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**Lancashire County Council
Internal audit report**

**Elective Home Education
Final Report – December 2010**



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1 Overall assessment

- 1.1 We have completed a review of the arrangements in place within the council to ensure that those families who elect to home educate their children have appropriate arrangements in place to provide an effective full-time education. The council has no statutory obligation to monitor the quality of home education but, under Section 437(1) of the Education Act 1996, there is a requirement that the council will intervene if it appears that parents are not providing a suitable education. The responsibility for ensuring that home educated children are receiving a suitable education currently lies with the council's Elective Home Education (EHE) team.
- 1.2 The council has a statutory responsibility to have arrangements in place which will enable children educated at home to be identified and for assurance to be obtained that a suitable education is being provided. The responsibility for establishing the identities of children who are not receiving a suitable education is with the council's Children Missing Education (CME) team.

Opinion

- 1.3 The audit work we have undertaken allows us to provide **substantial** assurance over the procedures in place for the management of elective home education.
- 1.4 The assurance we can provide over any area of control falls into one of four categories as follows:

Full assurance: there is a sound system of internal control which is adequately designed to meet the council's objectives and is effective in that controls are being consistently applied.

Substantial assurance: there is a generally sound system of internal control, adequately designed to meet the council's objectives, and controls are generally being applied consistently. However some weakness in the design and/ or inconsistent application of controls put the achievement of particular objectives at risk.

Limited assurance: weaknesses in the design and/ or inconsistent application of controls put the achievement of the council's objectives at risk.

No assurance: weaknesses in control and/ or consistent non-compliance with controls could result/ has resulted in failure to achieve the council's objectives.

Significant findings

- 1.5 In September 2008, due to concerns around the infrequency of visits to home educated children and the ability of the local authority to ensure they were safe, the CYP Overview and Scrutiny Committee established a task group to investigate the provision of EHE monitoring and to gain a

- greater understanding of EHE issues. The task group met between October 2008 and March 2009 and presented their report and recommendations to the Overview and Scrutiny Committee on 24 March 2009.
- 1.6 The recommendations made by the task group were considered by the CYP Overview and Scrutiny Committee and a number of recommendations were temporarily held pending the outcome of a national review, the Badman report.
 - 1.7 The Badman report identified a number of recommendations which if implemented, would place a significantly higher level of responsibility on local authorities for the registration, monitoring and assessment of all children who are home educated. Following the release of the report, a consultation period was launched when there was opposition from independent home education organisations and home educating parents. Consequently, and following the election of the new government, the recommendations in the Badman report were not agreed.
 - 1.8 Since the rejection of the Badman report there does not appear to have been a review of the CYP Overview and Scrutiny Committee report and recommendations from March 2009. It may be that some of these recommendations are still relevant and may be implemented for Lancashire.
 - 1.9 The council does not review all of its available pupil data to identify children who may be missing education. The council has a statutory duty under section 436A of the Education Act 1996, to make arrangements to enable them to establish the identities of children in Lancashire who are not receiving a suitable education. The CME team undertakes a half termly review of high school pupil information to identify pupils who are no longer registered at a school. A review of primary school pupil data is not however undertaken due to a lack of staff resources.
 - 1.10 There is also a difficulty for the council in establishing the identities of those children who have never been registered with an education provider. The council is reliant upon notifications from external agencies and other service teams to identify those children. There are no formal arrangements for the sharing of data between the council and external agencies, on a pro-active basis.

1.11 The case loads of EHE support officers have significantly increased over recent years as shown in the table overleaf. In addition, the number of visits undertaken by the EHE support officers has increased due to the change in the needs of the children and families. Consequently, delays have occurred in the assessment of some families, particularly in the event of the unforeseen absence of key staff.

Period	Number of EHE Cases
Spring 2000	193
Spring 2001	226
Spring 2002	226
Spring 2003	277
Spring 2004	314
Spring 2005	338
Spring 2006	400
Spring 2007	485
Spring 2008	466
Spring 2009	522
Spring 2010 (13 May 2010)	444**

** Reduction has been explained due to a delay in the notification of secondary school placements and an improvement in communication with schools.

1.12 The caseloads and available capacity of EHE support officers are monitored on a regular basis and the information is provided to the head of the EHE service. However, the EHE service do not monitor against key performance indicators such as, the timeliness of initial visits or the timescales for issuing reports.

Risk assessment and our recommendations

1.13 Our detailed findings and recommendations are set out in Section 5 of this report. We have assigned rankings of the perceived risks to the arrangements for identifying those families who have elected to home educate their children and hence the urgency with which management should take remedial action. In summary our recommendations fall into the following categories:

Risk/ priority	Total
Extreme residual risk	0
High residual risk	0
Medium residual risk	7
Low residual risk	1
Total	8

1.14 Each of the recommendations made in Section 5 are drawn together in an action plan shown separately at Appendix A.

Categorisation of our recommendations

1.15 We have categorised the issues we have raised in this report in the context of the residual risk to which the council is exposed. Our recommendations are therefore defined as 'extreme', 'high', 'medium' or 'low' in relation to the residual risk they are designed to address.

