

About the County Council

The Oxfordshire County Council is made up of 63 councillors who are democratically elected every four years. The Council provides a range of services to Oxfordshire's 678,000 residents. These include:

schools	social & health care	libraries and museums
the fire service	roads	trading standards
land use	transport planning	waste management

Each year the Council manages £0.9 billion of public money in providing these services. Most decisions are taken by a Cabinet of 9 Councillors, which makes decisions about service priorities and spending. Some decisions will now be delegated to individual members of the Cabinet.

About Scrutiny

Scrutiny is about:

- Providing a challenge to the Cabinet
- Examining how well the Cabinet and the Authority are performing
- Influencing the Cabinet on decisions that affect local people
- Helping the Cabinet to develop Council policies
- Representing the community in Council decision making
- Promoting joined up working across the authority's work and with partners

Scrutiny is NOT about:

- Making day to day service decisions
- Investigating individual complaints.

What does this Committee do?

The Committee meets up to 6 times a year or more. It develops a work programme, which lists the issues it plans to investigate. These investigations can include whole committee investigations undertaken during the meeting, or reviews by a panel of members doing research and talking to lots of people outside of the meeting. Once an investigation is completed the Committee provides its advice to the Cabinet, the full Council or other scrutiny committees. Meetings are open to the public and all reports are available to the public unless exempt or confidential, when the items would be considered in closed session.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, giving as much notice as possible before the meeting

A hearing loop is available at County Hall.

AGENDA

1. **Introduction and Welcome**
2. **Apologies for Absence and Temporary Appointments**
3. **Declarations of Interest - see guidance note of the back page**
4. **Minutes (Pages 1 - 8)**

To approve the minutes of the meeting held on 27 September 2017 (**ESC4**) and to receive information arising from them.

5. **Petitions and Public Address**

6. **Absence (Pages 9 - 30)**

13.15

An overview of trends in absence from schools across Oxfordshire, underlying causes of persistent absence and particular areas of concern.

As a means of scrutinising school attendance in more depth and making recommendations that could help reduce absenteeism, the Committee is reminded that it agreed to undertake a deep dive into educational attainment in the early 2018.

The Committee is RECOMMENDED to identify initial areas of focus for this deep dive.

7. **Elective Home Education (Pages 31 - 90)**

14.00

The Education Inclusion manager will present the annual report on elective home education (EHE) in Oxfordshire.

The report provides an overview of the home educated children in 2016-17, the trends in EHE and the County Council's responsibilities, challenges and opportunities in respect of EHE.

The Committee is RECOMMENDED to consider and comment on the report.

8. **Local Area Inspection of Special Educational Needs and Disabilities (Pages 91 - 98)**

14.40

The outcome of the recent Ofsted and CQC joint local area inspection of special educational needs and disabilities (SEND) arrangements.

The Committee is RECOMMENDED consider the outcomes of the recent local area inspection and the County Council's action plan to address areas for improvement in education.

9. Anti-Bullying Strategy (Pages 99 - 102)

15.10

In response to a motion from Council about reviewing the prevalence of prejudice-related bullying in schools and online, the Committee will receive a short report outlining policy and guidance on cyber bullying and how the Council is working to tackle this issue.

The Committee is invited to identify areas of focus for a more detailed discussion on this topic at a future scrutiny meeting, including scrutiny of how this issue is being overseen by the Children's Trust and Corporate Parenting Panel.

10. Forward Plan and Committee Business (Pages 103 - 104)

15.25

An opportunity to discuss and prioritise future topics for the Committee, potential approaches to its work and to discuss the schedule for future meetings.

Close of meeting

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

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EDUCATION SCRUTINY COMMITTEE

MINUTES of the meeting held on Wednesday, 27 September 2017 commencing at 1.30 pm and finishing at 3.30 pm.

Present:

Voting Members: Councillor Michael Waine – in the Chair
Councillor Sobia Afridi
Councillor S.E. Bartington
Councillor John Howson
Councillor Jeannette Matelot
Councillor Gill Sanders
Councillor Alan Thompson
Councillor Liam Walker (In place of Councillor Mrs
Anda Fitzgerald-O'Connor)
Richard Brown

Other Members in Attendance: Councillor Hilary Hibbert-Biles

By Invitation: Mrs Carole Thomson

Officers:

Whole of meeting Director for Children's Services and Roy Leach;
Deborah Miller and Katie Read (Resources).

Part of meeting Rachael Etheridge and Alison Wallis (Children's
Services).

The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a presentation tabled at the meeting and agreed as set out below. Copies of the agenda, reports and presentation are attached to the signed Minutes.

66/17 INTRODUCTION AND WELCOME

(Agenda No. 1)

The Chairman welcomed everyone to the Meeting.

67/17 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 2)

Apologies for absence were received from Councillor Anda Fitzgerald O'Connor (Councillor Liam Walker substituting) and Mr Ian Jones.

68/17 MINUTES

(Agenda No. 4)

The Minutes of the Meeting held on 19 July 2017 were approved and signed subject to, in page 3, changing 'AMT' to 'MAT' and removing an apostrophe in paragraph 3.

69/17 EDUCATIONAL ATTAINMENT (PRIMARY PHASE - PROVISIONAL RESULTS)

(Agenda No. 6)

At its last Meeting, the Committee had identified Educational Attainment as a top priority for scrutiny and agreed to give consideration as to whether the Committee should undertake an in-depth investigation into attainment levels in Oxfordshire particularly the gap for vulnerable learners.

Accordingly, Roy Leach, Strategic Lead for Educational Sufficiency, Alison Wallis, Performance Information Manager and Rachael Etheridge, Education Inclusion Manager attended to present an overview to the Committee of the provisional educational outcomes of children and young people in Oxfordshire primary schools for the academic year 2016-17.

The presentation and report provided an overview of attainment across school partnership and type of school in Oxfordshire, as well as highlighting the number of schools of concern.

In introducing the report, Alison Wallis reported that provisional data showed that educational performance had increased in all four of the key assessment stages. 3 year trend data was available for Early Years and Phonics screening. However, due to the changing curriculum and assessments, only two years of data was available for key stages 1 and 2.

Increases in performance generally reflected a similar increase to provisional national figures. Performance at Early Years Foundation Stage (EYFS) had risen from 60% of children with a good level of development in 2014 to 73% in 2017. In 2016 the Oxfordshire figure rose above the national average for the first time since the new assessment started. This trend looks like it is continuing this year. Validated figures and national comparisons would be published by the DfE in October.

In 2016 the proportion of Oxfordshire children reaching the expected standard in writing at key stage 1 was amongst the lowest nationally (62% compared with 66%). This proportion had increased to 66% this year. Early indications were that although this figure was likely to remain below the national average, the gap would have decreased.

Key stage 1 and phonics validated data and national comparisons were due to be published by the DfE at the end of September. Key stage 2 comparisons had already been published by the DfE. In Oxfordshire the proportion of children reaching the expected standard in reading, writing and maths had increased from 52% to 61%. Oxfordshire now performed in line with the national average for this measure.

For individual subject areas at key stage 2, Oxfordshire performed above the national average in reading (74% compared with 71%), in line with the national average in maths (75%) and below the national average in writing (73% compared with 76%).

There continued to be a degree of variation in performance between school partnerships. At key stage 2 the proportion of children reaching the expected standard in reading, writing and maths varied from 42% across the Oxford South East partnership to 76% across the Sonning Common partnership, although it should be noted that there was also a difference in cohort sizes – there were 260 children at the end of this key stage in the Oxford South East partnership but 100 in the Sonning Common partnership. This affected the statistical significance of the results. In order for Oxford South East partnership to perform in line with the national and Oxfordshire average (61%) then an additional 50 children would need to have met the expected standard in all 3 subjects. In order for the partnership to be in line with the highest performing partnership then a further 39 children would need to meet the standard.

During debate, Members made the following points:

- There was a disparity of outcomes between city and rural; there was a need for consistency throughout Oxfordshire schools;
- handwriting remained a concern throughout Oxfordshire;
- the role for the County Council was disseminating good practice so that schools could go and see what an 'outstanding' school looked like on the ground;
- Pupil premium and how it was spent and whether it made a difference needed investigating;
- There was a need to drill down into partnerships to see if certain types of schools were not performing;
- There was a need for the group to look at which schools would fall below the DfE floor standard definition this year and whether any of them fell below the floor last year
- Group need to look at any common themes of which type of support has brought about improvements;
- Civilian Military Partnerships Board were looking at RAF and Service Children;
- It was agreed that absence and exclusions more than likely had a strong bearing on attainment and therefore should be scoped first for a 'deep dive' review.

In light of the debate, the Committee **RESOLVED** to:

- (a) nominate Councillor Bartington, Alan Thompson and Richard Brown to conduct an Outcome led deep dive into Exclusions with immediate effect and appoint Councillor John Howson as Lead Member to oversee the process and report back to Committee;
- (b) ask the Director for Children's Services to allocate adequate resources to support the deep dive to ensure positive outcome;
- (c) to start the working group following the extraordinary meeting of the committee in January;
- (d) give consideration to how the information will be disseminated to schools following the outcome.

70/17 EDUCATION EXCLUSIONS

(Agenda No. 7)

At its last Meeting, the Committee had identified Exclusions as a top priority for scrutiny and agreed to give consideration as to whether the Committee should undertake an in-depth investigation into exclusions in Oxfordshire.

Accordingly, Rachael Etheridge, Education Inclusion Manager attended to present data on permanent and fixed term exclusions that had taken place in 2016/17, together with a report which highlighted trends in exclusion rates and the schools that had excluded.

In introducing the report, Ms Etheridge indicated that she would be producing more socio demographic information for the deep dive investigation. During debate, members identified the following for consideration by the group:

- were exclusions affected by the physical location of school or catchment area?
- by pupils or where school the school was situated?
- was there a link to the Index of Multiple deprivation;
- Children in LAC should not be excluded;
- secondary schools excluded 62 children;
- 5 times more boys were excluded than girls;
- 32% of children excluded had SEN;
- all primary school permanently excluded children had SEN;
- was there a link between delay in EHCP and exclusion figures and low numbers of EHCP in comparison with National average;
- SEN breakdown needed of those children excluded;
- There needed to be an analysis of the difference between academies and maintained primary schools;
- Since academisation a whole raft of data has gone missing. Schools were not reporting data – secondary – RSC involvement – DfE did not do any data cleaning. Need to look at ways of reminding schools to report data;
- Unique pupil numbers should enable DfE to identify when they get data;
- Growing trend in permanent exclusions – the safeguarding Board was doing a piece of work around this need to liaise with them;
- most children that were excluded were not on FSM;
- needed weighting factor;
- Fixed rate exclusions also increasing – need to investigate whether this is due to a greater focus on exclusions or more rigorous reporting;
- rates are increasing in primary and not so much in secondary;
- poor support for primary – need to look at what other authorities provide;
- There had been a piece of work commissioned with St. Gregory's and Banbury – need to establish what this is and not duplicate;
- Work to done through governing bodies;
- Managed moves/fair access protocols – why isn't more being made of these;
- Growth in fixed term exclusions particularly in early years and key stage 1;
- Number of exclusions in yrs. 7, 9 and 10 –d due to poor transition period?
- Year 10 vital for child's progress, first year of G.C.S.E, some academies will not take child after permanent exclusion difference between success and failure;

- Need to look at attitudes towards children in primary school and then secondary school;
- Links with progress 8 and attainment 8 and Ebac;
- Were secondary schools aware of primary school records or not;
- Good practice and sharing how not to permanently exclude.

Following debate, the Committee: **RESOLVED:**

- (a) nominate Councillor Mrs Anda Fitzgerald O'Connor, Councillor Jeannette Matelot and Carole Thomson to conduct an Outcome led deep dive into Exclusions with immediate effect and appoint Councillor Gill Sanders to oversee the process and report back to Committee;
- (b) ask the Director for Children's Services to allocate adequate resources to support the deep dive to ensure positive outcome;
- (c) set up an extraordinary meeting in January to receive the outcome of the deep dive;
- (d) give consideration to how the information will be disseminated to schools following the outcome.

71/17 FORWARD PLAN AND COMMITTEE BUSINESS

(Agenda No. 8)

The Committee considered the forward plan Committee and **AGREED** the following additions and deletions shown in bold italics and strikethrough:

Agenda Item	Reasons and objective for item	Lead Member / Officer
13 December 2017		
Elective Home Education	Understanding the local authority legal responsibilities challenges and opportunities. Review annual analysis and trends relating to Elective Home Education in Oxfordshire.	
Bullying	Review of the prevalence of prejudice-related bullying in schools and online, particularly the impact on vulnerable groups. <i>Include Serious Case Review</i>	
(Provisional) Educational attainment Secondary	To review analysis of Oxfordshire secondary school phase educational attainment annual performance tables	Strategic Lead for Education Quality

Phase performance (including vulnerable groups)	(including those relating to vulnerable groups).	
Outcome of SEN Review and High Needs Block Review		
Outcome of MAT Survey on Local Authority MAT		
Absence Rates in Oxfordshire		
14 March 2018		
Annual Report for 2017-18	To receive a draft of the annual report prior to publishing on line	Lucy Butler, Director Children's Services
Academies in Oxfordshire Annual Report	To review the annual performance of Academies in Oxfordshire	
Ofsted Regional Director	A question and answer session with the Regional Schools Commissioner	Cllr Michael Waine
(Provisional) Educational attainment Secondary Phase performance (including vulnerable groups)	To review analysis of Oxfordshire secondary school phase educational attainment annual performance tables (including those relating to vulnerable groups).	Strategic Lead for Education Quality
To be scheduled		
Closing the gap (vulnerable learners)	Pathways to raising the attainment of vulnerable pupils (best practice), current provision of support, an overview of the profile of vulnerable learners	
LA's new relationship with schools	To help shape an evolving relationship with schools and colleges.	

Sufficiency of school places (particularly SEN)	Including places for pupils with Special Educational Needs.	
Looked After Children educational attainment	A review of attainment for a particular vulnerable group	
Demographic trends	Planning for school places and supporting families with English as a foreign language	
Disparity in educational outcomes across Localities	Profile of educational outcomes across Oxfordshire – sharing learning across the county.	
Schools funding formula	Potentially a task group reporting back to ESC	
<i>Elective Home Education</i>	<i>Understanding the local authority legal responsibilities challenges and opportunities.</i> <i>Review annual analysis and trends relating to Elective Home Education in Oxfordshire.</i>	

..... in the Chair

Date of signing

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Division(s): All

EDUCATION SCRUTINY COMMITTEE – 13 DECEMBER 2017

SCHOOL ABSENCE

Report by Director for Children's Services

Introduction

1. The aim of the report is to provide data to inform The Education Scrutiny Committee of the rates of absence from schools across Oxfordshire.
2. The County Attendance Team has recently recruited and will consist of 3 County Attendance Officers, 2 School Liaison Officers, led by the Senior County Attendance Officer. The Pupil Tracking Officer and The Elective Home Education Team work as wider members of the team.
3. The information in Annex 1 shows the rates of persistent, unauthorised and authorised absence across Oxfordshire Secondary and Primary Schools as requested.

Links with safeguarding

4. A pathway is being developed with Locality Community Support Service (LCSS) to ensure that the response to safeguarding is consistent and clear for schools, LCSS and Education Inclusion. Early Health Assessments can be used to identify any safeguarding issues which may need further assessment or agency involvement.
5. The current focus on Attendance and the development of the LCSS has led to identifying new pathways to share information through multi-agency working.
6. Schools should have processes/policies which they need to follow to address any safeguarding issues they may have. This includes named Safeguarding/Child Protection leads who are trained to deal with and react appropriately to issues raised.
7. Children who have left a school and where the incoming school is not known should be referred to the Pupil Tracking Officer, who will try to establish new education provision for the child. This will involve contacting other Local Authorities if appropriate. If 20 days has passed, schools can remove the pupil from their roll, but should do this in consultation with the Pupil Tracking Officer.
8. The Pupil Missing Out (PMO) working group is reviewing its current format and continues to identify a system which highlights pupils missing out of education, therefore potentially increasing the level of vulnerability. This group will include attendance, Special Educational Needs Officers (SEN), Social Care, the Virtual School, LCSS and others which may be required. The aim of the group is to

initially work together to resolve the issues preventing access to education, but also to take any strategic issues to senior managers.

9. MISPEERS – this is a formal meeting held on a monthly basis for internal and external agencies to identify strategies and ensure agency involvement to support children who are reported missing at least 3 times over a 3-month period. The agencies involved are, Police, Social Care, Attendance, Health, the Virtual school, Youth Offending and some representations from Residential Edge of Care (REoC).
10. There is some concern about the ease of access to information given the different systems used by different agencies. Not all staff in children's services have direct access to attendance data. There is work being carried out to determine the impact of the new government data-sharing protocols which will be introduced early next year.

Prevention activity

11. Data analysis is key to identifying the gaps and patterns with regards to school absence and the implementation of a targeted approach. In sharing this information with other agencies, vulnerable groups such as Persistent Absentees, Looked After Children, Special Educational Needs and Disabilities, Pupil premium, those with multiple Fixed Term Exclusions or at risk of Permanent Exclusion, can be supported in order to improve and support life chances.
12. All present members of the County Attendance Team take a multi-agency approach and liaise with agencies on a regular basis. All staff have regular Safeguarding training.
13. The newly employed Liaison Officers will be working directly with the schools that have been identified as having the worst persistent absentee rates, both primaries and secondary's. This will be in partnership with LCSS so that Early Help Assessments can be implemented early and support put in place.
14. In working with schools, we aim to ensure that they have good processes in place to monitor the attendance and react swiftly to any welfare issues that arise.
15. Community Around the School Offer (CASO) – this is being developed to provide each school with a list of agency names and contacts to assist in supporting when there are areas of concern. This will include Health, Police, Child and Adolescent Mental Health Service (CAMHS), SEN, School Health Nurses, OXIT (Oxfordshire School Inclusion team) and others.
16. Senior officers have been collaborating with the Oxfordshire Safeguarding Children Board (OSCB) to address how Reduced Timetables are being used in schools. Data has been requested but only a third of schools responded. Paul Burnett, Independent Chair, OSCB, will be writing to schools which failed to

respond in order to collate information that is valid and can be relied upon to identify further action.

17. We are looking to develop or adopt mechanisms to ensure the voice of the child is heard, and approaches to other agencies are being made for advice.

Enforcement

18. Those who fail to ensure their child's attendance at school can be prosecuted under the Education Act 1996 section 444 (1) -see Annex 2.
19. Prior to making a referral to the County Attendance Team for prosecution, schools should follow an identified process which includes questioning safeguarding needs such as Prevent, Child Sexual Exploitation and Child Drug Exploitation. The attendance referral form requests this information.
20. An alternative tool for schools is the Penalty Notice process, The County Attendance Team have a Code of Conduct to which schools are expected to adhere to and this is reviewed on a regular basis. Fines are currently £60 per parent, per child, rising to £120 if not paid within timescales. Oxfordshire is one of the very few Local Authorities which issue warning letters to parents prior to a Penalty Notice fine. In many cases, this prevents the attendance declining and the need for further action. See Annex 3.
21. School Attendance Orders (SAO) are used to enforce enrolment at school where education is not being sufficiently provided i.e. Elective Home Education.
22. Education Supervision Orders (ESO) are used to ensure the multi-agency plan is adhered to and are governed by the family court process.

Financial and Staff Implications

23. We have recently recruited four members of staff, two of these are funded independently of the team to address the level of persistent absentees in Oxfordshire and will work closely with the Exclusion and Reintegration team, Elective Home Education Team, LCSS and any other agencies as appropriate.

