

Safeguarding Overview & Scrutiny Committee

Dorset County Council



Date of Meeting	30 th January 2018
Officer	Nick Jarman, Interim Director for Children’s Services
Subject of Report	Elective Home Education and Attendance Scoping Report
Executive Summary	<p>Elective Home Education is a subject which arouses controversy. It is an area which highlights tensions between the rights of the individual and the right of the state to interfere. To date, no government has taken action to amend, extend or clarify the law on this.</p> <p>There are concerns about Elective Home Education in the context of safeguarding and the quality/sufficiency of home-provided education. However, there is very little evidence of significant concerns owing to Elective Home Education, per se. Therefore any recommendations for further action or change must be proportionate to what we know.</p> <p>This report sets out the issues, suggested scope and methodology for the Committee to explore Elective Home Education.</p>
Impact Assessment: <i>Please refer to the protocol for writing reports.</i>	Equalities Impact Assessment: N/A
	Use of Evidence: Guidance contained within report
	Budget: None
	Risk Assessment: N/A Having considered the risks associated with this decision using the County Council’s approved risk management methodology, the level of risk has been identified as: Current Risk: LOW

	Residual Risk: LOW
	<p>Other Implications:</p> <p>(Note: Please consider if any of the following issues apply: Sustainability; Property and Assets; Voluntary Organisations; Community Safety; Corporate Parenting; physical activity; or Safeguarding Children and Adults.)</p>
Recommendation	Members are asked to note this report in the context of how they decide to approach the Committee's exploration of Elective Home Education.
Reason for Recommendation	<p>To enable Members to be sufficiently informed in order to decide how best and in what order to approach this subject.</p> <p>To emphasise the need to conduct this work on the basis of what we know or need to know about Elective Home Education.</p>
Appendices	None
Background Papers	None
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1. Background

- 1.1 The Safeguarding Overview and Scrutiny Committee (the Committee) have resolved to investigate Elective Home Education and Attendance.
- 1.2 The purpose of this report is to: -
- Set out the issues on these subjects
 - Suggest a scope for the Committee's work
 - Suggest a methodology

2. Context

- 2.1 All children must attend school from the first September after their fifth birthday. However, the law permits parents/carers to choose to home educate their children. There must be a broad and sufficient curriculum. Whilst there is published advice about home education, breadth, sufficiency etc. there are few regulations or means for checking and inspecting it.
- 2.2 For some years there have been concerns about Elective Home Education. These are principally around:
- Safeguarding; and
 - The quality of education received, including social education
- 2.3 Successive governments have fought shy of changing or clarifying the law on Elective Home Education.
- 2.4 In 2009 for instance, the then Government commissioned the Badman report. Despite the report's recommendations to change the law to strengthen obligations upon parents and public authorities, no government yet has taken action.
- 2.5 This seems to be because of historic tensions between the rights of the individual and the right of the state to interfere in them. The arguments for greater intervention are based loosely on:
- Education provision whose quality and sufficiency (indeed that it takes place) being known
 - The possibility that children not attending school may experience safeguarding risks which go unnoticed.
- 2.6 It has to be said that there is actually very little evidence of unnoticed/unmet safeguarding needs because of elective home education. The main exception is a Serious Case Review in Wales (Pembrokeshire) in 2014 where there had been harm and abuse inter alia in the context of elective home education.
- 2.7 It should be remembered that in 2004 the government of the day commissioned a national database of all children under 18 (Contact point). This project which would have enabled identification of home educated children was ceased by government in 2010. There is no evidence that this has led to increased risks or concerns about the safeguarding of home educated children. The cessation of Contact point is an illustration of the conflict between privacy and state intervention.

2.8 There are other concerns about Elective Home Education beyond safeguarding and quality. For instance:

- There is rudimentary evidence that parents/carers withdraw their children from school because of bullying
- That parents/carers do not want the trouble and routine of getting to and from school
- To a very minor extent, failure to secure a place at a school of their choice
- There is some concern about children who may be educated at alternative provision or unregistered schools. In the latter case it may be possible that this is disguised as home education

2.9 Elective Home Education is not a complete “blind spot”. Custom and practice have played a large role. For instance:

- Many local authorities in the past paid annual visits from their school inspectors/advisors to home education settings. (In the case of Cheshire, the report author believed that this was a statutory power dating from the 1944 Education Act and was surprised quite recently to learn that it is not).
- Local Authority Attendance Services visited to ensure that home education was legitimate and not ‘disguised compliance’ with the duty to send school age children to school

2.10 Summary and conclusions

- Parents/carers can elect to home educate their children
- Statutory minima are loosely prescribed but powers of access and enforcement are very limited
- There are tensions between the rights of the individual and the rights of the state
- There is only very limited evidence of safeguarding concerns because of Home Education per se
- Successive governments have for one reason or another been reluctant to change the law
- Therefore, any proposals to change the status quo must be evidence based; cogent; and proportionate

3. Scope

3.1 There are numerous informal or collateral opportunities to increase our knowledge and oversight of Elective Home Education. For instance: -

- Formal and informal inter agency exchange of information
- Attendance Service follow up where a pupil or pupils leave a school roll and no destination has been given
- Where families have registered with GPs but not with other public services especially schools
- The Dorset Safeguarding Children Board (DSCB)
- The Strategic Alliance for Children and Young People (SACYYP)

3.2 The Committee may wish to explore all of these “contact points” in order to:

- See how they work now in the context of Elective Home Education
- Are they effective? How do we know?
- How could these arrangements be improved?

The Committee will of course want to ensure that it has a reliable baseline. So, it is suggested that the Committee explores: -

- How many children/families in Dorset currently home educate?
- How many, if any, exist that we don't know about?
- What actual evidence is there of harm, abuse, poor quality education resulting from Elective Home Education?
- What further action if any, would be effective and at the same proportionate to any established risks?

3.3 In terms of bodies in scope the Committee is advised that the following are material:

- Schools
- The Local Authority (variously)
- Health (especially Health Visitors and GPs)
- The Police
- District Council Housing Services/Registered Social Landlords
- Job centres
- Opportunities for citizens to report school age children who are not/do not appear to be attending provision
- Intelligence/data sources maintained individually or collectively by partner agencies
- DSCB
- SACYP

4. Methodology

4.1 It is of course, for the Committee to decide how it conducts this work. These suggestions may be helpful: -

- Establish first the scale of Elective Home Education in Dorset and what we know about it
- Arrive at an estimate of what, if anything, we do not know
- Based upon evidence (e.g. how many SCRs have been related to Elective Home Education identify accurately what if any risks arise from what we do or do not know
- In relation to the scope and scale of any identified, real risks, what is a proportionate response?
- Once the above are completed, make a Call for Evidence from those agencies within suggested scope (Section 3.3) individually and collectively about the contribution they make or can make to our knowledge about Elective Home Education
- Prepare a report with any recommendations considered necessary

Nick Jarman
Interim Director for Children's Services
January 2018