

NORTH YORKSHIRE COUNTY COUNCIL

Young People Overview & Scrutiny Committee

9th September 2011

Children and Young Peoples Service Elective Home Education - Summary Report

1.0 Purpose of the Report

Members of the committee are asked to note the information in this report on Elective Home Education in North Yorkshire and also the more detailed report attached at Annex A.

2.0 Background

- 2.1 The responsibility for a child's education rests with their parents. In England, education is compulsory, but schooling is not and parents are not required to register or seek approval in order to educate their children at home.
- 2.2 There is no absolute definition of what a suitable, efficient or full-time education is. However, families educating their children at home do not have to follow any prescribed curriculum or routines. They also do not have to account for, or match, any age specific educational standards.
- 2.3 The legal duty of a Local Authority (LA) is concerned only with children who appear not to be receiving a suitable education. However, case law has established that a LA may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided.

3.0 Numbers

- 3.1 There are currently 158 children and young people (CYP) from 114 families who are home educated in North Yorkshire, 39% of them are at the primary phase and 61% secondary.
- 3.2 Of these CYP:- 50% are boys; 42% are ascribed as White British, 6% as Traveller, 4% as Roma and 3% across other ethnicities; 45% have not ascribed to an ethnicity; 5 children have a statement of special educational need (SEN).
- 3.3 The main reasons given for electing to home educate are philosophical or ideological (35 occurrences) and dissatisfaction with the school system (32 occurrences).

4.0 Safeguarding

- 4.1 The LA maintains a central database of all children who are home educated which is regularly updated.

- 4.2 All new additions to the database are cross-referenced with records held by Children's Social Care in order to identify any cases where there may be child protection concerns.
- 4.3 Once the LA has been notified of the intention to home educate, either by a family or by a school, an Education Social Worker (ESW) will seek to visit the home in order to provide parents with a copy of the Home Educators pack and to establish any background issues or concerns there may be, including any child protection concerns there may have been.

5.0 Travellers

- 5.1 Services for Traveller children are now delivered through 5 Minority Ethnic Achievement (MEA) Hub schools across the county. Four of these hubs have identified Gypsy, Roma or Traveller (GRT) Elective Home Education (EHE) children and young people in their outreach areas (19 in total).
- 5.2 Consultation with and experience of working with these families tends to indicate that a significant number of them opted for EHE status as a means of avoiding compulsory school attendance and the legal consequences of not sending children to school.
- 5.3 Secondary transfer is the key point at which GRT families may decide to remove their children from mainstream education for a variety of social and cultural reasons. Transition from Year 6 to Year 7 has been a focus for the MEA Hub teams for the past 12 months, involving a range of familiarisation activities as well as interventions to improve pupils' literacy skills to increase the confidence of GRT pupils in engaging with the secondary curriculum.
- 5.4 Another major issue with regard to successful transition to secondary mainstream education for GRT pupils is being able to secure a place in their secondary school of choice. There are a number of factors which make it more difficult for Traveller families to secure their first choice of school. In many cases EHE is seen as a viable alternative.
- 5.5 The crucial importance of maintaining ongoing positive relationships with GRT families and communities is well recognised by the MEA Hub teams, and is central to their work with these communities.
- 5.6 Of the GRT pupils recently registered under EHE, two have already returned to school and 2 more are due to return in September as a result of work in the Stokesley area. One pupil has returned as a result of a Selby project, and 2 more are in the process of making a decision. A cohort of Year 6 pupils have been given additional support in the transition process, and it is hoped that they will all enter secondary school in September.

6.0 Children and young people with statements of Special Educational Need (SEN) who are Home Educated

- 6.1 Parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a statement of

special educational needs or not. However, where a child has a statement of SEN and is home educated, it remains the local authority's duty to ensure that the child's needs are being met.