LUCY BUTLER

Director for Children's Services

Contact Officer: Joanna Goodey, Senior County Attendance Officer

December 2017

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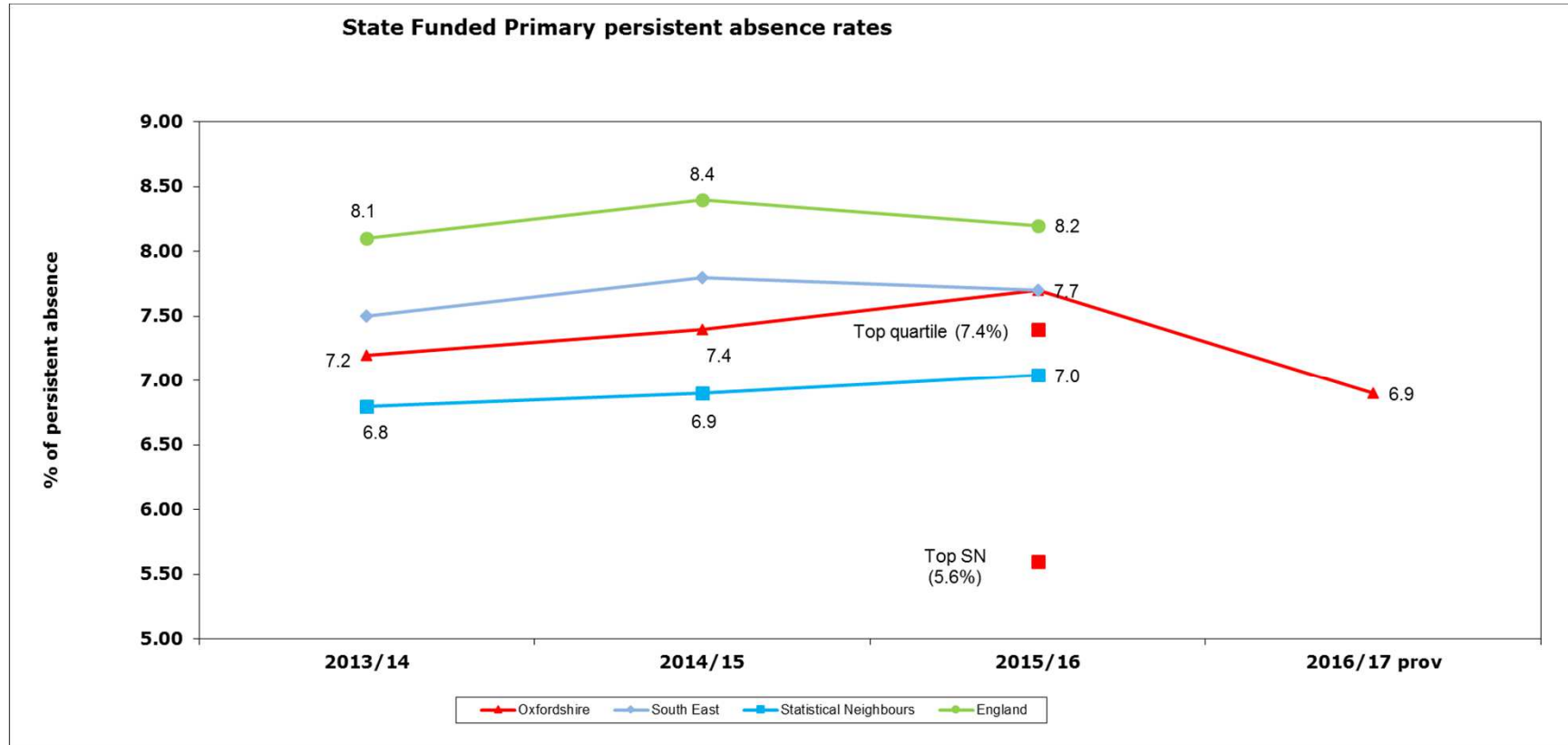
Absence from Oxfordshire schools (provisional) 2016/17

Nov 2017

dataanalysisiteam@oxfordshire.gov.uk



Persistent absence rates from Oxfordshire primary schools are remain below the national average



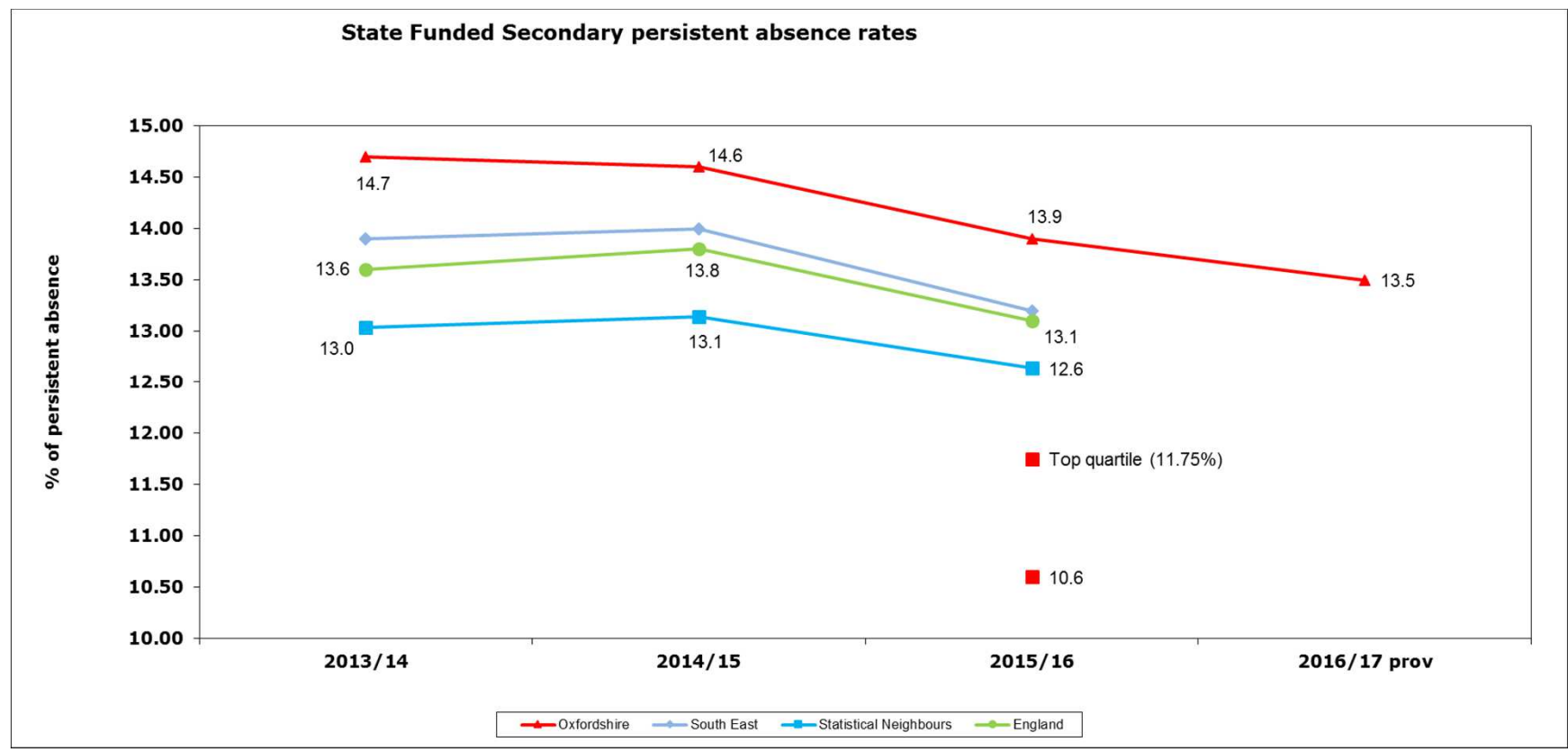
Internal figures indicate that persistent absence rates have fallen again in 2016/17. National comparisons will be available in May 2018.



4148
4148

The rate of pupils persistently absent from Oxfordshire secondary schools is falling but remains noticeably higher than other areas

Page 15

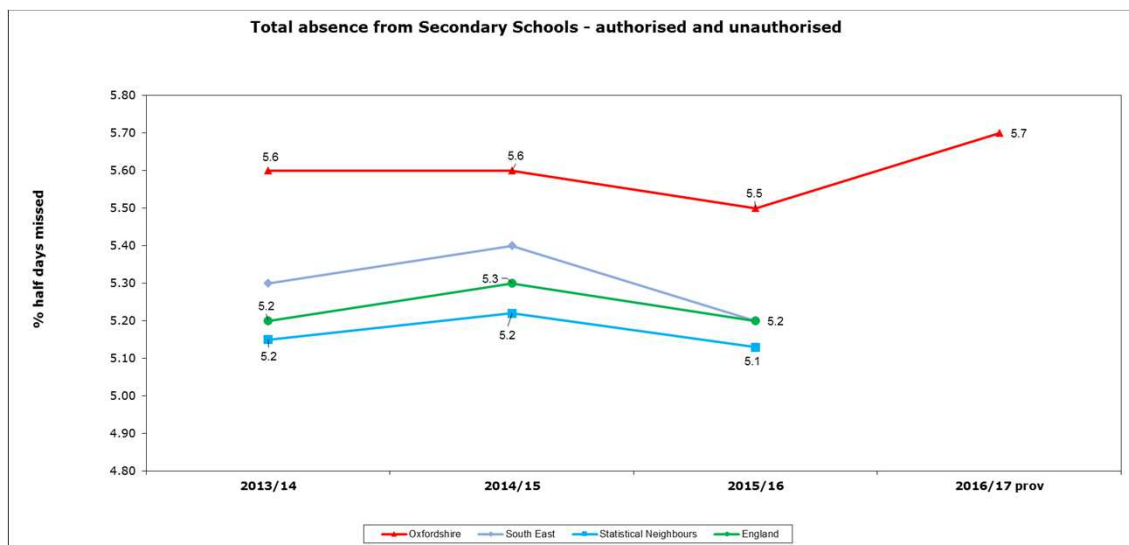
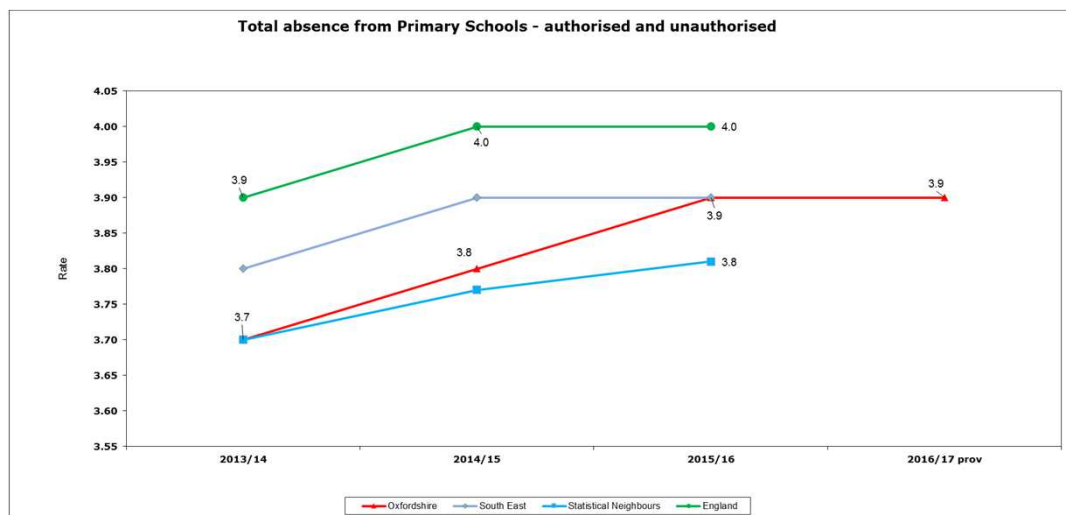


4,148 pupils were classed as being persistently absent from secondary schools during 2016/17





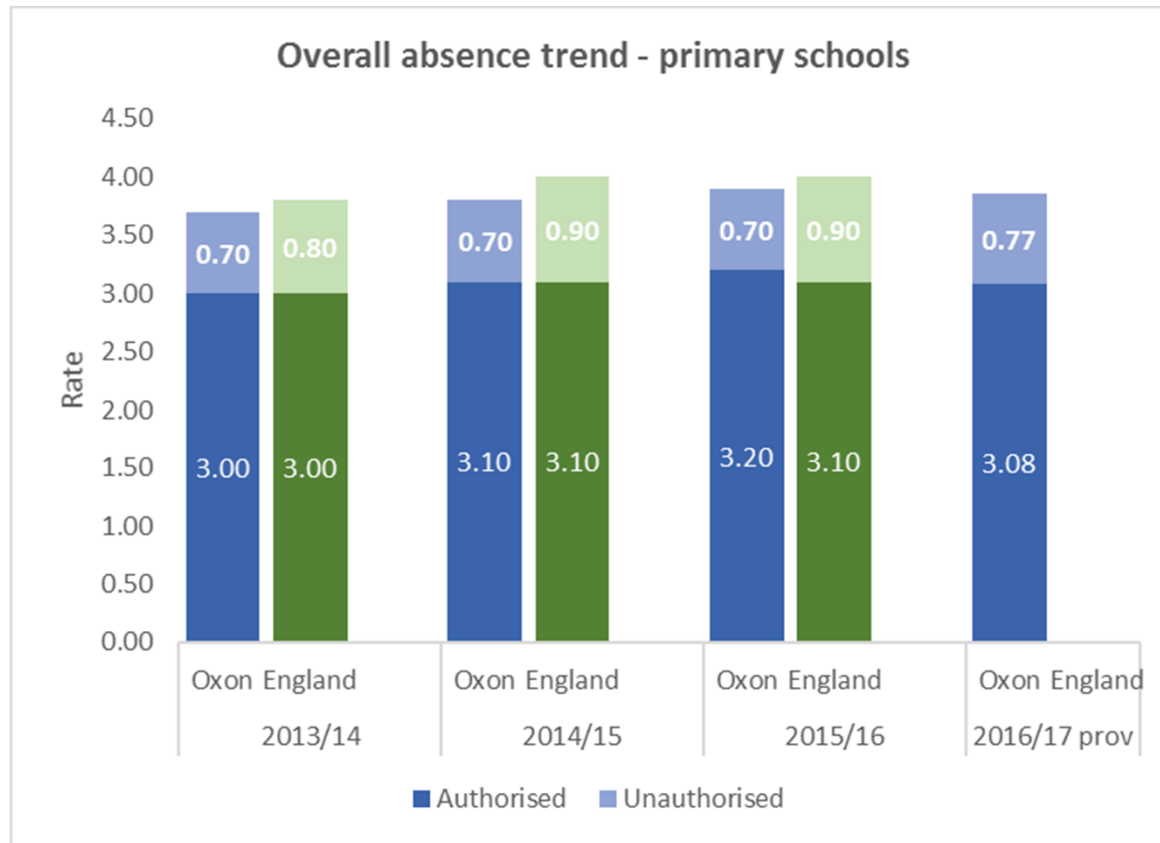
Total absence rates from Oxfordshire remain below national for primary schools but noticeably above national for secondary schools





Authorised absence rates in Oxfordshire primary schools are in line with the national average.

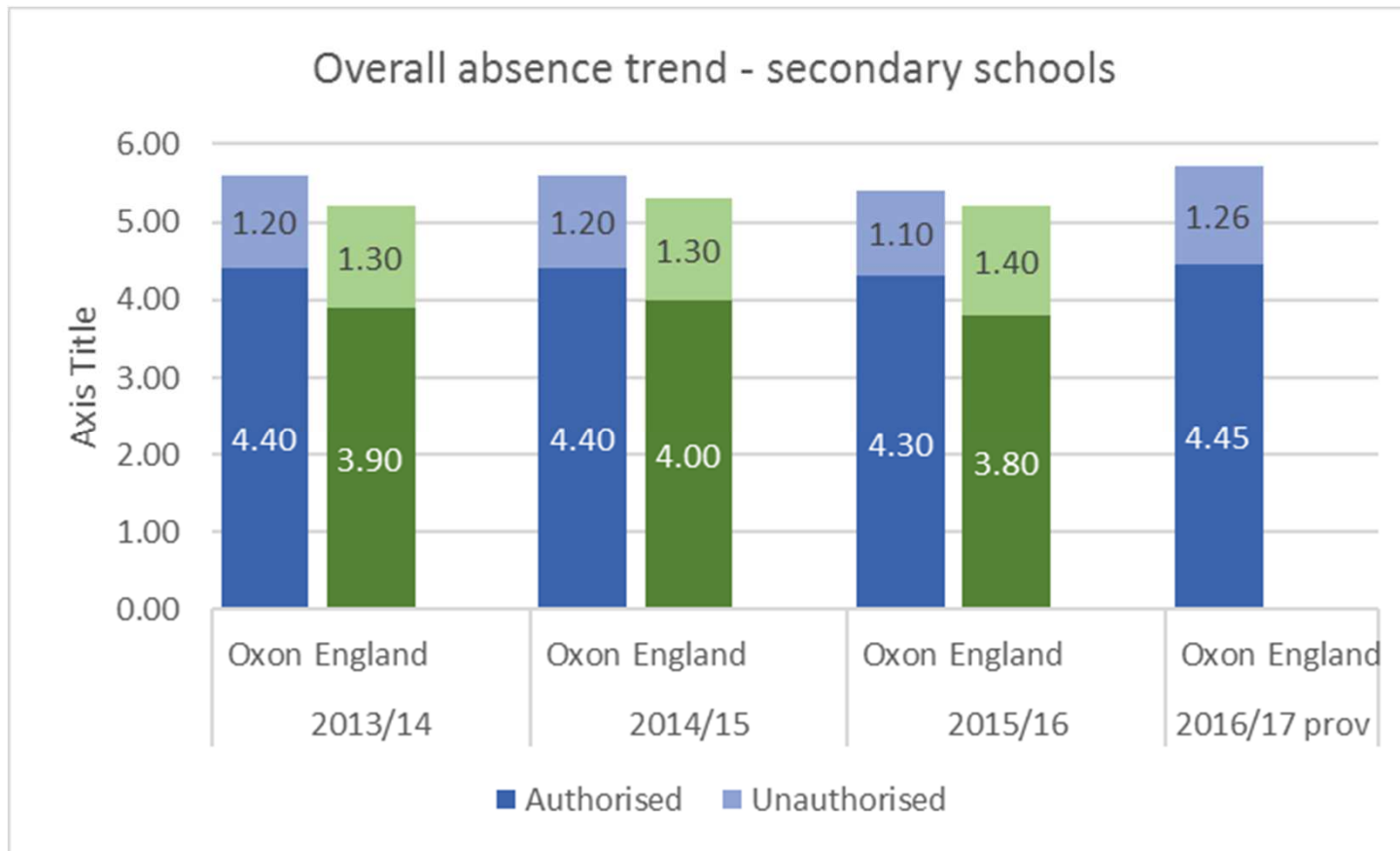
Unauthorised absence rates are lower than those nationally



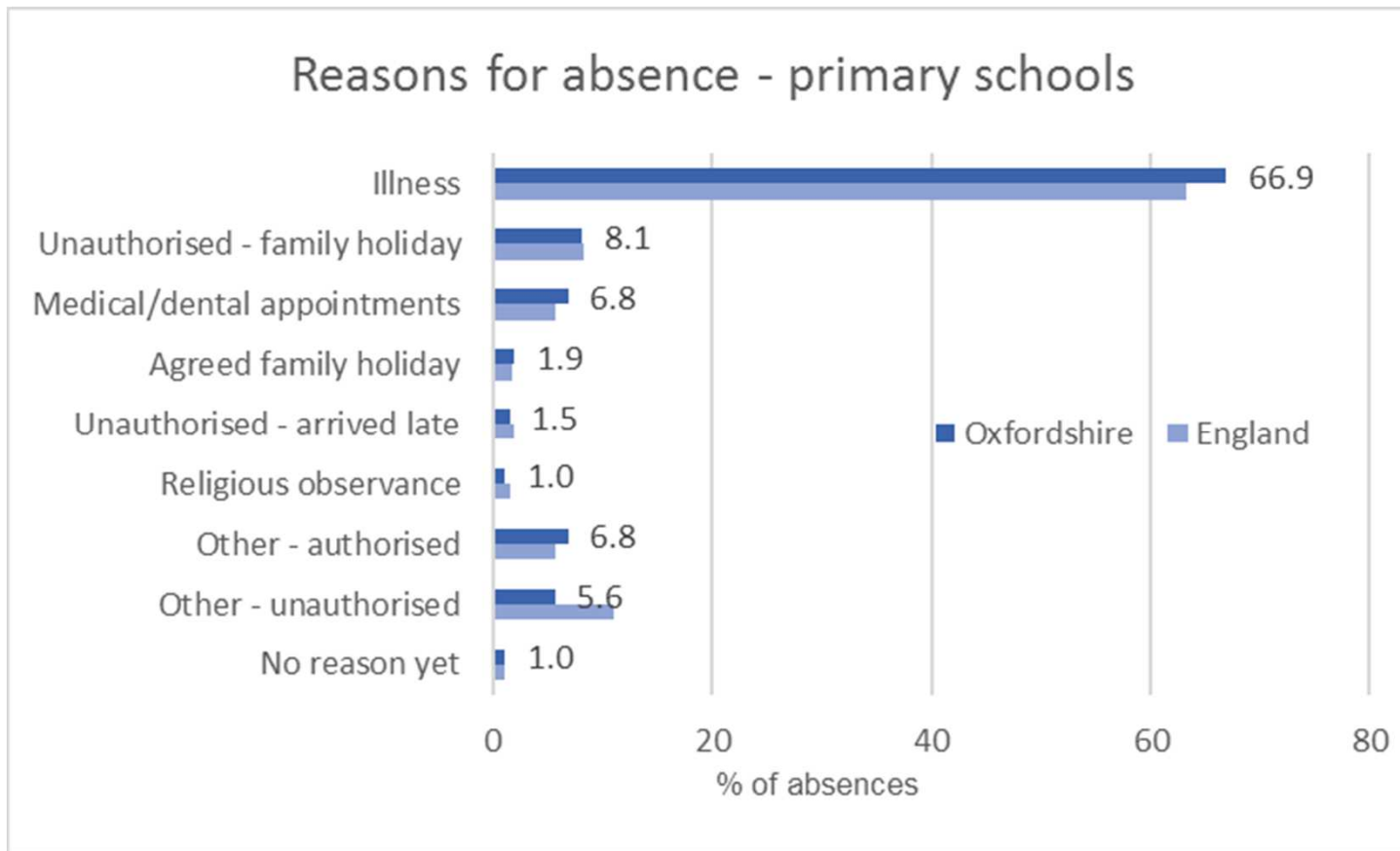
Provisional figures for 2016/17 indicate a decrease in authorised absence and an increase in unauthorised absence



