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DCSF response to the Badman Review of Elective Home Education in England.

On 11 June, the Secretary of State placed Graham Badman's report entitled *Review of Elective Home Education in England* in the House of Commons library. The initial government response recognised that the review makes a compelling case for immediate and urgent reforms to ensure that all home educated children are known to, and monitored by, local authorities (LAs). The report sets out an analysis of evidence about the standard of education received by home educated children, and the extent to which LAs were able to satisfy themselves that a suitable, full time education was being provided. It contained 28 interrelated recommendations which – together – mapped out how home educators could receive a much higher level of support from LAs, particularly where home educated children have special educational needs (SEN) or want to access education in maintained schools or further education colleges.

The Secretary of State's initial response warmly welcomed the report and announced that we were launching a consultation on the proposals for registration and monitoring. The consultation closes on 19 October and by 30 September we had received 655 responses, from home educators, LAs and a range of voluntary organisations. We will consider these responses carefully before proceeding with legislation because they will help us make arrangements that support parents to provide good quality home education, while allowing LAs to take action where arrangements have serious shortcomings.

This document contains our response to the full range of recommendations in the report. It sets out a series of small but significant changes to the way LAs collect and use information about home education, which will allow LAs to take a more strategic approach to monitoring and supporting home educators. It also sets out our strong commitment to supporting home educators, particularly those whose children have SEN or wish to access further education. Above all, it maps out a new relationship between LAs and home educators, envisaging that they will work collaboratively to provide a wide range of opportunities for home educated children.

Recommendation 1:

That the DCSF establishes a compulsory national registration scheme locally administered, for all children of statutory school age, who are, or become, electively home educated.

- This scheme should be common to all local authorities.
- Registration should be renewed annually.
- Those who are registering for the first time should be visited by the appropriate local authority officer within one month of registration.
- Local authorities should ensure that all home educated children and young people already known to them are registered on the new scheme within one month of its inception and visited over the following twelve months, following the commencement of any new legislation.

- Provision should be made to allow registration at a local school, children's centre or other public building as determined by the local authority.
- When parents are thinking of deregistering their child/ren from school to home educate, schools should retain such pupils on roll for a period of 20 school days so that should there be a change in circumstances, the child could be readmitted to the school. This period would also allow for the resolution of such difficulties that may have prompted the decision to remove the child from school.
- National guidance should be issued on the requirements of registration, and be made available online and at appropriate public buildings. Such guidance must include a clear statement of the statutory basis of elective home education and the rights and responsibilities of parents.
- At the time of registration parents / carers / guardians must provide a clear statement of their educational approach, intent and desired / planned outcomes for the child over the following twelve months.
- Guidance should be issued to support parents in this task with an opportunity to meet local authority officers to discuss the planned approach to home education and develop the plan before it is finalised. The plan should be finalised within eight weeks of first registration.
- As well as written guidance, this support should encompass advice from a range of advisers and organisations, including schools. Schools should regard this support as a part of their commitment to extended schooling.
- Where a child is removed from a school roll to be home educated, the school must provide to the appropriate officer of the local authority a record of the child's achievement to date and expected achievement, within 20 school days of the registration, together with any other school records.
- Local authorities must ensure that there are mechanisms / systems in place to record and review registrations annually.

This recommendation sets out in some detail the way in which registration and monitoring could operate. The government has already accepted that the review makes a strong case for legislation that ensures that all home educated children are known to, and monitored by, their LA.

This recommendation emphasises that, in relation to any registration scheme, LAs need to be flexible and accessible in registering home educators, and that any new statutory requirements should be supplemented by guidance setting out registration requirements. The report envisages close cooperation between home educators, schools and LAs in developing an education plan for home educated children. We accept that any national scheme has to be underpinned by explanatory guidance and sufficient resources to allow LAs to both monitor and support home educators. We agree in principle to provide sufficient funding to underpin any new arrangements, once these have been worked through in detail following the public consultation.

We think that the proposal that, where parents decide to deregister their child from school to home educate, schools should retain the pupils on roll for 20 days, is helpful. These 20 days will provide an opportunity for parents, schools and LAs to address any school related concerns which led parents to opt for

home education. It will also allow parents some time to consider carefully the benefits and drawbacks of home education.

Where parents notify a school that they intend to withdraw their child from school to home educate we would like to introduce a legal requirement that the school would keep the child on roll for 20 days. We envisage that this will be done through amendments to the Education (Pupil Registration) (England) Regulations 2006. We intend to bring these changes into force, by regulation, on 1 September 2011 after taking any views into account through a consultation.

Recommendation 2:

That the DCSF review the current statutory definition of what constitutes a "suitable" and "efficient" education in the light of the Rose review of the primary curriculum, and other changes to curriculum assessment and definition throughout statutory school age. Such a review should take account of the five Every Child Matters outcomes determined by the 2004 Children Act, should not be overly prescriptive but be sufficiently defined to secure a broad, balanced, relevant and differentiated curriculum that would allow children and young people educated at home to have sufficient information to enable them to expand their talents and make choices about likely careers. The outcome of this review should further inform guidance on registration.

