

# LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>Children &amp; Young People Scrutiny Sub-Committee</b>
<b>DATE OF DECISION</b>	<b>Tuesday 18 April 2023</b>
<b>REPORT TITLE:</b>	<b>Elective Home Education Briefing</b>
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>Debbie Jones, Corporate Director CYPE Shelley Davies, Director of Education</b>
<b>LEAD OFFICER:</b>	<b>Sarah Bailey, Head of Access to Education</b>
<b>LEAD MEMBER:</b>	<b>Cllr Maria Gatland, Lead Member CYPE</b>
<b>AUTHORITY TO TAKE DECISION:</b>	<b>For information</b>
<b>KEY DECISION?</b>	<b>No</b>
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>No</b>
<b>WARDS AFFECTED:</b>	<b>All</b>

## 1 SUMMARY OF REPORT

This report to Scrutiny Committee provides an overview of matters related to Elective Home Education (EHE) children of compulsory school age, covering:

- National context, policy and proposed changes
- Local (Croydon) policy and practice
- Current and historical EHE data – number of children and reasons for EHE in Croydon
- Local arrangements for managing risks

## 2 NATIONAL POLICY & CONTEXT

### 2.1 National Context

Educating children at home, works well when it is a positive, informed and dedicated choice. Legally, any parent in the United Kingdom can choose to provide an education for their child at home. This is a right enshrined in law. Parents do not have to register their child at school.

There are many reasons for parents/carers choosing to home educate. The following reasons are suggested in the DfE guidance as possible rationales for EHE:

- Ideological or philosophical views which favour home education, or wishing to provide education which has a different basis to that normally found in schools.
- Religious or cultural beliefs, and a wish to ensure that the child's education is aligned with these.
- Dissatisfaction with the school system, or the school(s) at which a place is available.
- Bullying of the child at school.
- Health reasons, particularly mental health of the child.
- As a short-term intervention for a particular reason.
- A child's unwillingness or inability to go to school, including school phobia.
- Special educational needs, or a perceived lack of suitable provision in the school system for those needs.
- Disputes with a school over the education, special needs or behaviour of the child, in some cases resulting in 'off-rolling' or exclusion.
- Familial reasons which have nothing to do with schools or education (e.g., using older children educated at home as carers).
- As a stopgap whilst awaiting a place at a school other than the one allocated.

## 2.2 Current National Policy

Elective Home Education guidance is non-statutory but based on section 7 of the Education Act 1996 which states: "Parents have a right to educate their children at home". Parents have a right to educate their children at home, and the government wants the many parents who do it well to be supported.

It is recognised that parents devote time, financial resources and dedication to the education of their children. Most parents who take up the weighty responsibility of home education do a great job, and many children benefit from being educated at home.

The Department for Education's (DfE) guidance (April 2019) available at <https://www.gov.uk/government/publications/elective-home-education> provides guidance for Local Authorities in relation to their powers and duties for EHE children, and guidance for parents to ensure they understand their obligations. This includes the requirement that:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable

- (a) to age, ability and aptitude, and
- (b) to any special educational needs, he may have, either by regular attendance at school or otherwise "

There is currently no statutory legislation for insisting that families must register with their local authority or follow any specific framework, curriculum or educational ideology in the UK.

The legal responsibility for a child's education remains with the child's family, meaning the local authority is limited in regulatory powers around education. Families can choose any methods they wish for educating their children and these do not have to reflect traditional, established notions of education as "schooling." Indeed, many families choose to home educate specifically because of a particular philosophy around education that differs from the beliefs held by the state and schools. Some

Elective Home Education is known as “de- schooling” or “unschooling” and looks very different to the practices a traditional educator may expect to see.

As there is currently no legal requirement to register as EHE, local authorities may only become aware of electively home educating families when a family de-register from a school. This means there is a percentage (Guidance suggests 10-20% families nationally) who are not known to the LA at any given time.

Since publication of the April 2019 Guidance, there has been an increased national focus on examining risks and support for families to strengthen home education requirements. This included an Education Committee examination and a consultation on proposed legislation for children educated outside of school. The aim of the consultation was to ascertain views on the proposal of a Children Not in School register, which would enable LAs to employ safeguarding and educational responsibilities more robustly for those children and young people who are not based in education settings.

The Government’s response to the consultation was published in February 2022. It set out the Government’s continued intention to legislate for a register of children not in school, and that the Government would engage further with LAs and the home educating sector in developing its proposals.