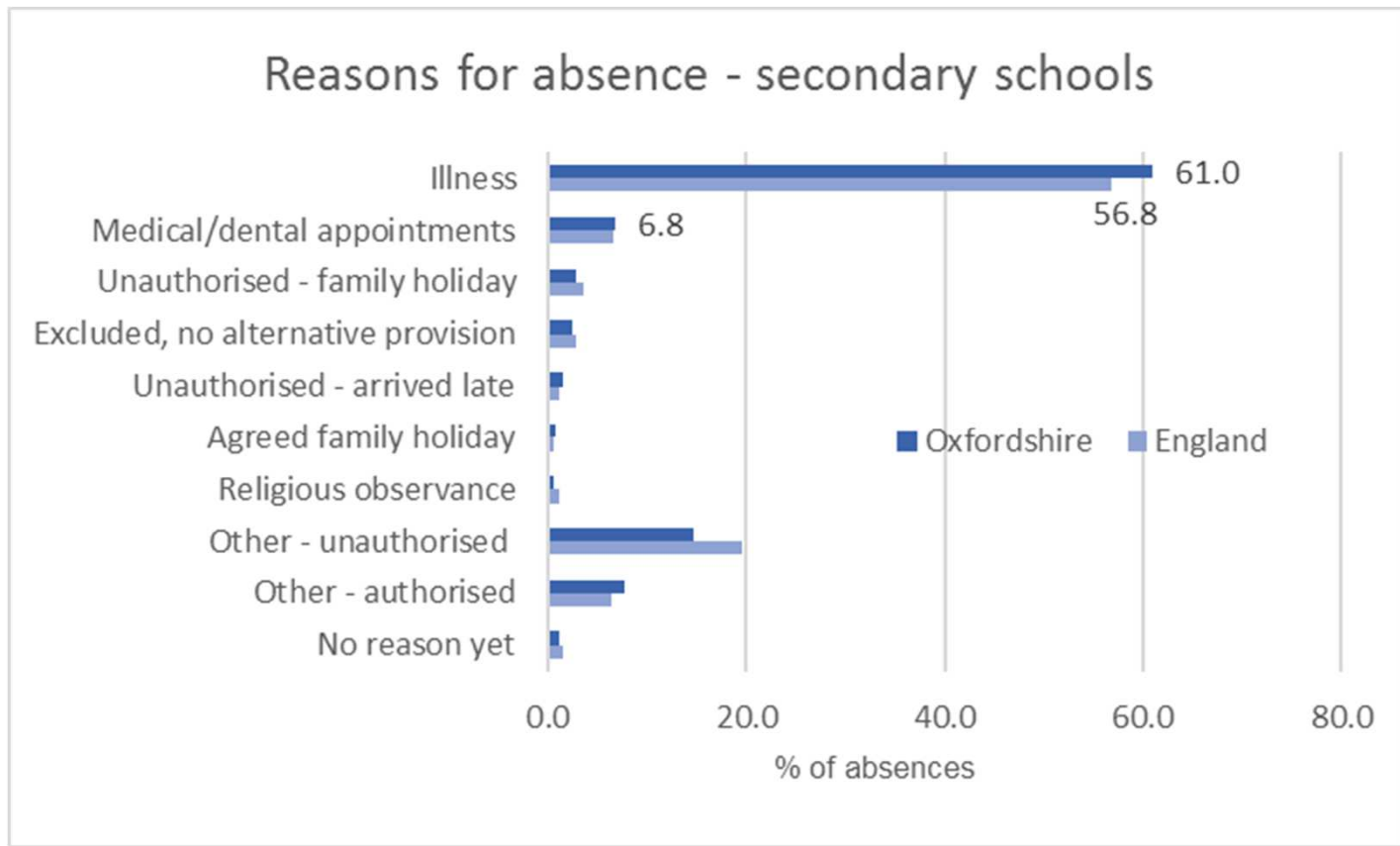
Authorised absence rates from secondary schools are continually higher in Oxfordshire than nationally



Reasons for absence from primary schools in Oxfordshire follow the same pattern as nationally but are higher for illness and medical/dental appointments

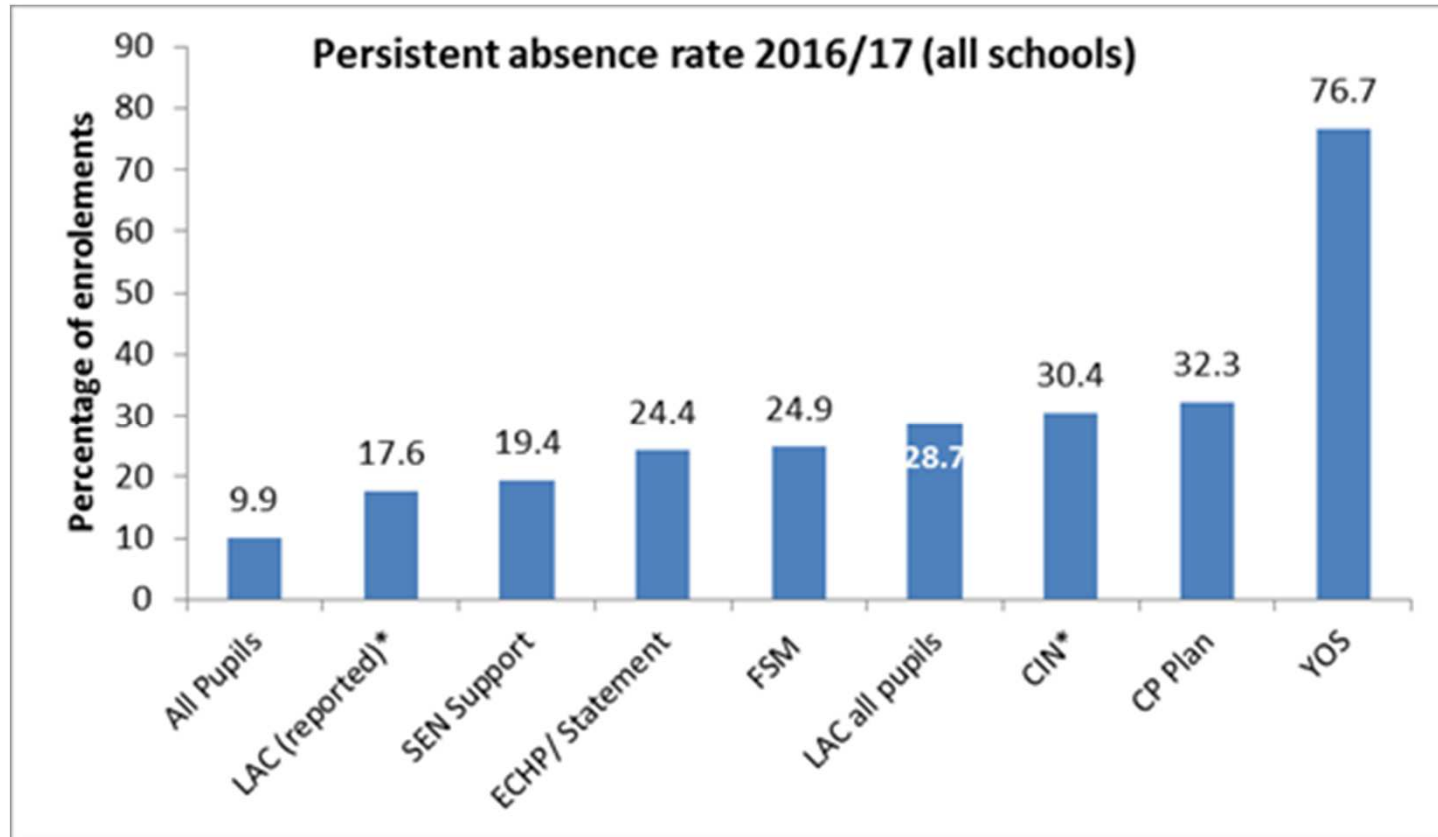


Illness and medical/ dental appointments are again count for the largest proportions of secondary school absences. Illness rates in Oxfordshire are again higher than elsewhere





Persistent absence rates by pupil groups



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STATUTORY CODE OF CONDUCT
The County Attendance Team
Education, Sufficiency and Access

**Issuing Penalty Notices for unauthorised absence from
schools**

November 2016

1. FRAMEWORK

- 1.1 The purpose of this code of conduct is to ensure that suitable arrangements are in place for the administration of Penalty Notice Fines and that the associated powers are applied consistently and fairly across the local authority area.
- 1.2 The law empowers designated county council officers, head teachers (or their authorised deputy or assistant head), or the police to issue Penalty Notices in cases of unauthorised absence from school for pupils of compulsory school age. This code is for their use.
- 1.3 Penalty Notices can be issued to parents and those with parental responsibility, in the circumstances outlined in this code. In this context, any reference to a “parent” means:
 - natural parents (irrespective of whether they are married)
 - a person who (although not a natural parent) has either parental responsibility for, or care of a child. A person having care of a child lives with and looks after the child, irrespective of their relationship to the child.
- 1.4 Fixed Penalty Notices may be issued in respect of unauthorised attendance of pupils registered in maintained schools, academies, free schools and alternative provision providers in Oxfordshire.

2. RATIONALE

- 2.1 Regular and punctual attendance at school is both a legal requirement and essential for pupils in order to maximise their educational opportunities. An offence may occur where a parent fails to secure a child’s attendance at school at which they are a registered pupil, where the absence is unauthorised.
- 2.2 The issue of a Penalty Notice is one of a range of options available to encourage school attendance. The aim is to support parents to meet their responsibilities in law. These options will be used only where parental cooperation in this process is either absent or deemed insufficient to resolve the presenting problem. Penalty Notices will only be used where there is a reasonable expectation that their use will secure an improvement. They offer a means of swift intervention at an early stage, before attendance problems become entrenched. Whatever action is taken, parents and pupils will continue to be supported by school, with the aid of other agencies if appropriate, to overcome apparent barriers to regular attendance, through a range of intervention strategies.
- 2.3 The aim is:
 - to ensure consistent and equitable delivery of Fixed Penalty Notices
 - to allow schools to maintain good relationships with parents
 - to allow cohesion with other enforcement sanctions and
 - to comply with statutory and other requirements

- 2.4 Whilst not a strict requirement of the Code, it is strongly recommended and anticipated that schools undertake annual training to maintain high standards and to keep up to date with current legislation and guidance. This training is available from the County Attendance Team at reasonable cost.

3. CIRCUMSTANCES WHERE A PENALTY NOTICE MAY BE ISSUED

- 3.1 Before making a Penalty Notice referral, school staff should carry out a thorough investigation of the pupil's circumstances, reasons for absence and have considered referring to other agencies for support. Following such investigations, Head teachers (or those listed at 1.2) are required to determine each case on its individual circumstances taking into account the results of any investigation, any other relevant information, any guidance, this code and of course the law.
- 3.2 A formal warning letter pre-empts the issue of a Penalty Notice. Warning letters (and then Penalty Notices) may only be issued as a consequence of unauthorised absences. Whilst there is no restriction on the number of times a parent may receive a formal warning of a possible Penalty Notice, these should be used sparingly for maximum effect. Warnings should only be used where there is an intention to follow through to enforcement where appropriate.
- 3.3 Use of Penalty Notices should be restricted to two per pupil per academic year. In cases where there is more than one poorly-attending pupil in a family, multiple Notices may be issued. This decision will involve careful consideration and consultation between school and the County Attendance Team.
- 3.4 Penalty Notices may be considered only where there is an unauthorised absence and in the following circumstances:
- where a parent fails to ensure that an excluded pupil is not present in a public place during school hours in the first five days of each and every fixed period or permanent exclusion without reasonable justification;
 - or there is persistent late arrival at school (after the register has closed) equivalent to 6 sessions or more due to unauthorised absence in a period of no more than 6 weeks;
 - or where a pupil misses 6 sessions or more due to unauthorised absence in a period equivalent to no more than 6 weeks;
 - or a leave of absence of 6 sessions or more in a period equivalent to no more than 6 weeks that has not been approved due to exceptional circumstances during term time (unauthorised holiday).
 - Unauthorised holiday occurs if:
 - parents have not sought permission from the Headteacher before taking their child out of school for a holiday in term time;

- the Headteacher has refused the request but the absence occurs anyway;
- a pupil has not returned to school by the agreed date with no satisfactory explanation.
- In these circumstances, a factor to consider in all cases will be the pupil's general attendance.

3.5. Penalty Notices should not be issued where:

- a pupil is "Looked After" (as defined by law in the Children Act), as other interventions should be used
- a pupil has attendance above 90% at the time of referral
- it is clear that any legal and other requirements have not been complied with.

3.6. A penalty notice must be requested within one month of the unauthorised absence taking place with the exception of penalty notices required for unauthorised holidays/leave of absence, where requests should be made within 5 school days of the child returning to school

4. PROCEDURE FOR ISSUING PENALTY NOTICES

- 4.1 In Oxfordshire, the County Attendance Team will issue Penalty Notice Fines. If the correct procedure is not followed by schools, the County Attendance Team has the right to refuse a referral, and will remit the matter to school to reconsider. This will avoid the possibility of parents receiving Penalty Notice Fines inconsistently and from more than one source for the same period of unauthorised absence.
- 4.2 Penalty Notice Warning Letters (a warning letter) may be issued by those listed at 1.2.
- 4.3 Parents should be sent a warning letter before a Penalty Notice is issued. The warning letter will indicate the period of time over which improvement in attendance is expected, as otherwise a Penalty Notice will be issued (typically after a further 15 school days).
- 4.4 A warning letter may not necessarily be considered appropriate for multiples of leave of absence for the purpose of a holiday. A judgement should be made about how best to proceed in these circumstances, with the ultimate decision held with the Local Authority.
- 4.5 Precedent forms must be used to make sure that the content complies with legal requirements. Precedents are available from the Attendance Team and

are provided as part of the training (2.4). (The County Attendance Team can issue warning letters at the request of the school at a cost).

- 4.6 Penalty Notice Fines will only be issued by post and never as an on the spot action (e.g. during a truancy sweep). This is to ensure that correct procedures are followed and to ensure staff safety.
- 4.7 Where schools, the police or neighbouring Local Authorities consider the issuing of a Penalty Notice appropriate, this request will be investigated and actioned by the County Attendance Team provided that:
- it is appropriate to do so in the circumstances, which includes that to do so would not conflict with other enforcement sanctions or action being taken
 - there is a reasonable expectation that to issue a Penalty Notice would improve attendance.
 - all necessary information and documentation is provided promptly to the County Attendance Team in order to establish that an offence has been committed.
- 4.8 The County Attendance Team should respond to all requests within 20 working days of receipt, and where all criteria are met, will issue a Penalty Notice

5. PROCEDURE FOR THE WITHDRAWAL OF PENALTY NOTICES

- 5.1 Once issued, a Penalty Notice should only be withdrawn in the following circumstances:-
- proof has been established that the Penalty Notice was issued to the wrong person;
 - that it contains material errors;
 - it ought not to have been issued

6. PAYMENT OF PENALTY NOTICES

- 6.1 Arrangements about how to pay are outlined in Penalty Notice Fine documentation.
- 6.2 Payment of a Penalty Notice Fine discharges any parent's liability for the period specified on the Penalty Notice. This means the parent cannot be prosecuted subsequently for the same period. However the issue of an earlier Penalty Notice Fine (or failure to pay) may be relevant to what action is taken subsequently, should there be repeat absenteeism. This information may be used in any later court proceedings in accordance with relevant legal provisions.
- 6.3 The fine is £60 if paid within 21 days and increases to £120 if paid between 21 days and 28 days. This amount is prescribed.
- 6.4 The County Council retains any revenue from Penalty Notices.

7. NON PAYMENT OF PENALTY NOTICES

- 7.1 Where a fine is not paid after 28 days, the County Attendance Team will consider whether the case should be referred for a prosecution. Any prosecution would be for the period of non-attendance, rather than non-payment of the fine. Various factors should be taken into account before proceeding to court including the pupil's current level of attendance. Ultimately any decision to prosecute is a matter for the Local Authority Chief Solicitor.

8. POLICY AND PUBLICITY

- 8.1 Where schools have decided to issue Penalty Notices, any Attendance Policies must include information on the issuing of Penalty Notices and this will be brought to the attention of parents.
- 8.2 The Local Authority will include information about the use of Penalty Notices and other enforcement sanctions in promotional/public information material.

9. REVIEW

- 9.1 The County Attendance Team will review this code and Penalty Notice use when required or otherwise biannually. The DfE has indicated that new guidance may be issued in due course in the light of the on-going case *Isle of White Local Authority v Platt*. This code pre dates that guidance.

Signed Roy Leach
School Organisation Planning Manager
Oxfordshire County Council

Dated:

This Code of Conduct will be reviewed in 2018

The County Attendance Team Case Process Flow Chart Sept 2017

School's Responsibility Pre Referral	
<p>If a pupils' attendance is less than 90%, the school identifies the reason for absence. If a cause for concern, contact parents by phone, letter, or invite parents to a Parenting Contract Meeting to identify any support required. Consider a home visit and start the Early Help Assessment process, to be completed asap. Set achievable attendance target with parents and pupil. If the absence is due to illness over 5 days or in a regular pattern, seek written permission from the parents to contact GP for confirmation that pupil is too ill to attend. Set review date not more than 20 days later. Consider Penalty Notice if appropriate.</p>	
Review attendance, up to 20 days later.	
↓	Attendance target not met
<p>School to set up a Multi-agency planning meeting or TAF (Team Around the Family), inviting parents, pupil, LCSS (Locality Community Support Service), and other agencies who may be working with the family to attend. This meeting will draw up an attendance action plan and will identify what support the pupil/parents may require to improve attendance. Set review date not more than 20 days later.</p>	
↓	Attendance action plan fails to improve attendance
<p>Referral to The County Attendance Team by completing in full the appropriate form. A referral will only be accepted if the pupil has at least 10% unauthorised absence and legal action is required to ensure regular attendance at school. Referrals will also be accepted when pupils are thought to be illegally employed.</p> <p>A referral will only be accepted when all steps above have been attempted and evidence provided.</p>	

CAT Responsibility Post Referral			
<ul style="list-style-type: none"> Decision taken by Senior County Attendance Officer on appropriateness of referral and legal route to be taken School Attendance Orders will lead to S444 prosecution if no compliance by parents 			
S444(1)	S444(1A)	ESO	Parenting Order
1st Warning letter issued together with PACE letter when referral accepted			
<ul style="list-style-type: none"> Attendance Panel Meeting (CAO, Parents, Child, school,) or PACE (Police and Criminal Evidence) meeting held in school within 5 weeks of referral Reg cert sent with invite, phone reminder to parents before meeting APM (Attendance Panel Meeting) Recorded and attendance target set 			
↓			
<ul style="list-style-type: none"> If target met, send letter, review within further 5 weeks If target not met within 5 weeks of Attendance Panel or PACE Meeting proceed to Final Warning 		May be added to S444(1) & (1A) if required	
Final Warning Letter issued. Papers submitted to court			

Division(s): All

EDUCATION SCRUTINY COMMITTEE – 13 DECEMBER 2017

Elective Home Education

Report by the Director for Children's Services

Introduction

1. The aim of this report is to provide information to advise the Education Scrutiny Committee of the causes of the rise in the number of children being Electively Home Educated (EHE), and the challenges this may present for the Local Authority. This report draws upon information in the EHE Annual Report 2017.
2. The EHE team has recently been through a re-structure, and a new rag-rating system has been developed to ensure the limited resources within the team are utilised effectively, and that those children and families identified receive the appropriate support quickly.
3. The team consists of 3 officers, equalling 2 full-time equivalent posts. 2 of these officers are qualified teachers, and visit the EHE families at home to support and offer advice as well as assess the level of education taking place.

Trends

4. There were 558 recorded cases of EHE within the last academic year, an increase of 21%. 70 children returned to school, compared with 90 the previous year (see Annex 1).
5. The main reason given for removing from school roll to home educate is 'other/unknown'; where parents have, either been unable to identify the reason from those offered or have refused to let the Local Authority know.
6. The second most common reason is 'dissatisfaction with the system'. This also applies nationally (see Annex 3)
7. There has been a drop in the number of students who are EHE and have a statement or Education Health Care Plan (EHCP) - 23 compared to 28 the previous year.
8. 43.88% of EHE children had school attendance of 90% or less and 8.67% of students had exclusions, either fixed term or permanent.

Key Stages

9. The number of EHE children in the various key stages are as follows:

	Key Stage 1	Key Stage 2	Key Stage 3	Key Stage 4
No of EHE children	82 15%	128 23%	193 35%	146 26%

10. There were 9 children known to the Local Authority who were EHE and of non-statutory school age.
11. There are spikes in years 5, 7 and 9. There is still work to be done to establish the correlation between these spikes, SEN need, fixed term exclusions and the pressure on families due to the threat of legal intervention to increase poor attendance.
12. Information from secondary schools may suggest there is inadequate information being shared between schools at transition stages to ensure the child's needs are being met.

Statistical neighbours

13. The analysis report from the Association of Directors of Children's Services which is the result of a survey carried out in October 2017, gives relevant information from a national perspective on a wide range of issues regarding EHE (see Annex 3).

Safeguarding

14. Parents/carers are required to put in writing their intention to remove their child from roll to home educate. Schools notify the Local Authority when in receipt of this letter and at this point, they can then remove the child from their roll.
15. A school exit form is required by the Local Authority. In completing this, schools are asked to provide information that may question the child's safety, and indicate any known risks to them, that may be associated with being educated at home. The form also asks for information regarding any agencies that are involved with the child.
16. If there is any known social care activity around the child, EHE officers will follow this up with the social worker, and attend any Team Around the Family or Child Protection meetings. If the child has an EHCP, the Annual Review may be brought forward. If the child attends a special school, he/she cannot be removed from roll until an Annual Review has been held and the SEN team are satisfied that appropriate provision will be made.