- 6.2 It is the duty of the LA to ensure that the needs of a child with statement for SEN are being met through the home education being provided. The Special Educational Needs Officer (SENO) will make this judgement through a review of the statement following the decision to home educate, and annually thereafter.
- 6.3 There are currently two cases where children with statements of SEN are actively seeking admission to an Enhanced Mainstream School (EMS) following on-going work with the families concerned by those schools.

In two further cases home education has been avoided as a result of managed moves to an EMS.

7.0 Elective Home Education for young people in Years 10 and 11

- 7.1 The Youth Support Service aims to make contact with all families known to be home educating young people from the age of 11. The focus of this work in Years 10 and 11 is to raise awareness of the services that are available through the Youth Support Centres and to encourage engagement with one of the personal advisers to discuss information, advice and guidance on future options.

8.0 All other home educating families

- 8.1 The LA aims to establish an on-going relationship with families who choose to home educate their children and to maintain up-to-date records regarding the numbers of children home educated.
- 8.2 The North Yorkshire EHE team aims to maintain contact with all families on an annual basis and, if families are in agreement, to make a visit to establish that a suitable education is being provided. Records of all visits are held centrally and are sent to families recording a judgement on the suitability of the education being provided.
- 8.3 When it is judged that a suitable education is not being provided, or where there is refusal to engage with the LA, the EHE team aims to resolve the situation and to re-engage the family wherever possible with maintained education. The LA retains the option to serve a school attendance order on the parent that names a school at which the child should be registered.
- 8.4 Recent successes have included:- the re-engagement of one family who were in the initial formal stages of being issued a school attendance order; mediation in two cases where home education was being considered, achieving a resolution with the original school in one case and a managed move to a different school in the other.
- 8.5 One of our on-going challenges is the difficulty of maintaining contact with families who wish for no involvement with the LA; there is no requirement for

them to register elective home education with the LA and no duty for them to respond to enquiries about the suitability of the education being provided.

9.0 Elective Home Education Strategy Group

- 9.1 The EHE strategy group is attended by Advisers for Home Education (Quality and Improvement Service), the Principal Education Social Worker (Learning Youth and Skills), a Principal SEN officer (Access and Inclusion) and the principle officer for the Youth Support Service (Learning Youth and Skills).
- 9.2 The strategy group meets twice each year to review the operation of the LA's policies in relation to home education, to review the effectiveness of integrated working between services within CYPS and to consider the implications any changes to the EHE cohort in North Yorkshire.

10.0 Elective Home Education casework meetings

- 10.1 EHE Casework meetings are more regularly required to discuss any tricky cases where engagement with families is proving to be difficult, where there are safeguarding concerns, or where the education being provided has been judged to be unsuitable.

11.0 Recommendation

Members are asked to note the information in this report and the report attached at Annex A.

Cynthia Welbourn, Corporate Director
Children and Young Peoples Service

Report prepared by:	Simon Ashby, Senior Advisor
Date:	25 th August 2011
Background documents:	None
Annexes:	Annex A – Full Report on Elective Home Education

Full Report on Elective Home Education for Young People's Overview and Scrutiny Committee

1.0 Background

1.1 Parents' Rights and Responsibilities

The responsibility for a child's education rests with their parents. In England, education is compulsory, but schooling is not and parents are not required to register or seek approval in order to educate their children at home.

The parents' legal duty is to ensure that every child of compulsory school age receives an efficient full-time education which is suitable to age, ability and aptitude and any special educational needs, either by regular attendance at school or 'otherwise', including at home.

1.2 Suitable education

There is no absolute definition of what a suitable education is. Case law states:-

"education is 'suitable' if it primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so."

1.3 Efficient education

Home educating parents are not required to:- have premises equipped to any particular standard; set hours during which education will take place; cover the same syllabus as any school; teach the National Curriculum; make detailed plans in advance; observe school hours, days or terms; have a timetable; give formal lessons; reproduce school type peer group socialisation; match school, age-specific standards.