Extreme residual risk

1.16 Critical and urgent in that failure to address the risk could lead to one or more of the following occurring: catastrophic loss of the county council's services, loss of life, significant environmental damage or huge financial loss, with related national press coverage and substantial damage to the council's reputation.

High residual risk

1.17 Critical in that failure to address the issue or progress the work could lead to one or more of the following occurring: failure to achieve organisational objectives, disruption to the business, financial loss, fraud, inefficient use of resources, failure to comply with law or regulations, or damage to the council's reputation.

Medium residual risk

1.18 Less critical, but failure to address the issue or progress the work could impact on operational objectives and should be of concern to senior management.

Low residual risk

1.19 Areas that individually have no major impact on achieving the council's objectives or on the work programme, but where combined with others could have an effect at the process level, which could give cause for concern.

Acknowledgements

1.20 We would like to acknowledge the support of the head of Lancashire Education Inclusion Service (LEIS), the EHE administrative assistant and the children missing education (CME) county co-ordinator for their input and support to this review.

2 Overall objectives of our work

2.1 This review has been undertaken as part of the 2009/10 audit plan, to assess the adequacy and effectiveness of the arrangements in place for the council to ensure that those families who elect to home educate their children provide a suitable full time education.

Risks

2.2 In outline, the potential risks against which we have assessed the systems are as follows:

- The council does not have arrangements in place to enable those children who are not registered at mainstream schools or other education providers to be identified;
- Council guidelines do not consider continuously changing statutory guidelines;
- Inappropriate assessments are undertaken which do not adequately evaluate the family situation and the child does not receive a suitable education;
- There is no strategic lead identified within the council to ensure that there is appropriate ownership of the service; and
- The directorate does not comprehensively assess all of the children identified as missing from education.

External audit assurance

2.3 We have prepared this report solely for the use of Lancashire County Council and it would not therefore be appropriate for it or extracts from it to be made available to third parties other than the external auditors. We accept no responsibility to any third party who may receive this report, in whole or in part, for any reliance that they may place on it and, in particular, we expect the external auditors to determine for themselves the extent to which they choose to utilise our work.

3 The scope of our work

3.1 Our work has covered the period from April 2009 to May 2010. The data which has been used to select samples of EHE cases for closer scrutiny and to test the controls which have been identified, has been taken at a real point in time in 10 May 2010.

3.2 The audit work has been carried out has involved visiting and liaising with the EHE team to obtain information and data. The review has included:

- Discussions of the arrangements in place within the EHE team;
- The identification of system controls and procedures in place to identify those children who are being home educated and how the suitability of the education provision is assessed; and

- Sample testing of data to determine the effectiveness of the controls in place.
- 3.3 We have also undertaken discussions with the children missing education co-ordinator to determine the arrangements for the identification of those children who are resident within Lancashire but who are missing from education and the level of interaction with the EHE team.
- 3.4 As part of the 2008/09 audit plan, we undertook a review of traveller education. Although the findings of the review are not specific to the EHE service, many traveller children are home educated and there is close liaison between the Gypsy Roma Traveller Achievement Service (GRTAS) and Lancashire Education Inclusion Service (LEIS). We have therefore undertaken a follow up of the recommendations made in the audit report to verify that they have been adequately implemented.

4 Background and context

- 4.1 The council has a statutory responsibility to identify those children who are residing in Lancashire but who may not be receiving a suitable level of education. The council must ensure that there are procedures in place to ensure that these children can be identified quickly and that an effective tracking system is in place.
- 4.2 Legally, the responsibility for a child's education rests with their parents and whilst education is compulsory, attending school is not. Parents may therefore elect to home educate their children and are not legally required to register or seek approval from the authority. The council has no statutory duties in relation to the monitoring of the quality of home education on a routine basis. The role of the council should be a supportive one. The council does however, have a statutory responsibility to make arrangements to safeguard and promote the welfare of children.
- 4.3 The council's EHE team was established in 2001 and is managed as part of the LEIS.
- 4.4 The EHE team maintains a management information system database to record the cases identified. The numbers of home educated children has steadily increased. In spring 2001 there were 226 cases registered with the council and this has increased up to 522 in Spring 2009. At the time of the audit there were a total of 444 cases of which 425 were active. The remaining 19 cases had been referred to the CME team.
- 4.5 The CME team was established from 1 August 2008 as part of the redesign of children's services. The team has been established to work with children who are not receiving a suitable education.
- 4.6 There are 9 part-time EHE support officers (3fte) who manage the EHE cases. The cases are allocated to the EHE support officers based on the specific number of hours for each case.

