

Joint Review
by the
Prosperous Staffordshire Select Committee
and the
Safe & Strong Communities Select Committee

on
Elective Home Education
(EHE)

Final Report
May 2018



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Chairman's Foreword

This review was undertaken following a referral from the Corporate Parenting Panel and an awareness of the significant increase in the number of children becoming home educated.

During our investigations we have become conscious of the incredible breadth of styles of home education as well as the differences in the reasons for becoming home educated and for children being taken out of mainstream schooling. We have been impressed by the commitment and dedication shown by the home educators we met and by the head teachers, advisors and officers who have contributed to this review.

One of the most significant concerns we identified is around the notable increase in the numbers becoming home educated as a result of poor school attendance and/or to avoid prosecution. This report sets out our methods of investigation, findings, conclusions and recommendations to mitigate the concerns identified.

I would like to pay tribute to all who have given their time to share their views and experiences with the Review Group and to the Officers who have supported us with this work. We have benefitted from their expertise and I am grateful for their involvement.



**Mr Paul Snape,
Inquiry Chairman**

1. Conclusions and Recommendations

We have been impressed by the level of commitment and dedication shown by the home educators we met. The difference in their approaches to delivering this education is extraordinary, and whilst we may find some of the more radical approaches quite alien to us, their passion for home education is remarkable. The incredible amount of time, resource and funding all the parents we met committed to home educating their children and the successes they shared with us were estimable. In fact having met these parents we have the greatest admiration for the work they undertake and are reassured by their complete commitment to ensuring the effective education of their children.

However, the numbers choosing to home educate for lifestyle/cultural/philosophical reasons, like the home educators we met, has reduced over the last three years (1.9%). At the same time the number home educating to avoid risk of prosecution as a result of poor attendance has increased significantly, seeing a 27.4% rise over the last five years. There has also been a rise in the number home educating resulting from near exclusion (1.2% increase) and from emotional or behavioural difficulties (1.6%).

Ofsted's National Director (Social Care) has indicated that for too many children and families home education is not a positive option and leads to children not receiving an effective education. And for some children, it increases the risk of harm. She went on to say that whilst Ofsted want to support the rights of those parents who enable their children to thrive through home education they also recognise that the cohort of children being educated at home is changing. The Association of Directors of Children's Services (ADCS) survey suggests that at a national level increasingly some parents allege that EHE is 'suggested' to them as an 'option' to avoid attendance fines or further exclusions. These parents invariably say they do not know what EHE entails.

Whilst we know the majority of Staffordshire schools act for the best interests of their pupils, we have heard anecdotally of parents being coerced into "choosing" to home educate to avoid prosecution and/or exclusion. We have also seen Staffordshire case studies which evidence instances where coercion has been used, and in one instance where it has been successfully challenged to re-instate the pupil. In their work with families who off-roll their children to home educate, the EHE Officer and the County Manager, Targeted Services, both shared instances where coercion had been used. In fact they were increasingly frustrated that vulnerable families were coerced into removing their children from the school roll without understanding the implications for them or their children. This academic year 39 children have been taken out of Year 11 to be home educated. This equates to 13% of all those de-registered from school roll to be home educated this academic year. There seems no logic to removing your child just before their GCSE examinations and our concerns are that schools may be encouraging this in an effort to avoid adverse league table results.

Ofsted school inspections now focus strongly on children who are not being educated in school. This includes: reasons for exclusions; action taken by the school when children are missing education; pupils taken off roll; and the quality of

education that pupils receive in alternative provision. We feel Ofsted have a key role to play in identifying children who have been coerced into home education and particularly that there needs to be a mechanism by which they take account of the number of de-registered pupils and the reasons for this. If a school has a disproportionately high number de-registered for elective home education Ofsted should be looking more closely into the reasons for this. We therefore **RECOMMEND** that the Cabinet Member supports representation being made to Ofsted with regard to the mechanism in place to take account of the reasons for de-registration and, where there is a disproportionately high number de-registering for EHE, consider more closely the reasons behind this.

Unregistered schools remain a concern, and whilst we are not aware of any unregistered schools in Staffordshire at present, we are aware that there is a need to remain vigilant to the possibility. The LA does not routinely look for unregistered schools, however they do undertake checks to establish where children are reported to be educated when they move schools. Where indications are that this education is being provided in an un-registered setting, the LA informs the appropriate regulatory bodies. We feel strongly that everyone has a role to play in this, with a responsibility to report any concerns of possible unregistered schools so that these can be appropriately checked.

We are aware of the immense work undertaken by both schools and the Gypsy/Roma/Traveler (GRT) Advisory teachers in supporting the education of children from the GRT community. We acknowledge the challenges schools face in accommodating children and young people from a community that is transient and the effects this can have on their Progress 8 figures. We would like to commend their work and the commitment they show to supporting their education. We are aware of the concerns the GRT community have around their children being included in sex education, and that proposed Government changes are expected to result in the de-registration of their children earlier than the current trend. We feel sex education is extremely important to ensure pupils are taught the knowledge and life skills they will need to stay safe and develop healthy and supportive relationships, particularly dealing with the challenges of growing up in an online world. We note that it will be mandatory for schools to teach sex education, however it is likely that parents will retain the right to withdraw their child from these lessons at secondary school. In primary schools, however, parents will not have the right to withdraw their children from relationships education. Whilst supporting the importance of relationships education we find it somewhat illogical that parents will now be unable to withdraw their children from these lessons in primary schools but they are able to take their children out of the mainstream education system altogether.

