



Education, Learning and Development Select Committee
25th March 2011

REPORT OF THE ELECTIVE HOME EDUCATION TASK GROUP

Executive Summary

The Elective Home Education (EHE) task group was set up after a petition was presented to the Education, Learning and Development Select Committee calling for an official Surrey County Council EHE policy. The task group consisted of Councillors, home educators and officers from the EHE team. After meeting with a number of relevant stakeholders, the task group have produced a new EHE policy that is attached as appendix A. The task group also makes 17 recommendations, summarised below, which it hopes will improve the support to home educators in Surrey.

Summary of Recommendations

Recommendation A: That a three month consultation takes place on the draft Elective Home Education policy attached to this task group report as appendix A.

Recommendation B: That greater analysis takes place regarding the reasons why children leave school for home education.

Recommendation C: That the new Surrey EHE policy should be supported by a series of procedural documents to be issued in the coming year. These should make explicit the role of EHE adviser and made publically available via the Surrey website.

Recommendation D: That the support, advice and information available from the EHE team is made more explicit to ensure that home educators are aware that there may be positive benefits to registering with the Council.

Recommendation E: That the EHE team offers home educating families a 'menu' of support options, including one option where families can choose to not receive direct advice or support from the Council.

Recommendation F: That drop-in sessions are held around the County at regular intervals, where home educating parents can receive advice and support from an EHE adviser and network with other families.

Recommendation G: That a new e-mail group is set up, through which home educators could register to receive useful updates and information from the EHE team.

Recommendation H: That the home education web pages are moved to sit under the 'Learning' section of the Surrey County Council web site, rather than the 'Schools'.

Recommendation I: That the EHE team should continue to work with Schools to explore the possibility of establishing home education 'link' schools that would be willing to take private candidates for exams.

Recommendation J: That the EHE adviser uses the home education e-mail group (see recommendation G) to advise parents of schools and examination centres that are willing to accept candidates for exams.

Recommendation K: That a leaflet or advice page on the website is developed to advise home educators through the complexities of entering private candidates for examinations.

Recommendation L: That as part of the home education policy a commitment is made to the training and development of EHE advisers in home education law and practice as well as alternative learning styles.

Recommendation M: That the role of the EHE adviser is clarified within the traveller community through closer working with the Traveller Education team.

Recommendation N: That training sessions are held to increase common understanding and awareness between the social care and EHE teams on an ongoing basis.

Recommendation O: That safeguarding awareness and training resources which are traditionally delivered via schools are also offered to home educated young people through alternative methods.

Recommendation P: That a revised procedure for handling annual reviews for children with SEN statements who are educated at home, is produced as part of the new policy.

Recommendation Q: That training is held for SEN case officers to give them a greater knowledge and understanding of home education.

Recommendation R: That a leaflet is produced to specifically advise anyone with a child with SEN who is considering home education.

Introduction

Task Group Background

1. In January 2010, the Education, Learning and Development Select Committee (then Schools and Learning Select Committee) received a petition stating:

"We the undersigned call for an official Surrey County Council Elective Home Education policy to be drawn up in consultation with local home educators and in line with the existing law and guidelines."
2. After looking at the item in more detail at a meeting in April 2010, the Chairman of the Committee decided to set up a working group to look at establishing a new

Elective Home Education (EHE) policy in consultation with local home educators as well as other partners.

3. During the summer of 2010, the membership of the task group was agreed as follows:

Dorothy Ross-Tomlin (Chairman of the Education, Learning and Development Select Committee)

Steve Cosser (Member of the Education, Learning and Development Select Committee)

Ruth O'Hare (Home educating parent)

Lindsey Steadman (Home educating parent)

Margaret Widdows (County Lead for Children Out of School)

Gwen Crossan (Senior Elective Home Education Adviser)

4. The task groups scoping report is attached to this report as appendix B and details how the group met with a number of different stakeholders. At its first meeting in September 2010 the task group elected Dorothy Ross-Tomlin as Chairman of the group.