17. When information around the home education is requested from the family, the Local Authority now asks for permission so that we may share information with the child's GP. It has been acknowledged that if the family chooses not to engage with the Local Authority, health professionals may be the only professionals to see the child. Work with the School Health Nursing Service is being developed, to promote and address the health issues of the children within the EHE community.
18. Training and information has been disseminated to the Clinical Commissioning Group, outlining the limited obligations of the Local Authority and EHE families.
19. A new rag-rating system has been introduced on the basis of the school exit form, to indicate to the EHE team which cases warrant a home visit and any further action.
20. Only if the Local Authority has been made aware of the parent's decision to home educate prior to coming off roll, are we able to challenge their decision. If the school are made aware of the parent's intention, the Local Authority may have an opportunity to discuss this with parents and address any issues which may be affecting their decision. Ideally, parents should be able to have a 'cooling off' period prior to their child being removed from roll, to allow time for discussion. However, legislation prevents this and schools can remove immediately. Too often parents decide to home educate without a full understanding of what this involves, and in some circumstances, schools have been proactive in the encouragement of EHE.
21. Plans are being discussed to enable EHE families to receive generalist safeguarding training, delivered by the Local Authority.
22. It is worth noting that Elective Home Education is not a risk in itself.

Local Authority responsibilities

23. Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under Section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that parents are not providing a suitable education. This section states that:

"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education."

Local authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states:

"A local education authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children."

Section 175(1) does not extend local authorities' functions. It does **not**, for example, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education. (see Annex 2)

Financial and Staff Implications

24. The re-structure of the team only had implications on the systems and processes. Although 2 members of staff took redundancy, the FTE within the team remained the same. However, the rise in the number of EHE cases suggests that the current staffing level may need to increase to ensure home visits are made to those that need them, particularly if there are any changes to legislation in future, which may alter the statutory status of this work.

LUCY BUTLER

Director for Children's Services

Contact Officer: Rachael Etheridge, Education Inclusion Manager

December 2017



Elective Home Education (EHE)

Annual Report 2016/17

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New and Closed Cases

The Elective Home Education Team

The Elective Home Education (EHE) Team is staffed by one FTE Lead EHE Officer and three-part time EHE Link Workers (working the equivalent of one FTE).

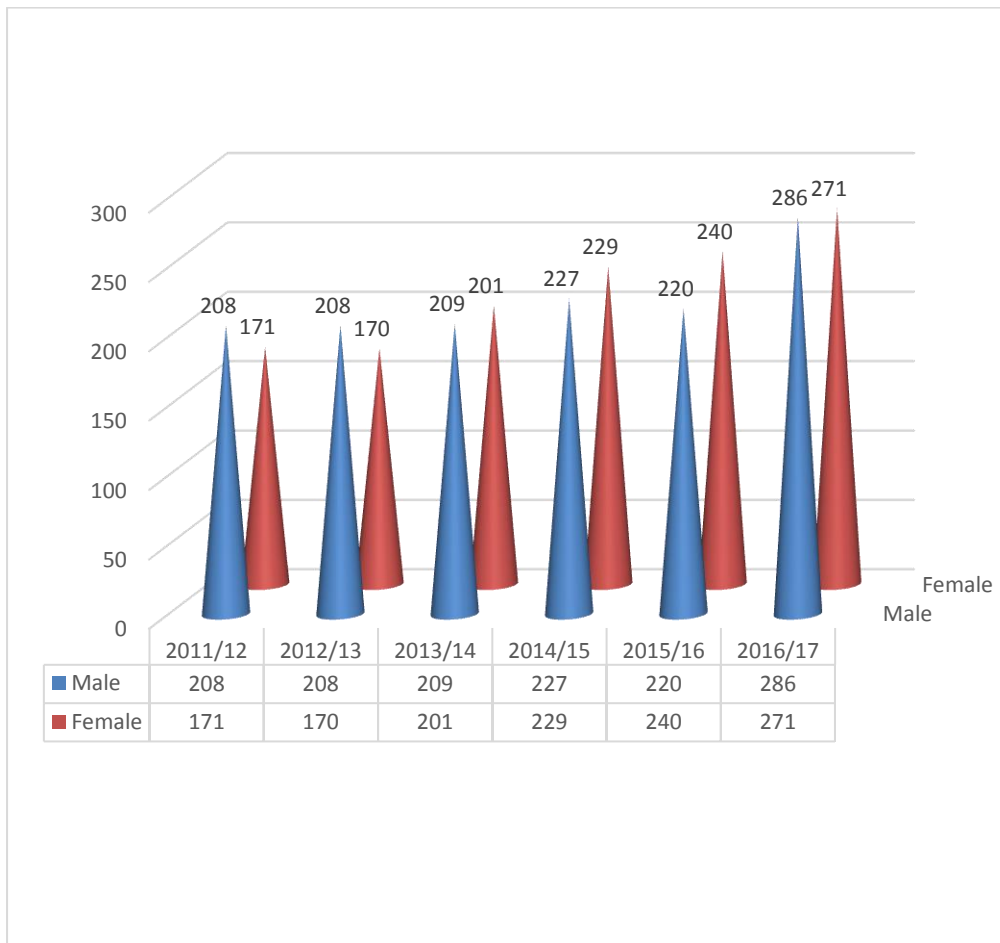
Developments in 2016/17

- A series of successful meetings with Abingdon and Witney College, Oxford and Banbury College have taken place. Information has been shared to facilitate good practice and to promote the integration of 14-16 yrs. old's into college placements. Safeguarding has been a priority in discussions, so that the process of removal from school roll is monitored carefully.
- We have liaised with Youth Engagement and Opportunities team to ensure NEET information is communicated to Year 11's. Destinations post year 11 EHE students are sought and tracked. This continues to be ongoing and information is now shared earlier in the year to ensure students have the correct information and time to plan and make informed choices.
- We continue to work closely with the Community Pediatric Service and Health Nurses.

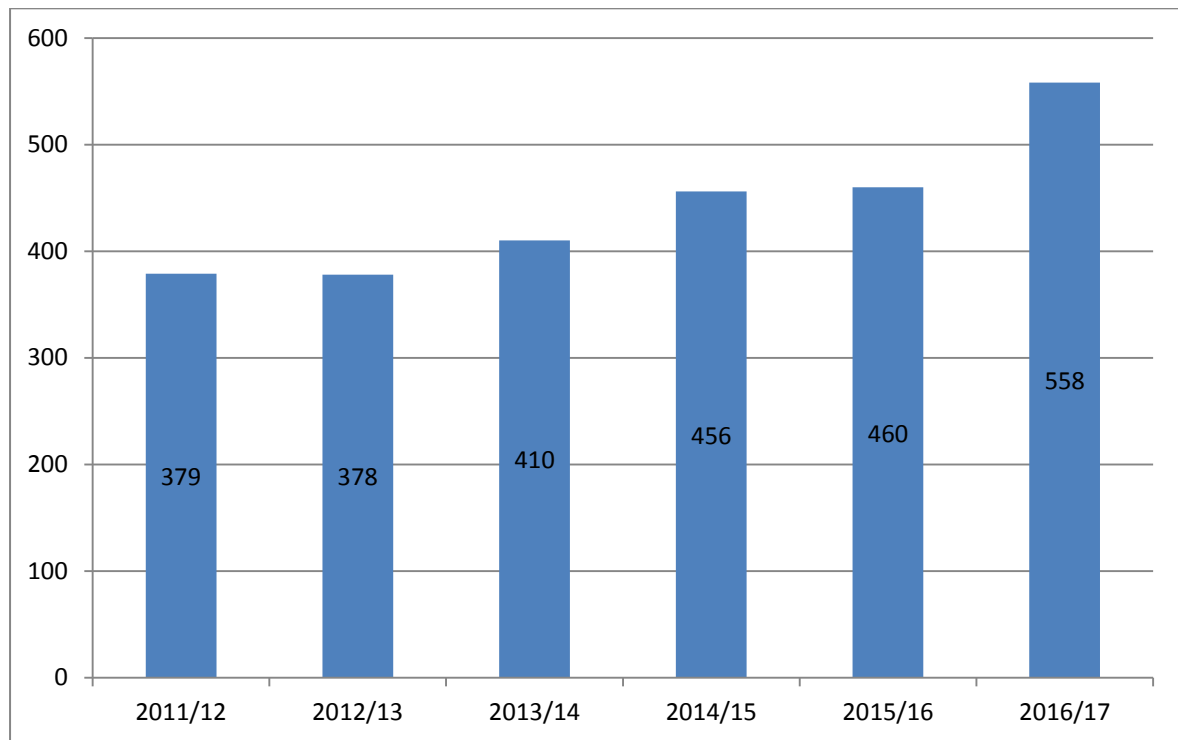
Case Summary

	2015/16	2016/17
Total Registered	460	558
New	167	228
Closed	156	117
Returned to school	90	70
Gypsy, Roma and Traveller (GRT)*	29	32
Referred to County Attendance Team for a School Attendance Order	2	3
Statements/EHCP	28	23
Record of Social Care involvement (open/closed)	177	302
Young Carers	22	23
Local Authority Care	7	4

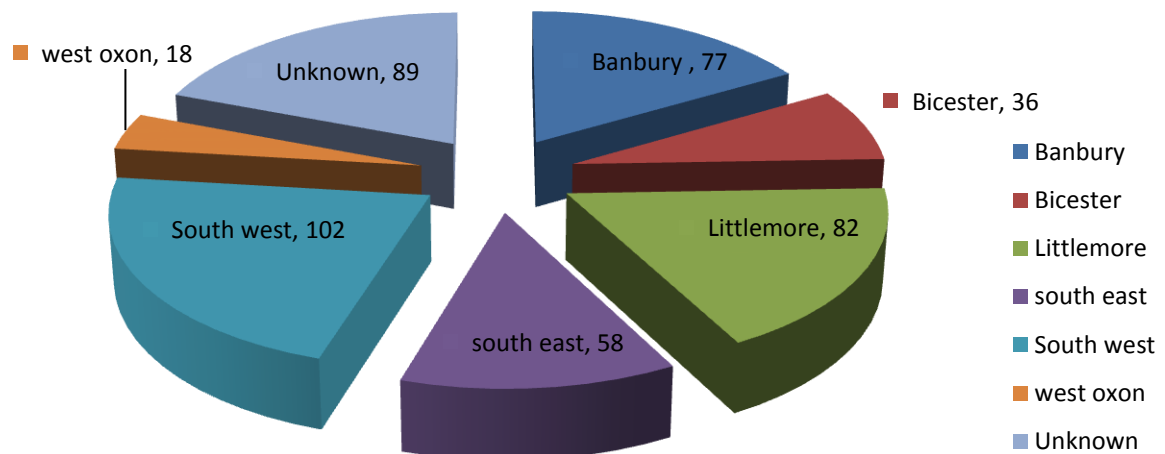
Cases by Gender



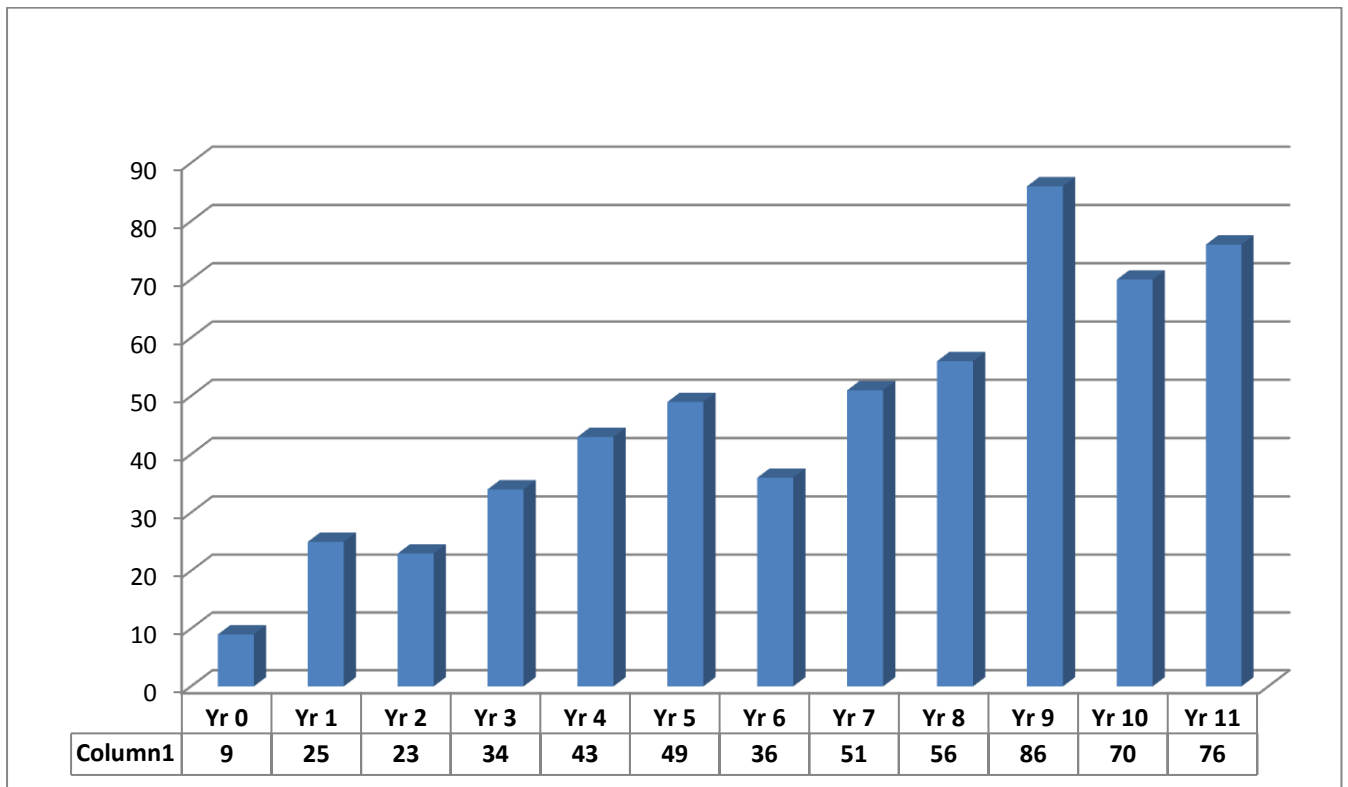
Cases on EHE Register per Academic Year



Cases by Hub 2016/17



Cases by National Curriculum Year



Cases with Statements of special Educational Needs/Education health and Care Plan

Year	Statement/EHCP
2011/12	18
2012/13	16
2013/14	20
2014/15	26
2015/16	28
2016/17	23

Attendance and Exclusion History

	2014/15	2015/16	2016/17
Attendance 90% or less (prior to EHE)	194	165	276
Attendance over 90% (prior to EHE)	68	72	107
No attendance data available	195	226	246
Fixed term exclusions history	24	31	51
Permanent exclusion history	3	3	6

No attendance data available for students attending Oxford Spires, Cheney or outside of the OCC 'umbrella'

Students with Attendance over 90% - 107 (17.01% of EHE students)

Students with Attendance 90% or less - 276 (43.88% of EHE students)

Students with no Attendance data available for school prev. to EHE - 246 (39.11% of EHE students)

Students who have had exclusions (Fixed or Perm) = (8.67% of EHE students)

Cases by Ethnicity

ETHNICITY	2016/17
Indian	1
Any other Asian background	14
Pakistani	12
Black Caribbean	4
Any other mixed background	14
White Asian	8
White/black Caribbean	16
Info not yet obtained	17
Not known	60
Any other ethnic group	3
Refused	7
White British	360
White English	3
White Irish	1
Traveller Irish heritage	8
Any other white background	7
Gypsy /Roma	22

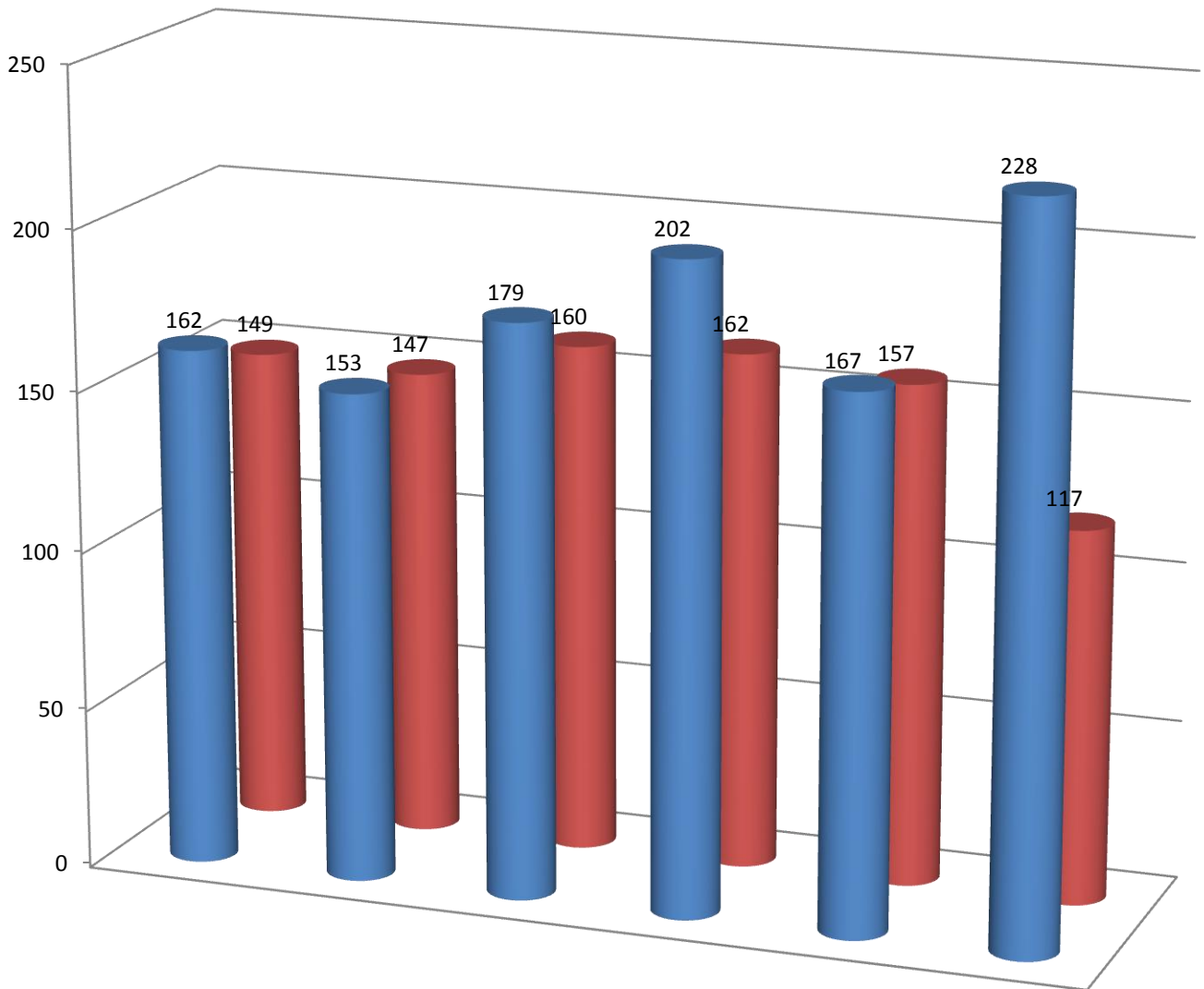
Reasons for Elective Home Education

Reason	Number of cases				
	2012/13	2013/14	2014/15	2015/16	2016/17
Bullying	27	24	22	25	28
Dissatisfaction with system	85	85	62	51	54
Distance/Access to local School	5	13	4	4	6
Other/Unknown	47	64	122	127	249
Parents Desire for Closer Relations	29	27	30	25	29
Philosophical/Ideological beliefs	30	35	35	49	32
Religious/cultural beliefs	56	48	49	55	44
Special Educational Needs	35	42	32	37	30
Short term intervention	48	51	75	60	38
Unwilling/Unable to attend School	16	21	25	27	49

Pre EHE Base Secondary Schools

SCHOOL NAME	AREA	TOTAL
<u>Banbury Academy</u>	Banbury	10
<u>Bartholomew School</u>	Eynsham/Witney	6
<u>Blessed George Napier Catholic School</u>	Banbury	3
<u>Burford School</u>	Burford	4
<u>Carterton Community College</u>	Carterton	4
<u>Cheney School</u>	Headington, Oxford	1
<u>Chiltern Edge School</u>	Sonning Common, Reading	5
<u>Chipping Norton School</u>	Chipping Norton	5
<u>Didcot Girls' School</u>	Didcot	8
<u>Faringdon Community College</u>	Faringdon	8
<u>Fitzharrys School</u>	Abingdon	3

New and Closed Cases



	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
■ New referrals	162	153	179	202	167	228
■ closed referrals	149	147	160	162	157	117

Wallingford School and Cheney School had the least at one family, whereas The Warriner School had 12, and King Alfred's, John Mason, Gillotts School and Banbury Academy all had 10.

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Elective Home Education

Guidelines for Local Authorities

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Ministerial Foreword

Education is a fundamental right for every child and we recognise that parents have the right to choose to educate their child at home rather than at school. These guidelines have been prepared to help local authorities manage their relationships with home educating parents.

Parents are responsible for ensuring that their children receive a suitable education. Where parents have chosen to home educate, we want the home educated child to have a positive experience. We believe this is best achieved where parents and local authorities recognise each other's rights and responsibilities, and work together. These guidelines aim to clarify the balance between the right of the parent to educate their child at home and the responsibilities of the local authority.



