit from the close attention within their family and one-to-one learning.

### **Meeting with Home Educators in Lancashire**

Home educators consider home education to be the 'natural state' of education as it is the parents' responsibility to ensure their child is receiving an education.

One major barrier home educators feel exists in Lancashire to interaction with the county council is the choice of language in Press Releases and the title of LEIS teacher as well as the need to show evidence of a broad 'curriculum' and other such school related terminology.

Many parents feel that the visits from the EHE team involve them being told how they should home educate rather than being assessed on how they are home educating. There are many different ways to home educate and many home educators feel that this variety in methods is not being recognised or understood.

Many parents thought that this was a more effective way for their children to learn. Rather than being taught through a timetable of



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subjects and a curriculum, a child is able to engage in learning about what they want and when they want to.

Many parents would like to see more support provided to home educators; one suggestion made was that the local authority could provide drop-in centres or opportunities for parents to contact them with issues.

It was also felt that regular forum meetings between the county council and local home educators would be beneficial to both sides; both in terms of networking and in keeping the council informed of changes and trends in home education.

Many parents felt that home educators in general were being singled out and that perhaps more effort should be being concentrated on protecting children when they are in the school

environment. Further to this, parents accepted that there are some home educators who need to be considered more closely by the local authority and that not all home education is suitable; however, they feel that the local authority is grouping all home educators together rather than focusing on those who are the problem.

Criticisms were made of the form used to assess home educators during the initial visit by an LEIS teacher. Many home educators felt that the information about the home education programme they intend to adopt and their reasons for choosing to home educate should be kept separate.

The parents who gave evidence felt that nothing was excluded to their children in terms of their children's' overall well-being. However, it was felt that something should be done

to make it easier to access sports and science facilities as well as GCSE exams.

Many home educators who have removed their children from school did not know that home education was an option and felt that parents should be informed at the same time as they are asked to make a decision about which school to send their child to.

Home educators put forward the evidence that it was offensive that the local authority considered home educated children to be at any higher risk than those children who are at home at the weekend or during the holidays.

It was also raised that once a parent chooses to home educate there is no support network through which to contact other home educators and to share experiences and best

practice. They would also like to see a continuous dialogue with the local authority rather than just an annual meeting for the purpose of assessment.

The task group heard that parents have found that they have been stopped by the police and accused of allowing their child to not receive education when in fact the child is receiving education by going to visit museums and libraries and engaging in other such activities away from the home.

The task group was informed that many families had not entered home education because they saw school as a bad thing and when asked many said they would allow their children to go to school if that was what they wanted to do; though one individual said that they would not be happy for their children to go to school. This suggests that the child does at least have some say about the education that they receive.

## Conclusions

The county council respects the rights of parents to educate their children other than at school and does provide support to those families through their website and the contact of officers with families. It is also recognised that home education is not merely an alternative to school but is an active choice of the parent and child. However, home education must be considered as different situation to children at school because of the added pressure it puts on the local authority to ensure the safety of those children who are educated other than at school.

In an ideal situation, the only reason for home education would be the want to home educate, both for the parent and the child. However, it is more common that many other reasons push children out of school or mean that school is not the best environment for a child to learn in.

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There are many reasons for choosing to home educate and these are as individual as the families in question. The council should do more to recognise the values and possible restrictions to each of these reasons and to understand that education is tailored to the child. A better understanding of the styles of home education would perhaps contribute towards a more positive relationship between the council and home educators in Lancashire.

Differing styles of education mean that it can often be difficult for LEIS teachers to recognise certain aspects of education as suitable. Much has been done by the team to understand traveller communities but more time could perhaps be spent with other individual families to understand their style of education and the benefits it presents. However, it is

recognised that this may require more resources for the EHE team and a willingness from home educators to spend this time with the officers.

There is potential for more support to be provided by the county council but in order to do this, there would need to be more resources dedicated to the EHE team and a clearer understanding across directorates in relation to the relevance of home education and its importance to the entire Every Child Matters agenda.

It could be possible to do more to allow children access to exams and sports or science equipment, though it may be that home educating families are still expected to pay to use these services.

The county council knows many, but not all of the

children being home educated in Lancashire.

There are valid guidelines and reasonable powers in the statutory guidance on home education for the Local Authority to escalate situations where they believe there is a problem. However, there are perhaps not strong enough guidelines for guaranteeing access to the family and child so as home education can be assessed for any issues. Further to this, the county council does not know of all the children who are being home educated in Lancashire.

The current legal guidelines which describe what can be determined as a suitable education are vague and make it difficult for the officers who form the county council's EHE team to make a sound judgement about the overall well-being of any

child they see. This is particularly true of reported incidents in traveller communities where children are working in their family trade.

Home educators in Lancashire would prefer to be supported rather than policed, though it is recognised that there are resource constraints placed on the EHE team.

More home educators would be likely to interact with the local authority and to agree to be registered as home educated if the relationship were to be more about accessing support when it is needed than being 'checked up on'.

The current contact between families who home educate and the local authority is too infrequent and more should be done to maintain a continuous link between the two. Both the local authority and the home educators that the task group met with agreed that they would like to maintain increased contact. However, the way that this is done would need

to be carefully managed to ensure that it does not place an ever greater requirement for resources to the EHE team and that it does not further intrude onto the lives of those families who choose to home educate.

Home education is not currently promoted as an option in Lancashire at the point of applying for school choices.

## Recommendations

1. The county council and home educators should work more closely to develop a relationship of trust and mutual support within which the child can achieve and flourish.
2. LEIS teachers should be renamed to reflect the fact that, when working with home educators, their role is not a teaching one, but a support one.
3. The approach of the LEIS teachers should reflect the support and assistance they can provide

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home educators, against a background of the County Council's statutory duty to safeguard all children.

4. In the light of the increasing numbers of children being educated other than at school, extra support should be considered for the EHE team to help them cope with this increase in workload.

5. Support should be given to home educators in Lancashire to bid for Voluntary, Community and Faith Sector funding with the aim of setting up an advocacy provision for home educating families and their children for discussions/meetings with the local authority where the family/child feels that they need that support.

6. Regular meetings should take place between LEIS and home educators in

order to facilitate a positive relationship and exchange of information within a group forum setting.

7. More information should be available to home educators either through improvements to the council's current EHE website or through the use of a contact number.

8. When a parent chooses to home educate a child currently attending school, the school and officers of the local authority should do all that they can to ensure that the parent discusses this decision with the school. The aim should be to seek to resolve any problems that the child is having at school and, where appropriate, of maintaining a relationship. If the matter cannot be resolved at this stage, there should be the possibility for a referral for conciliation.

9. The EHE1A form should be reconsidered, in consultation with home educators in Lancashire.

10. More support should be given by the county council to home educating families to help their children access exams services, whilst recognising that those families may have to pay to use these services.

11. The county council should consider giving more support to home educated children in accessing sports and science facilities whilst recognising that families may have to pay to use these services.

12. The county council and Home Educators should work together to ensure that the voice of the child is heard in decisions around their education

13. The legislation that governs the local authority's

ability to ensure the well-being and safety of children being home educated should be strengthened.

14. The county council's responsibility for the safeguarding of every child in Lancashire must be acknowledged and Home Educators and the council should work together to establish the best ways to achieve this for home educated children.

15. This report should be passed onto the DCFS for consideration in their review of Elective Home Education.

## Acknowledgements

The task group would like to thank everyone who has taken the time to write to the task group or meet with the task group. The task group would also like to thank all those officers who helped the task group in their understanding of home education in Lancashire.