Background to the Review

The law and home education

5. In England, education in compulsory, attending school is not. Parents have a duty to educate their child in an manner 'suitable' to the child's age, ability and aptitude and to any special educational needs that the child may have, either through regular attendance at school or otherwise.¹
6. An 'efficient' and 'suitable' education is not defined in the Education Act 1996 but 'efficient' has been broadly described in case law as an education that 'achieves that which it set outs 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.'² Home educating parents are not required to teach the National Curriculum, nor do they need to set specific hours for education. They are not obliged to formally assess their child's progress or set objectives for them.
7. In the Queen's Speech on 18 November 2009, the Government proposed the introduction of a Children, Schools and Families Bill which would amend the Education Act 1996 so as to require home educated children to be registered with the local authority. The proposed changes were dropped due to a lack of cross party support prior to the May 2010 General Election.

Current Government Position

8. Since the election of the coalition government in May 2010, there has not yet been any indication of whether there are plans to make significant changes to existing government policy, although there do not appear to be any signs that

¹ Section 7, Education Act 1996

² Elective Home Education – Guideline for Local Authorities, 2007

the Government will be looking to amend the law as proposed by Badman. Advice from the Department of Education website states:

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.³

9. On 17 June 2010, Graham Stuart MP, Chairman of the Commons Education Select Committee stated, 'As local authorities do not have the power to demand access to home educated children and cannot insist on parents registering with them, the obvious and correct answer is for local authorities to improve their support for families, so that more families make contact with them voluntarily. If they did this and made sure they employed sympathetic staff who build good reputations, then the number of 'unknown' children would be reduced.'
10. At the beginning of this review, the task group wrote to the Michael Gove MP to enquire whether there were any plans to update home education policy. The response, received from Nick Gibb MP (Minister for Schools) stated:

"We are still reviewing our policy on home education, including whether any new policy guidelines are needed. However, we strongly encourage local authorities to develop a positive relationship with their home educating community, and I am very pleased to hear about the work in Surrey, particularly that you are involving home educators in the review."⁴

Elective Home Education in Surrey

Numbers of Home Educated children and young people

11. As of February 2011, there were 570 children registered for EHE (112 in North West, 180 in South East, 112 in North East and 142 in South West) of whom 25% are from a Traveller background.
12. There is no way of knowing how many 'un-registered' children and young people are being home educated. National research suggests this could be as many as double the number of registered children. The task group contacted a number of other local authorities who confirmed that they believed this to be true, particularly in rural areas. Anecdotal evidence from home educators in Surrey supports this view. Therefore, the total number of home educated children in Surrey could be as many as 1,000.

Why Home Education

13. One of the strongest messages that came through from the groups work is that no home educator is the same. There are wide and varied reasons why people opt to home educate. However, a clear distinction can be made between those

³ <http://www.education.gov.uk/popularquestions/childrenandfamilies/parenting/a005376/can-i-take-my-child-out-of-school-and-educate-them-at-home>

⁴ Letter addressed to Dorothy Ross-Tomlin from Nick Gibb MP, dated 27 October 2010

who home educate through choice, and those who home educate because they feel as though they have no other choice.

15. National research suggests that home educators, who had done so through choice from the outset, did so for varied reasons. These included:
 - Individual educational philosophies
 - Parental responsibility
 - Feeling that the school age was too early
 - Not agreeing with the National Curriculum
 - Feeling that their child had unique needsThis research was reflected in the feedback from the workshop with home educators conducted by the task group.
16. Those who had come to home education as they felt they had no other choice, usually did so after their children had a difficult school experience. For example, a number of parents chose to home educate because their children had been bullied at school and they did not feel that it had been handled appropriately. Others had children with Special Educational Needs (SEN) and felt that their individual circumstances were not being catered for in school.
17. Although these parents had not originally chosen to home educate, the majority of them spoke positively of the experience and felt that their children had thrived through home education and were happier as a result. Some wished that they had opted for home education earlier and queried why it had not been promoted as an option.

