



## Children, Education and Safeguarding Committee

7 June 2021

<b>Title</b>	<b>Elective Home Education</b>
<b>Report of</b>	Chairman of the Children, Education and Safeguarding Committee
<b>Wards</b>	All
<b>Status</b>	Public [with separate exempt Appendix B which contains information relating to any individual, in accordance with paragraph 1, Schedule 12A Local Government Act 1972]
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Annex 1 – Equalities Impact Assessment Appendix A – Draft Elective Home Education Policy Appendix B - Exempt
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### Summary

This report provides an update on Elective Home Education in Barnet and seeks approval for the Draft Elective Home Education Policy and for consultation on the draft policy.

### Officers' Recommendations

1. That the Committee note the report.
2. That the Committee approves the Draft Elective Home Education Policy set

out in Appendix A as a basis for consultation with families who educate children at home and other stakeholders.

3. That the Committee note the information set out in the exempt Appendix B
4. That the Committee authorise the Executive Director, Children's Services to approve the final version of the policy, in consultation with the CES Chairman, taking account of consultation responses.

## 1. WHY THIS REPORT IS NEEDED

- 1.1 The report seeks approval for a Draft Elective Home Education Policy for Barnet and for consultation on this draft. The policy will replace the current policy, which is contained in the Barnet Guidelines for Elective Home Education, which were agreed in July 2017 and can be seen on the council website: [elective home education guidelines july 2017.pdf \(barnet.gov.uk\)](#). The draft policy is shown in Appendix A to this report.
- 1.2 The Department for Education issued new non-statutory guidance on the approach to be taken by local authorities in April 2019: 'Elective Home Education Departmental guidance for local authorities' ([Elective home education: departmental guidance for local authorities \(publishing.service.gov.uk\)](#)). The guidance sets out the role of local authorities in relation to elective home education and recommended approaches to fulfilling that role. It also recommends that each local authority should, as a minimum, have a written policy statement that is clear, transparent and easily accessible and that is also consistent with the current legal framework.
- 1.3 The number of Barnet children who are home educated is relatively very small, amounting to around 400 children currently, which represents less than half of one per cent of the population of children and young people of compulsory school age. However, the number of families choosing to home educate their child or children roughly doubled during the course of the covid19 pandemic from a level of around 204 in July 2020 to 435 in January 2021. This report describes the actions that have been taken by the local authority and by Barnet Education and Learning Service, acting on the council's behalf, in response to this.

### Legal background

- 1.4 The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not. Section 7 of the Education Act 1996 states that: "The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable
  - to his age, ability and aptitude and
  - to any special educational needs he may have,either by regular attendance at school or otherwise."

"If it appears to a local 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 an education'. Section 437(1) of the Education Act 1996.”

- 1.5 Local authorities also have duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. ‘A local authority shall make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children.’ The general duties of local authorities in relation to safeguarding are the same for all children, however they are educated. However, elective home education may make it possible for parents to prevent the independent oversight by professionals of children who are being harmed and neglected. Section 175(1) does not give local authority’s powers to enter the homes of children or otherwise see children for the purpose of monitoring the provision of elective home education but local authorities can intervene under Section 437(1) of the Education Act 1996 if they have reason to believe that the child is not in receipt of a suitable and efficient education. Under general duties to make arrangements to safeguard and promote the welfare of children, the local authority has powers to insist on seeing children in order to enquire about their welfare where there are grounds for concern.

### **DfE guidance**

- 1.6 The DfE guidance issued in April 2019 included the following recommendations. That each local authority, as a minimum, should:
- Have a written policy statement on EHE which is clear, transparent, and easily accessible..
  - Set aside the resources necessary to implement its policy effectively and consistently.
  - Consider organisational structures in relation to EHE.
  - Seek to offer guidance to all known home-educating families in their area about their rights and obligations, and also provide advice on good practice and available resources for parents who request it.
  - Make it clear in all documentation that the local authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, for all children living in its area.
  - Regularly review its elective home education policies so that they reflect current law and local circumstances and are compatible with the (DfE) guidance document.
  - Provide clear details of their complaints procedure and deal with all complaints in a sensitive and timely manner.

### **Barnet response**

- 1.7 Following the publication of the new guidance, the following action was taken:
- Barnet schools were informed about the new Guidance and information required by the local authority when a child is taken off roll to be Electively Home Educated.
  - Schools were encouraged to arrange a meeting with parents before they elect to off-roll their child to ensure there is a clear understanding of what is involved.