Home educators should be engaged in this process.

We agree that a review to clarify what constitutes a "suitable" and "efficient" education for home educated children is needed. The current system gives considerable flexibility to parents in deciding upon the educational approach they and their child adopt to home education. That is both a strength and a weakness in the current arrangements, as LAs tell us that some home education is excellent, whereas some is of low quality.

Flexibility enables parents to devise a tailored educational approach that suits their circumstances and the interests and needs of their child, and we accept that there are many arrangements which work well for home educated children. What matters is that the child or young person acquires a mix of skills which will enable them to contribute to society as adults.

Therefore, we will commission a further review of the interpretation of 'efficient' and 'suitable' education in the light of the Rose review, the Every Child Matters outcomes and the national system of curriculum assessment and delivery throughout the statutory school years. The purpose of this work will be to examine how LAs can reasonably determine whether home educated young people are making progress which will allow them to develop to their full potential and have a wide choice of future careers.

We will commission this further review early in 2010.

Recommendation 3:

That all local authorities analyse the reasons why parents or carers chose elective home education and report those findings to the Children's Trust, ensuring that this analysis contributes to the debate that determines the Children and Young People's Plan.

Subject to the Apprenticeships, Skills, Children and Learners Bill (ASCL) gaining Royal Assent, we intend to put the Children's Trust Board on a statutory footing and require it to develop, publish, monitor and review a Children and Young People's Plan (CYPP). The CYPP, which will be underpinned by new regulations, will set out how the LA and its partners in the Children's Trust will cooperate to improve children's well-being in the local area. The Children's Trust Board will be required to conduct a comprehensive needs assessment which should include data on the reasons parents and carers choose elective home education which will contribute to the development of the CYPP. We intend to include a reference to the importance of considering data on home education in statutory guidance which is expected to go out for a three month consultation in early November.

Recommendation 4:

That the local authority should establish a Consultative Forum for home educating parents to secure their views and representative opinion. Such a body could be constituted as a sub-group of the Children's Trust with a role in supporting the development of the Children's Trust, and the intentions of the local authority with regard to elective home education.

The Children's Trust is the sum total of the partnership arrangements through which the LA and its partners cooperate to improve the well-being of children, young people and their families in the local area. The LA is responsible for making these cooperation arrangements and could include a consultative forum for home educating parents to secure their views and representative opinion within them. This would be consistent with our Department's approach in the ASCL Bill which will require, through regulations, the Children's Trust Board to consult a wide range of service users as part of the process to develop and review the CYPP. We do not, however, prescribe the structure of the Children's Trust cooperation arrangements beyond the need to have a Children's Trust Board and specifying the core statutory partners.

We envisage that statutory guidance following the introduction of a registration and monitoring system would say that LAs should set up a Consultative Forum for home educators to review LA arrangements for monitoring and services provided to home educators.

Recommendation 5:

That the DCSF should bring forward proposals requiring all local authorities to report to the Children's Trust Board making clear how it intends to monitor and support children and young people being educated at home, in accord with Recommendation 1.

Advice from the LA on how it intends to monitor and support children and young people being educated at home would be important information to inform the Children's Trust Board's work to develop and review the CYPP. DCSF intends to say in its statutory guidance on Children's Trusts that this advice should be provided, and there will be complementary information in any statutory guidance that is prepared to support registration and monitoring. The CYPP will be a high level strategic plan which reflects local as well as national priorities, so it would not be appropriate to require every CYPP to include this level of operational detail.

Recommendation 6:

That local authorities should where appropriate commission the monitoring and support of home education through the local Children's Trust Board, thereby securing a multidisciplinary approach and the likely use of expertise from other agencies and organisations including the voluntary sector.

Subject to the ASCL Bill gaining royal assent, the Children's Trust Board will have an important new function which, through the CYPP, will introduce a multi disciplinary approach to commissioning all services for children, young people and their families, including the monitoring and support of home education. Any statutory guidance supporting registration and monitoring arrangements will set out how local authorities should go about commissioning monitoring and support, to ensure that suitably qualified and experienced people are deployed to register and monitor home education.

Recommendation 7:

The DCSF should bring forward proposals to change the current regulatory and statutory basis to ensure that in monitoring the efficiency and suitability of elective home education:

- That designated local authority officers should:
 - have the right of access to the home;
 - have the right to speak with each child alone if deemed appropriate or, if a child is particularly vulnerable, or has particular communication needs, in the company of a trusted person who is not the home educator or the parent/carer.

In so doing, officers will be able to satisfy themselves that the child is safe and well.