We also wish to applaud both the EHE Officer and the County Manager, Targeted Services, for their dedicated work under difficult circumstances. The significant increase in EHE numbers combined with the decrease in EHE Officer numbers creates a strain on the work undertaken and the type of services they are able to offer. Despite this, proactive work has been undertaken to develop good relationships with the EHE community, gaining support from EHE providers in redrafting the EHE parental handbook and in providing staff training. Alongside this is the development of an annual event to celebrate the achievements of the EHE community. We applaud this initiative and the opportunity it presents to highlight and

celebrate successful EHE. We therefore **RECOMMEND** the Cabinet Member consider how this event can be supported and facilitated.

When it is done well we feel that EHE fits well with the Council's people helping people approach. However we feel greater resource is needed to ensure that, as a minimum, parents are offered help and support if they feel they need it. We therefore **RECOMMEND** the Cabinet Member consider how staffing can be increased in recognition of the significant increase in the numbers of EHE and the consequent implications to work load and resources.

In the report of the 2014 Select Committee Working Group on Children Missing Out on Education, Members had supported the Badman report which recommended the establishment of a compulsory national registration scheme, administered locally, for all children of statutory school age who are, or become, electively home educated. Registration of home educated children is currently part of the Private Members Bill in the House of Lords. The reasons for registration being proposed include the fact that there is no clear information on children educated at home. Better information would enable issues such as schools putting pressure on parents to home educate, or parents using home education to circumvent admissions arrangements to be better understood.

The Local Government Association "Home Education Briefing" (January 2018) to the House of Lords raised the need for additional powers suggesting there should be a "duty on parents to register home-schooled children with their local authority" to help Council's monitor their education. Whilst we are aware that the idea of a registration scheme is not supported by most of the EHE community in Staffordshire we feel strongly that such a scheme would help clarify the numbers of EHE and identify those that have found themselves home educating without necessarily understanding the implications this has for them or their children. It would also help address the worrying levels of alleged coercion that have a detrimental impact not only on those families involved but also potentially a consequential reputational impact on the more traditional EHE community. We feel registration is in everyone's best interests and hope that those who are passionate about EHE from a philosophical/life choice point of view will support this through their desire to protect the integrity of EHE. We therefore **RECOMMEND** supporting the introduction of a registration scheme for all children of statutory school age who are, or become, electively home educated and ask the Cabinet Member to make representations and lobby in support of the current Private Members Bill introduced by Lord Soley on Home Education.

Should a registration scheme be brought in we are aware that there will be significant resource implications for the LA and wish to ensure that Central Government are aware of the resource implications such a scheme will create and will provide appropriate levels of funding to enable effective delivery, including the consequential staffing resource required to "follow-up" concerns where appropriate education is not being provided.

2. Setting the Scene

The Corporate Parenting Panel (CPP) made a referral to both the Prosperous Staffordshire Select Committee and the Safe and Strong Communities Select Committee in respect of their concerns over the potential vulnerability of Elective Home Education (EHE) pupils in Staffordshire.

A Working Group of the Prosperous Staffordshire Select Committee had previously considered the issue of EHE as part of their wider review on Children Missing Out on Education (CMOOE) in 2014. This working group had been established following concerns raised by Ofsted on the number of children missing out on education across the country.

The Working Group identified concerns about the number of children who may be resident in Staffordshire but of whom the Council is unaware. There is no requirement on a parent to register their child with the local authority. However under Section 436A of the Education and Inspections Act 2006 a local authority must make arrangements to enable them to establish (so far as they are able to do so) the identities of children in their area who are of compulsory school age but: a) are not registered pupils at a school, and b) are not receiving suitable education otherwise than at a school.

Should parents elect to educate their child at home, or indeed to educate them through the private school system, the local authority could easily be unaware of that child's existence within the County, yet they are still legally responsible for ensuring all children resident within their borders are receiving a satisfactory education. They also have a duty to identify children not receiving an appropriate education and to address this. This presented a dichotomy for the local authority, on the one hand they respect the right of parents to choose how their child is educated whilst on the other they need to ensure all children are safe and receiving appropriate education provision and be able to evidence this.

The Graham Badman report on elective home education in England recommended the establishment of a compulsory national registration scheme, administered locally, for all children of statutory school age who are, or become, electively home educated. The CMOOE Working Group had sympathy with this recommendation. As a result the Chairman of the Working Group, Mr Martyn Tittley, wrote on their behalf to the Children's Commissioner, the Minister for Children and Families, the Secretary of State for Education and various members of her team, explaining their concerns around the need for a national registration scheme to ensure authorities were aware of the children living within their area and were able to monitor their education and welfare. Unfortunately the replies received, whilst in the most part sympathetic to the issues highlighted, did not help in addressing the concerns raised.

Following the CPP referral the Chairman and Vice Chairman of both the Prosperous Staffordshire and the Safe and Strong Communities Select Committees gave consideration to whether there was value in considering this issue again. As a result of the significant increase in EHE numbers, changes to many of the reasons for pupils becoming EHE and changes to the EHE Policy they felt a review would be beneficial.