- Processes were agreed for sharing information and monitoring arrangements for children who are known to be electively home educated and who are, or become, children in need, on the child protection register, or supported through Early Help.
- Checks were begun at the point of registration for Elective Home Education to see if the child is eligible for social care support or early help.
- Registration Data sharing protocols were agreed between agencies, fully compliant with 2018 Data Protection Act, GDPR.
- Tracking was implemented for post-16 young people who continue to be home educated and tracking of their outcomes.
- Tuition centres used for a significant part of the home education programme of any Barnet home educated children have been routinely visited by the EHE officer in the Education and Learning Service.
- Supplementary schools are identified and offered safeguarding support.
- A needs analysis was completed for those children and young people who are home-educated and have special educational needs and agreed actions were included in the Local Area's SEND Improvement Plan.

1.8 In the light of the new guidance, the authority considered its approach to what is known as 'flexi-schooling' which is referred to in the DfE guidance. Flexi-schooling is an arrangement whereby children attend school for a few days of the week and attend home learning with parents for the other days. The days and home learning programme are set and agreed with the school and the work that is completed at home is also monitored by the school as part of the child's education. Due to this, the council does not require parent/carers of such children to register their child as electively home educated. Such children remain on the roll of the school, which oversees the education being provided in line with their agreement with the parents.

1.9 In the light of the new guidance and the rise in numbers of children who are home-educated, a review was carried out into the organisational structure for carrying out the authority's duties in respect of elective home education. The council's responsibilities for Elective Home Education (EHE) are managed by Barnet Education & Learning Service (BELS). The EHE team were located within the SEND and Inclusion service until August 2020, when the officer responsible for Elective Home Education retired. The time allocation for this work until that point was 0.4 of a full-time equivalent post. In the light of the new guidance and the rise in numbers, it was decided to increase the resource to a full-time post (EHE Advisory Teacher) and to move the post into the Education Welfare Service, as this would offer a better link and closer working relationships with staff responsible for the Children Missing from Education (CME) statutory process and the 'Off Rolling' processes for schools. The new EHE Advisory Teacher took up the post in December 2020 and has worked with the head of the education welfare team and other colleagues in BELS and the council's Family Services department on the development of the revised policy for EHE.

1.10 BELS maintains the Elective Home Education register on behalf of the council. The EHE register allows us to monitor different datasets, including the following:

- How many EHE children are on the child protection register, are children in needs or have Early Help intervention. At present no EHE children are on the child protection register, 5 are children in need and 9 are eligible for Early Help.
- How many EHE children have an Education Health and Care Plan. 26 children have an EHCP.
- Which schools EHE children leave. EHE children leave schools across the Borough and outside the Borough.
- Which areas of the Borough EHE children reside in – the HA8 postcode has the highest number of referrals with 43 and N20 has the least with 4.
- The Primary/Secondary divide. There are 216 Primary EHE children, 205 Secondary children and 4 in Early Years.
- The reasons provided for choosing EHE.

### Rise in EHE numbers during the covid19 pandemic

1.11 The number of parents choosing to Electively Home Educate their children has been rising annually but during the COVID pandemic there has been a significant spike in the numbers of parents choosing to home educate. Table 1 below shows the number of children registered with the council as being electively home educated before the pandemic. Table 2 shows the monthly rise in new referrals since September 2020.

Table 1

School year	Total number of children
2019/20	257
2018/19	228
2017/18	209
2016/17	174
2015/16	145
2014/15	130
2013/14	100

Table 2

	Sept 2020	Oct 2020	Nov 2020	Dec 2020	January 2021	February 2021	March 2021	April 2021
New referrals	76	48	43	28	21	9	23	26
Total EHE overall	306	354	397	425	412	392	405	425

- 1.12 As indicated in Table 2, the number of new referrals declined in January and February 2021. This was due to schools being closed in line with lockdown restrictions in response to the pandemic. During this period, there was no necessity for parents to opt for EHE and these children remained on the school roll. In March when schools re-opened and school attendance became statutory, referrals to EHE began to rise again.
- 1.13 The main reason for parents choosing to electively home educate appears to have remained consistent over the last few years, according to the feedback received by BELS, with most choosing EHE because they have not received their preferred school place or are dissatisfied with the school their child attends.
- 1.14 It is clear that, since the first lockdown began in March 2020 some parents have been exposed to the benefits of a home education lifestyle, with many acquiring skills and understanding on how to deliver a home education programme. These parents have now made EHE a lifestyle choice or chosen to home educate when not allocated a preferred school place or dissatisfied with their child's school. Since Sept 2020 the covid19 pandemic has been the reason given by most parents, with 76 families giving this as their main reason, followed by dissatisfaction with their child's school (36 cases) and not being offered a place at their preferred school (29 cases).