1.4 Full-time education

There is no definition of full-time education and there is no direct comparison with the timetable and educational arrangements for children taught in schools. Children educated by their parents are taught on a one-to-one basis, or in small groups in very different conditions.

1.5 The Local Authority's Duty

Sections 437-443 of the Education Act 1996, dealing with school attendance orders, confers a duty on the LA if it appears that a child of compulsory school age is **not** receiving education suitable to age, ability, aptitude and special needs. It says that local authorities can intervene if they have good reason to believe that parents are not providing a suitable education. This section states:

"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular

attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.”

The legal duty of LAs is concerned only with children who appear not to be receiving a suitable education. However, case law has established that an LA may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided.

2.0 Numbers

2.1 Overview of numbers

There are currently 158 children and young people from 114 families who are home educated in North Yorkshire, 39% of them are at the primary phase and 61% secondary. This represents 0.2% of the total school age population and provides a similar comparison to August 2010, when there were 154 children and young people home educated, representing 0.19% of the total school age population. According to data available in Autumn 2010, this ratio is generally in line with other local authorities in the region (highest 0.43% and lowest 0.13%)

2.2 Breakdown by different groups

Of these CYP:- 50% are boys; 42% are ascribed as White British, 6% as Traveller, 4% as Roma and 3% across other ethnicities; 45% have not ascribed to an ethnicity; 5 children have a statement of special educational need (SEN).

2.3 Breakdown of reasons for electing to home educate

The main reasons given for electing to home educate are philosophical or ideological (35 occurrences) and dissatisfaction with the school system (32 occurrences). 10 children are home educated on religious or cultural grounds, 9 because of SEN and 4 for medical reasons. In 3 cases failure to obtain parents choice of school is cited as the reason. Other reasons quoted are in response to alleged bullying or because of stress, anxiety, school phobia or school refusal. In over a third of instances the reason for home educating has not been given.

3.0 Safeguarding

3.1 The LA maintains a central database of all children who are home educated which is regularly updated to reflect:-

- New de-registrations notified by parents
- De-registration information from schools
- Any CYP re-engaging with ETE
- Any CYP leaving the LA
- Information pertaining to post 16 destinations
- Any changes to the status of CYP with statements of SEN
- The dates and nature of contacts with families.

- 3.2 All new additions to the database are cross-referenced with records held by Children's Social Care in order to identify any cases where there may be child protection concerns.
- 3.3 Once the LA has been notified of the intention to home educate, either by a family or by a school, an Education Social Worker will seek to visit the home in order to provide parents with a copy of the Home Educators pack and complete the proforma EHE3. The ESW/EWO will offer the opportunity to discuss any concerns or issues that have not been resolved to the parent/carers satisfaction. The ESW will also contact the school to establish any background issues or concerns including any child protection concerns there may have been.

4.0 Travellers

4.1 Minority Ethnic Achievement Hub Schools

Services for Traveller children are now delivered through 5 MEA Hub schools across the county. Four of these hubs have identified Gypsy, Roma or Traveller (GRT) EHE children and young people in their outreach areas, with the largest number in the Selby/Tadcaster/Goole part of the county (12). The Stokesley area has 5 identified GRT EHE pupils, Harrogate has one, and the North area has one, giving a total of 19 GRT pupils registered as receiving Home Education. There are none known to the MEA Hub team in the Coast & Ryedale area.

The Stokesley and Selby cohorts exist largely due to the removal of local 'Access' groups as part of the MEA support re-structuring which took place in 2009-10. GRT pupils attended these groups (staffed by the previous Traveller Support Service) erratically, there were no links to the mainstream curriculum, no exit criteria and the part-time groups had no impact on re-engagement with mainstream education. Families and pupils largely saw them as an alternative to the mainstream, rather than a bridge to it, which had been the original purpose. As such, they were judged to be inappropriate to a strategy based on giving all pupils access to full mainstream education and were disbanded, after a term's notice, a year ago.