3. Scope of the Work / Terms of Reference

The Review Group sought to identify:

- the level of EHE in Staffordshire;
- the reasons for becoming EHE and specifically why the number of those becoming EHE has risen so significantly;
- the infrastructure around managing EHE;
- the recent changes to the EHE Policy, why these changes were made and the implications they will have on the service; and
- whether there are any safeguarding issues and address the concerns raised by the CPP.

4. Membership

The following Select Committee members participated in this Review Group:

Mrs Ann Beech (Prosperous Staffordshire Select Committee)
Mrs Julia Jessel (Prosperous Staffordshire Select Committee)
Mr Bryan Jones (Prosperous Staffordshire Select Committee)
Rev Preb Michael Metcalf (Prosperous Staffordshire Select Committee)
Mr Kyle Robinson (Safe and Strong Communities Select Committee)
Mr Paul Snape (Safe and Strong Communities Select Committee)

5. Methods of Investigation

The Review Group met initially on 12 January 2018 to: establish the level of EHE in Staffordshire; the range of reasons for EHE; the changes to EHE policy; the infrastructure around monitoring EHE; and, the role Ofsted play in respect of schools and EHE.

The Review Group met again on 31 January to prepare for the inquiry. They then held the Inquiry Session on 21 March 2018 with the following representatives attending to share their expertise and experiences:

- parent representatives who choose to educate their children at home
- Jenny Dodd, EHE Officer and representative on the Association of EHE Professionals (AEHEP)
- Mr Haywood, Headteacher, St Andrew's C of E Primary School, Weston
- Mrs Hedar, Headteacher, Longford Primary Schools, Cannock
- Caroline Escott, Gypsy, Roma, Traveller (GRT) Advisor
- Tim Moss, County Commissioner for School Quality Assurance and Intervention

During our investigation we also met with the following officers:

- Karl Hobson, County Manager, Targeted Services

The Review Group then met on 18 May to consider their findings.

6. Findings

EHE in Staffordshire

As part of our inquiry we wanted to understand the reasons parents elect to home educate, how they undertake this, and learn from their experiences of EHE in Staffordshire. The breadth of EHE approaches is remarkable and so we met with parents who represented very different models of EHE. We are very grateful to those parents for sharing so openly with us and for giving up so much of their time to explain their rationale and share their experiences. All those we met left us with a sense of the enormous challenge they had undertaken, the remarkable commitment they had shown, the great sense of responsibility they felt in ensuring their children received an appropriate education and their dedication to the concept of home education.

The broad spectrum of methods and philosophies to EHE of those parents we met ranged from “home schooling” to “radical schooling” or “whole life unschooling”. In the main home schooling recreates school at home, with a structured day, breadth of curriculum covered and levels of progression. The more radical approach is much less structured and supports and facilitates learning led by the child, learning through real life experiences.

The reasons these parents chose to home educate had both similarities and differences. In all cases at least one of their children had attended school and dissatisfaction with this schooling had triggered their move towards home education.

Reasons for choosing EHE included:

- concern that their child was left to “coast” and overlooked;
- ensuring the right level of understanding to any learning;
- more opportunities for learning outdoors, educational visits etc;
- no corners cut to fit in with school targets;
- no bullying;
- less distractions;
- less likely to succumb to peer pressure leading to inappropriate behaviour;
- the ability to provide 1 to 1 tuition when home educating;
- greater flexibility;
- no wasted time/teacher training days
- greater number of subjects taught, including music and languages;
- can take exams if they wish to but are not forced to;
- they are our children and therefore we have the greater personal interest in their learning;
- a lifestyle choice, enabling the family to be at the centre of all they do;
- provide a stable rock-like platform for their children whilst giving them the flexibility needed to meet their needs;
- support the development of emotional maturity;

- the parent should always be the primary educator of their children, and home education is an extension of this;
- lack of imaginative play in mainstream schooling;
- lack of real life experiences and relatable context within mainstream school learning.

A variety of very good resources were readily available on line. Whilst it often took a great deal of time to source the most appropriate resources and to plan lessons for the more traditional home schooling, these parents were committed to finding appropriate resources and taking the time to plan lessons to support effective learning.

A range of approaches also existed amongst these parents towards the type of qualification their children took. The American High School Diploma was taken in one instance. Other parents considered their children returning to school and/or college to take GCSEs or vocational qualifications as appropriate. Other parents who followed the more radical approach had children who were “divers” in that they studied one subject in depth to the exclusions of others. This gave an opportunity for them to develop expertise in that subject area and examples were shared of success achieved through this method.

All parents were aware that their children could re-join mainstream schooling at any point and three of the parents we met had one or more children who now attended a school setting. This return to a traditional school setting was for some as a result of the child’s wish to go to school, in other cases it was to enable access to examinations/qualifications and in all cases it was felt to be the right thing for the child at that particular time.

None of the parents we spoke to felt that their children had been disadvantaged socially by being home educated. All parents ensured their children were part of wider social groups through involvement in a variety of clubs and/or activities. In fact parents mostly felt that they were more sociable rather than less so, being more able to confidently socialise outside their peer group. They also felt that in general their children had a lower tolerance for unpleasantness whereas the school environment sometimes made children immune to, or accepting of, unacceptable behaviours.