5 Detailed findings

Governance arrangements

- 5.1 A recent restructure incorporating the EHE service has resulted in the service being incorporated into the Targeted and Early Intervention Service group of the CYP directorate from January 2011 onwards. There is currently no service manager for the service, however, it has been identified that the head of quality and continuous improvement will be the strategic lead from January 2011.
- 5.2 This is a recent decision, and we **recommend** that the service should be fully integrated into the appropriate structure of the CYP directorate as soon as possible in order that appropriate ownership of the service can be achieved. Governance and reporting arrangements should be clarified.
(Recommendation 1: **Medium** risk/ priority)
- 5.3 The Head of LEIS has presented regular reports to the Overview and Scrutiny Committee of the council. In July 2008, a report was presented which outlined the current position for EHE and identified the concerns with regard to the infrequency of visits to those children being home educated and the ability of the council to ensure that these children are safe.
- 5.4 Following this report, a task group was established which met between October 2008 and March 2009, which produced a report and identified a number of recommendations. The report mirrored the issues and recommendations made in the Badman report (2009).
- 5.5 The recommendations made by the task group were considered by the CYP Overview and Scrutiny Committee and were temporarily put on hold pending the outcome of the Badman report.
- 5.6 The Badman report identified a number of recommendations which if implemented, would have placed a significantly higher level of responsibility on Local Authorities for the registration, monitoring and assessment of all children who are home educated.
- 5.7 Following the release of the report, a consultation period was launched when there was opposition from independent home education organisations and home educating parents. Consequently, and following the election of the new government, the recommendations in the Badman report were not agreed.
- 5.8 Since the rejection of the Badman report there does not appear to have been a review of the CYP Overview and Scrutiny Committee report and recommendations from March 2009. It may be that some of these recommendations are still relevant and may be implemented for Lancashire.
- 5.9 We **recommend** that the recommendations made to the Overview and Scrutiny Committee should be reviewed and reconsidered by the directorate to see if they should be implemented.
(Recommendation 2: **Medium** risk/ priority)

5.10 In order to ensure that effective arrangements are in place with other key service teams, we can confirm that regular meetings are undertaken to ensure that the service teams liaise and maintain accurate records about the children they support. The following multi service/ agency meetings have been identified which are attended by EHE staff and other key stakeholders; minutes of which were obtained and examined;

- GRT/ CME Case Conference Group;
- EHE service team meetings; and
- Case referral meetings between EHE and CME.

Elective Home Education guidance documents

5.11 The Department for Education ((DfE) has produced guidelines for local authorities to identify children not receiving a suitable education and for Elective Home Education (EHE).

5.12 The Children Missing Education (CME) team has recently established formal guidelines and a practice document to assist the council to put in place robust systems for identifying those children who are not receiving an appropriate education. The document includes guidance for the sharing of information. At the time of the audit the document was in draft format and had not been formally approved.

5.13 The systems which should be followed once a child has been identified as being home educated have been summarised into easy to read flowcharts which have been provided to the EHE staff, senior managers and the CME team.

5.14 We **recommend** that the CME guidelines and practice document should be finalised and implemented.
(Recommendation 3: **Medium** risk/ priority)

5.15 In addition, the council's EHE team has considered the content of the available DfE guidance and has produced a written policy and procedural guidance for parents and staff, to enable the council to fulfil its statutory responsibilities regarding children who are being educated at home.

5.16 The purpose of the document is to assist the council and home educators to build effective relationships of mutual trust to ensure that the interests of home educated children are safeguarded.

5.17 The procedures in place include practices which should be followed when receiving an initial enquiry about EHE, after receiving notification of new cases and the procedures for the follow up and production of parental reports.

5.18 The EHE support officers undertake an initial visit with the families and an assessment of the circumstances and the education provision to determine its suitability. An annual visit is then undertaken. However, the DfE guidance for EHE 2007 (paragraph 2.7) states that '*local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis*'.

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- 5.19 Whilst the council must intervene where it appears that parents are not providing a suitable education, it is questionable whether the council has taken an excessive role in the assessment process.
- 5.20 Indeed, in some cases, where parents do not wish to participate with the EHE support officers in home visits (and they are not legally obliged to do so), a questionnaire is submitted to the parents for completion and parents are requested to submit evidence of the education provision as an alternative measure, for evaluation by the EHE support officers.
- 5.21 We acknowledge that the council have a duty to safeguard and promote the welfare of children. We understand from discussions with the head of EHE service that in order to support the directorate's remit on safeguarding, wherever possible the EHE support officers undertake annual visits to ensure that the children who are educated at home are seen.
- 5.22 We **recommend** that the content of the DfE guidance for EHE should be reviewed against the current procedures in place within the council to ensure that the correct level of service is provided. This recommendation should be considered alongside recommendation 2.
(Recommendation 4: **low** risk/ priority)
- 5.23 Where an assessment of the quality of education and the quality of a child/ young person's social skills is undertaken, there is no guidance or framework in place for the EHE support officers to follow. Home educators do not have to:
- follow the national curriculum;
 - have a timetable or give formal lessons;
 - have premises equipped to a set standard;
 - have set hours during which education takes place;
 - have any specific qualifications; or
 - make detailed lesson plans or formally assess progress or development.
- 5.24 There is a concern that without a formal framework for assessing the suitability of the education provision, the EHE support officers may not produce adequate or consistent assessments and may not identify instances where the education provided is unsuitable.
- 5.25 We understand that the EHE support officers make a value judgement to determine the effectiveness of the education provision by determining whether it is based around the appropriate key stage and that evidence is obtained.
- 5.26 In addition, the EHE support officers who undertake the assessments are required to complete standard documentation during the assessment which is reviewed and certified by a senior manager prior to a decision being made about the suitability of the education provision and the social skills of the young person. The parents are required to provide evidence to support the discussions. Following the assessment, a report is produced which considers and identifies findings based around the Every Child Matters agenda.
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- 5.27 We **recommend** that a documented framework should be produced for use by the EHE support officers when undertaking an assessment of the quality of the education provided.
(Recommendation 5: **Medium** risk/ priority)