In May 2022, the Government published a Schools Bill which included provisions for a home-schooling register. Some elements of the wide-ranging Schools Bill proved controversial and the Bill was abandoned in December 2022. However, the Education Secretary has said legislating for a register remains a priority, with some work being done in preparation for this.

### **2.3 National Proposed Changes**

In August 2022, and in response to the outcome of the consultation and related proposals, local authorities were informed of the need to collect and submit data (termly) about electively home educated children to the Department for Education (DfE).

Collecting this data is intended to help local authorities to understand the true numbers of EHE children in their area as well as helping the government to understand EHE numbers nationally and at local authority level, informing policy development aimed at supporting local authorities and future changes to the EHE framework.

Whilst this aggregate data collection is voluntary, we have provided this on all requested occasions to date. This request for termly data collection will likely continue until the implementation of the strengthened Children Not in School measures.

Croydon’s EHE officer now ensures that our information collection and data recording aligns to what is required by the DfE.

## **3 CROYDON POLICY & CONTEXT**

### **3.1 Croydon Policy & Practice**

Although local authorities have no formal powers or duty to monitor the provision of education at home, we recognise the need to have oversight of EHE and have therefore developed and implemented a local policy framework to identify, monitor and review our EHE cohort.

Our policy (Appendix A), last reviewed in September 2022, has been designed on the basis of the DfE's non-statutory guidance. The overall process is as follows:

- i. On receiving notification from a parent / carer to electively home educate, a form is sent for completion. The form should be completed for any child or young person aged 5 – 16, who has either been withdrawn from school or who has never been registered at a school.
- ii. Once notified of a parent's / carer's intent to electively home educate, the EHE Lead makes initial contact with the parents / carers to explore and establish the parents' / carers' position and gather initial information, e.g. reason to EHE, intention / example of intended or actual educational activity.
- iii. Based on what is established as per bullet point ii, we offer information, advice and guidance to the next steps.
- iv. Where parents intend to continue to home educate, the case will be monitored by the EHE Lead. This may include, but is not restricted to, assessing whether the learning is appropriate, i.e. the LA will make a judgement based on the learning outcomes for the child or young person, rather than on the different way of educating a child or determining whether the Section 7 requirement is met - that the education is occupying a significant proportion of the child or young person's life.

We collect reasons for school de-registration on our parental registration forms (see table 2). This information allows us to identify when a family feels they have been pressured or failed by a school, enabling cases to be investigated by Access to Education team officers as appropriate. This offers a key first level of challenge to the illegal practice of 'off-rolling' of pupils by schools.

### **3.2 Staffing**

Since July 2022 (the creation of the new Service – Access to Education), there has been one officer managing our work with our EHE cohort and families. Appointment for Lead EHE postholder has been made in March 2023. Additional funds have been secured for an additional staff member and recruitment to this role will commence shortly, which will increase capacity from 1FTE to 2FTE. However, it must be noted that this level of staffing remains problematic when compared to our statistical neighbours, who have approx. 1 FTE officer per 200 cases – we currently have 600 cases suggesting resource of 3FTEs is required to meet needs.

Since the long-standing EHE monitoring teacher left in July 2022. We have had a seconded staff member in position pending completion of service restructure and recruitment processes. Due to capacity limitations, reviews are currently only conducted bi-annually and then, only for those cases where there is either no information recorded or a specific concern. Education Health & Care Plan (EHCP) and Children's Social Care (CSC) cases are prioritised for annual review.

From Sept 2023 it is hoped that a full capacity team (2FTE) will be able to conduct bi-annual reviews of all 600+ cases.

Capacity remains a challenge, particularly if there is an increase in EHE children and/or changes in national policy requirements are more resource intensive.

### 3.3 Volume of EHE children in Croydon: Current and historical trends

Since the commencement of the Covid pandemic we have experienced an increase in the number of children who are EHE (as per reported nationally), with a slight fall this year from last two years peak.

**Table 1: Number of EHE registered children 2020 to 2023**

31 <sup>st</sup> March 2020	31 <sup>st</sup> March 2021	31 <sup>st</sup> March 2022	31 <sup>st</sup> March 2023
379	604	623	600

As at the 31<sup>st</sup> March 2023, 15 EHE children have Children’s Social Care involvement (at Child in Need Section 17). As is common practice, during this current academic year, a small number of families whose children were subject to Child Protection Plans, when expressing parental intent to home educate were challenged robustly and have remained registered at their respective schools. Advice and support were given to Social Care, as per Croydon’s EHE policy.

As per the numbers below, the top reason given by families for becoming EHE so far, this academic year is Philosophical/ideological (60). This reflects national trends.