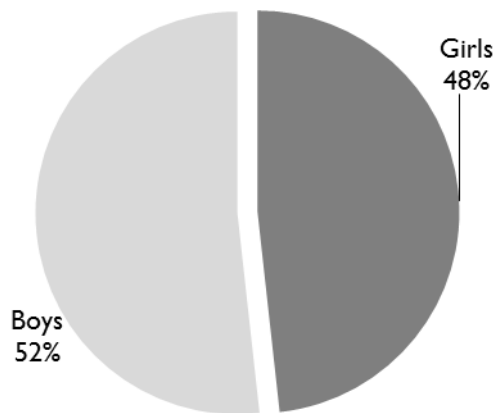
Size and scope of EHE in Staffordshire

The number of EHE in Staffordshire has risen significantly, from 258 in 2006 to 887 in 2016/17. In 2014, when the Prosperous Staffordshire Select Committee undertook their review of CMOOE there were 490 EHE. The number of EHE in Staffordshire has more than doubled in the last 5 years, with an increase of 15% between 2015/16 and 2016/17.

The number of Staffordshire children that are EHE represents 0.8% of the total school population. Whilst this is a small number it is an increase on the previous year and is now at the highest level since recordings began in 2005.

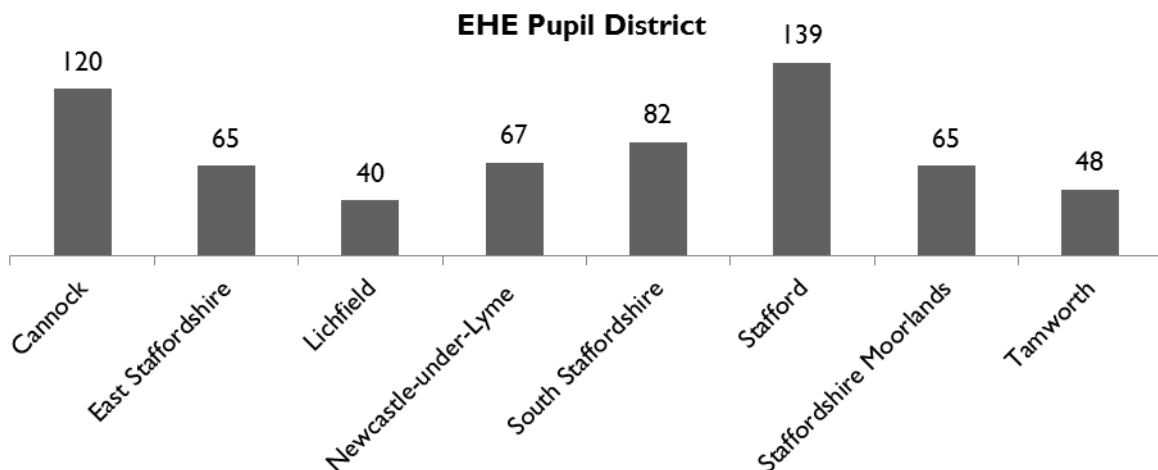
Split by gender

2016-2017



Since 2014, the number of boys in the EHE cohort is greater than the number of girls. Proportionally, there is a 3.5% difference between the numbers of boys and girls, this represents a small increase on 2015/16; however the gap between the number of boys and girls has increased by just over 1.0% since 2013/14 (2.4%).

Within the EHE cohort 626 pupils have their addresses and previous school data recorded. The district of Stafford makes up the highest proportion of EHE pupils with 22.2% (2,220 pupils per 10,000), second is Cannock with 19.2% (1,920 pupils per 10,000) and third is South Staffordshire with 13.1% (1,310 pupils per 10,000).



The majority of EHE pupils have previously been attending a Staffordshire school, with 257 Staffordshire schools attended prior to individuals choosing EHE.

Of the current EHE cohort that we are aware of, 13.6% (85 pupils) have never attended school, 3.8% (24 pupils) previously attended schools outside of Staffordshire and 2.1% (13 pupils) were previously EHE outside of Staffordshire (Coventry, Derbyshire, Hungary, Shropshire, Solihull and Wolverhampton).

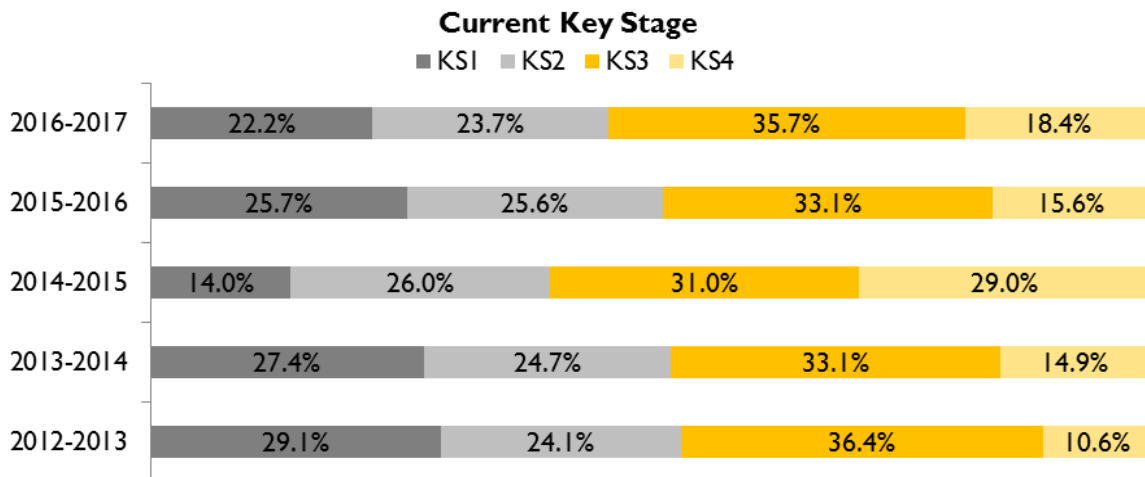
In 2017, 349 Staffordshire pupils came out of school and became electively home educated, an increase of 9 on the previous year. Of those who came out of school 173 (49.6%) were girls and 176 (50.4%) were boys.