Safeguarding

- 5.28 The EHE support officers are qualified LEIS teachers and are employed by the LEIS service who are contracted to the EHE team. The EHE support officers receive appropriate training as part of their employment with the LEIS service.
- 5.29 We have confirmed with the council's HR service that all of the EHE support officers have up to date CRB clearances and that they are checked by the council on a three-year basis.
- 5.30 In some instances parents may employ other people to teach their child. It is not the council's responsibility to perform CRB checks for the teachers employed by the parents. The parents are responsible for obtaining assurance that appropriate checks are carried out to verify that they are suitable to have access to children.
- 5.31 Whilst the council does not undertake such checks, the EHE support officers consider the arrangements which have been undertaken as part of the assessment process to determine the adequacy of the education provided.
- 5.32 In addition, we can confirm that there is reference to the requirement for safeguarding checks to be carried out included in the DfE guidance and in the council's EHE protocol and procedures document.

Children missing education

- 5.33 The CME team are responsible for ensuring that the council has appropriate systems and procedures to identify those children who reside in Lancashire but who are missing from education and for ensuring that appropriate action is taken.
- 5.34 From discussions with the CME coordinator we understand that the CME team undertake a half termly review of secondary school pupil data to identify pupils who may be missing from education.
- 5.35 The review includes secondary short stay schools, but due to a lack of resources, does not include primary school pupil data or the Alternative and Complementary Education and Residential Service (ACERS). The CME team relies upon referrals from other sources to identify primary school children missing education, for example attendance consultants, early intervention teams and schools.
- 5.36 The pupils identified are tracked to ensure that they continue to receive a suitable education and referrals are made to key service teams, where identified eg: EHE, GRT, other council's etc.
- 5.37 We **recommend** that there is a full review of the pupil data available to the council, including mainstream primary school pupil data, primary short stay school data, ACERS and special schools, to ensure all children who may be missing from education are identified.

(Recommendation 6: **Medium** risk/ priority)

5.38 There are also issues ensuring that pupils who have never been registered with a formal education provider can be identified. The CME team relies on information from other agencies and service teams to identify these families. In an attempt to reduce the risk, the team have undertaken multi-agency awareness sessions, information has been posted on the service website and sent to voluntary agencies and key contacts within the health service and library service have been contacted.

5.39 We **recommend** that the service should consider establishing a more pro-active approach to identifying those children who have never registered with an education provider. This could include the establishment of formal data sharing agreements with key agencies.
(Recommendation 7: **Medium** risk/ priority)

EHE assessments

5.40 Referrals to the EHE team are received from a number of sources including:

- CME team;
- Gypsy Roma Traveller Achievement Service (GRTAS);
- Schools;
- Advisory Service;
- Lancashire Young Peoples Service (LYPS);
- Lancashire Youth Offending Team (LYOT);
- Pupil Attendance;
- Pupil Access Team;
- Children's Social Care; and
- Health Service.

5.41 Once referred, to the EHE team, pupil and family details are recorded onto the MIS database which is maintained by the EHE administrative officer. The database is a comprehensive record of the registration, assessment and monitoring arrangements for the individual children.

5.42 A review of the MIS database was undertaken as at 13 May 2010. At this time there were 444 cases recorded on the database of which 425 were active. A random sample of 20 cases were examined in detail and the information recorded was considered against the protocol and procedural guidance documents to ensure that council procedures have been followed. The following information was considered:

- The registration date;
- The initial assessment date;
- Follow up reviews;
- Evidence that annual visits have taken place;