Elective Home Education Team

18. A difficult financial climate has meant that the team have recently had to look at alternative ways of staffing. There is now one full time equivalent Elective Home Education Adviser supported by a team of bank teachers and one specialist member of the business support team. The team currently attempts to visit registered families annually and they are available during at any other time to deal with any queries via e-mail or by telephone.

Task Group Findings

Surrey Elective Home Education Policy

19. The task group has fulfilled the request of the original petitioner to the Education Learning and Development Select Committee and has produced a new Surrey Elective Home Education policy in line with current laws and guidance. The new policy is attached to this report as appendix A. The task group has consulted with home educators and other relevant stakeholders in order to produce the policy, through co-opting two home educating parents onto the group, through holding a focus group session with home educators and stakeholders and through inviting written submissions. The task group would like to continue to offer the home educating community the opportunity to contribute and comment on the draft policy by holding a three-month consultation on the policy commencing on 1 May 2011. This should allow for any amendments or changes to take place in August 2011 and for the new policy to be in place by September 2011.

Recommendation A: That a three month consultation takes place on the draft Elective Home Education policy attached to this task group report as appendix A.

Analysis of why parents opt to take their children out of school

20. There was concern from the task group about the rising number of children being taken off the school roll for home education. Although for many of these children, it had been the correct choice, feedback from home educators revealed that children are often taken out of school for reasons such as bullying or a feeling that a child's Special Educational Needs (SEN) were not being met. The task group agreed that a process should be developed with schools that would allow for more analysis of the reasons why a pupil had left school. This would allow any recurring problems to be followed up through School Improvement Partners (SIPs).

Recommendation B: That greater analysis takes place regarding the reasons why children leave school for home education.

Role of the Elective Home Education Team

21. The task group agreed the role of EHE team should be one of support and advice, not of inspection and monitoring. This had always been the intention of the team, but some previous communication and practices had led to certain home educators feeling the later was true. It was agreed that the new Surrey EHE policy should be supported by a series of procedural documents to be issued in the coming year. These should make explicit what the EHE team could and could not do and should be made publically available via the Surrey website.

Recommendation C: That the new Surrey EHE policy should be supported by a series of procedural documents to be issued in the coming year. These should make explicit the role of the EHE adviser and be made publically available via the Surrey website.

Registration

22. There is no legal basis for compulsory registration, nor does the EHE team have the will or resources to implement this in Surrey. However the task group did feel that there was benefit to registration for home educators, and hoped that by enhancing the support, advice and information available that more 'unknown' home educators would want to register with the Council.

Recommendation D: That the support, advice and information available from the EHE team is made more explicit to ensure that home educators are aware that there may be positive benefits to registering with the Council.

Annual Visits

23. The service had previously endeavoured to visit each home educating family annually. However, the task group recognises that there is no longer the resource in the team to visit the 500+ children and young people who are educated at home individually. The task group also acknowledges from consulting with home educators that there are some families who do not want or require annual visits and that this should be respected. Therefore, the task

group proposes that the Council offer a 'menu' of support options to families, including one option where families can choose not to be visited by the EHE team. This should also allow for those home educating families who do want an annual visit to continue to receive one.

Recommendation E: That the Council continues to develop a 'menu' of support options for home educators, including one option where families can choose to not receive direct advice or support from the EHE team.

Drop-in sessions

24. Whilst there are some families that do not wish to engage with the Council, the focus sessions with home educators and written submissions received indicated that there are others who would benefit from more contact with the team. Therefore, the EHE team will look to offer different ways through which they support home educating families. The task group recommends that drop-in sessions be held at regular intervals in different areas in the County, where home educating families can come and seek advice and support from the EHE adviser as well as network with other families. The drop-in sessions could also provide an opportunity to hold talks on a variety of topics appropriate to different age groups.

Recommendation F: That drop-in sessions are held around the County at regular intervals, where home educating parents can receive advice and support from the EHE adviser and network with other families.