Whilst this move may seem initially to have taken even more GRT pupils out of education, the fact that they have officially registered as EHE means they are less likely to be 'lost' in the system and provides a basis on which the LA can work with these families towards a better outcome for their children.

Consultation with and experience of working with these families tends to indicate that a significant number of them opted for EHE status as a means of avoiding compulsory school attendance and the legal consequences of not sending children to school.

It is these families who have been targeted for additional support and guidance by the MEA Hub teams, which have worked with schools, colleges and families to find more effective and relevant educational alternatives and strengthen awareness and positive relationships across all groups.

Joint working has included coffee mornings with GRT families and school/college staff, 'taster' secondary school lessons and a 6-week writing project which culminated in the publication and addition to Stokesley Library of the pupils' Life Stories.

This work has resulted in a small but significant number (3) of GRT pupils successfully re-entering mainstream education, and more (4) potentially returning at the beginning of the new school year (Sept 2011). It has also helped prevent more GRT pupils and families opting for EHE at this time.

4.2 Issues around secondary transfer

Secondary transfer is the key point at which GRT families may decide to remove their children from mainstream education. The issues involved in this decision range from social (unwillingness to allow children to mix with non-GRT young people outside their immediate home area, mixed sex groupings, perceived exposure to alcohol and drugs) to cultural (girls seen as future wives and mothers, need to learn home-making skills after developing basic literacy and numeracy skills) to vocational and lifestyle differences (boys start working alongside older male family members in traditional trades/pursuits and need to develop traditional skills for work in their early teens).

Other issues include the curriculum generally (perceived irrelevance of many subject areas to GRT lifestyle, beliefs, traditions), and in particular relationship and sex education lessons (seen as inappropriate for GRT girls in school environment). Another factor is usual timetabling arrangements: many GRT pupils would much rather devote extended periods of time to working on specific activities rather than have the day divided up into many different 'lessons'. The lack of contact with younger siblings is also a major concern: GRT families are used to older siblings looking after the younger ones, and the break between Primary and Secondary sectors may seem artificial and a barrier to family cohesion.

Transition from Year 6 to Year 7 has been a focus for the MEA Hub teams for the past 12 months, involving a range of familiarisation activities as well as interventions to improve pupils' literacy skills to increase the confidence of GRT pupils in engaging with the secondary curriculum.

Awareness raising sessions have been held in targeted secondary schools to improve staff understanding of GRT culture, lifestyle and beliefs, alongside guidance on how the curriculum can be made more diverse and reflect the life and interests of GRT pupils.

Another major issue with regard to successful transition to secondary mainstream education for GRT pupils is being able to secure a place in their secondary school of choice. Families work very much better with individuals and establishments with which they have built up long-term relationships based on trust and mutual respect. Where there is a 'family' relationship with a secondary school, GRT children are much more likely to transfer. Problems arise, therefore, when schools do not have places and the only option is a school the family does not know, or with which family members have previously had negative experiences.

This is more likely to happen in GRT families for several reasons: GRT families are more mobile, and may have temporarily moved out of the area (as part of their normal travelling pattern or otherwise) and so do not receive the appropriate information in the post within the time limit set for applications; low literacy levels and/or lack of confidence in dealing with unknown representatives of schools/the LA may make families unwilling or apprehensive to make contact and discuss issues at the appropriate time or at a later stage.

A more flexible approach to GRT admissions and maintaining personal contact with families when they are travelling would result in more GRT pupils transferring, and fewer opting for EHE (as what some families may perceive to be their only alternative).

4.3 On-going work with GRT families

The crucial importance of maintaining ongoing positive relationships with GRT families and communities is well recognised by the MEA Hub teams, and is central to their work with these communities. The MEA Parent Support Advisers (PSAs) in particular play an important part in this ongoing involvement. They support GRT families when necessary in their dealings with schools and other public sector bodies by acting as a link or bridge between the two. They also receive specific training in, for example, specific support programmes for families and CAF working. They have close links with the ESW service, their strategic manager being a Senior ESW.