- Referral to CME where applicable;
 - Parental agreements; and
 - Manager approval/ authorisation of assessment.
- 5.43 We have identified four instances where delays of up to five months had occurred between the date of the referral/ registration and the date of the initial assessment. The assessments of two of these cases had been delayed due to the unforeseen long term absence of one of the EHE support offices.
- 5.44 A further review of the EHE MIS database revealed that a total of 90 cases had been referred but at the time of the audit had not received an initial home visit by the EHE support officers.
- 5.45 We have selected a sample of 17 of these cases (based upon the length of time without an initial visit) and acknowledge that in 12 of these cases attempts had been made to undertake visits to the families, either without success, or visit dates have been arranged but cancelled by the parents.
- 5.46 A further three cases relate to traveller families who have been difficult to contact due to them being transient. Two cases have not been assessed due to the unforeseen long term absence of the EHE support officer.
- 5.47 A review was undertaken regarding the caseload of an EHE support officer who had been absent for a period of time. It was noted that 15 cases had been referred but no initial visit had been undertaken. The longest period without assessment was identified as one year, although we can confirm that attempts have been made to visit this family prior to the absence of the EHE support officer. Action is currently being taken to ensure that the delayed cases are prioritised for assessment.
- 5.48 The overall number of EHE cases has increased steadily over recent years. At the time of the audit there were 444 cases of which 425 were active. In addition, due to changes in the needs of the children and families who are electing to home educate, the number of visits which are undertaken to individual families has also increased. This has contributed to the delays in the initial assessment of some children.
- 5.49 We **recommend** that:
- a) In the event of unforeseen absences of EHE support officers appropriate action should be taken to ensure that prompt visits/ assessments of newly referred cases can continue to be undertaken; and
 - b) Management should monitor the time taken to perform initial assessments, follow-up visits and issue reports to enable service delivery to be improved.
- (Recommendation 8: **Medium** risk/ priority)

Previous audit recommendations

- 5.50 A review of the implementation of the recommendations made during a 2008/09 audit review of the traveller education service has been undertaken.
- 5.51 We have confirmed that action has been taken to address all of the recommendations made.

Action plan

Appendix A

Issue	Implication	Residual risk	Recommendation and management response/ action plan	Responsible officer and implementation date
1 The EHE's position within the CYP directorate has not yet been formally determined due to the ongoing restructure of the directorate. Consequently a strategic lead for the service has yet to be agreed.	Governance arrangements are not fully embedded. The council may fail to comply with its statutory responsibilities.	Medium	The EHE service should be fully integrated into the appropriate group of the CYP directorate as soon as possible in order that appropriate ownership of the service can be achieved. Governance and reporting arrangements should be clarified. Management response: Agreed in principle. To be taken forward by the new strategic lead in 2011.	Head of Quality & Continuous Improvement and Head of Development & Innovation
2 The recommendations made to the CYP Overview and Scrutiny Committee in March 2009 have not been reconsidered following the outcome of the Badman report.	The actions of the EHE service may not comply with the recommendations made by the Overview and Scrutiny Committee.	Medium	The recommendations made to the Overview and Scrutiny Committee should be reviewed and reconsidered by the directorate to see if they should be implemented. Management response: Agreed in principle. To be taken forward by the new strategic lead in 2011.	Head of Quality & Continuous Improvement and Head of Development & Innovation
3 The Children Missing Education (CME) team has recently established draft guidelines and practice document to assist the council to put in place robust systems for identifying those children who are not receiving an appropriate education. At the time of the audit the document was in draft format and had not	The council may not have effective procedures for the identification of children missing education.	Medium	The CME guidelines and practice document should be finalised and implemented. Management response: Agreed in principle. To be taken forward by the new strategic lead in 2011.	County Pupil Access Manager.

Issue	Implication	Residual risk	Recommendation and management response/ action plan	Responsible officer and implementation date
been agreed.				
4 Current arrangements for the visit, assessment and monitoring of education for those families who elect to home educate their children may exceed the recommendation made in the DfE guidance.	The council may be exceeding its statutory responsibilities with regard to EHE. Service provision may be inefficient.	Low	The content of the DfE guidance for EHE should be reviewed against the current procedures in place within the council to ensure that the correct level of service is provided. This recommendation should be considered alongside recommendation 2. Management response: Agreed in principle. To be taken forward by the new strategic lead in 2011.	Head of Quality & Continuous Improvement and LEIS Senior Manager
5 The EHE support officers do not have a formal, documented framework to follow when undertaking an assessment of the quality of the education provided.	The assessments may be inadequate or inconsistent and may not accurately determine the suitability of education provision.	Medium	A documented framework should be produced for use by the EHE support officers when undertaking an assessment of the quality of the education provided. Management response: Agreed in principle. To be taken forward by the new strategic lead in 2011.	Head of Quality & Continuous Improvement and LEIS Senior Manager
6 At present, the CME service does not consider all available data when undertaking a review to identify children who are missing education.	The council does not comply with statutory guidance by ensuring that all children who are missing education can be promptly identified and tracked.	Medium	There should be a full review of the pupil data available to the council, including mainstream primary school pupil data, primary short stay school data, ACERS and special schools, to ensure all children who may be missing from education are identified. Management response: Agreed in principle. To be taken	Head of Quality & Continuous Improvement