- *That a requirement is placed upon local authorities to secure the monitoring of the effectiveness of elective home education as determined in Recommendation 1.*
- *That parents be required to allow the child through exhibition or other means to demonstrate both attainment and progress in accord with the statement of intent lodged at the time of registration.*

It is important that LA officers should be able to visit the place where education 'otherwise than at school' is taking place, which will usually be the

family home. This will enable officers to ensure that the child is being educated in a suitable environment which is safe and conducive to learning. We also agree that LA officials must be able to talk to home educated children to establish that they are receiving education in accordance with the plans submitted by their parents, and that they are making progress. We envisage that this would often be achieved informally and in a relaxed atmosphere.

We have received representations from parents and others who are concerned about proposals that the child is seen alone, or with a trusted adult other than their parents where necessary. We expect that in most cases this will not be necessary as LAs will be able to satisfy themselves that the child is receiving a suitable education by inspecting the child's work, and discussing it with the child and the parent. However, where there is no tangible evidence of the child's work, or where the parent makes claims that are not backed up by evidence, or where the child is reluctant to volunteer information, the LA may want to speak to the child to establish how education has been conducted, and what has been taught. We fully accept that young children and some children with SEN may find an interview with someone they do not know well to be daunting, which is why we agree that in these circumstances it would be helpful to have another trusted adult present supporting the child. We also accept that LA officers undertaking this work need to be appropriately trained.

This is an area where we welcome the range of views that are emerging from the public consultation and we will consider these carefully once the consultation closes.

Recommendation 8:

That reasonable warning of intended visit and invitation to exhibit should be given to home educators, parents and carers, not less than two weeks in advance. A written report of each visit must be filed within 21 days and copied to the home educating parent and child. A suitable process for factual correction and challenge to the content must be in place and made known to all parties.

We understand that home educating parents will want reasonable notice that the LA is intending to carry out a monitoring visit as this will allow them some time to prepare. We think two weeks is sufficient notice, although we would expect the LA to take account of the home educators' personal circumstances and adopt a flexible approach to scheduling appointments.

It is essential that proper records of visits are kept and that there is a transparent process for home educators to correct and challenge visit notes if they believe they are incorrect.

These arrangements would be included in any statutory guidance drafted following primary legislation that puts in place registration and monitoring arrangements.

Recommendation 9:

That all local authority officers and others engaged in the monitoring and support of elective home education must be suitably trained. This training must include awareness of safeguarding issues and a full understanding of the essential difference, variation and diversity in home education practice, as compared to schools. Wherever possible and appropriate, representatives of the home educating community should be involved in the development and / or provision of such training. It is recommended that all officers be trained in the use of the Common Assessment Framework.

We agree that good quality training for LA officers involved in monitoring home education is crucial. We are committed to developing LA officers involved in monitoring home education and agree that CAF should be one facet of training. We will work with the Children's Workforce Development Council to agree a timetable for developing a suitable training package covering safeguarding, home education practice and equal opportunities.

Recommendation 10:

That all local authorities should offer a menu of support to home educating families in accord with the requirements placed upon them by the power of wellbeing, extended schools and community engagement and other legislation. To that end local authorities must provide support for home educating children and young people to find appropriate examination centres and provide entries free to all home educated candidates who have demonstrated sufficiently their preparedness through routine monitoring, for all DCSF funded qualifications.

The Government accepts that LAs have a role in supporting home educated children and young people to identify examination centres. We plan that the guidance on registration and monitoring will require LAs to do everything reasonable to work with schools and colleges to identify appropriate centres for home educated children to complete their controlled assessment and examinations.

The Qualifications and Curriculum Development Agency (QCDA) and the Association of Colleges (AoC) are aware of the issues and are considering how they can encourage and support schools and FE Colleges to provide a better service to home educators and other private candidates. To this end, QCDA has published a leaflet, "Accepting Private Candidates" which provides schools with practical advice on accepting private candidates.

Home educators tell us that many home educated young people would like to attend college to take GCSE and vocational courses (see recommendation 11 below), but that they are unable to do so because colleges have to charge for provision for under-14s not registered with a maintained school. We believe that home educated young people should be able to attend college without paying fees, but believe that LAs can already draw down funding for this through the Dedicated Schools Grant (DSG) (see Recommendation 28). Where home educators choose to prepare young people themselves for

GCSEs, LAs will be able to fund examination costs through the provisions we intend to make to allow them to draw down one tenth of the DSG value for each home educated pupil for whom they incur some education costs (this is relevant to Recommendation 11 also).