Jim Knight
Minister of State for Schools and Learners



Andrew Adonis
Parliamentary Under Secretary of State for Schools

Part 1

Introduction

- 1.1** Elective home education is the term used by the Department for Children, Schools and Families (DCSF) to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to home tuition provided by a local authority or education provided by a local authority other than at a school. These guidelines are intended for use in relation to elective home education only. ***Throughout these guidelines, 'parents' should be taken to include all those with parental responsibility, including guardians and carers.***
- 1.2** Children whose parents elect to educate them at home are not registered at mainstream schools, special schools, independent schools, academies, Pupil Referral Units (PRUs), colleges, children's homes with education facilities or education facilities provided by independent fostering agencies. Some parents may choose to engage private tutors or other adults to assist them in providing a suitable education, but there is no requirement for them to do so. Learning may take place in a variety of locations, not just in the family home.
- 1.3** The purpose of these guidelines is to support local authorities in carrying out their **statutory** responsibilities and to encourage good practice by clearly setting out the legislative position, and the roles and responsibilities of local authorities and parents in relation to children who are educated at home.

Reasons for elective home education

- 1.4** Parents may choose home education for a variety of reasons. The local authority's primary interest should lie in the suitability of parents' education provision and not their reason for doing so. The following reasons for home educating are common, but by no means exhaustive:
- distance or access to a local school
 - religious or cultural beliefs
 - philosophical or ideological views
 - dissatisfaction with the system
 - bullying
 - as a short term intervention for a particular reason a
 - child's unwillingness or inability to go to school
 - special educational needs
 - parents' desire for a closer relationship with their children.

Part 2

The law relating to elective home education

2.1 The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not.

2.2 Article 2 of Protocol 1 of the European Convention on Human Rights states that:

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions."

Parents have a right to educate their children at home. Section 7 of the Education Act 1996 provides that:

"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable -

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have,

either by regular attendance at school or otherwise."

2.3 The responsibility for a child's education rests with his or her parents. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law¹ as an education that "achieves that which it sets out to achieve", and a "suitable" education is one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".

Parental rights and responsibilities

2.4 Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age. Parents are not required to register or seek approval from the local authority to educate their children at home. Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. However, local authorities are encouraged to provide support where resources permit - see section 5.

¹ Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (12 April 1985)

Parents must also ensure that their children receive suitable full-time education for as long as they are being educated at home.

Local authorities' responsibilities

- 2.5** The DCSF recommends that each local authority provides written information about elective home education that is clear, accurate and sets out the legal position, roles and responsibilities of both the local authority and parents. This information should be made available on local authority websites and in local community languages and alternative formats on request. Local authorities should recognise that there are many approaches to educational provision, not just a "school at home" model. What is suitable for one child may not be for another, but all children should be involved in a learning process.
- 2.6** Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (for example, at home, privately, or in alternative provision). The guidance issued makes it clear that the duty does not apply to children who are being educated at home.²
- 2.7** Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.

However, under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears** that parents are not providing a suitable education. This section states that:

"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education."

Section 437(2) of the Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

- 2.8** Prior to serving a notice under section 437(1), local authorities are encouraged to address the situation informally. The most obvious course of action if the local authority has information that makes it appear that parents are not providing a suitable education, would be to ask parents for further information about the education they are providing. Such a request is not the same as a notice under section 437(1), and is not necessarily a precursor for formal procedures. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so.³

² Statutory Guidance for Local Authorities in England to Identify Children not Receiving Education available at <http://www.everychildmatters.gov.uk/ete/childrenmissingeducation/>.

³ Phillips v Brown (1980)

2.9 Section 437(3) refers to the serving of school attendance orders:

"f-

(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local education authority, within the period specified in the notice, that the child is receiving suitable education, and

(b) in the opinion of the authority it is expedient that the child should attend school,

the authority shall serve on the parent an order (referred to in this Act as a "school attendance order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order."

2.10 A school attendance order should be served after all reasonable steps have been taken to try to resolve the situation. At any stage following the issue of the Order, parents may present evidence to the local authority that they are now providing an appropriate education and apply to have the Order revoked. If the local authority refuses to revoke the Order, parents can choose to refer the matter to the Secretary of State. If the local authority prosecutes the parents for not complying with the Order, then it will be for a court to decide whether or not the education being provided is suitable and efficient. The court can revoke the Order if it is satisfied that the parent is fulfilling his or her duty. It can also revoke the Order where it imposes an education supervision order. Detailed information about school attendance orders is contained in *Ensuring Regular School Attendance* paragraphs 6 to 16.⁴

2.11 Where the authority imposes a time limit⁵, every effort should be made to make sure that both the parents and the named senior officer with responsibility for elective home education in the local authority are available throughout this period. In particular the Department recommends that the time limit does not expire during or near to school holidays when there may be no appropriate point of contact for parents within the local authority.

2.12 Local authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states:

"A local education authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children."

Section 175(1) does not extend local authorities' functions. It does not, for example, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

⁴ Available at www.dcsf.gov.uk/schoolattendance/prosecutions/index.cfm From January 2008 the guidance will be entitled *Ensuring Children's Right to Education; Guidance on the Legal Measures available to Secure Regular School Attendance*

⁵ A notice given under s.437(1) must be a period of not less than 15 days. An Order continues in force as long as the child is of compulsory school age unless amended by the LA or revoked (s.437(4)).

- 2.13** The Children Act 2004 ("the 2004 Act") provides the legislative framework for developing children's services as detailed in *Every Child Matters: Change for Children*. The background and aims of Every Child Matters can be found on its dedicated website⁶. Section 10 of the 2004 Act sets out a statutory framework for cooperation arrangements to be made by local authorities with a view to improving the well-being of children in their area.
- 2.14** Section 11 of the 2004 Act sets out the arrangements to safeguard and promote the welfare of children. However, this section does not place any additional duties or responsibilities on local authorities over and above section 175(1) of the Education Act 2002. *Statutory Guidance on Making Arrangements to Safeguard and Promote the Welfare of Children under section 11 of the Children Act 2004* has been updated and published in April 2007⁷.
- 2.15** As outlined above, local authorities have general duties to make arrangements to safeguard and promote the welfare of children (section 175 Education Act 2002 in relation to their functions as a local authority and for other functions in sections 10 and 11 of the Children Act 2004). These powers allow local authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern (sections 17 and 47 of the Children Act 1989). However, such powers do not bestow on local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.
- 2.16** Section 53 of the 2004 Act sets out the duty on local authorities to, where reasonably practicable, take into account the child's wishes and feelings with regard to the provision of services. Section 53 does not extend local authorities' functions. It does not, for example, place an obligation on local authorities to ascertain the child's wishes about elective home education as it is not a service provided by the local authority.
- 2.17** Section 12 of the 2004 Act and the regulations, made under this section (which came into force on 1 August 2007), provide the legal framework for the operation and maintenance of ContactPoint, due for deployment, initially to the "Early Adopter" local authorities in the North-West of England in September/October 2008, and to all other local authorities and national partners between January and May 2009. ContactPoint will contain only basic demographic and contact information, including the place where the child is educated, on all children in England, which will enable local authorities to identify and contact one another easily and quickly, so they can, where appropriate, provide a coordinated response to a child's needs. Further information about ContactPoint is available on the Every Child Matters website⁸.

⁶ Available at www.everychildmatters.gov.uk/

⁷ <http://www.everychildmatters.gov.uk/resources-and-practice/IG00042/>

⁸ Available at www.everychildmatters.gov.uk/contactpoint/

Part 3

Clear policies and procedures

- 3.1 The DCSF recommends that each local authority should have a written policy statement on elective home education, and be willing and able to provide guidance for parents who request it. Local authorities should also provide clear details of their complaints procedure and deal with any complaints in a sensitive and timely manner. The DCSF also recommends that local authorities should regularly review their elective home education policies so that they reflect current law and are compatible with these guidelines. It is recommended that local authorities seek input from home educating families and home education organisations in developing their elective home education policies. Home education organisations' contact details may be found through an internet search Paragraphs 4.10 to 4.11 cover reviews of policies and procedures.
- 3.2 All parties involved in elective home education should be aware of their roles, rights and responsibilities. Local authorities' policies should be clear, transparent and easily accessible. Any procedures for dealing with home educating parents and children should be fair, clear, consistent, non-intrusive and timely, in order to provide a good foundation for the development of trusting relationships.
- 3.3 The DCSF recommends that each local authority should have a named senior officer with responsibility for elective home education policy and procedures. This officer should be familiar with home education law, policies and practices. Local authorities should organise training on the law and home education methods for all their officers who have contact with home educating families.

Contact with parents and children

- 3.4 Local authorities should acknowledge that learning takes place in a wide variety of environments and not only in the home. However, **if it appears** that a suitable education is not being provided, the local authority should seek to gather any relevant information that will assist them in reaching a properly informed judgement. This should include seeking from the parents any further information that they wish to provide which explains how they are providing a suitable education. Parents should be given the opportunity to address any specific concerns that the authority has. The child should also be given the opportunity, but not required, to attend any meeting that may be arranged or invited to express his or her views in some other way. Parents are under no duty to respond to such requests for information or a meeting, but it would be sensible for them to do so.
- 3.5 If it appears to a local authority that a child is not receiving a suitable education it may wish to contact the parents to discuss their ongoing home education provision. Contact should normally be made in writing to the parents to request further information. A written report should be made after such contact and copied to the parents stating whether the authority has any concerns about the education provision and specifying what these are, to give the

child's parents an opportunity to address them. Where concerns about the suitability of the education being provided for the child have been identified, more frequent contact may be required while those concerns are being addressed. Where concerns merit frequent contact, the authority should discuss them with the child's parents, with a view to helping them provide a suitable education that meets the best interests of the child.

- 3.6** Some parents may welcome the opportunity to discuss the provision that they are making for the child's education during a home visit but parents are not legally required to give the local authority access to their home. They may choose to meet a local authority representative at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. Where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made. Where local authorities are not able to visit homes, they should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. If they choose not to meet, parents may be asked to provide evidence that they are providing a suitable education. If a local authority asks parents for information they are under no duty to comply although it would be sensible for them to do so.¹⁰ Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form.

Withdrawal from school to elective home educate

- 3.7** First contact between local authorities and home educators often occurs when parents decide to home educate and approach the school (at which the child is registered) and/or the authority to seek guidance about withdrawing their child from school. It is important that this initial contact is constructive and positive, and local authorities should provide written information (see paragraph 2.5) and direct parents to a range of useful contacts such as those described in paragraph 5.1.
- 3.8** The school must¹¹ delete the child's name from their admissions register upon receipt of written notification from the parents that the pupil is receiving education otherwise than at school. However, schools should not wait for parents to give written notification that they are withdrawing their child from school before advising their local authority. Schools must¹² make a return (giving the child's name, address and the ground upon which their name is to be deleted from the register) to the local authority as soon as the ground for deletion is met, and no later than deleting the pupil's name from the register. They should also copy parents into the notice to the local authority. Further information is available in *Keeping Pupil Registers*,¹³ the Department's guidance on applying the regulations.
- 3.9** If a child is registered at a school as a result of a school attendance order the parents must¹⁴ get the order revoked by the local authority on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.

10 Phillips v Brown (1980)

11 Regulation 8(1)(a) of the Education (Pupil Registration) (England) Regulations 2006

12 Regulation 12(3) of the Education (Pupil Registration) (England) Regulations 2006

13 <http://www.dfes.gov.uk/schoolattendance/legislation/index.cfm>

14 Regulation 8(1)(a) of the Education (Pupil Registration) (England) Regulations 2006 and section 442 of the Education Act

- 3.10** Local authorities may encourage parents to inform them directly of the withdrawal of a child from school, but have no legal right to insist that parents do so. The only exception to this is where the child is attending a special school under arrangements made by the local authority, in which case additional permission is required from the authority before the child's name can be removed from the register.¹⁵
- 3.11** Local authorities should bear in mind that, in the early stages, parents' plans may not be detailed and they may not yet be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision. In such cases, a reasonable timescale should be agreed for the parents to develop their provision.
- 3.12** Schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the school and local authority must address the issues behind the absenteeism and use the other remedies available to them.

Providing a full-time education

- 3.13** Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of "full-time". Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, but this measurement of "contact time" is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place outside normal "school hours". The type of educational activity can be varied and flexible. Home educating parents are not required to:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards.

However, local authorities should offer advice and support to parents on these matters if requested.

- 3.14** It is important to recognise that there are many, equally valid, approaches to educational provision. Local authorities should, therefore, consider a wide range of information from home educating parents, in a range of formats. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.
- 3.15** In their consideration of parents' provision of education at home, local authorities may reasonably expect the provision to include the following characteristics:
- consistent involvement of parents or other significant carers - it is expected that parents or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education
 - recognition of the child's needs, attitudes and aspirations
 - opportunities for the child to be stimulated by their learning experiences
 - access to resources/materials required to provide home education for the child - such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.
- 3.16** If a local authority considers that a suitable education is not being provided, then a full written report of the findings should be made and copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable. If the authority is not satisfied that a suitable education is being provided, and the parents, having been given a reasonable opportunity to address the identified concerns and report back to the authority have not done so, the authority should consider sending a formal notice to the parents under section 437 (see paragraph 2.7) before moving on, if needed, to the issuing of a school attendance order (section 437(1)). See paragraphs 2.9 - 2.11.

Children with Special Educational Needs (SEN)

- 3.17** Parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a statement of special educational needs or not. Where a child has a statement of SEN and is home educated, it remains the local authority's duty to ensure that the child's needs are met.
- 3.18** Local authorities must have regard to the *Special Educational Needs Code of Practice*¹⁶. Although this document primarily covers special educational needs in the school and early years' settings, it does give information about SEN in relation to home education (paragraphs 8.91 - 8.96 of the Code). The Code of Practice emphasises the importance of local authorities and other providers working in partnership with parents. The Code of Practice is statutory guidance and schools, local authorities and others to whom it applies must have regard to it. This means that, apart from the references to the law, these bodies do not have to follow the Code to the letter but they must be able to justify any departure from its guidance. The foreword states that the Code is designed to help these bodies to "make effective decisions but it does not - and could not - tell them what to do in each individual case".

¹⁶ SEN Code of Practice is available at: <http://www.teachernet.gov.uk/docbank/index.cfm?id=3724>

- 3.19** If the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making "suitable arrangements", and the authority could not conclude that they were absolved of their responsibility to arrange the provision in the statement. Parents need only provide an efficient, full-time education suitable to the age, ability and aptitude and to any special educational needs the child may have as defined in Section 7 of the Education Act 1996. It is the authority's duty to arrange the provision specified in the statement, unless the child's parent has made suitable provision, for as long as a statement is maintained. In some cases a combination of provision by parents and LA may best meet the child's needs. Local authorities should consider, for example, providing access to additional resources or treatments where appropriate.¹⁷
- 3.20** Even if the local authority is satisfied that parents are making suitable arrangements, it remains under a duty to maintain the statement and review it annually, following procedures set out in chapter 9 of the SEN Code of Practice. In some circumstances the child's special educational needs identified in the statement will have been related to the school setting and the child's needs may readily be met at home by the parents without LA supervision. It may be appropriate, once it is established that a child's special needs are being met without any additional support from the LA, to consider ceasing to maintain the statement. This may be done at the annual review or at any other time. Where the statement is reviewed it should be made clear to parents that they are welcome to attend, but they are not obliged to do so.
- 3.21** Where the authority is satisfied that the child's parents have made suitable arrangements it does not have to name a school in part 4 of the child's statement. There should be discussion between the authority and the parents and rather than the name of the school, part 4 of the statement should mention the type of school the LA considers appropriate and that "parents have made their own arrangements under section 7 of the Education Act 1996".
- 3.22** The statement should also specify any provision that the local authority has agreed to make under section 319 of the Education Act 1996 to help parents to provide suitable education for their child at home. If the child who is to be withdrawn from the school is a pupil at a special school, the school must inform the local authority before the child's name can be deleted from the school roll and the authority will need to consider whether the elective home education is suitable before amending part 4 of the child's statement.
- 3.23** A parent who is educating their child at home may ask the local authority to carry out a statutory assessment or reassessment of their child's special educational needs and the local authority must consider the request within the same statutory timescales and in the same way as for all other requests. Local authorities should provide information to home educators detailing the process of assessment and both local authorities' and home educators' responsibilities with regard to provision should the child be given a statement. The views of the designated medical officer for SEN should be sought by the local authority where a child with a statement is educated at home because of difficulties related to health needs or a disability.

Part 4

Developing relationships

- 4.1** As noted in the Introduction to these guidelines, the central aim of this document is to assist local authorities in carrying out their statutory responsibilities with respect to elective home educated children. The DCSF hopes that this will enable local authorities to build effective relationships with home educators that function to safeguard the educational interests of children and young people: relationships that are rooted in mutual understanding, trust and respect. The guidelines outline a number of recommendations that are geared towards the promotion of such relationships.
- 4.2** Whilst there is no legal obligation on local authorities or home educators to develop such relationships, doing so will often provide parents with access to any support that is available and allow authorities to better understand parents' educational provision and preferences. A positive relationship will also provide a sound basis if the authority is required to investigate assertions from any source that an efficient and suitable education is not being provided.

Acknowledging diversity

- 4.3** Parents' education provision will reflect a diversity of approaches and interests. Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child. One approach is not necessarily any more efficient or effective than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, local authorities should not specify a curriculum or approach which parents must follow.
- 4.4** Children learn in different ways and at different times and speeds. It should be appreciated that parents and their children might require a period of adjustment before finding their preferred mode of learning and that families may change their approach over time. Parents are not required to have any qualifications or training to provide their children with a suitable education. It should be noted that parents of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside the school setting and these factors should not in themselves raise a concern about the suitability of the education being provided.

Providing information for parents

- 4.5** The provision of clear information has an important role to play in the promotion of positive relationships. Local authorities should provide written information and website links for prospective and existing electively home educating parents that are clear and accurate and which set out the legal position, and roles and responsibilities, in an unambiguous way. We also recommend that contact details for home education support organisations should be provided. Home education organisations' contact details may be found through an internet search. All written information should be made available to parents in local community

languages and alternative formats on request. From April 2008 local authorities will have a legal duty¹⁸ to broaden the information they make available to parents to support their children.

- 4.6** As noted in paragraph 3.3 we recommend that local authorities should, if the parents wish, provide them with a named contact within the authority who is familiar with elective home education policy and practice and has an understanding of a range of educational philosophies. If the authority invites parents to meet the named contact (see paragraph 3.6), any such meeting should take place at a mutually acceptable location and the child concerned should also be given the opportunity, but not be required, to attend that meeting, or otherwise to express his or her views. Either during such a meeting, or otherwise, the parents and the authority should consider and agree what future contact there will be between them, recognising that in many instances such contact might be beneficial but is not legally required.

Safeguarding

- 4.7** The welfare and protection of all children, both those who attend school and those who are educated at home, are of paramount concern and the responsibility of the whole community. *Working Together to Safeguard Children 2006*¹⁹ states that all agencies and individuals should aim proactively to safeguard and promote the welfare of children. As with school educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to the appropriate authorities using established protocols.²⁰
- 4.8** Parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those whom they engage are suitable to have access to children. Parents will therefore wish to satisfy themselves by taking up appropriate references and local authorities should encourage them to do this. A small number of local authorities choose to assist home-educating parents in this task by undertaking Criminal Records Bureau (CRB) checks free of charge on independent home tutors and the DCSF endorses this helpful practice. Tutors employed by a local authority or an agency may also undertake work for home educating parents, in which case CRB checks ought to have been made already.
- 4.9** Paragraph 2.12 to 2.15 details local authorities' duties to make arrangements to safeguard and promote the welfare of children.

¹⁸ Section 12 of the Childcare Act 2006

¹⁹ *Working Together to Safeguard Children, 2006* is available at: <http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/>

²⁰ *Working Together to Safeguard Children 2006*

Reviewing policies and procedures

- 4.10** Local authorities should review all of their procedures and practices in relation to elective home education on a regular basis to see if improvements can be made to further develop relationships and meet the needs of children and parents. Home education organisations and home educating parents should be involved in this process of review. Effective reviews, together with the sensitive handling of any complaints, will help to secure effective partnership.
- 4.11** Local authorities should bear in mind that Ofsted report on the way local authorities cater for elective home educating families within their areas. Local authorities should keep home educators and home education support organisations informed of the policies and procedures of Ofsted reviews and any input they will have.

Part 5

Support and resources

- 5.1** When parents choose to electively home educate their children they assume financial responsibility for their children's education.
- 5.2** Local authorities do not receive funding to support home educating families, and the level and type of support will therefore vary between one local authority and another. However, we recommend that all local authorities should adopt a consistent, reasonable and flexible approach in this respect, particularly where there are minimal resource implications. As a minimum, local authorities should provide written information (which is also available through the internet) on elective home education that is clear and accurate and which sets out the legal position (see paragraphs 4.5 - 4.6). Some local authorities may be able to offer additional support to home educating parents, but this will vary depending on their resources. Examples of additional support include:
- provision of a reading or lending library with resources for use with the home educated children
 - free, or discounted, admission into community programmes (including local authority owned community and sports facilities)
 - access to resource centres (including local school resources where feasible)
 - National Curriculum materials and curricula offered by other educational institutions
 - information about educational visits and work experience
 - providing assistance with identifying exam centres willing to accept external candidates.

The National Curriculum

- 5.3** Although home educated children are not required to follow the National Curriculum a number do. National Curriculum tests and assessment arrangements are developed and administered by the Qualifications and Curriculum Authority (QCA) on behalf of the Secretary of State. Information to support these arrangements is provided both electronically and in hard copy through the QCA's website at www.qca.org.uk or by telephoning their publications office on 08700 606015.
- 5.4** In addition, the DCSF's website at www.dcsf.gov.uk will allow access to the National Curriculum and associated schemes of work, aimed at setting standards across all schools. Some documents are also distributed via Departmental publications which can be accessed through links on the Stationery Office site at www.tso.co.uk/ or by telephoning 0845 602 2260.