Sharing information and resources

25. Home educators told the task group that they felt the website could be improved to offer more useful information and resources. The EHE adviser agreed to update the website to reflect current policy and procedure but felt that resource restraints would prevent her from developing the website further. The task group felt that a compromise would be to allow home educators to register for an e-mail group that the EHE adviser could use to send useful information and resources as they become available.
26. Some home educators felt that it was unhelpful that the home education web pages currently sit within the 'Schools' section of the Surrey County Council website. The task group agreed that the web pages should sit within the 'Learning' section of the Surrey County Council website.

Recommendation G: That a new e-mail group is set up, through which home educators could register to receive useful updates and information from the EHE team.

Recommendation H: That the home education web pages are moved to sit under the 'Learning' section of the Surrey County Council web site, rather than the 'Schools'.

Advice and assistance in taking exams and gaining qualifications

27. This was one of the most common requests from the home educators that the task group spoke to. Although some young people who are home educated choose not to take examinations, for those who do, gaining qualifications proves difficult for many reasons. It can be very hard to find an examination

centre that accepts private candidates and the cost of entry for the exam is expensive. Furthermore, the coursework elements of examinations pose real difficulties for many home educators.

28. Whilst the task group acknowledges the financial difficulty experienced by home educators in paying for examinations, unfortunately the Council receives no funding from Government to provide any financial assistance in this area. As the Department of Education clarified in a press release of 27 June 2010:

*The current financial responsibility for home-educated children has not changed, namely, that parents who choose to electively home educate their children assume financial responsibility for their education. This is set out in paragraphs 5.1- 5.2 of Elective home education: Guidelines for local authorities.*⁵

29. The task group met with representatives from the Secondary, Primary and Special Phase Councils to discuss how far they would be prepared to accept external candidates at their schools for exams. Head teachers noted that there were a number of factors which meant that schools were often unable to do so, such as a lack of space on school sites, a lack of invigilators and the fact that it is an extra consideration at an already busy and stressful time. However, the representatives stated that were willing to discuss the proposals further with their colleagues on the phase council.
30. The task group felt that the EHE team should continue to work with schools to look at the possibility of establishing home education 'link schools' where it could be possible for external candidates to take exams as well as exploring the possible sharing of other resources. The task group felt that EHE team could also work to establish links with local Independent schools, which may be more willing to accept external candidates for examinations as it could contribute towards their charitable status.
31. The task group did hear of examples of where home educators had found schools or exam centres that were willing to take private candidates. The task group felt that this knowledge could be shared for the benefit of other home educators. The task group also felt that a leaflet or page on the website should be developed to advise home educators through the complexities of entering private candidates for examinations.

Recommendation I: That the EHE team should continue to work with schools to explore the possibility of establishing Home Education link schools that would be willing to take private candidates for examinations as well as exploring the possible sharing of other resources.

Recommendation J: That the EHE adviser uses the home education e-mail group (see recommendation G) to advise parents of schools and exam centres that are willing to accept candidates for exams.

Recommendation K: That a leaflet or advice page on the website is developed to advise home educators through the complexities of entering private candidates for exams.

⁵<http://www.education.gov.uk/inthenews/inthenews/a0061362/current-position-on-home-education-and-sen-funding>

Training

32. Some feedback from home educators indicated that they were unwilling to engage with the local authorities, as they did not feel that they had an adequate understanding of home education. A number of written submissions suggested that it would be useful for EHE advisers to have an understanding of different learning styles 'from fully structured to fully autonomous...such as Gatto and Holt.' The EHE team agreed that as part of the new policy there would be a section on training and development that would address these concerns.

Recommendation L: That as part of the home education policy a commitment is made to the training and development of EHE advisers in home education law and practice as well as alternative learning styles.

Travellers

33. There is a large travelling community in Surrey and around 25% of home-educated children are from a traveller background. Unfortunately, no families from this background attended the focus groups sessions, however the task group did meet with an officer from the Race Equality and Minority Achievement (REMA) service to discuss travellers and home education.
34. It was acknowledged in this meeting that there was a need to work more closely with Traveller Education in order to promote a greater understanding of the roles and the responsibilities for the EHE team. For example, traveller families sometimes expected that EHE advisers could act as home tutors through setting and marking work. The task group felt there was a need to specifically clarify the role of the EHE team amongst the traveller community.