Recommendation 11:

That in addition to Recommendation 10 above, local authorities should in collaboration with schools and colleges:

- *Extend and make available the opportunities of flexi-schooling*
- *Extend access to school libraries, sports facilities, school visits, specialist facilities and key stage assessment.*
- *Provide access to specialist music tuition on the same cost basis*
- *Provide access to work experience*
- *Provide access to post-14 vocational opportunities.*
- *Signposting to third sector support where they have specialist experience and knowledge, for example, provision for bullied children.*

We accept the recommendation on flexi-schooling and intend to put in place amendments to the Pupil Registration Regulations 2006 for this to happen by 1 September 2011. To enable young people to have part-time access to schools they will need to be on the register of the school they are attending. Currently the regulations state that once the pupil is registered at a school all the sessions have to be accounted for in order to record attendance statistics. We will need to amend the regulations so that for the sessions where the pupil is not due at school (i.e. being home educated) the school can mark them as being educated off-site. This will ensure that schools' absence statistics are not skewed so that if the young person is absent, only the sessions that they are due to be in school are marked as such and are counted towards the absence figures

We agree that home educators should have access to educational facilities and services such as work experience, libraries, key stage assessments, specialist music tuition and LA or school ICT facilities (recommendation 12 below). This will require careful and sensitive brokering by LA staff supporting home educators, who will need to work with schools to find how services can be provided in a way that works for schools and other service providers as well as home educators.

Safe to Learn, the DCSF Guidance to schools on preventing and tackling **bullying**, recommends that schools should not be applying alternative provision generally as a means of managing pupils who have been bullied. However there may be some pupils who have specifically requested alternative provision because they have been bullied and can no longer cope with a mainstream school. Where this is the case it advises that placements should be carefully chosen to help overcome fears and re-engage them back into mainstream education. The Guidance also signposts those third sector organisations that can offer support to parents, children and young people on bullying, such as:

The Anti-Bullying Alliance <http://www.anti-bullyingalliance.org.uk/>

Beatbullying <http://www.beatbullying.org/>
Bullying Online <http://www.bullying.co.uk/>
Childline <http://www.childline.org.uk/Pages/Home.aspx>
and
Parentline Plus. <http://www.parentlineplus.org.uk/>

Recommendation 12:

- *BECTA considers the needs of the home educating community in the national roll out of the home access initiative.*
- *That local authorities consider what support and access to ICT facilities could be given to home educated children and young people through the existing school networks and the use of school based materials.*
- *That the QCA should consider the use of ICT in the testing and exam process with regard to its impact on home educated children and young people.*

The scope of the Home Access programme has been defined by the Ministerial-led Home Access Taskforce as learners in "full time maintained education" and so by definition excludes home educated children. Take up of the Home Access grant in the pilot phase was high and the first phase of national rollout will be limited to eligible families with children in years 3-9. Inclusion of other groups of learners will be considered in due course and will be dependent on funding levels.

In the absence of a formal system for registering and monitoring home educated children, Becta would not be in a position to include the home educating community in the national roll out of the home access initiative. Should such a system be put in place, Becta will explore how to develop a administrative process to reach this group.

The Becta approved Home Access package will be available to anyone who wishes to purchase it and it includes a number of features such as safety features that will help benefit elective home educated children. Therefore, Home Access may still provide a route for families to purchase good quality ICT equipment with the right features to enhance their learning even though they are not eligible for the grant.

We accept there are benefits in the use of ICT in assessments for a range of learners and providers. However, it is important that whilst innovation is supported and encouraged, standards and security are not undermined. For this reason awarding bodies continue to be supported in their development of ICT in assessment, taking account of the guidance provided by Ofqual, the regulator of examinations and qualifications. We will be writing to QCDA and Ofqual encouraging them to take account of the specific needs of home educated children and young people as they develop and design qualifications.

We will consider the regulatory and practical implications of the use of ICT in

testing, in discussion with QCDA and Ofqual.

Recommendation 13:

That local authority provision in regard to elective home education is brought into the scope of Ofsted's assessment of children's services within the Comprehensive Area Assessment through information included in the National Indicator Set (Recommendation 25), the annual Local Safeguarding Children Board report (Recommendation 21) and any other relevant information available to inspectors.

The new Comprehensive Area Assessment (CAA) will report annually from December 2009. It will report local performance on each national indicator and draw on a range of evidence including direct inspections of local services and key documents.

Implementing this recommendation relies on the implementation of the two cross-referenced recommendations, 21 and 25. Actions on these recommendations are set out below. CAA will automatically take into account any newly-developed national indicator. Inspectors also consider other evidence in making their assessments including reports of the Local Safeguarding Children Board (LSCB).

Recommendation 14:

That the DCSF require all local authorities to make an annual return to the Children's Trust Board regarding the number of electively home educated children and young people and the number of School Attendance Orders and Education Supervision Orders as defined in the 1996 Education Act, issued to home educated children and young people.

Information on the number of home educated children and young people and the number of School Attendance Orders and Education Supervision Orders as defined in the 1996 Education Act issued to home educated children will be part of the data to inform both the development and review of the CYPP, subject to the ASCL gaining royal assent. We intend to include in our statutory guidance on Children's Trusts a recommendation that these data should be provided. The CYPP will be a high level strategic plan which reflects local as well as national priorities, so it would not be appropriate to require every CYPP to include this level of operational detail.