During the year a total of 247 stopped being open to the service –

- 144 children reached the end of statutory education (46 of these children were de-registered in Year 11 in the autumn or spring of 2016/17)
- 86 children returned to school (40 girls, 46 boys)
- 14 families moved out of Staffordshire
- 2 attended EOTAS (Education other than at School)
- 1 child started attending a Pupil Referral Unit

A total of 12 referrals were made to the Children Missing Education team. This is due to the local authority not knowing the destination of the children, so in line with policy the children had to be referred so that this could be addressed.

Over the last 5 years there has been an increasing trend for children in Key Stage (KS) 3 and 4 age groups to become EHE. At the end of 2016/17 this represented 54% of the cohort. In 2016/17 there was an increase of 5.4% in the numbers of KS3 and 4 EHE from the previous year. There has also been an increase in the number of pupils first becoming EHE from both the KS3 and the KS4 age groups.



There are a number of reasons for a child to be electively home educated. The highest percentage reason is 'Risk of prosecution' as a result of poor attendance which has increased by 8.7% over the last 3 years. Other reasons of note in 2017 were 'Dissatisfaction with the school environment' (1.2% increase), 'Near exclusion' (1.2% increase) and 'Emotional and behavioural difficulties' (1.6% increase).

Both 'Lifestyle/ Cultural/ Philosophical' (1.9% reduction) and 'Religious beliefs' (2.5% reduction) represent the largest reductions from 2015/16 and these represent a long term trend over the last 3 years.

Reasons cited for EHE

| Reason | 2013 | 2014 | 2015 | 2016 | 2017 | 3 yr Trend |
|---|-------|-------|-------|-------|-------|------------|
| Attendance/Prosecution | 0.3% | 10.2% | 19.0% | 24.1% | 27.7% | ↗ |
| Lifestyle/Cultural/Philosophical | 33.2% | 28.4% | 30.0% | 14.9% | 13.0% | ↘ |
| Awaiting Information | 27.5% | 30.0% | 16.5% | 15.3% | 12.5% | ↘ |
| Dissatisfaction with School Environment | 13.5% | 9.2% | 9.2% | 8.8% | 10.0% | ↗ |
| Bullying | 6.3% | 7.3% | 8.2% | 6.2% | 6.4% | ↘ |
| Medical - Child | 4.5% | 3.5% | 5.5% | 5.6% | 4.8% | ● |
| Near Exclusion | 0.8% | 0.2% | 1.1% | 2.2% | 3.4% | ↗ |
| Problems SEN Provision | 2.4% | 2.9% | 2.7% | 2.7% | 3.0% | ↗ |
| Emotional and Behavioural Difficulties | 0.3% | 0.2% | 0.0% | 0.9% | 2.5% | ↗ |
| School Refuser/Phobic | 1.9% | 1.2% | 1.0% | 0.8% | 0.7% | ● |
| Not Preferred School | 0.8% | 1.0% | 0.6% | 0.5% | 0.5% | ● |
| Particular Talent | 1.6% | 1.4% | 2.0% | 0.5% | 0.5% | ↘ |
| Racism/Homophobia | 0.0% | 0.0% | 0.1% | 0.0% | 0.1% | ● |
| Religious Beliefs | 6.6% | 4.3% | 3.3% | 3.6% | 0.1% | ↘ |
| Medical - Parent | 0.3% | 0.2% | 0.0% | 0.1% | 0.0% | ● |
| Other | 2.1% | 0.0% | 0.0% | 0.0% | 0.0% | ● |

The number of EHE children as a result of bullying has seen a 2.0% decrease since 2015 but remains similar to the 2016 figure.

The National Picture

EHE has been an issue under discussion at a national level since the Badman report in 2009, which failed to bring about legislative change due in no small part to the 2010 General Election.

However EHE remains under discussion:

- following the 2014 “Trojan Horse” allegations, DfE and Ofsted created a joint team to target suspected unregistered schools. This team highlighted the complexity of the relationship between unregistered schools, education out of school settings and home education;
- in November 2017 the Children’s Commissioner published “Falling through the Gaps in Education” which highlighted the fact that little is known about home education provision and unregistered and alternative provision because this provision is not registered, inspected or regulated;
- in 2016/17 the Association of Directors of Children’s Services (ADCS) undertook an EHE survey to provide an overview of the make-up and characteristics of EHE learners, to understand how LAs across the country are supporting them and gauge how resources are being deployed in this area;

- in 2018 DfE published draft guidance for LAs and parents and a call for evidence on EHE containing specific proposals (responses required by July 2018). The school system minister Lord Agnew has indicated that the DfE will strengthen the guidance for local authorities and parents on home education so that it will "help parents understand their responsibilities in delivering home education and make sure local authorities are clear on the action they can take";
- a private member's Bill introduced by Lord Soley on Home Education (Duty of Local Authorities) 2017-19 is currently being considered in the House of Lords. The Bill seeks to "Make provision for local authorities to monitor the educational, physical and emotional development of children receiving elective home education; and for connected purposes".