Connexions Service

5.5 The Connexions Service is an England only service. Its purpose is to provide support to all 13 to 19 year olds and to young people who have not yet reached 25 years if they have a learning difficulty, in order to encourage, enable or assist their effective participation in education or training. The Connexions Service also assists young people to obtain suitable employment and related training and education. Its services and responsibilities cover children and young people who are being educated at home. From April 2008 each local authority will be funded and have responsibility for the provision of Connexions services in its area. The local Connexions Service is responsible for maintaining an overview of the learning and work status of all young people that are covered by its remit and seeks to ensure that none fall between the responsibilities and remit of different agencies and thus become marginalized or lost to the system. Sections 117, 119 and 120 of the Learning and Skills Act 2000 make provision about the supply of information to Connexions providers, subject to normal data protection principles.

Flexi-schooling

5.6 This paragraph has been removed (March 2013). See main web page on Elective Home Education guidelines.

Local authorities' role in supporting work experience

5.7 Work experience is not a statutory requirement. However, the Government's objective is for all Key Stage 4 pupils to undertake work experience in the last two years of compulsory schooling. Over 95% of Key Stage 4 pupils go on placements each year. The law relating to the employment of children generally places statutory restrictions and prohibitions on employers in this respect. Where the employment is in accordance with arrangements made by a local authority or a governing body, with a view to providing pupils with work experience as part of their education in their last two years of compulsory schooling, these restrictions will generally not apply.²²

5.8 Children educated at home have no entitlement to participate in work experience under arrangements made by a local authority but we encourage local authorities to assist the parents of home educated children who wish to pursue work experience through such arrangements. Where home educated children do participate in such schemes, consideration should be given to the extent to which such children are covered by, for example, the health and safety, child protection and insurance provision made on behalf of school children, often by intermediary bodies, which are necessary to safeguard the child.

²² see section 560 of the Education Act 1996, as amended by section 112 of the School Standards and Framework Act 1998

Education Maintenance Allowance

- 5.9** Education Maintenance Allowance is an income tested weekly allowance available to learners over the age of 16 as an incentive to stay on in education at school or college after GCSEs. It is not available to learners whose parents elect to home educate them after the age of 16.

Truancy sweeps

- 5.10** When planning and running truancy sweeps, LAs should refer to the DCSF's *School Attendance and Exclusions Sweeps Effective Practice*²³. This includes a section on children who are educated outside the school system. Those taking part in the sweeps, including police officers, police community support officers, local authority staff and anyone else taking part in the sweep should be fully familiar with this guidance, act in accordance with it and be aware that there is a range of valid reasons why compulsory school-age children may be out of school.

Gypsy, Roma and Traveller Children

- 5.11** Local authorities should have an understanding of and be sensitive to, the distinct ethos and needs of Gypsy, Roma and Traveller communities. It is important that these families who are electively home educating are treated in the same way as any other families. Home education should not necessarily be regarded as less appropriate than in other communities. When a Gypsy, Roma and Traveller family with children of school age move into an area, they are strongly encouraged to contact the local Traveller Education Support Service for advice and help to access local educational settings. Most LAs provide such a service. Further guidance can be obtained from the DCSF's Guide to Good Practice on the education of Gypsy, Roma and Traveller children - *Aiming High: Raising the Achievement of Gypsy Traveller Pupils* which can be obtained from DCSF Publications (reference DfES/0443/2003). Another (external) source of information is www.gypsy-traveller.org/education/.

Gifted and talented children

- 5.12** Although the Department does not have hard data, anecdotal evidence suggests that many home educated children would be identified as gifted and talented were they to attend a school. Some home educated children are likely to be exceptionally able; others will have additional educational needs.
- 5.13** Local authority support for home educated children should take into account whether they might be gifted and talented. Through the lead officers for gifted and talented education, these children may be able to access local and regional learning opportunities alongside pupils from local schools. Authorities are encouraged to draw parents' attention to Young Gifted and Talented (YG&T), the Learner Academy for gifted and talented children and young people aged 4-19. YG&T is available to home-educated learners as well as to those in schools. They can access free and priced opportunities advertised in its Learner Catalogue, use its discussion forums and benefit from other resources and support as they become available. Electively home educated children and their parents can register with YG&T at www.dcsf.gov.uk/ygt.

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Summary Analysis of the ADCS Elective Home Education Survey October 2017

Executive summary

In October 2017, the Association of Directors of Children's Services (ADCS) issued a survey to all 152 local authorities (LAs) in England to understand better the volume and characteristics of the cohort of children and young people who are known to be home schooled and the support on offer to them and their families. Headline findings from this exercise, include:

- 118 responding LAs recorded a total of 35,487 children and young people known to be home schooled in their localities on school census day, Thursday 5 October 2017. It could be inferred that approximately 45,500 children and young people were being home schooled in England
- 92% of respondents reported year-on-year increases in the number of children and young people being home schooled
- Overall, slightly more males are known to be home schooled than females up to the end of key stage three, however, this trend reverses in key stages four and five where there are more females than males known to be home schooled. Overall, there is a significant jump in the number of children being home schooled between key stages one and two
- This cohort of children and young people is extremely fluid with the aggregated results of this survey suggesting between 35,819 and 49,154 were home schooled at some point in 2016/17, an in-year variation of 37%
- The majority of respondents reported over 80% of their known cohort had previously attended school, with general dissatisfaction with school being the most commonly cited reason for families choosing to home school
- 92% of respondents reported 0 – 10% of their known home schooling population had special educational needs and/or disabilities
- 37% of respondents reported they were aware of children in their area who were home schooled yet attending unregistered schools or tuition centres. Serious concerns about the quality of education on offer and the safety and welfare of attendees were reported
- Whilst the majority of home schooling families engage with their local authority and take up the offer of visits, respondents reported a small number of families refuse to meet or to share evidence of the education provided at home in different ways e.g. via samples of work or report from a tutor
- 65% of respondents reported having one or fewer full time equivalent staff to coordinate and monitor home schooling provision in their locality.

Commentary provided by LA staff highlighted concerns about the growth in numbers of children and families choosing to home school, many noted the absence of a registration requirement hinders the fulfilment of LA's statutory duties to identify children who are not receiving a suitable full-time education and to safeguard them. The growing complexity of this cohort's needs, links with unregistered schools and apparent breakdowns in the relationship between schools and families were also raised as issues multiple times. LA staff recognised that home schooling experiences can be suitable and nurturing, however, concerns arise when the education provided is not suited to the child's aptitude and ability or where the choice to educate at home is a further component of abuse and neglect. When the LA is denied the opportunity to see and speak to a child this is when the greatest concerns arise.

ADCS believes parents and carers who opt to electively home educate should register with the LA and LAs should be resourced to establish systems and safeguards to assure themselves that children and young people who are home schooled are receiving a good standard of education, delivered in a suitable learning environment, and that they are safe. These conclusions were first drawn in the Badman review of elective home education in England in June 2009; ADCS members firmly believe that many of Badman's recommendations remain pertinent to this day and should be adopted.

Summary Analysis of the ADCS Elective Home Education Survey October 2017

1. Background

In January 2016, the Association of Directors of Children's Services (ADCS) issued a survey to all 152 local authorities (LAs) in England on elective home education (EHE). The questions were designed to gauge the volume and characteristics of this cohort of children and young people, to understand how LAs across the country are supporting families who opt to home school and to understand how resources are being deployed in this area. A total of 73 valid responses were received and from the data provided, ADCS estimated somewhere in the region of 37,500 children were being home schooled nationally on Thursday 21 January 2016 (school census day).

This exercise was repeated in October 2017 and an updated version of the survey was issued to all LAs. A total of 118 valid responses were received from LAs across all nine regions. The results are summarised below.

2. Understanding the cohort

2.1. Total number of children known to be home schooled on Thursday 5 October 2017

Across the 118 LAs completing this survey, a total of 35,487 children and young people were known to be home schooled. Using this figure, it could be inferred that there were somewhere in the region of 45,712 children and young people being home schooled across the 152 LAs in England on 5 October 2017, an increase of approximately 7,500 on 21 January 2016. This growth may, in part, be due to rising birth rates, greater parental awareness of this option, improved LA recording techniques and better sharing of information between GPs and housing groups, for example.

The smallest reported cohort in any one LA was four children and the largest was 1,960 children, see appendix one for a breakdown of average cohort size by unitary, county, London borough and core city.

The majority of respondents strongly suspected the numbers of children being educated at home in their locality was much higher than reported but noted that without a mandatory registration scheme or a duty placed on parents and carers to comply with enquiries from their LA, there was no way of knowing with certainty the true size of this cohort:

"Just to note that the numbers of children known to be educated at home are probably equalled in number by those educated at home within the LA who remain, quite lawfully, un-registered with the LA."

"There is constant fluctuation during the academic year. Numbers generally peak around September and again in March/April and again in July. A lot of this appears to be related to transition points and parents not getting their first choice schools. There is also a large group of long term home educators."

"The number of registered electively home educated children within [LA] is at the highest level ever recorded."

2.2. Year-on-year increases in the home schooling cohort

117 LAs answered this question, 108 (92% of respondents) reported an increase and nine LAs said numbers had largely remained static or had fallen slightly in recent years. The majority of authorities reported steady year-on-year increases and a small number shared concerns about the rapid expansion of this cohort locally:

"EHE numbers continue to increase. On 5 October 2017, 39 new EHE notifications have been received since 1 September 2017 [LA with EHE population of 758]."

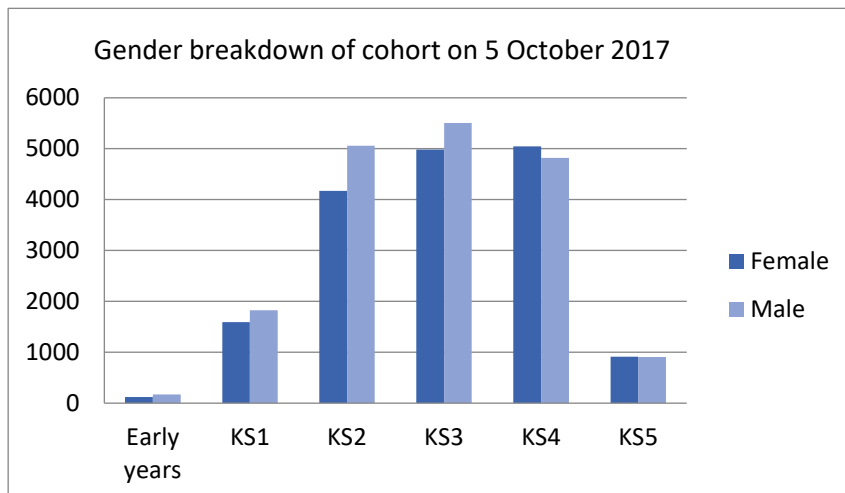
“Between July 2016 and July 2017, a significant increase of 56% [LA with EHE population of 1540].”

“At the end of the academic year 2016-17, 2.4% of the [LA with EHE population of 325] school population aged 5-16 were EHE. This compares to 2.1% in 2015-16 and 1.6% in 2014-15.”

2.3. Breakdown of home schooled children by key stage and gender on school census day

114 LAs were able to supply this information in the format requested. As in 2016, a significant increase in the numbers of children being home schooled between key stages one and two for both males and females was evidenced, numbers remain steady thereafter.

Overall, 52% of the cohort are male and 48% female, this is in line with the findings of the 2016 survey. However, there are slightly more females in key stages four and five than males.



The 2017 survey requested information about early years and key stage five aged children and young people for the first time given the national policy focus on the early years and the raising of the participation age to 18 years, please note only 41* of the 114** respondents were able to provide these figures:

“We only record data for children once they have reached their fifth birthday, and up to the third week of June in the year they turn 16 years of age in accordance with current legislation.”

	Early years* (Ages 0-5)	KS1** (Ages 5 – 7)	KS2** (Ages 7 – 11)	KS3** (Ages 11 – 14)	KS4** (Ages 14 – 16)	KS5* (Ages 16 – 18)	Total
Female	119	1595	4169	4980	5045	912	16820
Male	168	1823	5057	5504	4822	906	18280
Total	287	3418	9226	10484	9867	1818	35100

Please note the figures in this table are based on 114 responses so do not add up to 35,487.

2.4. The highest/lowest number of home schooled children and young people in 2016/17

112 LAs answered this question which was designed to capture the fluid nature of the home schooling cohort. A number of LAs reported that their cohort was at its smallest in the autumn term and largest in the summer term. In additional commentary, however, a smaller number of LAs reported their population is at its highest in the autumn term linked to an inability to access preferred school places, particularly in special schools. In 2016/17 the cohort ranged from 26,393 at its lowest point up to 36,219, aggregating these numbers up across the 152 LAs it could be inferred that the in-year cohort ranged from 35,819 to 49,154 children and young people, a considerable variation of 37%. This may potentially indicate home schooling is increasingly being used as a short-term intervention rather than a philosophical or lifestyle choice:

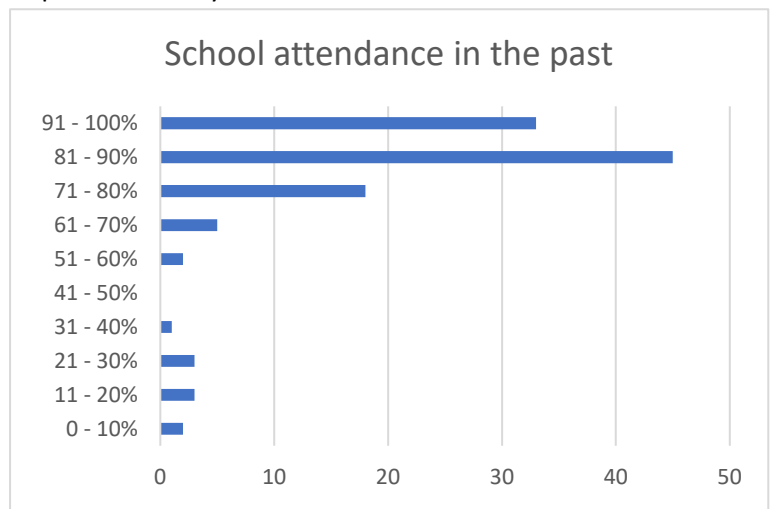
- A unitary in the North West had a home schooling population of 139 on 5 October 2017. Across the 2016/17 academic year the same LA had between 85 and 142 children on record, an in-year variation of 67%.
- A London borough had a home schooling population of 187 on 5 October 2017. Across the 2016/17 academic year the same LA had between 151 and 245 children and young people on record, an in-year variation of 62%.
- A county in the Eastern region had a home schooling population of 1019 on 5 October 2017. Across the 2016/17 academic year the same LA had between 708 and 1112 children on record, an in-year variation of 57% across the year.
- A unitary LA in the West Midlands had a known home schooling population of 1145 on 5 October 2017. Across the 2016/17 academic year the same LA had between 884 and 1215 children on record, an in-year variation of 43%.
- A county council in the South West had a home schooling population of 750 on 5 October 2017. Across the 2016/17 academic year the same LA had between 640 and 917 children on record, an in-year variation of 43%.

2.5. Previous school attendance

112 LAs responded to this question, 33 LAs reported 91 – 100% of their local EHE cohort had previously attended school whilst 45 LAs reported 81 – 90% had previously attended school. This too might suggest that home schooling is no longer purely a philosophical or lifestyle choice:

“We only have 3 children on our register who have never been to school [LA with EHE population of 322 on school census day].”

“The figure is 84%, this is compared to 69% in October 2013 [LA with EHE population of 709]. The concern is that the decision to EHE is made because of school related disputes on a wide range of issues from attendance, behaviour, perception of needs not being met, perceived pressure on children, admissions etc reflecting a growing parental dissatisfaction of formal education settings.”



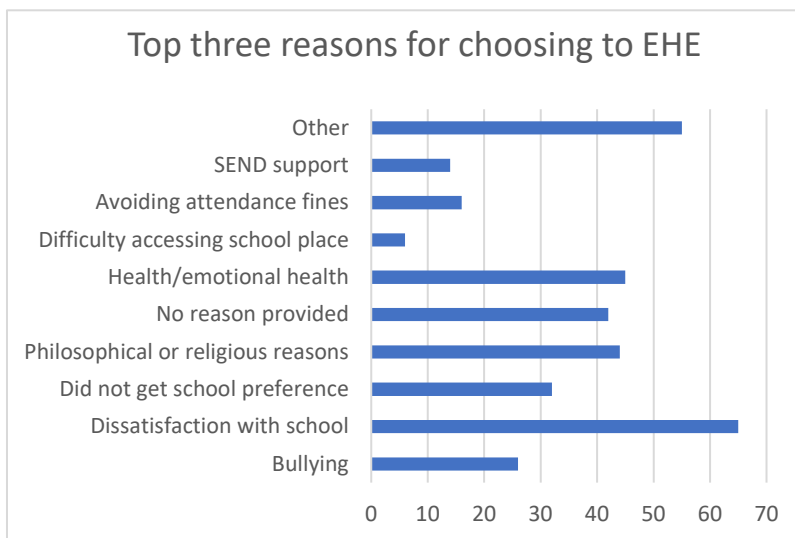
“60 of the current 451 have not previously attended schools. Some of this number includes Gypsy Roma Traveller families, under 5s and children from out of authority where the previous school may not have been noted on the notification.”

2.6. Most common reasons given for choosing to home school

Here LAs were asked to select the top three reasons for choosing to home school provided by parents or carers locally. ‘General dissatisfaction with the school’ was cited 65 times, ‘other’ 55 times and health/emotional health 45 times. Within ‘other,’ anxiety/ stress/ school phobia was referenced several times as was behaviour management. Often parents feel they can better meet their child’s needs themselves or simply do not supply a reason for choosing to home school.

A handful of LAs do not record reasons for home schooling, but most did. Additional commentary illustrates the complexity of this issue:

“Parents of Year 9, 10 and 11 students who EHE at this late stage for the first time increasingly report an 'unresolved difficulty' with an academy as the key reason or motive. It can include the threat of attendance penalty notices or behavioural issues linked to the potential for further exclusions. 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.”



“There is a real mix of reasons. The vast majority do not supply a reason. We have a large proportion of GRT [Gypsy Roma Traveller] pupils, a number of teenagers being open under CAMHS who are not coping with a mainstream school environment. We also do have a small proportion who withdraw to avoid prosecution for non-school attendance. Our long-term home educators tend to do it for philosophical/religious reasons.”

“The current statutory guidance doesn't enable the LA to easily access these families to ensure the children's needs are being met. The traditional cohort has now been replaced as the philosophical home educators are now outnumbered by those families that feel they have no choice but to educate at home.”

2.7. Special educational needs or disabilities

117 LAs provided a response to this question, of this number 109 said 0 – 10% of their home schooling cohort had special educational needs or disabilities, seven said 11 – 20% and one said 21 – 30%:

“Health/emotional health and worries around SEN has been a significant factor cited by parents for EHE in 2016/17.”

“The current trends for EHE include SEND where parents have been refused an EHCP (this cohort often return to school).”

“A significant number of children de-registered from school have additional needs (social, medical, SEN). Many parents report to feeling they felt they had no other option. Some parents report that EHE has been suggested to them by school staff. Children with ASC [Autism Spectrum Condition], ADHD [Attention Deficit Hyperactivity Disorder] and/or anxiety make up a significant proportion of those children de-registered from school to be home educated.”

2.8. Children missing education

The latest update to the Department for Education's (DfE's) children missing education (CME) guidance, which came into force in September 2016, placed a clear duty on all schools, including independent schools, to collect, record and share more detailed information with the LA about onward destinations when a child is removed from a school's roll at a non-standard transition point.

Views were mixed amongst the 111 respondents who provided an answer to this question, 50 LAs felt changes to the CME guidance had made a difference whilst 61 did not. Some noted there was no firm

evidence one way or another whilst others stated they already had strong processes and relationships in place with all local schools and/or tools to assist with notifications e.g. an online portal. Amongst those who felt the guidance had made a difference, six respondents specifically referenced clearer expectations of independent schools as a positive development:

"Since 2015-16 [LA] has had a robust system by which schools have reported a parental decision to electively home educate to the local authority."

"Schools having to submit starters and leavers information has definitely made a difference."

"We didn't think the changes in CME guidance 2016 resulted in greater awareness of pupils becoming EHE as our CME policy has always been robust. However, there has been one case where the child left one independent school and parents were EHE until they found another school – we wouldn't have been aware of this child without the new guidance."

2.9. Structures, systems and links to exclusions

111 LAs responded to this question, 50 of whom felt ongoing changes to school structures and wide ranging curriculum reforms were impacting on the rising numbers of children and young people withdrawing or being excluded from the mainstream schooling system, others were less sure:

"EHE numbers are increasing which in part may be due to increased pressures on schools and pupils to achieve academically and to improve attendance and behaviour. For some families and young people, the pressure becomes too great and EHE seems like a viable alternative. Budget cuts to schools and local authorities have led to there being fewer resources to support complex young people particularly those with SEMH [social, emotional and mental health needs] and this in part is a contributing factor."

"The rise in EHE referrals has coincided with the increase in academy conversions. This may be coincidental and the reasons for opting for EHE are relatively anecdotal and may be seen differently by schools/academies. However there remains a concern that "suggesting", "proposing" or "promoting" EHE may increasingly be used as a strategy to move children from roll."