## **Safeguarding**

- 1.15 Details of an incident of safeguarding concern with a child being educated at home are contained in the exempt Appendix B. The details are not included in the public report out of respect for the privacy rights of the child concerned.
- 1.16 There have been a number of Child Safeguarding Practice Reviews (CSPRs) nationally that have highlighted the increased risk of abuse and neglect to some children who are electively home educated. It is acknowledged that most parents are committed home-schoolers, but there is also a minority of parents who home-school with nefarious intent to conceal abuse and neglect.
- 1.17 In March 2021 Barnet Family Services attended a mini round table hosted by the DfE with a number of local authorities where children have come to harm whilst being electively home educated. It is acknowledged that some children who are home educated have less contact with agencies and, as such, are 'invisible'. When contact is prevented by parents, it can have a detrimental impact on their safety and wellbeing. The DfE are collating information from the CSPRs from all the involved local authorities to further discuss with the Education Select Committee
- 1.18 The CSPRs completed in respect of both groups of children, are to be published anonymously via the NSPCC to protect the identities of the children. They recommend:
- Awareness raising across agencies to identify and encourage registration of children who are electively home educated.
  - A refresh of the home education policy to include a closer interface between the elective home education service and MASH. This is reflected in the draft policy proposed for Barnet.
  - A recommendation of a thematic review to the National Safeguarding Panel. This has been done.

- 1.19 In response to national and local learning, the following additional measures have been put in place to safeguard and monitor children on the EHE register:
- Monthly checks of the EHE register by Social Care to confirm the child is known to Family Services, identify the current intervention and name an allocated worker.
  - Quarterly meetings between the EHE team and Family Services to discuss collaborative work that may be required to support the EHE cohort.
  - Regular meetings between the EHE team and SEND staff for children with EHCPs who are on the EHE register.
  - Contact every family on the register to introduce the EHE Advisory Teacher and confirm EHE status along with continued education suitability.
  - Instant supervisions available with the Head of Safeguarding for any concerns with an EHE child.
  - Weekly 'Cases for concern' meetings to discuss and review cases.
  - Presentation to schools on the DfE recommendations in 'EHE Your Duties our Expectations'
  - Agreed referral process of Year 11 EHE cohort with the Post-16 Team for support and tracking.
- 1.20 The Council has been successful in securing grant funding from the DfE's Multi-Agency Safeguarding: Implementing the Reforms (EHE) initiative. A project run by Barnet Education and Learning Service will aim to raise awareness of the EHE cohort to practitioners and schools, with the main focus being on the council's wider responsibility for safeguarding and ensuring all children have access to safeguarding information, particularly EHE children who do not have the same access as their mainstream counterparts. This information will be provided as part of a website dedicated to EHE, where families and practitioners can look online for safeguarding resources, videos, and workshop/training events. Alongside this, the service will continue to update and communicate with EHE parents through the website and build relationships with the EHE community. It is planned to carry out workshops on specific topics such as Post-16 options, teaching and learning methods as well as virtual coffee mornings for families new to, or considering, elective home education.

## **EHE Policy**

- 1.21 The Draft Elective Home Education Policy has been developed by Barnet Education and Learning Service and the council's Family Services department, in response to and taking account of the new guidelines issued by the DfE in April 2019.
- 1.22 The committee is asked to approve the policy as a basis for consultation with stakeholders, including families who electively home educate, schools and Barnet Parent-Carer Forum.

## **2 REASONS FOR RECOMMENDATIONS**

- 2.1 The committee's approval is required for the Draft Elective Home Education Policy shown in Appendix A in order to provide a clear framework for Elective Home Education in Barnet and to comply with DfE non-statutory guidance, which recommends that each local authority should, as a minimum, have a written policy statement that is clear, transparent and easily accessible and that is also consistent with the current legal framework.

### **3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The alternative option of not preparing and publishing a Policy is not recommended as that would be contrary to the DfE's non-statutory guidance and would mean local home educating parents and carers would not have the benefit of a clear local framework for the local authority's approach to elective home education.