Recommendation 15:

That the DCSF take such action as necessary to prevent schools or local authorities advising parents to consider home education to prevent permanent exclusion or using such a mechanism to deal with educational or behavioural issues.

Schools and local authorities should not be advising parents to consider home education to avoid permanent exclusion or deal with behavioural issues. We will strengthen DCSF exclusions guidance on this issue when it is next revised in 2010.

Recommendation 16:

That the DCSF bring forward proposals to give local authorities power of direction with regard to school places for children and young people returning to school from home education above planned admission limits in circumstances where it is quite clear that the needs of the child or young person could not be met without this direction.

The school admissions framework already provides a number of safeguards to ensure children returning from home education are allocated a suitable school place. In particular, parents have a right to express a preference as to the school they would their child to attend and, subject to limited exceptions, that school must admit the child if it has a place available. If no school within a reasonable distance of the child's home has a place available, the LA is able to direct a school to admit the child.

We understand the difficulties that a child who has SEN might face. Such children are amongst the categories of children that must be included in a LA's Fair Access Protocol which means that, should the normal admission procedures fail, the child will be allocated a place at a suitable school in accordance with the Protocol, even if that school is already full. In addition, depending on their particular circumstances, a child returning from home education may be considered 'hard to place' and would, therefore, be able to take priority over children on a waiting list or awaiting appeal.

As part of the next review of the school admissions framework, we will consult on whether further safeguards are required. In particular we will consult on:

- amending the School Standards and Framework Act 1998 to enable LAs to direct a school to admit a child who has SEN, but does not have a statement, who is having difficulty securing a suitable school place on returning from home education; and
- amending the School Admissions Code so that children returning from home education are amongst the categories of children that must be included in a Fair Access Protocol.

Recommendation 17:

That the Ofsted review of SEN provision give due consideration to home educated children with special educational needs and make specific reference to the support of those children.

Recommendation 18:

That the DCSF should reinforce in guidance to local authorities the requirement to exercise their statutory duty to assure themselves that education is suitable and meets the child's special educational needs. They should regard the move to home education as a trigger to conduct a review

and satisfy themselves that the potentially changed complexity of education provided at home, still constitutes a suitable education. The statement should then be revised accordingly to set out that the parent has made their own arrangements under section 7 of the Education Act 1996.

In the wake of the Ofsted review, changes to the SEN framework and legislation may be required.

Recommendation 19:

That the statutory review of statements of SEN in accord with Recommendation 18 above be considered as fulfilling the function of mandatory annual review of elective home education recommended previously.

Recommendation 20:

When a child or young person without a statement of special educational needs has been in receipt of School Action Plus support, local authorities and other agencies should give due consideration to whether that support should continue once the child is educated at home - irrespective of whether or not such consideration requires a new commissioning of service.

We will send a guidance letter to all LAs following the publication of the Lamb Inquiry into SEN in October 2009. The guidance will make clear the statutory responsibilities of LAs towards children with SEN statements and how they can work in partnership with home educating parents to ensure that, where appropriate, the needs of all children with SEN can be met in the home environment. That guidance will take account of relevant findings from the Lamb Inquiry.

In the light of Ofsted's SEN review, which will be reporting in the summer of 2010, and the findings of any survey of home educated children with SEN in particular which Ofsted conducts, we will consider whether any changes to the SEN framework would provide more support to parents who are home educating children with SEN.

LAs tell us that they are concerned that they retain the responsibility to maintain the statements of children with SEN that are home educated, but that they are unable to draw down funding. However, our policy is that home educated children can be included in the Alternative Provision Return for DSG purposes if the LA is providing significant support towards their education – whether or not they are statemented (see Recommendation 28) and we will clarify our guidance to make this clear before the January 2010 school census.

Recommendation 21:

That the Children's Trust Board ensures that the Local Safeguarding Children Board (LSCB) reports to them on an annual basis with regard to the safeguarding provision and actions taken in relation to home educated children. This report shall also be sent to the National Safeguarding Delivery

Unit. Such information should be categorised thereby avoiding current speculation with regard to the prevalence of child protection concerns amongst home educated children which may well be exaggerated. This information should contribute to and be contained within the National Annual Report.

We have brought forward amendments to the ASCL Bill requiring Local Safeguarding Children Boards (LSCBs) in England to produce and publish a report at least once a year about safeguarding and promoting the welfare of children in its area and to send a copy of the report to the local Children's Trust Board. Subject to Parliamentary approval, this requirement will be reflected in the revised statutory guidance *Working Together to Safeguard Children*. The report will provide an assessment of the effectiveness of arrangements locally, and the contribution and activities of each local partner. These annual reports will provide a comprehensive analysis of the local area safeguarding context, and should include elective home education. The Children's Trust Board should respond to these reports through the local CYPP.