Issue	Implication	Residual risk	Recommendation and management response/ action plan	Responsible officer and implementation date
7	The council is reliant upon notifications from external agencies and other service teams to identify those children who have not previously been registered with an education provider.	Medium	Without an automatic sharing of data, children's details may not be notified. The council may not identify all children who are missing education. Management response: Agreed in principle. To be taken forward by the new strategic lead in 2011.	Head of Quality & Continuous Improvement and Head of Development & Innovation
8	The EHE service does not have formal contingency arrangements in the event of unforeseen absences of key members of staff.	Medium	We recommend that: a) in the event of unforeseen absences of EHE support officers appropriate action should be taken to ensure that prompt visits/ assessments of newly referred cases can continue to be undertaken; and b) management should monitor the time taken to perform initial assessments, follow-up visits and issue reports to enable service delivery to be improved. Management response: Agreed in principle. To be taken forward by the new strategic lead in 2011.	Head of Quality & Continuous Improvement and LEIS Senior Manager

Risk and Control Evaluation (RACE)

Appendix B

RACE - Elective Home Education									
Risk Control Evaluation		Risk 1	Risk 2	Risk 3	Risk 4	Risk 5	Test (Y/N)	Test ref	Test conclusion
		The council do not identify those children not registered at mainstream schools (or other education providers)	Council guidelines do not consider continuously changing statutory obligations.	Inappropriate assessments do not adequately evaluate the family situation and the child does not receive the appropriate level of education.	There is no strategic lead for the service to ensure appropriate ownership	The EHE team does not comprehensively assess all the children missing from education			
High Level Controls									
C1	M	The council has established formal procedures for the identification of children who are not receiving a suitable education or are missing education.	✓				Y	T1	✓
C2	M	The council's policies are clear, transparent and easily accessible to staff and parents.		✓			Y	T1	✓
C3	M	The council has a named senior officer who is responsible for elective home education policy and procedures.		✓	✓		Y	T1	✓
C4	M	The council complies with statutory guidance when undertaking assessments and evaluating the level of education which is being provided			✓	✓	Y	T1	✓
Preventative Controls									
C5	M	All officers who have contact with home educating families have received appropriate training and (including safeguarding) are familiar with home education law, policies and procedures	✓	✓	✓	✓	Y	T2	✓
C6	M	The council's policies relating to elective home education are reviewed on a regular basis to ensure that they reflect current law and are compatible with guidelines.		✓			Y	T1	✓
C7	M	The EHE team and the CME team liaise and share information of the pupils that they are aware of, where appropriate.	✓	✓	✓	✓	Y	T5	✓
C8	M	Where potential safeguarding concerns are evident or identified, there are formal procedures in place within the council to ensure that child protection arrangements are followed.	✓	✓			Y	T2	✓
Detective Controls									
C9	C	The council has a formal registration process for home educated children which is reviewed annually.	✓				Y	T3	✓
C10	C	All home educated children are monitored by the local authority. A database of home educated children is maintained.	✓	✓	✓	✓	Y	T3	✓
C11	C	Where children are registered for the first time a visit is undertaken by the appropriate local authority officer. All children are contacted at least annually.	✓		✓	✓	Y	T3	✓
C12	C	The council undertakes an analysis of the reasons why parents or carers choose to home educate the children/ young people.		✓	✓		Y	T3	✓
C13	C	Formal records of visits to those children/ young people who are home educated are maintained by the local authority.	✓		✓	✓	Y	T3	✓
C14	M	Formal minutes are available of service team meetings and the service is represented at an appropriate level within the organisation				✓	Y	T4	✓
C15	M	Reports relating to EHE are produced and are made available to key managers				✓	Y	T4	✓
C16	M	Where the EHE team have concerns or are unable to gain access to known children, formal referrals are made to the CME team and/ or the appropriate service team			✓		Y	T5	✓
Adequacy of current controls									
Recommended Controls									
R		The council should undertake a full review of available pupil data, including mainstream primary school data, primary school short stay school data, LEMS, CAMHS and special schools				✓			
R		the service should be fully integrated into the appropriate group of the CYP Directorate as soon as possible in order that appropriate ownership of the service can be achieved. Governance and reporting arrangements should be clarified.			✓				
Adequacy of future controls									

Cottam, Julie

From: Jerstice, Angela
Sent: 14 September 2010 09:25
To: Cottam, Julie
Subject: RE: Badman report

Hi Julie

From what I know, the Badman went to Parliament for consideration but there was opposition from independent home education organisations such as Education Otherwise and some home educating families and it got delayed. Added to this, the report co-incided with the election and finally fell through when the coalition took over as they were not in support of it. All opposition felt that the Badman recommendations would be too intrusive into the lives of home educating families as home visits, checks on the children and evidence of work would become mandatory, which they felt was not what it was about. At the moment, although the LA's do try to see the children in person for safeguarding reasons and evidence of work, we are only able to do this with the goodwill of the parents – we have no legal grounds to demand them. We are in a tricky position basically, because although our statutory duty re: EHE is very minimal, the LA itself has a duty to make checks re: safeguarding and there is a conflict between the two as there are no clear and concrete guidelines as to what balance we should be aiming for when difficult situations arise.

Re: the internet, you could try looking on the DSCF website to see if anything is listed there, or it may be mentioned on the Education Otherwise website. Otherwise, Maureen may have some information on it as she was the one who informed us at one of our meetings.

Hope this is of some help Julie!