EHE Policy, Procedures and Resource in Staffordshire

The Staffordshire EHE Policies and Procedure document has been updated in 2018. It includes reference to the fact that Staffordshire County Council has sought to strengthen its relationship with Elective Home Educators to ensure that Staffordshire is a safe and supportive place in which to home educate your child. It sets out clearly the responsibilities of both the parents and the LA with regard to home educated young people, indicates how these procedures and practices will be reviewed and explains the process for deregistering from mainstream school.

An information booklet for parents has also been re-written with support from home educators themselves. This has been invaluable and their support in both the tone of and depth of information included is greatly appreciated. The booklet clearly explains the process to enable home education and the responsibilities of EHE.

These same Home Educators have also led training courses on EHE to LA staff, helping to broaden their understanding of EHE.

Currently there is one EHE Officer in Staffordshire. She is supported by one administrative officer. This provision has reduced from three full time EHE Officers and one administrative assistant in 2012/13, covering a cohort of just over 300 EHE children and young people. The one EHE Officer now covers a cohort of more than 887, with this figure rising each year. It is not possible for this one officer to offer the same service as that in 2012/13 when there was a greater level of resource and many less within the cohort. It becomes increasingly more challenging to visit and support the growing number of families who educate their children at home, with a move towards visiting when requested to do so by families or when concerns arise, which reduces the ability to work proactively and is far from ideal.

When compared with the resource level of other service areas, those allocated to EHE are poor. As an example, the Virtual School, which supports around 1000 children and young people, has approximately 10 members of staff. Whilst we understand that those children in the looked after system are not there out of choice and we applaud the vital work of the Virtual School in improving outcomes for these children, the difference in resource allocation between the two services is marked. It is also worth noting that Entrust felt unable to deliver the increased demands of the EHE service with the staffing resource allocated, with the EHE officer returning to the LA in April 2017.

GRT

Lifestyle/cultural reasons for becoming EHE were cited in 13% of EHE cases in 2017. Of the 13%, 88% were from the Gypsy Roma Traveller community. During our inquiry we met with head teachers from primary schools with a high GRT community and also heard from one of the GRT Advisors. Significant work was undertaken to build relationships with the GRT community and support their children through education. In the most part the two schools we heard from managed to keep their GRT pupils to the end of Year 6, although not always. The majority of GRT pupils will be EHE from Year 7 onwards, although where a middle school system exists these children will sometimes stay in mainstream education in Year 8. Good links existed between these schools and the GRT communities as well as with the GRT Advisor.

Schools have limited opportunities to show what has been achieved with these children and this can impact on a school's desire to accept the more transient children such as those from the GRT community. In particular there is an impact on the Progress 8 scores which may make some schools reluctant to take on GRT pupils.

Most GRT EHE are registered with the LA and most are happy to engage with the GRT Advisor.

There is particular concern following the recent decision by Central Government to make sex education compulsory in Year 5 and it is anticipated that this will result in a significant rise in the number of GRT pupils becoming EHE in Year 4 and/or 5. The changes are expected to come into effect from September 2019 and will include mandatory sex and relationship education in all schools, not just maintained schools. The Government has committed to retain parents' right to withdraw their child from sex education in secondary schools as currently, but not from relationships education at primary settings.

Alongside the good work of both schools and the GRT Advisor, we are aware of work within local communities and churches to support GRT communities (a Newcastle example of good community working was shared). We wish to acknowledge the benefits of such support and commend this excellent example of people helping people.

Returning to mainstream schooling from EHE

Whilst it is important to try and accommodate pupils who wish to return from EHE to mainstream schooling it also needs to be acknowledged that this has a significant impact on the school. Where EHE children do return to mainstream education a lot of work is needed to support that transition and ensure an appropriate curriculum offer. In the most part head teachers told us that those who had been EHE tended to have good general knowledge, could answer questions well and had good enquiry skills but found the more formal methodology difficult.

Schools concerns

In general those head teachers we heard from felt there were a number of concerns that could have an impact on EHE numbers. These included:

- the pressure on pupils as a result of constant testing and the consequent mental health concerns;
- the cut back in health care home visits giving less opportunity to find and identify those that need support and are unregistered;
- cut backs in the number of SEND team visits to 3 per year in schools;
- schools buckling under budget cuts and under funding.

Unregistered Schools

Currently we are not aware of any unregistered schools in Staffordshire. The LA has previously worked with both the DfE and Ofsted where there have been suspected unregistered schools in the County on two occasions. Of these, one school has since received approval to become a registered school. The second has been visited by Ofsted, with the LA being unaware of any further action being taken. This would imply that the establishment didn't meet the criteria of an unregistered school.