Other forums for consultation and dialogue with GRT families are regular 'drop-in' sessions at schools and children's centres across the county (which have led to closer understanding and liaison, particularly with regard to Early Years education), coffee mornings with primary, secondary and college staff, story-reading sessions in local libraries, after school cookery sessions, facilitation of links with careers, post-16 and PRS services, a county-wide 'wider forum' event involving GRT families and education, housing, welfare and emergency service agencies and an exhibition of the paintings by Ferdinand Koci (a well-known Albanian Roma artist) being displayed in schools around the county.

A project in the Selby area introduced pupils and families to a range of secondary and post-16 options and the writing project in Stokesley provided positive transition experience for Year 6 pupils, additional literacy support in a creative, non-threatening environment, and the opportunity for families to share with the pupils involved the celebration of a 'Book Launch' event (all participants' books were published and are now on loan) at Stokesley Library, attended by representatives of the County Council, local community policing as well as CYPS and local schools.

Other MEA Hub Teams are in the process of developing similar projects based on increasing GRT educational self-esteem and greater understanding of their skills, talents and achievements within the wider community.

4.4 Successes in re-engaging with education

Of the GRT pupils recently registered under EHE, two have already returned to school (as a result of the Stokesley writing project and other support) and 2 more are due to return in September. One pupil returned as a result of the Selby project, and 2 more are in the process of making a decision.

A cohort of Year 6 pupils have been given additional support in the transition process, and it is hoped that they will enter secondary school in September. The MEA Hub teams will be in contact with the schools and families to further facilitate this.

A Q&I Adviser from the Vulnerable Learner team has begun to work with the MEA Sr ESW and Hub PSAs with the aim of supporting GRT families who may not be able to provide suitable education for their registered EHE children to return to mainstream education. This also involves working with schools to provide, as much as possible, flexible programmes of study relevant to pupils' lifestyle and aspirations.

It is believed that this approach will have more long-term positive outcomes, as the wider GRT communities become aware of the benefits and relevance to them of the opportunities now available to their children within mainstream secondary education.

The multi-layered strategies have increased GRT attendance significantly in the Stokesley area, and resulted in pupils in Stokesley and Selby returning the school without ever officially registering as EHE.

5.0 Children and young people with statements of SEN who are Home Educated

5.1 LA responsibilities for home educated children and young people with a statement of SEN

Parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a statement of special educational needs or not. However, where a child has a statement of SEN and is home educated, it remains the local authority's duty to ensure that the child's needs are being met.

A parent who is educating their child at home may ask the local authority to carry out a statutory assessment or a reassessment of their child's special educational needs and the local authority must consider the request within the same statutory timescales and in the same way as for all other requests.

Parents do not have to request permission to deregister from a mainstream school even if their child has a statement of SEN. If deregistering from a Special School parents must seek LA consent – which cannot 'unreasonably' be withheld.

5.2 LA responsibilities for home educated children and young people with a statement of SEN

5.3 Role of SEN officers

It is the duty of the LA to ensure that the needs of a child with statement for SEN are being met through the home education being provided. The SENO will make this judgement through a review of the statement following the decision to home educate, and annually thereafter.

The SENO will invite and seek information/views from Home Education Advisers where there has been previous involvement with the family, the Education Social Worker and any relevant support services and (including the previous school if appropriate). This information should enable the LA to form a decision. Parents are not obliged to attend the review; however it is seen as being in their child's best interests to do so.

The purpose of the review is to gather the parental intent to educate, ensure that SEN needs can be met, and provide advice to parents where appropriate. Specialist advice relating to the child's special educational needs will be brokered by the SENO (e.g. Educational Psychologist, Enhanced mainstream School, Autism Outreach Service). Generic advice regarding home education can be made available to the family through the adviser for Elective Home Education.

