

Statement for EHE Complaint Meeting – Lancashire Home Education Forum Group

This response is in three parts. The first part sets out the timeline to the responses to the original query dated 3 July and the subsequent complaint submitted to Helen Denton, Executive Director for Children and Young People. The second part relates to the two elements of the complaint, namely concern regarding the authority's protocol and procedures document and the attitude shown by LA officers to some home educators on some occasions. The final part addresses an additional issue that arose during the response to the initial complaint, relating to the minutes of the Locality Safeguarding Children Board (LSCB) meeting in January 2010.

The original query and complaint

On 3 July an email was received from the Lancashire Home Education Forum Group (LHEFG) and a reply was sent dated 9 July 2010 (see Appendices 1 and 2).

On 30 September 2010 a formal complaint was emailed to Helen Denton regarding what was perceived as an unsatisfactory response to the original enquiry.

On 4 October a further letter was sent in response to this complaint explaining that a reply had in fact been sent on 9 July, providing a copy of the original letter and confirming the process for taking the complaint further if they were not satisfied with the response. There was subsequent email correspondence requesting copies of documentation and telephone conversations requesting further liaison with the local authority in the form of a meeting. That meeting took place on 29 November with a letter sent on 9 December summarising the key points discussed at the meeting (see Appendices 3 and 4).

The LHEFG subsequently confirmed they wished their complaint to progress to the next stage of the authority's complaints procedure.

The formal complaint

The original complaint to Helen Denton on 30 September complained

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

Protocol and Procedures document

In terms of the LA's EHE Protocols and Procedures document, we have acknowledged the references to the Pupil Registration Regulations 1995 were out of date and have subsequently made the necessary amendments, along with a change relating to the process for requesting revocations to School Attendance Orders when families elect to home educate and such an order is in place.

We have indicated to the LHEFG that the Protocol and Procedure document (and associated documents) will require amendment to reflect the changes within the authority for discharging its responsibilities in respect of children who are home educated. We have also acknowledged that the wording of the document is ambiguous in parts and that we would seek to rewrite certain sections to more accurately reflect the respective responsibilities of home educators and the local authority when the document is being reviewed. At this time we will use appropriate consultation mechanisms to ensure the views of all home educators in Lancashire are considered.

Attitude of LA Officers

The LHEFG cite as an example of their concern regarding the attitude of LA staff the comments of Mike Hart Director of Children's Strategy and Resources at a CYP Overview and Scrutiny Committee meeting and go on to say "Local home educators therefore worry that they are dealing with a 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 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".

The information earlier in this section regarding the Protocols and Procedures document should serve to offer some re-assurance that the LA fully understands the boundaries within which it operates both in terms of education law in respect of EHE and also our wider duties in respect of safeguarding children and young people.

In addition, this issue was discussed at the meeting with representatives from the LHEFG in November 2010 and our position in this respect was set out in our letter to them following that meeting, in which we wrote "We also discussed your concerns regarding the "attitude" of local authority officers and we confirm that the authority does not automatically equate an election to home educate with safeguarding concerns. The local authority does, as you acknowledge, have a responsibility to discharge its functions with a view to safeguarding children but this would only trigger an investigation of offer of support –regardless of whether children are educated in school or at home – where the local authority has legitimate reasons to believe there are concerns that require such intervention".

Another concern raised at the meeting in November regarding the attitude of officers towards home educators reflected a belief that in many instances the approach was directed towards achieving a return to school for the young people concerned. We assured the LHEFG that we fully acknowledge the right of parents to make their own arrangements for education and value such arrangements. There is no assumption within the authority that children would be better off receiving their education within a school setting, but we are also clear that in many cases where our EHE support officers have contacted families regarding such arrangements parents have indicated that they only chose EHE because they felt they had no option. In such circumstances, those families have welcomed our involvement, including help from the CME team in supporting them in resolving the difficulties they were experiencing and thus enabling a return to mainstream provision where that is in fact the preferred option.

A final issue related to concerns regarding changes in EHE support staff. We explained that whilst we understood the benefits of consistency of personnel in building and enhancing positive relationships and would always seek to ensure this wherever possible, we could not guarantee this would always be achievable due to changes in workforce and other staff related pressures.

Additional issue re CRB Clearances

During the course of correspondence arising out of the original complaint, one issue raised by the LHEFG related to the minutes of the LCSB meeting in January 2010, following a presentation to the board regarding EHE arrangements. Those minutes refer to a question posed by Tony Morrissey, Head of Safeguarding, Inspection and Audit,LCC) and state "TM asked if there are any checks made on the family and home circumstances. AR advised that there were, home visits are made within the first month and parents are engage to work through any difficulties. A CRB check is also made as well as a check of agency

records with regard to any adults in the home ...". We have assured the LHEFG that the minutes do not accurately record the situation in Lancashire, and that we do not make any such checks where families elect to home educate their children otherwise than at school. The confusion appears to have arisen from the information given to the meeting that where parents engage a tutor to provide education, we do advise them of their right to make background checks and suggest that such checks would be advisable.

Whilst it is unlikely that any amendment to those minutes can be achieved at this time, we have undertaken to ensure that this issue is clarified at a subsequent LSCB meeting. We can also confirm that the LSCB were informed on 8 January 2010 following the presentation that the recommendations of the Badman review had not been adopted (see Appendix 5)

Francis Molloy
School Attendance Lead

Angela Robinson
EHE Manager

Attachments :

[LHEFG email](#) to Maureen Davenport on 3rd July

[MD's \(corrected\) response](#)

[LHEFG's completed Council Complaint form](#)

[MD's letter](#) in response to formal complaint email (not included) on 30th September

[Bob Stott's letter](#)

Email from Angela Robinson to Richard Matthews, LSCB saying:

"The board may be interested to know further to this morning's presentation, that MP s have not supported the Badman recommendation for compulsory registration of Children who are home educated; favouring instead a voluntary registration system.