

Children Missing from Education

Briefing by Councillor Ray Gooding, Cabinet Member – Education (8 January 2020)

Background

Children can be outside of the mainstream education system for several reasons (including exclusion from school), but mostly due to parents choosing to home school their children.

We are of course supportive of parents who wish to home educate their children, as this is something parents are entitled to do. However, our concern is around how easy it is for parents to take their children out of school under the reason of home education and issues relating to schools 'off-rolling' pupils where schools actively encourage parents to home educate. The biggest difficulty is tracking these children and ensuring that the education they are receiving is of a good quality.

The Children's Commissioner's report 'Invisible Children' highlights that 58,000 children nationally are being home schooled. Essex has also seen an increase in the number of those home-schooled over recent years whilst colleagues at other counties are reporting increases in their home education figures. This pattern is certainly not specific to Essex and appears to be a national trend which, some may argue, is linked to the ease with which parents can opt to remove their child from a school roll in favour of elective home education.

Currently there is a lack of statutory powers available to local authorities to ensure that we have oversight of the system. As a result, there are considerable variations across local authority areas with regards to support for parents who elect to home school and monitoring oversight (which can only be undertaken if a referral of concern is raised to the LA). This would suggest that some local authorities are more effective at providing support and monitoring provision for this cohort when compared with others. Indeed, some families that move from one local authority area to another will comment on the lack of consistency in respect of the approach taken and support available. Indeed, in a few instances we have seen evidence, albeit rare, that parents who are seeking to avoid intervention will move purposely from one authority to another.

There is also increasing evidence that children who are not in school are becoming involved in gang and county lines activity which coincidentally is also on the rise in Essex.

This is becoming a much greater issue and something that I have raised with Nick Gibb as a concern. However, I feel more action needs to be done to look into this issue and I feel that we as members should be looking at these issues more closely.

Since May I have met several times with a cross-party group of County Council Members, plus key people in the Essex Education sector to look into these issues. The purpose of the meetings was to develop a view across the sector and develop a cross-party motion which will be presented at the February council meeting at Essex County Council.

What our data tells us

The number of children and young people across Essex being removed from a school roll in favour of elective home education is increasing. Between June 2018 and June 2019, Essex County Council noted an increase within this cohort of 33.8%.

Whilst significant steps have been taken within Essex to maximise our capacity to intervene where children may not be in receipt of a suitable education, the lack of powers held by local authorities, the ease with which parents may deregister their child from school and the lack of any duty for schools to readmit children who are not in receipt of a suitable home education makes our work with this cohort of families unnecessarily challenging.

There are still a significant number of children who are unknown to their local authority, as parents choose not to register them for health care and also choose not to apply for early years/school places. These children are 'hidden' and may be at risk – a concern shared by all professionals working in the field of home education.

ECC's recommendations to Government

Essex County Council has provided comprehensive responses to DfE consultations which relate to home education and have put forward a number of key recommendations which would go a long way to addressing some of the key concerns held in respect of the current challenges faced by local authorities who are seeking to protect and safeguard children's right to an education. The main recommendations made within our DfE consultation responses have been summarised below.

Recommendation 1: Mandatory registration of children educated at home (with duties on both local authorities and parents). Advantages would include:

- all children and young people will be known to the local authority whose jurisdiction within which they reside. Local authorities will be better-equipped to safeguard their children and to ensure that the right level of school places are available, should parents elect to return their children to school at any point
- the local authority would be in a position to ensure that all key services available to children and young people are aware of every child that is eligible for their services.

Recommendation 2: Development of guidelines/criteria and an application process which parents should be required to follow in order to be approved for elective home education by their local authority (a similar system is already in place within Scotland). This should include a duty for local authorities to offer a mediation service between schools and parents, where relations are at risk of breaking down. Rationale:

- current legislative provisions allow parents to withdraw their child from a school roll without them being required to, at first, share any evidence of their plans/capabilities in respect of how they will provide a suitable education to their child.
- The only 'safety net' in place to prevent a parent from removing their child from a school roll is where a child is the subject of an EHCP which specifically names a Special School establishment within the plan. This gives the impression that only children and young people on roll at a special school should have their right to a suitable education protected and that it is acceptable for any other child to be removed from a school roll to be home educated, without any professional being first required to establish if this decision is in fact in the best interests of the child.
- Increased risks of CSE, gang involvement, drug misuse, criminality, forced marriage, etc. should warrant a need to ensure that all children who are being removed from a school roll in favour of home education will in fact receive an education which will not prevent them from fulfilling their true potential and which will keep them safe from such risks.
- The introduction of such an approach would firmly place the onus on parents to research what elective home education entails, the commitment that they will need to have to ensure that they can meet their child's needs, the financial implications of such a decision on their

family, etc. Only parents able to evidence that they have the commitment and capacity to home educate their children would be authorised to do so.

- This will prevent schools from being in a position to coerce parents to deregister their child as local authorities would be required to 'give consent' before any child may be removed from roll in favour of home education.

Recommendation 3: Specific duties for local authorities to monitor, at stipulated intervals, the quality of home education provision. Advantages:

- Local authorities would be able to, consistently, take steps to identify children within their home education cohort whose home education arrangements may have broken down.
- This would enable local authorities to safeguard such children by facilitating a return to school where parents are unable to address any concerns held in relation to the education that is on offer to their child.

Recommendation 4: Breach of School Attendance Order should carry greater consequences than the current £1000 fine that may be imposed by courts in such cases.

Rationale:

- Where a child is on roll at a school but fails to attend regularly, each parent is liable of a fine of up to £2500 and/or 3 months imprisonment. Where a parent fails to engage with the local authority and chooses to prevent their child from accessing a suitable education either via school place or otherwise, they are only liable for a fine of up to £1000 and, at the end of the process, the child remains missing from education and local authorities are required to begin the whole, lengthy, prescribed process again. Current sanctions in respect of non-school attendance, when compared with sanctions available where children are (completely) missing from education, may not be considered proportionate and this is something which needs to be addressed.

Recommendation 5: Children who are withdrawn from school to be home educated should be entitled to re-register with the same school without going through the usual admissions procedures, if they have not moved address or are still residing within reasonable travelling distance of the school in question. Local authorities should have the power to direct an academy school to re-admit a child in such cases where parents wish for their child to return to school or where the local authority have not been able to satisfy themselves that a child is in receipt of a suitable home education. Rationale:

- There is a need to minimise any delays in returning children to school where home education arrangements break down. Currently schools are in a position to delay readmittance and much local authority resource goes into challenging schools to adhere to Fair Access Protocols in respect of home educated children. The need for local authorities to have powers to direct all schools to readmit, without delay, all vulnerable children should be seen to be a key element of any safeguarding expectations that local authorities are required to fulfil.