"Although hard to verify, perceived reduction in school resources has led to an increase in potential exclusions which schools and parents would often prefer to convert to an EHE arrangement. In 2015/16 - 4% of EHE had been PEx [permanently excluded] - in 2016/17 this figure was 11%."

3. Supporting home schooling children and their families

3.1. Visit at home or at a neutral venue

113 local authorities answered this question. 97 authorities (or 86%) reported they offer a home visit while 16 (14%) do not. Some LAs reported they only make a visit when requested to do so by families or when concerns arise, whilst one LA offers a single visit per key stage. A number of LAs reported they are prioritising visits to children and families who are known to wider services, including children's social care or the SEND team, for example.

94 respondents provided figures showing an average of 76% take up rate of visits. Some LAs reported that a higher number of families agreed to a visit but cancelled or were not at home when the officer arrived:

"We have great confidence in our systems of monitoring and tracking EHE in the borough but are aware that where parents refuse a visit we are unable to pursue unless we have significant safeguarding concerns. Our neighbouring borough does not pursue visits at all unless parents actually request one therefore there is great discrepancy in approaches across the country."

"The policy of offering annual visits to all families has been amended to provide more on-going support. This change was necessary due to the increasing complexity of the students."

"When the LA first becomes aware that parents have chosen EHE, initial contact is made in order to establish a plan for provision is being made. This is done via inviting parents/carers to complete and return an initial EHE form. Once a year EHE parents/carers are sent an EHE Self Evaluation Form to complete and return with information about the child's learning. The form asks parents to describe the form and content of the educational programme, and to include samples of the child's work. In addition to this, some parents prefer an EHE visit meeting. Both forms invite the parent /carer to say if they wish to meet with the EHE link Advisor and Senior Education Welfare Officer. Where this preference is stated, a meeting will be arranged with the parents/carers. The LA may also initiate a request to meet with the parent /carer in cases where the information provided by the parent/carers gives cause for concern about the suitability of the provision, or where it appears that there are gaps in the provision that may indicate that the child's learning and social opportunities are restrictive or limited."

3.2. Take up of home visits and presence of children and young people

81 LAs were able to provide this additional information suggesting children and young people were present at an average of 85% of visits but there was significant variance amongst the responses.

3.3. Alternative evidence of education

62 LAs responded to this question, 21 provided commentary whilst 41 provided a numerical answer. Based on the 41 numerical responses received, an average of 48% of families opted to provide evidence of education in lieu of a home visit e.g. samples of work or a report by an independent tutor.

3.4. Use of school attendance orders (SAOs)

Of the 112 LAs that answered this question, 66 (or 58% of respondents) reported not issuing any notices in the last full academic year. 46 LAs (or 41% of respondents) reported they had issued a total of 258 school attendance orders (SAOs) relating to home schooling, ranging from one to 47 SAOs per LA in the last academic year. 34 LAs reported a total of 85 children returned to school as a result of formal SAO action via the courts.

As in 2016, a number of authorities reported that once they had initiated the SAO process either families began engaging with the LA or the child(ren) returned to school, several others said they were supporting home schooling families via early help services to head off the need for formal action:

"20 School Attendance Order cases were initiated. 5 children returned to a school based education and evidence of a 'suitable education' was produced in most of the other cases."

"The sanctions available to Magistrates where a parent fails to comply with a School Attendance Order (SAO) need reviewing. At the moment a parent can only be given a fine of up to a £1,000 or a conditional discharge. There are occasions where following prosecution, a parent still fails to comply with the SAO and an LA is left with no alternative but to go back to court. Both Magistrates and LA Officers are frustrated, that just continually fining a family may not produce compliance. Sanctions equal to those given to Magistrates under Sec 444 1a of the Education Act 1996 need to be put in place where there is failure to comply with an SAO. Currently a parent who 'knowingly fails to secure the regular attendance at school of their child', can receive a more severe sanction than the parent of child where there is no/unsatisfactory evidence there is any education at all, but they still fail to comply with the SAO."

"As the only means of challenging parents not providing a suitable education, school attendance orders are not as effective as required. Timescales are not proportionate so children not being educated at home can be without education for many months. The system doesn't seem to be as useful for children educated at home and a more streamlined method of returning children to school would be beneficial. The LA should be

able to remove the designation of 'educated otherwise' without the need to go to court once provision has been deemed unsuitable. A key concern is the increasing number of vulnerable children now being educated at home. I have increasing numbers of children and parents with mental health issues, anxiety, depression, children known to social care and youth offending."

3.5. Exam support

Of the 113 LAs responding to this question, 53 (47% of respondents) provide support to home schooling children in sitting formal exams. Types of support on offer include signposting or leaflets about exam boards/exam centres and revision techniques, the provision of telephone advice and networking meetings.

One LA stated it contributes up to £200 whilst two contribute £287 for each child sitting formal exams and two LAs pay for two GCSEs as long as one is English or Maths.

"We provide names of exam centres in the local area that can be used by EHE children - the information is given in our "Information to Parents" booklet together with details of exam boards and costs. We have also helped children to sit their exams through our alternative provision when parents have been unable to afford the fees."

"We commission a unique parent led support program. This has been commended as good practice by Ofsted."

"One of our Pupil Referral Units acts as the registered exam centre so that EHE students can be entered as external candidates. The exams officer and LA officer provide administrative support. The parents pay for the exam entries."

3.6. Formal exam entries

Of the 96 responses to this question, 36 LAs stated the number of local children who are home schooled and sat formal exams, including GCSEs and A Levels, was currently unknown while 13 LAs said they do not collect this information (neither parents nor the schools and colleges where the child sits their exams are required to notify the LA). 12 LAs reported zero home schooled children and young people sat exams in 2016/17 while the remaining 35 LAs reported a total of 384 young people had sat exams with a range of 1 – 62 candidates per LA.

3.7. Support for controlled assessments

Of the 108 LAs answering this question, 40 (37% of respondents) reported local schools and colleges provided some form of support to home schooling learners to sit exams whilst 68 (or 63%) did not:

"One of the local academies offers support but it is not co-ordinated by the LA."

"We signpost EHE pupils to local colleges who provide access to examinations and accreditation."

"FE colleges do not provide support for EHE in controlled assessments but they do provide FE vocational training courses to EHE registered children."

4. Safeguarding

4.1. Information sharing policies for out of area moves

Of the 113 LAs responding to this question, 102 (90% of respondents) reported they had a policy to enable the sharing of information while nine (or 10%) LAs did not, this mirrors the findings of the 2016 survey.

4.2. Use of Section 17 Assessments, Section 47 Enquiries and Child Protection Plans

99 responses were received to this question, 25 LAs reported zero Section 17 Assessments (S17s) had been completed, 74 LAs reported a cumulative total of 1282 S17s had been completed. Figures ranged from 1 – 156, in 2016 the range reported by 66 respondents was 0 – 84 assessments per LA.

96 responses were received about the numbers of Section 47 Enquiries (S47s). 23 LAs reported zero enquiries had been undertaken, a total of 425 S47 enquiries were carried out by the remaining 73 LAs. Figures ranged from 1 – 41, in 2016 the range reported by 65 respondents was 0 – 22 enquiries per LA.

103 responses were received about the numbers of children and young people who are home schooled and the subject of a child protection plan (CPP). 18 LAs reported zero CPPs, the remaining 85 reported a total of 368 CPPs. Figures ranged from 1 – 19, in 2016 the range reported by 68 respondents was 0 – 8 plans per LA:

“Currently 58% of children on our EHE list are known [London Borough with EHE population of 246].”

“80.5% of children included in the EHE school population in the 2016/17 had either been known to social care or are actively involved with the children’s social care [London borough with EHE population of 272].”

“We revised our EHE policy so that children subject to child protection plans cannot be EHE and if they are a child in need, EHE status is reviewed to ensure that this status would not cause the child further impairment or damage to their wellbeing or development.”

4.3. Use of unregistered schools and/or tuition centres

Of the 115 LAs that answered this question, 40 (or 34% of respondents) were aware of unregistered schools/tuition centres operating in their area. In localities with a high concentration of unregistered schools, LAs report they are in regular contact with Ofsted and the DfE about their concerns:

“I am very concerned about the use of unregistered schools by EHE families where children appear in many cases to be receiving the majority of their education. I am concerned at how owners of these establishments are advertising and recruiting and how they are projecting this approach as a method of 'home' education.”

“A small number of EHE parents use tuition centres, private tutors or online providers. Requests for information about the form and content of the educational provision is in the first instance made to the parent(s) to provide this from the provider. In all the cases where parents use external providers, parents gave consent for the LA to approach the provider directly for this information.”

“I am definitely concerned that even when the qualifications and DBS checks may be accurate and up to date there are concerns over a broad and balanced curriculum. Many centres do not offer art, music, PE or even have an outdoor area for children to play in. They know the law and are adept at briefing parents in what to say to LAs, for example 'parents are offering the remaining curriculum at home.' Many centres project themselves as 'schools' so parents are not always aware that they are not registered and therefore not under the same rigorous protocols as registered schools. Parents are under the impression that their children are attending 'school' and see this as an advantage because they are paying. In addition, there are smaller class sizes and they are led to believe that the discipline is better and more effective than mainstream school. Also, more worrying is that this projection is given to other services, for example, social care and they then believe it is a private school. Lots of tuition centres offer specific coaching towards qualifications - sometimes to the exclusivity of any other type of curriculum - and although this is particularly at KS3 and KS4 I am seeing an increased number of children in early years and KS1.”

5. Resources

5.1. Annual budget (and actual spend) on the coordination of home schooling

80 responses were received to this question and annual budgets varied significantly. 10 LAs reported they had no dedicated budget or that these services operated in a wider context. The budgets in the remaining 72 LAs ranged from £4,000 up to £197,000. The majority of LAs noted their budget covered staffing only.

88 responded to the actual budget question, 13 LAs reported an overspend (four of whom had a £0 budget for home schooling yet actual spend ranged from £10,000 - £44,496), just five reported an underspend.

5.2. Number of relevant full time equivalent (FTE) staff

111 responses were received to this question. 45 LAs (40% of respondents) reported they had less than one full time equivalent (FTE) member of staff to co-ordinate and monitor home schooling provision; 28 LAs (25%) had an FTE member of staff; 33 (30%) had between two and three FTE members of staff; and, five (5%) had more than three FTE members of staff. Based on 110 responses received, the average number of FTEs per LA on 5 October 2017 was 1.1.*

"0.4 FTE plus an EHE consultant who accompanies the officer on visits to assess the quality of the education that is being provided."

"One full time EHE Coordinator, one 0.6 fte Consultant undertaking assessments of provision."

"0.7 Advisory Teacher. 0.2 Admin Support."

* One LA reported oversight sits with a wider team of 120 staff, this response has been excluded here.

5.3. Location of team

115 responses were received and the picture was varied. EHE oversight commonly sat with the Access and Inclusion, Admissions, Education Welfare or Pupil Services. However, several LAs reported this sat within safeguarding.

6. Specific comments about existing guidance and legislation

"A review of the EHE guidance is needed to clarify the role and responsibilities of the Local Authority and parents. The current guidance is at odds with CME and the new SEND code of practice which further adds to the confusion."

"The LA, with the support of local councillors, is very concerned by the continuing increase in parents choosing to home educate when this may reduce educational outcomes and aspirations for the young people. We would like to see the current legal framework updated to ensure children are seen regularly (at least twice a year) and provide a clear framework for suitable education to be gauged. We would request consideration of a period of time for the child's place on the school roll to be kept open to ensure parents have the opportunity to consider this action and reduce time out of education if this has been a decision made in haste or without full understanding."

"In the interests of safeguarding, we feel that there should be a requirement for all EHE students to be registered with the LA and that students must be seen by an LA Officer as part of the monitoring process. There should be a mechanism for the LA to record the number of EHE students at Census and appropriate funding made available to LAs to ensure effective monitoring arrangements are in place."

"The lack of a definition of suitable provision is problematic. Whilst there should be scope for parents to develop a personalised package, this does not mean that criteria cannot be put in place. A suitable

provision at home should include formal maths, English, ICT and social activities outside of the house. Parents should also be required to assess the progress of their children and demonstrate that learning is taking place. 'Full time' should be given a set number of hours. Effective systems of challenge need to be developed to deal with those schools that actively off-roll pupils into home education. Some schools have template letters for parents to sign. Parents often leave school without knowing the responsibility they are taking on. More should be done to capture and measure the outcomes of these students. Anecdotal evidence suggests that home educated children are over represented in NEET figures."

"As a local authority we feel that it would be helpful for the DfE to provide a definition of a 'suitable education.' Within this definition we would like to see an outline of the number of hours of education a week, evidence of a broad, balanced planned programme of education that is appropriate to the age, ability and needs of the individual child to ensure that the child's physical, emotional, cultural and intellectual needs are met. Statutory guidance around annual reviews would be helpful."

"EHE greatly concerns us, we have seen growing numbers of parents choosing to EHE their children, and often this has been through coercion from schools, often these are vulnerable families who are not capable of EHE. The DfE guidance is very open to interpretation. There is no definition of a "suitable education", which would be helpful, we think this definition should include what should be taught and the number of minimum hours, expected levels of achievement at each key stage would also be helpful. We could not comprehensively say how many actual children are EHE in the area, given that there is no requirement to keep a register or for parents to contact their local authority."

"...We think that greater provisions should be made to enable EHE children to sit formal exams if they wish at GCSE, otherwise progression into Post 16 education can be difficult if they have no formal recognised qualifications."

"Present statutory guidance is such that should any child stop attending an FE-based EHE provision there is no requirement for that FE setting to notify the LA. The FE College can just remove them from the course; so children missing education is a real possibility."

7. Additional comments

"The Badman review in 2009 examined EHE. The number of children becoming EHE has risen significantly since this review, but the issues remain the same and there are less resources available to the LA. Despite several SCR [serious case review] recommendations and the potential/reality of children not being known - the current legislation enables parents to remain under the radar and/or just provide a philosophy which may have been printed from the internet. That said there are many EHE families who are providing a thorough education which is bespoke and appropriate to their children."

"As an authority we are concerned that parents choose to home educate as an avoidance option and at the moment there is no legal right for LA officers to see, monitor or supervise the education the child is receiving. We can only intervene if there are serious safeguarding concerns or we can prove the child is not receiving a suitable education; this can be very difficult to prove."

"We are noticing a trend of EHE parents requesting a new school place less than 6 months after deciding to EHE e.g. at the October 17 Fair Access Meetings 16 applications for a return to school were presented."

"In [county LA] 0.8% of the school age population are EHE. In 2012 the percentage was 0.3%. The LA has concerns around safeguarding and would support significant change to both the law and DfE guidance."

"I would suggest that schools would prefer a child to become EHE rather than be excluded. As schools are often judged on their attendance and performance results, then I would suggest that for many Yr10/11 children who become EHE, attendance and performance aspects are impacting more significantly than exclusion rates. Medical issues are having a greater impact than previously, with children leaving school

due to anxiety issues. Reduced capacity in terms of Education Welfare Support may also lead to parents making less informed decisions."

"In the past 2 years we have had 2 tuition centres operating as unregistered 'schools' and purporting to be offering tuition to EHE children. This was reported to the DfE and Ofsted and both are now closed. There were serious concerns about safer recruitment, the curriculum that was being taught and the children being exposed to extremist attitudes and materials with the risk of radicalisation and the arrangements for the safeguarding of the children."

"There has been a relative decrease in EHE numbers in [LA] since we have introduced two key policies:

- 1. A requirement to provide us with written evidence of a Planned Programme of Education. The legal basis for requesting this has been challenged by parents, but they eventually agreed to provide it.*
- 2. A clause in our local Fair Access Protocol which determines that children withdrawn to be home educated who subsequently make an application for another school are required to return to their previous school, in order to discuss / resolve any underlying issues. Schools can arrange a 'managed move', involving a 6-week trial, if a change of school place is considered appropriate."*

Appendix one – home schooling cohort breakdown within each type of LA

Based on requests received in 2016 for a greater level of detail to be provided for benchmarking purposes, a random sample of five LAs has been selected by type e.g. core cities, London boroughs.

Random sample of five core cities	Cumulative total	Average
Known home schooling population	2433	486
Highest / lowest numbers in 2016/17 academic year	1768 to 2551	44% variance
Has the local home schooling population increased?	100% reported increases	Yes
Male/Female breakdown	50/50	50/50
SEND needs	0 - 10%	0 - 10%
Attended school before?	81 - 90%	81 - 90%
Section 17s	26	5.2
Section 47s	4	1
Child Protect Plans	7	1.4
School Attend Orders	46	9.2

Random sample of five county councils	Cumulative total	Average
Known home schooling population	5303	1060
Highest / lowest numbers in 2016/17 academic year	3993 to 5664	41% variance
Has the local home schooling population increased?	100% reported increases	Yes
Male/Female breakdown	52/48	52/48
SEND needs	1 - 10%	1 - 10%
Attended school before?	81 - 90%	81 - 90%
Section 17s	125	25
Section 47s	29	5.8
Child Protect Plans	26	5.2
School Attend Orders	13	2.6

Random sample of five London boroughs	Cumulative total	Average
Known home schooling population	1103	220
Highest / lowest numbers in 2016/17 academic year	904 to 1187	31% variance
Has the local home schooling population increased?	100% reported increases	Yes
Male/Female breakdown	52/48	52/48
SEND needs	1 - 10%	1 - 10%
Attended school before?	51 - 60%	51 - 60%
Section 17s	25	5
Section 47s	20	4
Child Protect Plans	17	3.4
School Attend Orders	1	0.2

Random sample of five unitary councils	Cumulative total	Average
Known home schooling population	909	181
Highest / lowest numbers in 2016/17 academic year	747 to 987	32% variance
Has the local home schooling population increased?	80%	Majority yes
Male/Female breakdown	52/48	52/48
SEND needs	1 - 10%	1 - 10%
Attended school before?	81 - 90%	81 - 90%
Section 17s	33	6.6
Section 47s	13	2.5
Child Protect Plans	9	1.8
School Attend Orders	10	2

Survey on Elective Home Education - Introduction

Numbers of children who are electively home educated (EHE) are not routinely captured via a national data return.

In 2016 ADCS issued a [short survey](#) to all local authorities in England in a bid to understand more about this cohort of children, the support on offer to EHE families across the country and how these services are arranged locally.

We understand that local authorities can only report on the numbers of EHE learners that are known to them and that it is difficult to gain a comprehensive picture of the size and make up of this cohort without a mandatory registration process, however, we are interested in furthering our understanding in this area. The DfE is similarly interested in the results of exercise.

Please complete this survey using school census day (Thursday 5 October 2017) data.

The results of this survey will be shared with the ADCS membership in the coming weeks, please complete and return this survey by Friday 27 October 2017. If you have any questions or queries please contact katy.block@adcs.org.uk.

Thank you for your assistance.

Data

1. On 5 October 2017, how many children in total were you aware of being electively home educated in your LA?

2. Has this number increased year on year?

Yes

No

Comment:

3. How many children are electively home educated by key stage and gender as captured on 5 October 2017?

Male

Early Years

Key Stage 1

Key Stage 2

Key Stage 3

Key Stage 4

Key Stage 5

Female

Early Years

Key Stage 1

Key Stage 2

Key Stage 3

Key Stage 4

Key Stage 5

4. What proportion of your local EHE population has previously attended a school?

- 0-10%
- 11-20%
- 21-30%
- 31-40%
- 41-50%
- 51-60%
- 61-70%
- 71-80%
- 81-90%
- 91-100%

Comment:

5. What are the top 3 reasons given by parents/carers for choosing EHE, as captured on 5 October 2017

- Dissatisfaction with the school - SEND
- Dissatisfaction with the school - Bullying
- General dissatisfaction with the school
- Did not get school preference
- Philosophical/religious reasons
- Parents did not provide a reason
- Health/emotional health
- Difficulty in accessing a school place
- A means of avoiding school attendance fines
- Other (please specify)

6. What percentage of the total number of EHE children have a statement of SEND/EHCP as captured on 5 October 2017

- 0
- 1-10%
- 11-20%
- 21-30%
- 31-40%
- 41-50%
- 51-60%
- 61-70%
- 71-80%
- 81-90%
- 91-100%

7. Have changes in the Children Missing in Education guidance from 2016 resulted in greater awareness of pupils becoming EHE?

- Yes
- No

Comment:

8. In the last full academic year, 2016/17, what was the lowest number of EHE children at any point in the year?

9. In the last full academic year, 2016/17, what was the highest number of EHE children at any point in the year?

10. Have exclusion rates and changes to school structures and systems impacted on EHE numbers locally?

Yes

No

Comment:

Education Visits

11. Does your LA contact parents to request an annual home visit or a meeting at a neutral venue in order to discuss the education arrangements for their child/children?

Yes

No

12. If 'yes',

What percentage of EHE families agree to a home visit by the LA? Please omit the % sign from your answer.

What percentage of children are present at the meeting with their parents? Please omit the % sign from your answer.

13. If 'no', what percentage of families who refuse direct access, provide evidence in alternative ways? (E.G. a report, samples of work, independent home tutor report, or other appropriate form)

14. How many school attendance notices issued by the local authority related to EHE in 2016/17?

15. How many of these notices relating to EHE resulted in the child returning to a school based education?

EHE Support

16. Does you LA offer any support for EHE children to undertake exams?

Yes

No

17. If 'Yes', what support do you offer?

18. How many EHE children in your local area are known to have sat formal exams in 2016/17?

19. Do any schools or FE colleges in your local area provide support for EHE children in controlled assessments?

Yes

No

20. Where EHE families move out of area, do you have a policy to enable any relevant information to be shared with the new LA?