The Bill amendments will also require LSCBs to make the annual report publicly available which will enable the National Safeguarding Delivery Unit to ensure it informs the Chief Adviser on the Safety of Children's annual report to Parliament.

Recommendation 22:

That those responsible for monitoring and supporting home education, or commissioned so to do, are suitably qualified and experienced to discharge their duties and responsibilities set out in Working Together to Safeguard Children to refer to social care services children who they believe to be in need of services or where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm.

We agree that good quality training for LA officers involved in monitoring home education is an important step towards establishing good relations between LAs and home educators. We are committed to appropriate development of LA officers involved in monitoring home education. We will work with the Children's Workforce Development Council to agree a timetable for developing a suitable training package covering safeguarding, home education practice and equalities. In addition, those responsible for monitoring and supporting home education should take part in the LSCB safeguarding children training and other training commissioned by their employer.

Recommendation 23:

That local authority adult services and other agencies be required to inform those charged with the monitoring and support of home education of any properly evidenced concerns that they have of parents' or carers' ability to provide a suitable education irrespective of whether or not they are known to children's social care, on such grounds as:

- alcohol or drug abuse

- incidents of domestic violence
- previous offences against children

And in addition:

- anything else which may affect their ability to provide a suitable and efficient education.

This requirement should be considered in the Government's revision of Working Together to Safeguard Children Guidance.

Many serious case reviews have found that different public authorities have held information about children and their families which indicates that there are safeguarding concerns, but failed to share it in a way that identified that a child was likely to suffer significant harm. We are revising Working Together to Safeguard Children to strengthen our guidance on information sharing for all children about whom there are concerns about their welfare; whether or not they are home educated.

It is important that LA staff that monitor home education work closely with their colleagues in children's care so that they are aware of any factors which might affect parents' capacity to provide a suitable and efficient education. We would also expect home visits to take account of any concerns raised by children's social care so that the team of people monitoring home education will be alert to children's home circumstances and able to identify anything that is inconsistent with information available to children's services.

Recommendation 24:

That the DCSF make such change as is necessary to the legislative framework to enable local authorities to refuse registration on safeguarding grounds. In addition, local authorities should have the right to revoke registration should safeguarding concerns become apparent.

We accept that there may be circumstances, for example where a child is subject to a child protection plan, where a child is safer at school or in alternative provision than being educated at home. Therefore we agree in principle, and subject to the results of the consultation underway, that LAs need the power to refuse or revoke registration where there are safeguarding concerns. This would be supplemented by guidance to LAs on the sorts of circumstances where the welfare of the child might be best served if they are not educated at home.

Recommendation 25:

That the DCSF, in its revision of the National Indicator Set indicated in its response to the recent Laming Review, should incorporate an appropriate target relating to the safeguarding of children in elective home education.

This recommendation has been considered as a part of the overall work to revise the suite of safeguarding indicators and introduce new statutory targets, as recommended by Lord Laming in *The Protection of Children in*

England: A Progress Report. As part of this work a range of stakeholders have been consulted and a number of suggestions have been made for new indicators which require further development. A possible indicator on safeguarding in home education falls into this category, although some stakeholders expressed a degree of concern that, owing to the comparatively small size of the home educated cohort, a national indicator in this area might not be viable, especially given the limited size of the indicator set. We will be consulting further on safeguarding indicators and future development activity shortly.

Recommendation 26:

DCSF should explore the potential for the Centre for Excellence and Outcomes in Children and Young People's Services (C4EO) and other organisations, to identify and disseminate good practice regarding support for home education.

We are working with C4EO who have agreed that they will collect examples of home educators and LAs working well together on safeguarding training issues, as part of their work on the Safeguarding Theme. This validated local practice will, in due course, be disseminated by C4EO through their general communication channels and the specific channels connected with the Safeguarding Theme.

Recommendation 27:

It is recommended that the Children's Workforce Development Council and the National Safeguarding Delivery Unit include the needs of this group of officers in their consideration of national training needs.

The National Safeguarding Delivery Unit will liaise with the Children's Workforce Development Council to ensure that training provided by employers for LA officers monitoring home education prepares them to consider the wider safeguarding needs of children alongside their educational needs.

Recommendation 28:

That the DCSF and the Local Government Association determine within three months how to provide to local authorities sufficient resources to secure the recommendations in this report.

The recommendations in the review are wide ranging but the financial implications fall into three broad categories which are:

- support, registration and monitoring activities carried out by or commissioned by local authorities;
- substantial support for specific categories of home educated children, such as those with SEN or older children wishing to take college courses leading to a GCSE;
- support for a range of supplementary activities for younger children and those not receiving significant support towards their education.