Following consideration of the review paperwork, the Principal SENO makes a decision regarding amendments to the statement and suitability of home education to meet the needs of the pupil as outlined in the statement.

5.4 Successes in re-engaging with education – Enhanced Mainstream School (EMS)

There are currently two cases where children with statements of SEN are actively seeking admission to an EMS following on-going work with the families concerned by those schools.

In two further cases home education has been avoided as a result of managed moves to an EMS.

6.0 EHE for young people in Years 10 and 11

- 6.1 The Youth Support Service aims to make contact with all families known to be home educating young people from the age of 11. The focus of this work in Years 10 and 11 is to raise awareness of the services that are available through the Youth Support Centres and to encourage engagement with one of the personal advisers to discuss information, advice and guidance on future options.

7.0 All other home educating families

7.1 Establishing relationships

The LA aims to establish an on-going relationship with families who choose to home educate their children and to maintain up-to-date records regarding

the numbers of children home educated. Recent work has tried to enhance communication through offering alternatives choices of contact such as telephone or email. The EHE website and printed resources provide summary information, suggested resources and links to additional sources of support for families. In the past, group meetings have proved a successful method of engaging with some families and it is envisaged that these may be repeated during the next academic year.

7.2 Monitoring the suitability and efficiency of home education

There is 'no statutory duty on the LA in relation to monitoring the quality of home education on a routine basis'. However, the North Yorkshire EHE team does aim to maintain contact on an annual basis and, if families are in agreement, to make a visit to establish that a suitable education is being provided. Records of all visits are held centrally and are sent to families recording a judgement on the suitability of the education being provided. Aspects such as the learning environment, learning experiences, opportunities for social interaction and short and long-term plans are discussed and relevant information about resources and access to additional support is shared. In some instances families may prefer to provide summary information as a written communication or to discuss educational provision over the telephone and the local authority would usually be amenable to this in light of the need to maintain the engagement with families. A judgement is made as whether the educational provision is 'suitable' or 'unsuitable'. A judgement can also be 'deferred' where there are concerns regarding suitability. In such cases recommendations for action are shared and a return visit arranged.

7.3 Procedures when home education is unsuitable or the family refuses to engage with the LA

Where suitable education is not being provided, or where there is refusal to engage with the LA, the EHE team aims to resolve the situation and to re-engage the family wherever possible with maintained education. The LA retains the option to serve a school attendance order on the parent that names a school at which the child should be registered. This would only be used as a last resort if all other avenues had been exhausted or if there were extensive concerns about the child or young person. If these were safeguarding concerns then routine child protection procedures would be followed.

7.4 Recent successes

Recent successes have included:- the re-engagement of one family who were in the initial formal stages of being issued a school attendance order; mediation in two cases where home education was being considered, achieving a resolution with the original school in one case and a managed move to a different school in the other.

7.5 On-going challenges

One of our on-going challenges is the difficulty of maintaining contact with families who wish for no involvement with the LA; there is no requirement for them to register elective home education with the LA and no duty for them to respond to enquiries about the suitability of the education being provided.

8.0 EHE Strategy Group

- 8.1 The EHE strategy group is attended by an advisers for home education (Quality and Improvement Service), the Principal Education Social Worker (Learning Youth and Skills), a Principal SEN officer (Access and Inclusion) and the principle officer for the Youth Support Service (Learning Youth and Skills).
- 8.2 The strategy group meets twice each year to review the operation of the LA's policies in relation to home education, to review the effectiveness of integrated working between services within CYPS and to consider the implications any changes to the EHE cohort in North Yorkshire.

9.0 EHE casework meetings

- 9.1 EHE Casework meetings are more regularly as required to discuss any tricky cases where engagement with families is proving to be difficult, where there are safeguarding concerns, or where the education being provided has been judged to be unsuitable.