### **4 POST DECISION IMPLEMENTATION**

- 4.1 Barnet Education and Learning Service, acting on behalf of the local authority, will consult local families who educate their children at home and other stakeholders.
- 4.2 Once the policy is approved, Barnet Education and Learning Service will implement the policy in close liaison with the council's Family Services department.

### **5 IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 The quality of the education offer in Barnet is at the heart of Barnet's continuing success as a place where people want to live, work and study. It plays a crucial part in making Barnet a popular and desirable place with many families attracted to the area by the good reputation of Barnet's schools.

- 5.1.2 Excellent educational outcomes and ensuring children and young people are equipped to meet the needs of employers are key to delivering the Council's strategic objectives set out in its Corporate Plan, Barnet 2024, based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- of opportunity, where people can further their quality of life;
- where people are helped to help themselves, recognising that prevention is better than cure;
- where responsibility is shared, fairly;
- where services are delivered efficiently to get value for money for the taxpayer.

#### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 The work to drive the delivery of the council's policy on Elective Home Education is

delivered from within existing resources of Barnet Education and Learning Service Ltd and the council's Family Services department.

### **5.3 Legal and Constitutional References**

- 5.3.1 Article 7 - Committees, Forums, Working Groups and Partnerships of the council's constitution states that the committee has responsibility for all matters relating to children, schools, education and safeguarding.
- 5.3.2 Section 7 of the Education Act 1996 places a duty on parent/carers of children of compulsory school age to ensure that their children receive an efficient full-time education suitable to their age, aptitude and ability and any special educational needs they may have either by regular attendance at school or otherwise. Section 437(1) of the Education Act 1996 requires local authorities to 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 an education, if it appears to a local authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise.
- 5.3.3 Section 175(1) of the Education Act 2002 places a duty on local authorities to safeguard and promote the welfare of children. Local authorities need to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children. The general duties of local authorities in relation to safeguarding are the same for all children, however they are educated. Elective home education may make it possible for parents to prevent the independent oversight by professionals of children who are being harmed and neglected. Section 175(1) does not give local authority's powers to enter the homes of children or otherwise see children for the purpose of monitoring the provision of elective home education.
- 5.3.4 The Council has duties under the Children and Families Act 2014 in relation to children with special educational needs and disabilities (SEND). It also has duties under that Act to consult parents, young people and other stakeholders on strategies and policies setting out how it will fulfil its duties.
- 5.3.5 Local authorities have a statutory duty, under s.436a of the Education Act 1996, to make arrangements to establish, so far as it is possible to do so, the identities of children in their area who are not receiving a suitable education. Until a local authority is satisfied that a home-educated child is receiving a suitable full-time education, the Children Missing Education statutory guidance applies. Non-statutory guidance on the approach to be taken by local authorities is set out in the Department for Education's 'Elective Home Education Departmental guidance for local authorities' published in April 2019.

### **5.4 Insight**

- 5.4.1 None

### **5.5 Social Value**

- 5.5.1 The Public Services (Social Value) Act 2013 requires people who commission public

services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders

## **5.6 Risk Management**

5.6.1 None

## **5.7 Equalities and Diversity**

5.6.1 The Council has a duty contained in section 149 of the Equality Act to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are:

- age
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The broad purpose of this duty is to integrate considerations of equality into day to day business and to keep them under review in decision making, the design of policies and the delivery of services. School improvement monitoring, supporting and challenging arrangements ensure that the quality of education in Barnet is maintained and improved. Outcomes for all groups of children and young people are monitored including children with special educational needs and disabilities and disadvantaged children (those in receipt of free school meals and children looked after).

An Equalities Impact Assessment has been completed in relation to the Draft Elective Home Education Policy and is attached as Annex 1.

## **5.7 Corporate Parenting**

5.7.1 The council's School and Settings Improvement Strategy includes details of progress in respect of the achievement of looked after children and includes this as a priority for the future.

## 5.8 Consultation and Engagement

5.8.1 Subject to this committee's approval, there will be consultation with stakeholders on the Draft Elective Home Education Policy during June and July 2021. The list of stakeholder groups and consultation methodology for each group is set out in the following table.

<b>Stakeholder Group</b>	<b>Method of consultation</b>
Families resident in Barnet who are electively home education their child or children.	Survey Virtual meetings
Headteachers of Barnet schools	Survey Virtual meetings
Barnet Parent-Carer Forum	Virtual meeting

## 6 BACKGROUND PAPERS

None