**Table 2: Parental reasons given for newly registered EHE academic year 2019/2020 to present day (March 2023):**

Reason	2019/2020	2020/2021	2021/2022	2022/2023
Distance or access to school	3	3	0	1
Religious or cultural beliefs	4	4	1	3
Philosophical or ideological views	49	42	110	60
Dissatisfaction with the education system	3	11	8	4
Dispute with the school	9	2	26	4
Bullying	2	28	19	8
Short term intervention for a particular reason	32	12	37	1
A child’s unwillingness or inability to go into school	5	8	7	10
Special Educational Needs	5	5	8	7
Familial	6	4	12	9
Health	3	5	12	6
Covid-19 related	0	152	13	0
Stop gap- school place preference	8	15	25	0
No reason given	0	0	0	13

<b>Totals</b>	<b>129</b>	<b>291</b>	<b>278</b>	<b>126</b>
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Numbers of EHE notifications, when compared to this point last academic year, have fallen by over 50%. The reasons for this are not fully known, however clearly this is linked to the pandemic related spike in 2020/21 and 2021/22 as notifications are now back in line with pre-pandemic levels.

### **3.4 Managing Risk**

It is important to note that there is no causal or inherent safeguarding risk in families electively home educating. Most families respond to the LA's informal enquiries positively and provide information that satisfies the EHE Officer.

Routine challenge is now made when families wish to home educate as a stop gap- whilst waiting for a school of preference. This has seen positive results, with children remaining registered within our schools. Direct work has taken place between the Access to Education Staff and prospective EHE families has taken this academic year, where the reason to home educate appears to have been made under duress. For several families, the barriers education have been identified, allowing these children to remain registered at their respective schools.

On occasions where a family do not respond at all, or do not satisfy our enquiries, they will not be maintained on our register as EHE. Our concerns are passed to the CME (Child Missing Education) and Admissions teams to follow up. There is current discussion taking place to identify additional avenues, such as the Fair Access process, to ensure swift returns to education where appropriate. Our Fair Access process exists to ensure children who do not have a school place are offered a place at an appropriate school as soon as possible.

Where these measures do not result in a satisfactory response, or a school place being allocated, we can issue a statutory "School Attendance Order" which has legal weight to insist the parent registers their child with school. This year in Croydon we have not needed to do this.

Any specific safeguarding concerns arising about EHE families during contact with EHE staff are reported to Children's Social Care (CSC) via MASH (Multi-Agency Safeguarding Hub) in the usual way.

When a family who are on the EHE register have CSC concerns at Children in Need (CiN) Section 47 threshold\* (currently 15 families), the EHE officer is made aware by the CiN Chair and may be required to add their expertise and thoughts to the CiN plan. The Social Worker (SW) will be expected to liaise with the EHE officer, where this is the case.

*\*A Section 47, known as a Child Protection enquiry, is carried out if there is risk of a significant harm to a child or children.*

When a family on the EHE register become monitored by CSC on a Section 47 Child Protection Plan - the Chair of the conference will make this known to EHE officer and the EHE registration will cease. Arrangements for education in an appropriate school will then be supported by the complex admissions team. This is covered in the

Croydon EHE policy (Appendix A: sections 9.4 – 9.7) which has been signed off by Croydon Safeguarding Children Partnership.

Similarly, the current (2019) DFE guidance on EHE contains the following wording:

*“However, the past few years have seen a very significant increase in the number of children being educated at home, and there is considerable evidence that many of these children are not receiving a suitable education. There is a less well evidenced but increasing concern that some children educated at home may not be in safe environments.”*

In response to this, when the EHE officer identifies any potential concern (e.g., non – responsiveness or other MASH /CSC concerns) they will use the existing referral systems to refer any concerns.

Where necessary - because it is evident that a child is simply not receiving a suitable education at home and the use of school attendance powers is not achieving a change in that situation - the local authority should be ready to use its safeguarding powers as explained in this guidance. The overriding objective in these cases is to ensure that the child’s development is protected from significant harm.

#### **4 ALTERNATIVE OPTIONS CONSIDERED**

Not applicable, report is for information

#### **5 CONSULTATION**

Not applicable, report is for information

#### **6 CONTRIBUTION TO COUNCIL PRIORITIES**

Children and young people in Croydon have the chance to thrive, learn and fulfil their potential

#### **7 IMPLICATIONS**

Not applicable, report is for information

#### **8 APPENDICES**

Appendix A: Croydon Elective Home Education Policy (Updated September 2022)