Many thanks, Angie

Angela Jerstice
Clerical Officer
Elective Home Education (EHE)
01772 532289

From: Cottam, Julie
Sent: 14 September 2010 09:00
To: Jerstice, Angela
Subject: Badman report

Hi Angela

When Ruth and I last spoke to you didn't you mention that the Badman report had not been accepted? I'm struggling to find any information on the internet. Can you clarify for me the current position with this report and if you are aware of any official decision can you point me in the right direction please.

Thanks for your help.

Regards
Julie



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Children Missing Education

With effect from September 2007 every local authority has a duty under Section 436A (inserted before Section 437 in Chapter 2, Part 6 of the Education Act 1996 by the Education and Inspections Act 2006) to make arrangements to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education. In relation to children that is efficient full-time education suitable to her/his age ability and aptitude and to any special needs the child may have.

From 1 August 2008 as part of the redesign of children's services in Lancashire in line with Every Child Matters a new team has been established to work with Children Missing Education (CME). The national definition of children who are not receiving a suitable education is as follows:-

"A compulsory school-age child who is not on the roll of a school, not placed in alternative provision by a local authority, and who is not receiving a suitable education at home". (DCSF Revised statutory guidance for local authorities in England to identify children not receiving a suitable education 2008. Appendix 1 page 32.)


By contrast the statutory duty does not apply to children who are registered at school and who are not attending regularly. (DCSF Revised statutory guidance 2008; Paragraph 1.2.6 Page 4.)


For children whose whereabouts are unknown (for example they are thought to have left the area or they have not arrived in school as expected) school staff should make reasonable enquiries utilising local knowledge to locate the pupil. If following enquiries the whereabouts of the pupil is still unknown removal of the pupil from the school roll should be discussed with the Children Missing Education Team.

Removal from the school roll must comply with the DCSF Regulations and the Education (Pupil Registration) (England) Regulations 2006.

Statistics clearly show that missing education has a detrimental effect on attainment. In addition to this, it heightens the risks to safety & welfare and increases the likelihood of engagement in antisocial or criminal behavior.

Downloads

 [Children Missing Education Contact Details \(121 KB, Acrobat PDF\)](#)

 [CME 1 Form \(114 KB, Word Document\)](#)

These children are amongst the most vulnerable in the County and it is essential that they are promptly identified and placed in appropriate provision as soon as possible.

Contact Details

Please select the link for [contact details](#)

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Please see also Education Otherwise Press Releases.

January 2009 Press Release

You can read EO's press release response to announcement of Badman Review here.

NICE Consultation: When to suspect Child Maltreatment Stakeholder Comments

EO response in February 2009 to the NICE guidance consultation on When to Suspect Child Maltreatment can be found here. Guidance was published in July and after protracted correspondence with EO and other home educators, revised guidance published by NICE in December.

Badman Review

EO response to Badman Review can be found here.

March 2009

Meeting between Education Otherwise, Lord Lucas, barrister Ian Dowty and Graham Badman as part of the Badman Review. See the notes here.

In March EO's response to the DCSF consultation Ending Child Poverty: Making it Happen made the point that it had been paid to other indicators of wellbeing, such as emotional wellbeing. We also pointed out that outcomes for children in lower socio-economic groups is higher than for their schooled counterparts. Finally we drew attention to educating single parents on Income Support.

DCSF 21st Century Schools: A World-Class Education for Every Child/A School Review Consultation

Education Otherwise responded to DCSF consultation on 21st century schools. Read more here.

April 2009

A report from EO on the 21st Century Schools Conference April 2009 can be found here.

May 2009

EO published prospectus for improving support to home educating families: "Prospectus For Improving Support Families".

May 2009

EO attended launch of Laming Review and quizzed Ed Balls. Read an account of the launch [here](#).

June 2009

Following a meeting with NSPCC, EO published an apology letter from NSPCC [here](#).

Read EO's presentation to Independent Schools Council Conference: Access to Exam Centres.

EO published models of good practice following field trips to North Yorkshire and Somerset [here](#).

EO met DCSF to discuss Badman Report. Read an account of the meeting [here](#).

July

EO and Home Education Advisory Service met with barrister Ian Dowty. Meeting Notes.

EO press release on Select Committee Inquiry into Badman Review [here](#).

August

EO released short videos about home education on YouTube [here](#).

September

EO met Minister Diana Johnson. See feedback.

EO press release on Graham Badman's call for extra evidence re Select Committee [here](#).

EO commented on draft legislative programme proposing change to law on home education [here](#).

EO attended Labour Party Conference on NCVO bursary.

October 2009

EO's Disability Group made a response to Lamb Inquiry following discussion with Brian Lamb at Labour Party C 2009. The response can be found [here](#).

EO made a presentation to Children Missing Education Conference, slides available [here](#).

EO issued Press Release about Select Committee [here](#).

EO made response to DCSF consultation on registration and monitoring [here](#).