Recommendation M: That the role of the EHE adviser is clarified within the traveller community through closer working with the Traveller Education team.

Safeguarding

35. There was initially concern from within the task group that if a child was out of school that the Council would not be fulfilling its responsibilities under 'Every Child Matters' legislation. However, the group agreed that safeguarding required a multi-agency approach; schools are not the only way to find out about a child at risk and thus the fact that a child is being home schooled should not warrant any extra safeguarding vigilance or cause alarm.
36. However, feedback from the focus group session indicated that there was a misunderstanding amongst some home educators that EHE advisers could act as social workers. The task group felt it was important to clarify that the team had no powers to safeguard children above that of a normal member of the public – they would report concerns regarding *any* child (whether they are home educated or not) via the contact centre.
37. The meeting with Safeguarding highlighted that there was need to increase common understanding and awareness between the social care and EHE teams. It was felt that not all social workers would have knowledge or experience of home education and it would be beneficial for them to have an awareness of the law in this area. Members of the safeguarding and EHE teams present at the meeting agreed to hold ongoing training and awareness sessions.

38. It was also noted that schools are often used as the sole hub to deliver safeguarding awareness training and resources to young people and the task group felt that other options should be explored to ensure that those not in the school setting also have the opportunity to access such information.

Recommendation N: That training and awareness sessions are held to increase common understanding between the social care and EHE teams on an ongoing basis.

Recommendation O: That safeguarding awareness and training resources which are traditionally delivered via schools are also offered to home educated young people through alternative methods.

Home education for children with Special Educational Needs

39. 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. However, 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.
40. Where a child has a statement, the SEN service has a requirement to conduct an annual review each year. The task group met with the Head of Special Educational Needs to discuss issues around conducting annual reviews for children with statements who are being home-educated. It was noted that there had been problems in this area in the past, and an agreed procedure was required to ensure a consistent approach in the future.
41. The task group also felt that it would be useful for SEN case officers to gain a greater knowledge and understanding of home education so that they can better support and advise families. It was also felt that a leaflet could be produced to specifically advise anyone with a child with SEN who is considering home education.

Recommendation P: That a revised procedure for handling annual reviews for children with SEN statements, who are educated at home, is produced as part of the new policy.

Recommendation Q: That training is held for SEN case officers to give them a greater knowledge and understanding of home education.

Recommendation R: That a leaflet is produced to specifically advise anyone with a child with SEN who is considering home education.

Conclusions:

42. The task group has made a number of recommendations that they hope will enhance the support, information and advice available to the home educating community. A draft policy has been developed that is in line with current education law and guidance. Consultation with home educators has taken place throughout the task groups review and the proposed three month consultation on the draft policy will allow for any further views and thoughts of the home educating community to be considered.

43. The task group acknowledges that it has not been able to meet all the requests of home educators. Unfortunately, in the current economic climate, there are simply not the resources to fulfil all of the suggestions made. However, it is believed that the new policy and recommendations in this report will allow the EHE team to work differently, in partnership with other teams within the Council, to provide service which is tailored to meet the needs of all relevant stakeholders.

Financial and value for money implications

41. The recommendations of this report suggests no changes to the existing budget for Elective Home Education. Instead it recommends different ways of working which should offer greater value for money to the Council.

Equalities Implications

42. The task group have considered the individual needs of home educators from traveller backgrounds and those with SEN and made specific recommendations in these areas.

Risk Management Implications

43. The number of children who are being educated at home is slowly rising and the EHE team is already working at full capacity. If the numbers continue to rise, resources may need to reviewed in order for the recommendations in this report to be implemented successfully.

Next steps:

44. If approved by the Cabinet, the Education, Learning and Development Select Committee will review the implementation of the report recommendations in six and twelve months time.
45. The Chairman of the Select Committee hopes to share the task group report with the Department of Education and other Local Authorities to emphasise the benefit of engaging with stakeholders to produce a robust home education policy.

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