

Corporate Complaints Procedure: Formal Investigation

Name Lancashire Home Education Forum Group

Address c/o

Please send communications via email whenever possible.

E-mail address LA-Contact@Lancashire-HE.org.uk

Are you happy for us to correspond with you by e-mail? Yes/~~No~~ Preferable

County Council Directorate concerned (if you know) Children and Young People

Reference on any previous correspondence PR/LEIS/MD/LM

What do you think the Council did wrong?

The Formal Complaint we sent on 30th September 2010 to Helen Denton, Executive Director for Children and Young People, complained :

- that the LA's EHE Protocol and Procedure document does not comply with current law or the national EHE guidelines and
- about the attitude¹ shown by LA officers towards home educators on some occasions.

The response received from Maureen Davenport was not satisfactory:

- The original response letter did not include all the paperwork. We asked Mrs Davenport to email the missing attachments but instead she posted them along with copies of her letters. We had previously explained that electronic copies of the letters and attachments would assist our group by making dissemination easier.
- The 'copies' of the letters were different to the ones received the previous week; one had a different date, the other had a lot of the wording changed².
- The documents she sent are different to those available on the LA's website despite having the same titles and dates so it is impossible to tell which ones are current. Other EHE documentation on the LA's website is also incorrect.
- Mrs Davenport's response did not deal with the issue of the attitude of LA officers at all. In fact it appears from subsequent conversations with her that she had not read the document linked to in the complaint.

One of the issues in that document relates to the CRB checking of EHE parents. This has been taken up with the DfE³, again Mrs Davenport gave an unsatisfactory response.

As she admitted to the DfE, to do such checks would be illegal yet the LSCB has been led to believe they are taking place.

Our concern about the attitude of LA officers was heightened by the words of Mike Hart, Director of Children's Strategy and Resources, at a meeting of the Children and Young People Overview and Scrutiny Committee on the 20th April :

'I know that one of the issues the committee were concerned about in the past is the issue about access to the children, now that's something that we can't do as part of the EHE visit without a change in the national framework. What we have to look at is how we did it through, you know, we adapted other procedures in terms of safeguarding and the like to enable us to do that.'

This statement could be interpreted to mean that the Authority is seeking to find ways to circumvent the current law on EHE. Local home educators therefore worry that they are dealing with an LA who choose not to follow the DCSF Guidelines and take account of the current law on parental responsibility for children's education. They are concerned that this could lead to the overuse of referrals to Social

¹ This linked to the following document as one example of our concerns although there are many more:

www.lancashire-he.org.uk/docs/Comments on Lancs LCSB Jan 2010.pdf

² www.lancashire-he.org.uk/docs/July Letters Differences.pdf

³ www.lancashire-he.org.uk/docs/NickGibb.pdf

Services or other mechanisms to ensure that the child is seen which could have a devastating effect on families for whom there are no concerns other than that they home educate.

[Please note: We will be forwarding Mike Hart's comments to the DfE in response to the final paragraph in their letter⁴ which asks for information about any LAs still trying to implement Badman's proposals.]

What do you think the Council should do to put things right?

- 1) Ensure all the LA's EHE documentation fully complies with current law and National EHE Guidelines.
- 2) Improve the LA's procedures to ensure that all documentation on the website is current, that modified documents are clearly labelled and dated to avoid all confusion and the only versions of letters on file are the ones sent out.
- 3) Ensure all employees dealing with EHE families are well-versed in the law in order to stop the current ultra vires practices.
- 4) Ensure that LA officers comply with Section 10 of the Children's Act 2004 by promoting co-operation with parents and having regard to the importance of parents in improving the well-being of children.
- 5) Clarify the role of the EHE team. Is their monitoring of EHE families for education or welfare purposes ? In one version of her letters, Maureen Davenport wrote:

'...safeguarding remains our primary duty.'

Yet Lancashire's Safeguarding Procedures state:

'The education services do not have a direct investigative responsibility in child protection work, but do have a duty to help Children's Social Care by providing information where there are concerns or enquiries about a child's welfare.'

- 6) The LSCB should be made aware that the information given in the minutes for their meeting on 8th January 2010 is incorrect. This would also be a good opportunity to stress to members that there is no reason to believe home educated children are at any greater welfare risk and so remove the suspicion that seems to hang over every Home Educator in this county.
- 7) Stop the constant referral, by councillors and LA officers, to 'the tragic deaths' of children who they describe as being home educated. Home education was not a causal factor in these tragedies, but was an unfortunate correlation. The proposals from the Badman Review and the parts of the CSF Bill (which were thrown out following debate and negotiation with the Conservative Party) would have increased bureaucracy for all EHE families but would not have improved outcomes in these cases. The families in these cases were already known to their LAs and Social Services, concerns had been raised in the usual manner. These tragedies were not averted because the professionals involved did not use the powers they already had. We have no wish to seek to prevent the LA taking action in cases where there is actual evidence of neglect, abuse or lack of education. The LA does currently have such justified powers.
- 8) Ensure that answers from the EHE team are truthful and consistent regardless of who is asking the question. Home Educators have been told that they can refuse visits (which does comply with the law and guidelines) but the minutes⁵ from C&YP Overview and Scrutiny meeting on 20th October 2009 show that councillors were told:

'Children to whom the local authority were denied access were regarded as missing education and there were clear referral routes and processes in place with the Children Missing Education Team.'

⁴ www.lancashire-he.org.uk/docs/NickGibb.pdf

⁵ www3.lancashire.gov.uk/council/meetings/displayMinutes.asp?meetid=6831