We fully accept that LAs need funding for the costs of registering and monitoring home educated children where these exceed the cost of existing arrangements. At this point we do not have a reliable estimate of the number of home educated children, but we estimate, subject to discussion with the LGA, that costs for the first year will be £21 million with additional ongoing annual costs for the current cohort of £9.7 million. These costs cover initial registration, support to prepare education plans, and initial and annual monitoring. They also take into account LA training costs and the cost of working with local schools and FE institutions to broker support arrangements for home educators, particularly access to examination centres.

We believe that home educated pupils receiving significant support from the LA should already be included in the Alternative Provision Return for DSG purposes, and we understand that a small number of local authorities are already receiving funding for some home educators through this mechanism. This means that the LA receives the pupil funding for that child through the DSG. We plan to clarify the schools census guidance to ensure that local authorities know that they can include children they are supporting as a result of a statement, or in respect of significant special needs that have not been formally recognised through a statement. This clarification is intended to come into effect for the January 2010 return. LAs are already able to include pupils whom they fund to attend college for post-14 qualifications including GCSEs and Diplomas, and we will revisit our schools census guidance to see whether further clarification can be given.

We accept that LAs will also need funding to assist young people to access the list of services in Recommendation 11 and to fund them to take their GCSEs if they opt to enter as private candidates rather than through attending college courses. We intend to include a separate column in the Alternative Provision Return to record all registered home educated pupils accessing these services, but for whom support is not significant. We would count each such pupil as 0.1 for DSG funding purposes, and will review towards the end of the next spending review period whether this is an appropriate level. We plan to make this change for the January 2011 schools census.

Lancashire County Council	Lancashire Audit Service	Test No: 5 Audit Ref: UP0007
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Client: CYP	Audit Area: EHE
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Test 5

Risk

- R1 - The council do not identify those children not registered at mainstream schools (or other education providers).
- R2 - Council guidelines do not consider continuously changing statutory obligations.
- R3 - Inappropriate assessments do not adequately evaluate the family situation and the child does not receive the appropriate level of education.
- R5 - The EHE team does not comprehensively assess all the children missing from education.

Control

- C7 - The EHE team and the other service teams within the CYP directorate (including the CME team) liaise and share information of the pupils that they are aware of, where appropriate.
- C16 - 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.

Test description

Review the arrangements in place for the sharing of information between the EHE team and other service teams, where concerns are identified.

Examine any documentation which is maintained to support liaison between key service teams.

<p>Frequency of control – Daily</p>	<p>Sample size –</p>
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Prepared by: JAC	Date: 30/06/10	Reviewed by: RF	Date: 21/7/10.
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Lancashire County Council	Lancashire Audit Service	Test No: 5
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Finding	WIP ref.
The CME team undertake a half-termly review of secondary school pupil information to identify pupils who may be missing from education. This process includes secondary PRU's but does not include LEMS or CAMHS.	5.1
An audit of the primary school pupil information is not undertaken due to lack of resources within the CME team but referrals are received from attendance consultants and early intervention teams and from schools.	5.1 5.7
The main problem is identifying those children who have never been registered with an education provider. The CME service attempts to rectify this by raising awareness with other external agencies with a view to ensuring that they are informed should any such family be identified.	5.1.
The EHE team often refer information about children to the CME team who then pass on the information to other relevant service teams, where appropriate. Formal documentation is used to refer pupils – copies of forms are available on the intranet. The EHE team receive a CME 2 form (referral receipt) when a case is referred to the CME team.	5.5.
The EHE maintain a separate spreadsheet of those children who have been referred to CME. Details on the spreadsheet include the name, dob, reasons for the referral, the date referred and a comments column which records up to date information about the current position of the case following meetings between the EHE team and the CME team.	5.5.
I have examined the list of CME referrals dated 10 May 2010 and queried the current position of those cases where the content of the spreadsheet did not adequately explain what was happening. Adequate follow up action has been confirmed.	See e-mail in Section 1 to AJ 2.6.10.
There has been a suspicion that some high schools are encouraging some parents to opt for EHE in order to improve attendance figures and exam results or where parents are at risk of being taken to court due to non attendance at school. These cases are referred to the CME team where identified by EHE. CME are currently gathering evidence to raise this at a higher level and to try to prevent this from continuing. CME team have been working jointly with the attendance team. The Head of EHE Service also contacts all schools where there appears to be a mass referral of EHE cases from the same school.	See e-mail in Section 1 to AJ 2.6.10.
Conclusion	
There is a concern that schools may be manipulating attendance figures and exam statistics and that legal action is being diverted. This will need to be considered further as part of any future review of attendance arrangements.	
There is currently no review of the primary pupil data to ensure that all primary pupils who may be missing from education can be identified. There is a safeguarding risk with regards to the whereabouts of these pupils being unknown in addition to the risk of them not receiving a suitable education.	
There is a greater concern in identifying those children who may be missing from education who have never been registered with an education provider. Information sharing with external agencies is not pro-active and referrals are only received where concerns are identified.	
Recommendations	
Refer attendance issue to Senior Auditor responsible for the CYP client and include on C1.	
A review of primary school pupil data should be undertaken on a regular basis to ensure that those primary age children who may be missing from education can be identified and appropriate follow up action taken.	
A formal process for data sharing between external agencies e.g health, nursery provision should be considered.	