Should the LA become aware of a potential unregistered school, they inform both the DfE (unregistered schools department) and Ofsted. Whilst the LA doesn't routinely look for unregistered schools they do undertake checks to establish where children are reported to be being educated when they move from a school. If this indicates that education is being provided where there is no registration, the LA informs the appropriate regulatory bodies.

Ofsted's unregistered schools team continues to investigate settings across the country that may require registration as independent schools. This inevitably includes settings that are providing alternative education. The lack of a requirement for alternative providers to register unless they operate more full-time education and the lack of regulation for unregistered providers continue to be significant concerns for Ofsted.¹

In February 2018 Ofsted said that it had identified more than 350 suspected unregistered schools. (After setting up a specialist taskforce in 2016, it has failed to prosecute a single proprietor for running an unregistered school.) Ofsted believes that it currently lacks sufficient powers to close them. In response to a February BBC report on safeguarding concerns in unregistered schools, Ofsted Chief Inspector Amanda Spielman says that her "hands are tied". In March 2018 she confirmed to MPs that she "would very much like to have stronger powers."

The DfE states clearly that "Unregistered schools and out-of-school settings are not the same thing." In March 2018 the Chief Ofsted Inspector suggested to MPs that, at the time when registration was deemed non-essential, "nobody really contemplated there being schools that simply would not want to comply with the law." Recently, relating to the Government Call for Evidence, and revised DfE guidance on Home Education, concerns have been "expressed by some LA staff that this (compulsory registration) could make their job of working pro-actively with the families involved more difficult. Compulsory registration carries with it the need for sanctions or penalties for non-compliance." In supporting a policy of compulsory registration

¹ "Social care commentary: hidden children - the challenges of safeguarding children who are not attending school " Ofsted's National Director, Social Care, Eleanor Schooling

consideration will need to be given to staffing, resources, and to the relationship between LAs and the home education community.

Reasons for the rise in EHE

The significant rise in the numbers of EHE in Staffordshire is mirrored nationally.

The LAs that responded to the ADCS survey indicated that over 80% of their known EHE cohort had previously attended school. General dissatisfaction with school was the most common reason for families choosing to educate their child at home. However, increasingly, some parents allege that EHE is 'suggested' to them as an 'option' to avoid attendance fines or further exclusions. These parents invariably say they do not know what EHE entails.²

For many years there has been a small group of elective home educators that choose to educate their children at home, recognize and accept the huge responsibility this involves and take up the challenge and immense work load that tackling home education requires. These parents were represented in the home educators we met, and their commitment and dedication to home educating their children was palpable. However we have seen a significant and concerning rise in the number of children becoming home educated as a direct result of poor attendance and/or to avoid exclusion or prosecution. Parents may not always understand what they are signing up for. One telling example given by an LA was of a parent persuaded by the school to educate their child at home as an alternative to exclusion. Schools are not permitted to do this. The parent's lack of understanding of what they had agreed to became apparent when they phoned the LA and asked when they (the LA) would start to provide the home education.

An example of unacceptable influence on a Year 11 pupil's parent deciding to electively home educate their child is attached at Appendix 1. This Staffordshire case study evidences one example where a parent clearly did not understand the impact on either themselves or their child of electing to home educate and would not have chosen to do so without this suggestion being both instigated and encouraged by the school. In this instance the County Manager, Targeted Services, successfully challenged the circumstances and the pupil was re-instated on a reduced time table and allowed to take his examinations.

Ofsted school inspections now focus strongly on children who are not being educated in school. This includes: reasons for exclusions; action taken by the school when children are missing education; pupils taken off roll; and the quality of education that pupils receive in alternative provision. It would be helpful if Ofsted investigate the reasons behind parents choosing to educate their child at home to help establish whether schools have influenced this decision.

The nature of senior school staff positions has changed in recent times, and this is contextually important in understanding the relationship between schools and the anecdotal cases of encouragement of EHE. The ADCS recognises how "Schools and their leaders stand and fall on their reputation." Similarly, the ADCS 2017 report

² "Social care commentary: hidden children - the challenges of safeguarding children who are not attending school " Ofsted's National Director, Social Care, Eleanor Schooling

on EHE, suggests the increase in EHE numbers, in part, “may be due to increased pressures on schools”, as well as on pupils and parents. The possible correlation here is, as suggested by the chair of the association's education achievement committee, “that rather than the school excluding them, the child is electively educated at home” – the concern here is that elective home education is being encouraged with consideration being given to school performance, to the disadvantage of the child's educational needs.

There is a growing sense of shared concern as a result of evidence suggesting that schools are involved with parents' decisions to electively home educate. The ADCS November 2017 Report stated “a concern that "suggesting", "proposing" or "promoting" EHE may increasingly be used as a strategy to move children from roll.” A following comment in February 2018 restated their concerns around “when the decision to home educate is not a well-informed, considered decision...when it is used as a cover for an informal exclusion.” Kevin Courtney, general secretary of the NUT, said in July 2017 that the rise in exclusions of questionable validity was a “concerning trend.”

The pressure that schools, and in particular senior leaders in those schools, are under around performance, inspections and league tables is understood and considered. However statements from the DfE make clear that school involvement in the decision to home educate is ultimately unacceptable. Responding to ADCS concerns in February 2018, the department spokesperson said that it was “never appropriate for a school to pressurise a parent into taking this decision”.