EO held a Briefing Event on Home Education for MPs and notes from the event can be found [here](#)

EO published preliminary findings of research on home educated children which was presented to MPs at the E Briefing Event:

"The Rights of the Child?" – Giving Them a Voice - 2009 Survey of Home Educated Children & Young People

"Not Hidden, But Home Educated" - 2009 Survey of Home Educating Families

EO made response to Children's Workforce Development Council consultation on common core skills and know workforce advocating training and awareness raising in home education and special needs.

November 2009

Alex Dowty, former Trustee of Children's Rights Alliance England attended the CRAE annual conference on behalf of Education Otherwise.

December 2009

In December Education Otherwise published a Briefing Paper on the home education proposals contained in the Children's Schools and Families Bill.

On December 8th there was a mass presentation of petitions to parliament. Education Otherwise supported a petition in over half the parliamentary constituencies in the UK. [Read more here.](#)

In December, the Children Schools and Families Committee published a critical report on the Badman Review. [Read more here.](#)

[EO memorandum to Select Committee September 2009](#)

[EO evidence to Committee October 2009](#)

[Select Committee Report December 2009](#)

EO made a response to the 16-18 participation funding review, pointing out the anomaly whereby home educated children in England are not eligible for Education Maintenance Allowance. [Read the response.](#)

EO made a response to the consultation on revised guidance for ContactPoint, stating that if Clause 26 of the Children's Schools and Families Bill became law, then holidaying families would have to apply for a place on the local home education register.

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The Review of Elective Home Education - Children, Schools and Families Committee Contents

SUMMARY

Summary

Parents have a duty to provide their child with an education suitable to the child's age and ability. One way in which parents can fulfil this duty is to home educate their child. Estimates suggest that there are now somewhere between 45,000 and 150,000 home educated children in England.

The question of if and how home education should be regulated has been the subject of a series of consultations and research studies commissioned by the Department, which has culminated in the Badman review.

Debate has centred on the tension between, on the one hand, the absence of prescription in relation to home education and the ability of home educating families to refuse contact with their local authority, and, on the other, the duty on local authorities to ensure that every child in their area is receiving a suitable education.

Much of the controversy surrounding the Badman Report concerns its recommendation that registration and monitoring be introduced for home educating families, recommendations that the Department has taken forward through the Children, Schools and Families Bill.

What has been striking about the Badman review is the dearth of information on home educated children in England, not least basic data about the number of these children. Research to establish baseline data for home educated children, especially regarding the outcomes of home education, is much needed. This work should plug the gap in the existing research evidence, which has not reflected fully the profile of home educating families.

We suggest that local authorities need improved means of identifying and differentiating between the children in their area who are in school, who are being home educated, and who are otherwise not in school. We also take the view that parental responsibility in relation to the provision of home education should be strengthened.

We therefore support the proposals to introduce annual registration for home educating families. In view of the concerns expressed by home educators about compulsory registration, we suggest that registration should be voluntary. Any registration system should be accompanied by better information sharing between local authorities, Her Majesty's Revenue and Customs and other agencies—including NHS trusts and police forces—to help identify which children are in school, which are being educated at home, and which are in neither category. The success of a voluntary registration system and improved information sharing should be reviewed after two years. If it has not met expectations, we believe that a system of compulsory registration would need to be introduced. Much of the Badman Report was about dramatically improving the help and support local authorities provide to home educated children, and we welcome this emphasis on the benefits of registering as home educators.

We also believe that home educating families should provide some form of statement of their intended approach to their child's education. We believe that these requirements should be supplemented by meetings between home educating families and local authority officers on at least an annual basis. These measures also need to be underpinned by a more precise definition of what constitutes a "suitable" education. The definition should not undermine the flexibility that home education currently offers, but, in combination with these other measures, must better equip local authority officers to address instances of home education where there is little prospect of the child in question gaining basic skills efficiently or getting a broader education.

Where we believe that the Badman Report and the proposals in the Children, Schools and Families Bill run into difficulty is in their conflation of education and safeguarding matters.

We are disappointed at the less than robust evidence base that the Badman Report and the Department have presented with regard to the relative safeguarding risk to school and home educated children. Furthermore, we suggest that existing safeguarding legislation is the appropriate mechanism for the purpose of safeguarding and promoting the welfare of home educated children, and that the proposed addition of annual visits would offer little direct safeguarding benefit over and above this. In our recommendations we have strongly discouraged the notion that local authority home education teams should be given a more overt safeguarding role.

Key to local authorities being able to work more effectively with home educating families will be the ability to offer suitably resourced support and services. The effectiveness of more robust arrangements for monitoring home education provision will rest on the knowledge and skills of local authority officers. We do not believe that the Department has paid sufficient attention to these areas, and we question the estimates that it has put forward regarding the cost of the registration and monitoring and support-related recommendations contained in the Badman Report. In particular, we fear that the Department underestimates the training needs of local authority officers.

The way in which the Department has handled the Badman review has been unfortunate—from the way in which it framed the review, through to its drafting of legislation prior to publication of the related consultation findings. We trust that the Department will learn from this episode as it takes forward other such reviews in future.

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