Prepared by: JAC	Date: 30/06/10	Reviewed by:	Date:
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Internal audit working paper
Audit Review: EHE

Meeting with Susan Robinson (Head of CME)
21. May 201

5.1

RF

21/7/10

With effect from April 2010, the CME team sits within the Pupil Access team of the CYP directorate. This section is within the Universal and Prevention Services Section under Bob Stott. Prior to April, the CME team sat within the Safeguarding Section.

Due to the fact that there has been ~~no~~ certainty over where this service would sit within the directorate, documented policies and procedures are not in place. A draft procedures document has been compiled but has not yet been finalised or approved. There are meetings planned to discuss and finalise the guidance document.

5.6.

The service has close links with other key partners from the public, private and voluntary sector for the purpose of sharing information, particularly with regard to the identification of children who are missing education. Multi agency awareness sessions have been undertaken which has included posting information on the internet and the intranet, sending information to voluntary agency's and contacting key people from the health service and the library service. Details of the key contacts have been provided but there has been no formal publicity material produced.

Formal documentation which should be completed to notify CME of relevant families is available on the portal and on the internet. Referrals are received from a number of sources, including health, YOT, LYPS, Pupil Access, EHE, library service etc. The CME team also undertake a half ^{termly} yearly audit of all pupils in attendance at school to identify pupils who have be taken off roll. These pupils are tracked to ensure that they are all continuing to receive a suitable education.

The CME team use an access database to record and monitor details of children and families who are referred to them and with whom they are working. The team can also access the ISSIS and IMPULSE systems to check pupil details against them.

The database used by CME is not the same database that is used by the EHE team. When the CME refer a pupil to EHE, the case is closed on the CME database. Formal documentation is completed to support the referral to EHE and an acknowledgement t e-mail is received to verify that the pupil has been added to the EHE database.

There are regular meetings between the CME manager and the EHE administrative officer to discuss, case referrals and ensure that children are adequately tracked and cases are followed up where necessary.

CME officers also attend the termly EHE meetings to ensure that policy and procedural arrangements are discussed and agreed.

Where necessary, the CME officers, EHE support officers and GMT staff undertake joint home visits to families.

Internal audit working paper
Audit Review: EHE

Meeting with Susan Robinson (Head of CME)
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Working With Children Missing Education

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Main Details

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 behaviour. 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.

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- ▶ [What is meant by the term 'Missing Education'?](#)
- ▶ [Where are the main points where children and young people could go 'Missing from Education'?](#)
- ▶ [How will Lancashire County Council identify and monitor Children Missing Education?](#)

What is meant by the term 'Missing Education'?

Children or Young People would be deemed to be missing education if they are of compulsory school age (5 - 16) and fit into at least one of the following criteria:

- ▶ They are not on the roll of a school (either within Local Authority control or Independent)
- ▶ They are not accessing any other form of alternative provision. This would cover children & young people receiving education at home monitored by the Local Authority. It would also cover County funded alternative provision such as college placements or work experience

Children or Young People would be deemed to be at risk of 'Missing Education' if they have been out of their educational provision for a period of four weeks or more.

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Where are the main points where children and young people could go 'Missing from Education'?

There are a number of recognised points where children or young people could go missing from education. These include:

- ▶ Failure to start appropriate provision at Reception age and therefore never entering the educational system
- ▶ Following any form of exclusion from education
- ▶ Failure to complete the transition from Primary to Secondary school
- ▶ Delays in applying for a new school when a family arrive in the County

This is not an exhaustive list but contains the main ways by which children and young people could miss education.

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How will Lancashire County Council identify and monitor Children Missing Education?

In order to reduce the risk of children and young people 'slipping through the education net' Lancashire County Council has developed systems to identify and monitor children & young people who are missing education. Central to these systems are a team of Pupil Tracking Officers who will:

- ▶ Receive notification of children and young people who are 'missing education'
- ▶ Pass details of this notification on to the appropriate personnel within the Local Authority who will be able to broker provision
- ▶ Act as a link with regards to Children Missing Education between the Local Authority and outside agencies such as Primary Care Trusts, District Councils and the Police
- ▶ Implement a range of processes to track children and young people who leave the County without a forwarding school
- ▶ Produce reports on the number of children and young people missing education and the length of time taken to move them back into appropriate provision

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How can Children Missing Education be notified?

If you, either as a member of the public or as a fellow professional, are aware of a child or young person who you think may be 'Missing Education' you can notify our team through a number of routes:

Please download and complete the [CME1](#) form and return it to the [Children Missing Education Project Officer](#).

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