Community Impact

Resources and Value for Money

We have recommended extra resource into supporting EHE and to facilitate the EHE annual celebrations. We are aware of the budgetary limitations the Council currently faces but feel that it is unreasonable to continue a service which has seen more than a 66% increase in demand at the same time as seeing a staff reduction of 2 thirds.

Equalities and Legal

LAs have a statutory duty under Section 436A of the Education and Inspections Act 2006 to make arrangements to enable them to establish (so far as they are able to do so) the identities of children in their area who are of compulsory school age but: a) are not registered pupils at a school, and b) are not receiving suitable education otherwise than at a school. They also have a duty to ensure that all children receive a suitable education.

Risk

There is a risk that the Council will not meet its statutory obligations as listed above.

Climate Change

There are no climate change implications.

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- Helen Phillips, Scrutiny & Support Officer;
- Julie Roberts, Scrutiny & Support Officer;
- Finn Cartman-Frost, Business Support Apprentice

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May 2018**

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List of Appendices/Background Papers

Appendices

- Appendix 1 Case Study 2018
Parent advised to Electively Home Educate their child in order to avoid
Permanent exclusion

Background papers

- Final Report of the Prosperous Staffordshire Working Group on CMOOE 2014

<http://moderngov.staffordshire.gov.uk/ieListDocuments.aspx?CIId=868&MIId=5047&Ver=4>

- Report to the Secretary of State on the Review of Elective Home Education in England, Graham Badman, June 2009
<https://www.education.gov.uk/consultations/downloadableDocs/PDF%20FINAL%20HOME%20ED.pdf>
- “Social care commentary: hidden children - the challenges of safeguarding children who are not attending school “ Ofsted's National Director, Social Care, Eleanor Schooling
<https://www.gov.uk/government/speeches/social-care-commentary-hidden-children-the-challenges-of-safeguarding-children-who-are-not-attending-school>
- Home Education (Duty of Local Authorities) Bill
<https://publications.parliament.uk/pa/bills/lbill/2017-2019/0011/18011.pdf>
- “Unregistered independent schools and out of school settings” Departmental advice for collaborative working between the Department for Education, Ofsted and local authorities
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690495/La_Guidance_March_2018.pdf
- “Out-of-school education settings” Report on the call for evidence conducted November 2015 to January 2016
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698250/Out-of-school_education_settings-Report_on_the_call_for_evidence.pdf
- Progress 8 and Attainment – how measures are calculated
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/561021/Progress_8_and_Attainment_8_how_measures_are_calculated.pdf
- Sex and Relationships in Schools (England)
<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06103>
- Policy Statement: Relationships Education, Relationships and sex Education, and Personal Social, Health and Economic Education

Appendix 1

Case Study 2018

Parent advised to Electively Home Educate (EHE) their child in order to avoid Permanent exclusion.

EHE Officer contacted the parent to discuss their recent decision to remove their child from year 11 of the local high school. Parent stated that they had only done this to avoid their child being permanently excluded from school, but had been promised the child could return to the school to take their exams. EHE officer outlined to the parent that they were now responsible for the education of their child. Parent explained that they did not feel able to provide an education for their child and again reiterated that the only reason he was electively home educated was to avoid a permanent exclusion. EHE officer asked permission from the parent to pass on her details to the County Manager, Targeted Services as she felt the school had acted inappropriately in putting the parent in this position.

County Manager, Targeted Services contacts parent. Parent again explains in more detail how the school coerced her into removing her child from year 11. Parent was very clear that she did want her child to remain in education and only removed him when she felt under pressure to do so. Parent explained that she had wanted her son to be put on a reduced timetable for the remainder of his time in year 11. Parent was very clear that she understood her son did have some behavioural issues, but felt that the school were not willing to even consider a reduced timetable so that he could remain in education and take his exams. Parent gave permission for the County Manager to contact the school directly and request them to take the child back on their role and offer a reduced timetable.

County Manager contacted the head teacher of the school. County Manager explained to the head teacher the conversation that had taken place with the parent and asked the head teacher to comment on what the parent had reported. Initially the head teacher refuted what had been said, and stated that the parent had willingly withdrawn their child from school in order to educate them at home. The County Manager challenged the head teacher as to why a parent would withdraw their child in year 11, just prior to the beginning of the exam period. A discussion then took place which concluded in the head teacher agreeing to reinstate the student, and to facilitate a reduced timetable. However, during the conversation the head teacher was asked about the promise made to the parent that the child could return to school for his exams. The head teacher explained that whilst this offer had been made the parent would have to pay for the examinations, I pointed out to the head teacher that this was in no way made clear to the parents.

I understand that the school contacted the family directly and arranged a meeting to reinstate the student into the school with a reduced timetable. The child will now be able to attend school specifically for the subjects he wishes to take his exams in.

| Glossary | |
|-----------------|---|
| ADCS | Association of Directors of Children's Services |
| CME | Children Missing Education |
| CMEO | Children Missing Education Officer |
| CMOOE | Children Missing Out on Education |
| DfE | Department for Education (previously DCSF/DES/DfES) |
| DIPs | District Inclusion Partnership |
| EHE | Elective Home Education |
| EOTAS | Education other than at School |
| GRT | Gypsy, Roma, Traveller |
| KS | Key Stage |
| LA | Local Authority |
| LST | Local Support Team |