Yes

No

21. How many Section 17 assessments were completed for children who were EHE during 2016/17

22. How many Section 47 Assessments were conducted for children who were EHE during 2016/17?

23. How many EHE children were subject to a child protection plan or entered care during 2016/17?

Tuition Centres and Unregistered Schools

24. Are you aware of EHE children in your area attending unregistered schools and/or tuition centres?

Yes

No

Comment:

25. If 'Yes', do you have any concerns about these settings (safeguarding/health and safety/suitability of educational experience) on offer?

EHE Services in your Local Authority

In order to help ADCS understand how EHE services are provided in your authority, please tell us....

26. What was the budget/actual spend on co-ordinating and monitoring EHE services in your authority in the last full academic year (2016/17)?

Budget Spend £

Actual Spend £

27. What is the number of FTE staff working in your area on co-ordinating and monitoring EHE?

28. Which team within the wider children's services department does EHE sit in?

Additional Comments

29. Any further comments?

30. About you - please leave your name and email address if you wish to be informed of the outcomes of this work.

LA or type of LA and region
(i.e. unitary in the North
West)

Name

Email address

Thank you for taking the time to complete this survey.

Division(s): All

EDUCATION SCRUTINY COMMITTEE – 13 DECEMBER 2017

Joint Local Area Inspection of Special Educational Needs and Disabilities

Report by Director of Children's Services

Introduction

1. The first local area SEND inspections took place in May 2016. By May 2017, Ofsted and CQC had completed 30 inspections. Just under a third of the local areas inspected (nine) were required to provide a written statement of action. The Ofsted and CQC report '[Local area SEND inspections: one year on', October 2017](#) highlights the main findings from the first 30 inspections. The first three key findings are:
 - Children and young people identified as needing SEND support had not benefited from the implementation of the Code of Practice well enough.
 - Children and young people who have SEND were found to be excluded, absent or missing from school much more frequently than other pupils nationally.
 - School leaders had used unofficial exclusions too readily to cope with children and young people who have SEND.
2. Between 25 September 2017 and 29 September 2017, Ofsted and the Care Quality Commission (CQC), conducted a joint inspection of the local area of Oxfordshire to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014.
3. Inspectors spoke with children and young people with disabilities and/or special educational needs, parents and carers, local authority and National Health Service (NHS) officers. They visited a range of providers and spoke to leaders, staff and governors about how they are implementing the special educational needs reforms. Inspectors looked at a range of information about the performance of the local area, including the local area's self-evaluation. Inspectors met with leaders from the local area for health, social care and education. They reviewed performance data and evidence about the local offer and joint commissioning.
4. The report was published on December 4th and stated that the local area is required to produce and submit a written statement of action to Ofsted that explains how the local area will tackle the following areas of significant weakness:
 - the lack of clearly understood and effective lines of accountability for the implementation of the reforms

- the quality and rigour of self-evaluation and monitoring and the limited effect it has had on driving and securing improvement
 - the quality of EHC plans
 - the timeliness of the completion of EHC plans
 - the high level of fixed-term exclusion of pupils in mainstream secondary schools who have special educational needs and social, emotional and mental health needs in particular.
5. Her Majesty's Chief Inspector (HMCI) has determined that the local authority and the area's clinical commissioning group are jointly responsible for submitting the written statement of action to Ofsted within 70 days of the published report (March 14th).
6. The committee is recommended to consider the outcomes of Oxfordshire's inspection and the initial actions that have been taken to address the areas for improvement that relate to education.

Strengths identified by inspectors in relation to education

7. The effectiveness of the local area in **identifying** children and young people's special educational needs and/or disabilities
- The local area's SEN and/or disabilities (SEND) guidance document for children at SEN Support.
 - EHC plans consistently capture the voice of the child and their family.
 - The local area is on track to have completed all conversions, from statements to Education, Health and Care plans (approximately 2,700) by the required deadline of March 2018.
 - The identification of educational needs in EHC plans is relatively strong. Literacy and numeracy needs are typically well defined.
8. The effectiveness of the local area in **meeting the needs** of children and young people with special educational needs and/or disabilities
- The single point of referral in the early years for multi-disciplinary assessment and onward referral to services.
 - The 'readiness for school task force'.
 - A network of early years 'system leaders' is helping to ensure that early years' settings are able to gain the support and training necessary to meet the needs of children who have SEN and/or disabilities effectively.
 - Special schools and specialist provisions at mainstream schools.
 - The services provided by the local authority's Oxfordshire School Inclusion Team (OXSiT).
 - The integrated service (commissioned by the local authority) , providing SALT, physiotherapy and occupational therapy, particularly support provided by the SALT team.
 - The autism team is also highly valued by schools.

- Specialist services such as for hearing impairment, visual impairment and Down's syndrome are highly regarded by parents and professionals.
 - Nursing in secondary schools, an assigned nurse in primary schools and support for those with complex needs.
 - SEN transport, including training of drivers and escorts and passenger passports.
 - The successful supported internship programme.
 - Co-production, taking the views of children, young people and parents into account when planning services, eg the development of the SEND handbooks for primary and secondary school.
 - Children and young people who spoke to inspectors reported that they feel listened to and involved in decisions about their educational provision.
 - The Special Educational Needs and Disability Information, Advice and Support Service and the well-established network of trained volunteers.
 - Some effective partnership working, for example, joint working with other local authorities has resulted in places being secured in specialist residential provision for a number of children with social, emotional and mental health needs, whose needs could not be met within the local area.
9. The effectiveness of the local area in **improving outcomes** for children and young people who have special educational needs and/or disabilities
- On average, children with a statement of special educational needs or an EHC plan achieve in line with similar children nationally, at the end of each key stage.
 - The achievement of pupils who have SEN and/or disabilities without a statement of special educational needs or an EHC plan has improved considerably over the last three years, most notably in the early years and primary phases. The proportion of these children reaching a good level of development in early years has increased steadily since 2014, and is much closer than previously to that of similar children nationally.
 - There has been a similar increase in those meeting the expected standard in the national phonics screening check at the end of Year 1. Achievement at the end of key stage 2 improved notably in 2017, having been particularly weak in the first year of the new tests and assessments in 2016.
 - The proportion of young people who have SEN and/or disabilities reaching at least level 2, including English and mathematics, by the age of 19 has also improved considerably.
 - The achievement rates of students who have SEN and/or disabilities who attend Oxfordshire further education colleges are above the national average for students with similar needs.
 - The growing supported internship programme is helping the majority of young people taking part to progress successfully to sustained employment.
 - Parents who met with or contacted inspectors reported positively on the achievement and wider outcomes, such as growth in confidence and self-reliance, of children and young people with hearing impairment.

Areas for development identified by inspectors in relation to education

10. Leadership

- During the implementation of the reforms, leaders have not taken sufficiently determined action to tackle key areas of weakness.
- Local area leaders' self-evaluation is not sharp enough to inform improvement planning. Leaders often do not have a firm understanding of the extent of success, or otherwise, of their work, or what they might need to do differently in the future.
- Action plans typically do not capture the starting points for improvement work or the impact the work should have by key points in time. As a result, leaders and elected members are not well-placed to evaluate the success of improvement work or intervene quickly when a change of approach is needed. Leaders are starting to improve the situation, for example by bringing in a suitable consultant to work on improving the timeliness and quality of plans. However, it is too soon to see the impact of this work.
- Arrangements for holding leaders to account across education, health and care services are not effective enough. No single, identified body holds a strategic overview of work across education, health and care services. Leaders and officers do not have a consistently clear understanding of which project board or person has oversight or responsibility for which aspect of implementation of the reforms.

11. Education, Health and Care Plans

- Children and young people's needs are not identified comprehensively enough in EHC plans.
- Typically EHC plans do not identify social care needs and in some cases health needs.
- Wider academic educational needs are often not clearly identified.
- At times, out-of-date information is used to inform the writing of an EHC plan.
- EHC plans are not completed in a timely manner. Just under a third of EHC plans were completed in the statutory 20-week timescale in 2015. This situation has improved a little recently.
- Plans not being completed early enough prior to children and young people moving to a new school or college at the end of a key stage or onto post-16 and post-18 education.
- EHC plans are typically not written well enough to ensure that all of a child or young person's SEN and/or disabilities are consistently well met.
- Assessments of social care needs, in particular, are often missing. Even when the health and/or social care needs are identified, the information about what is to be provided is often too vague to ensure that the child or young person's needs are met well or to support accurate evaluation of the effectiveness of the plan.
- The quality of outcomes writing in EHC plans is not detailed or precise enough to enable sharp monitoring of the effectiveness of the plan.

12. Mainstream schools

- Some mainstream schools are not making sure that staff have the skills needed to identify and meet the needs of pupils who have SEN and/or disabilities consistently effectively
- The needs of children and young people with social, emotional and mental health at SEN Support are typically not met well enough in mainstream schools. This is evident in the high level of fixed-term exclusions, which contribute to poor attendance. Some schools resort to reduced timetables for such pupils. School leaders do not consistently bring in the support needed to make sure that these pupils are able to access their full educational entitlement or provide suitable alternative provision.

13. Attendance and exclusions

- The proportion of children and young people who have SEN and/or disabilities without a statement of special educational needs or an EHC plan with one or more fixed-term exclusions is high and has increased notably in recent years.
- The proportion of pupils who have SEN and/or disabilities without a statement of special educational needs or an EHC plan with poor attendance is also high, linked, at least in part, to high levels of exclusion. This is particularly the case in secondary schools.

14. Attainment

- Despite improvements, the achievement of pupils who have SEN and/or disabilities without a statement of special educational needs or an EHC plan remains low at the end of each key stage in relation to similar pupils nationally. Improving achievement for these pupils remains an area for development, particularly in secondary school. In 2016, the achievement of pupils with middle and high starting points at the start of secondary school who had SEN and/or disabilities without a statement of special educational needs or an EHC plan was low in mathematics and notably lower in English. Achievement in non-EBacc subjects (the open element) was even weaker.

15. Education services

- Leaders have not made sure that there is a clear, shared strategic approach between the Oxfordshire Teaching Schools Alliance (OTSA) and the local authority's OXSIT.
- Some positive work has been undertaken to help schools improve provision for pupils with social, emotional and mental health needs. This has included the introduction of therapeutic approaches and training for staff. In the schools where this has been trialled it has proved successful. Additionally, a training programme for support staff on meeting pupils' emotional needs is also underway. However, it is too early to judge the impact these initiatives will have on mainstream school provision across the local area.

16. Local Offer

- Leaders have spent considerable time consulting with parents and working to ensure that the local offer on the council website contains much useful information. However, the local offer is not well known to parents and the limitations of the search facility make it difficult for those who do use it to quickly find the information they are seeking.

Actions to address areas for improvement in relation to education.

17. Since the inspection there has been an opportunity to reflect and begin to implement the learning from the experience. The spot light on SEND has raised the importance of the area's joint responsibilities and emphasised how austerity measures have been impacting on Oxfordshire's ability to deliver the SEND reforms.

18. The Programme Board is overseeing the implementation of the reforms and is chaired by the Cabinet member for Public Health and Education, Councillor Hilary Hibbert-Biles, and will report to the Children's Trust and Oxfordshire's Health and Wellbeing Board, ensuring joint accountability.

19. Resources are being considered to strengthen services and provision for children and young people with SEND to enable the local area to fulfil its duties. Some immediate decisions have been made including

- (a) reversing the planned savings for the SEN casework team from April 2018 (£250,000) and providing an extra £250,000 to maintain the current staffing levels in the casework team if the DfE SEND grant ceases (April 2018).
- (b) 3 additional educational psychologists.
- (c) A manager to take a lead for improving behaviour.

As the detailed action plan is developed further resource implications will be identified.

20. Oxfordshire's SEND action plan is being updated to address the areas of weakness identified and in line with Ofsted guidance. The written statement of action will be submitted to Ofsted and the CQC within 70 working days of the published report (March 14th). The SEND Programme Board will sign off the action plan before submitting it to the DfE.

21. A performance dashboard containing targets across education, health and care is being developed.

RECOMMENDATION

22. **The Education Scrutiny Committee is RECOMMENDED to consider the outcomes of the SEND area inspection and implications for Education Scrutiny's work on exclusions.**

LUCY BUTLER

Director for Children's Services

Background papers:

Local area SEND inspections: one year on, Ofsted and CQC , October 2017

<https://www.gov.uk/government/publications/local-area-send-inspections-one-year-on>

Oxfordshire's Joint SEND Area Inspection report <https://reports.ofsted.gov.uk/local-authorities/oxfordshire>

Contact Officer: Janet Johnson, Strategic Lead for Vulnerable Learners

December 2017

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Division(s): N/A

EDUCATION SCRUTINY COMMITTEE – 13 DECEMBER 2017

HOW DOES OXFORDSHIRE ADDRESS BULLYING IN SCHOOLS AND ONLINE? WHAT ACTION IS BEING TAKEN TO ADDRESS PREJUDICE-RELATED BULLYING AND TO REDUCE THE IMPACT ON VULNERABLE GROUPS?

Report by Deputy Director, Safeguarding, Children’s Social Care

Introduction

1. This paper provides information about the current local evidence and action being taken to prevent and reduce bullying in Oxfordshire. The paper includes information about the local authority’s legal obligations and how current work to address bullying meets the local vision and priorities for Children’s Services. It includes a brief overview of work being carried out as part of the current Anti-Bullying Strategy. The paper aims inform members about work to address both online and prejudice-related bullying and the specific focus on work to mitigate the impact on vulnerable groups.

Legal context

2. The Education Act 2002 Section 175 placed a legal duty on maintained schools and Local Authorities to safeguard and promote the welfare of children. Oxfordshire’s work to prevent and reduce bullying therefore falls within this general welfare principle. It also supports the local authority’s obligations in relation to The Equality Act 2010, which places a duty on all public bodies to eliminate discrimination, advance equality of opportunity and foster good relations. This has relevance to the work to address prejudice-related bullying and to mitigate the impact on vulnerable groups.

Local evidence and vision

3. Oxfordshire’s Anti-Bullying Strategy has a detailed action plan which is refreshed annually at the start of each school year. There is wealth of both national and local evidence that indicates a link between bullying and not feeling “safe to learn” in school. There is also clear evidence of a link between bullying and reduced school attendance and attainment and evidence that bullying can impact on mental health and well-being.
4. Oxfordshire has a free online bullying survey that school can access all year round. Schools who participate are provided with a unique link to in order that they can identify and address issues locally. Last year 6,457 children (from 9 secondary and 15 primary schools) took part. Participating schools have used results to develop effective Anti-Bullying practice and thus create greater safety

for students. Results are then analysed centrally in depth to inform the Anti-Bullying strategy action plan and ensure that it is evidence-based.

5. Results from last year's survey showed that, in line with national trends and previous local results, those young people who are "different" from the majority in terms of experience of a long-term illness or disability, race, religion, or sexuality are likely to experience increased frequency of bullying and "feeling unsafe". Of this group, secondary age young people who identify as lesbian, gay, bisexual or transgender (LGBT) appear to be very vulnerable with 10% never feeling safe in the classroom (compared to 1% of those identifying as heterosexual). These results have been consistent over several years and, whilst showing some improvement, action to address prejudice-related bullying has remained a high-priority within the strategy. Work of the Anti-Bullying strategy therefore supports the local vision for Children's Services to ensure the children within Oxfordshire are healthy, safe, supported and successful. It also contributes to the current Children's Services obsessions specifically increasing school attendance – leading to improved attainment.
6. Some brief details of how this is being done will be outlined below.

National guidance for schools

7. Oxfordshire promotes and recommends that all schools follow the current government guidance on preventing and tackling bullying which includes guidance on cyberbullying. <https://www.gov.uk/government/publications/preventing-and-tackling-bullying>

Local guidance, policy and support for schools

8. Oxfordshire County Council has a dedicated Anti-Bullying Officer who is responsible for managing the overall strategy to prevent and reduce bullying for all children in Oxfordshire 0-19 including those at maintained, free and independent schools and academies. This 0.8 post is based in the LADO and Schools Safeguarding Team within Children's Services.
9. The Anti-Bullying Co-ordinator sits on the Oxfordshire Safeguarding Children Board (OSCB) Safeguarding in Education sub-group and the Child Sexual Exploitation sub-group and works in close partnership with the OSCB. The Anti-Bullying Co-ordinator is also jointly responsible for writing and co-ordinating the OSCB E-Safety Action plan. This reflects a growing use of technology by children and young people and an increasing prevalence in cyberbullying.
10. The following provides a brief overview and some of the highlights of work done as part of the Anti-Bullying Strategy. Further detail of work planned for the coming year can be found in the current Anti-Bullying Strategy and E-safety action plans.
 - Updated and circulated a range of Anti-Bullying guidance, toolkits and templates for schools including a cyberbullying and online safety toolkit; a toolkit for managing youth produced sexual imagery(sexting); a toolkit for

preventing and managing homophobic, biphobic and transphobic bullying; guidance for managing bullying and prejudice related incidents and a suite of templates to support schools to manage bullying effectively.

- Provided schools with a regular newsletter and updates with a range of web-based information to ensure they are equipped with the latest guidance and information to support effective Anti-Bullying practice.
- Provided individual advice and support to schools to manage bullying incidents causing concern to support early resolution. Provided individual advice and support to schools to review both their e-safety and Anti-Bullying policy and practice.
- Secured funding for Oxfordshire to be an “All Together” Local Authority with the provision of face to face training for both schools and children’s workforce professionals. This Department for Education programme has ensured that schools have free access to online resources and a well-being questionnaire to improve all aspects of Anti-Bullying practice with a focus on the children with Special Educational needs and disabilities. This training has been attended by more than 80 schools and 50 children’s workforce professionals.
- Achieved 3rd place in the national Stonewall Equality Index (2017) which measures local authority management of prejudice-related bullying with a focus on young people who are Lesbian, Gay, Bisexual or Transgender. Support for this vulnerable group has been a major focus of work and has been supported by successful multi-agency partnership work. A successful youth conference focussing on addressing this area of bullying was held during Anti-Bullying Week in November 2017 attended by more than 50 young people and 35 adults.
- Over the past year trained more than 120 young people from 36 schools to lead Anti-Bullying Ambassador programmes in their schools with their active involvement in a plan to address bullying alongside school staff
- As part of the e-safety plan, secured funding for a Cybercrime Project from the Police and Crime Commissioner that will involve the delivery of a theatre piece and workshop with 40 performances in Oxfordshire primary schools (aimed at Year 6) with a focus on education young people about healthy online relationships, online grooming and cyberbullying to prepare them for their transition to secondary school.
- Provided a range of central and inset training for schools and professionals including training on prejudice-related bullying, online safety and cyberbullying and restorative approaches. This includes running the OSCB Digital Safeguarding training for children’s workforce professionals.

Equalities Implications

11. These are discussed within the main body of the report.

RECOMMENDATION

12. This report is for information only with no recommendation at this stage.

LARA PATEL

Deputy Director, Safeguarding, Children's Services

Background papers: Nil

Contact Officer: Jo Brown, Anti-Bullying Co-ordinator
November 2017

Education Scrutiny Committee Work programme (2017 -18)

Outlined below is the Education Scrutiny Committee’s proposed work programme.

The programme aims to prioritise areas of scrutiny where the Committee can add most value, either by holding to account or contributing to policy development. It does this by focusing on areas of public interest, where the committee’s impact can be measured, interrogating performance information and keeping abreast of current areas of change / review.

Agenda Item	Reasons and objective for item	Lead Member / Officer
January 2018 (special meeting – tbc)		
School exclusions	Recommendations from the committee working group on exclusions which aim to help schools reduce fixed term and permanent exclusion rates.	Cllr Gill Sanders
Educational attainment – secondary phase (including vulnerable groups)	Review of levels of attainment in secondary education with a particular focus on areas of inequality and achievement of vulnerable learners.	Strategic Lead for Education Quality / Strategic Lead for Vulnerable Learners
14 March 2018		
School absence and attendance	Recommendations from the committee working group on absence and attendance.	Cllr Michael Waine
Prejudice-related bullying	Review of the prevalence of prejudice-related bullying in schools and online, particularly the impact on vulnerable groups, including how this issue is being overseen by the Children’s Trust and Corporate Parenting Panel	Anti-Bullying Co-Ordinator and Chairmen of CT/ CPP
Academies in Oxfordshire Annual Report	To review the annual performance of Academies in Oxfordshire	Deputy Director for Education and Learning
Ofsted Regional Director	A question and answer session with the Regional Schools Commissioner	Cllr Michael Waine
Draft Scrutiny Annual Report for 2017-18	To receive a draft of the annual report prior to publishing online	Cllr Michael Waine
27 June 2018		

ESC10

Educational Attainment	Recommendations from the committee working group on improving educational performance	Cllr Howson
To be scheduled		
Closing the gap (vulnerable learners)	Pathways to raising the attainment of vulnerable pupils (best practice), current provision of support, an overview of the profile of vulnerable learners	
LA's new relationship with schools	To help shape an evolving relationship with schools and colleges.	
Sufficiency of school places (particularly SEN)	Including places for pupils with Special Educational Needs.	
Looked After Children educational attainment	A review of attainment for a particular vulnerable group	
Demographic trends	Planning for school places and supporting families with English as a foreign language	
Disparity in educational outcomes across Localities	Profile of educational outcomes across Oxfordshire – sharing learning across the county.	
Schools funding formula	Potentially a task group reporting back to ESC	