

**Children and Young People's  
Overview and Scrutiny  
Committee**



**1 July 2019**

**Proposed Review of Elective  
Home Education –  
Scoping Document**

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**Report of Lorraine O'Donnell, Director of Transformation and  
Partnerships**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 The purpose of the report is to provide members of Children and Young People's Overview and Scrutiny Committee with a scope for an in-depth review in to Elective Home Education (EHE).

**Executive summary**

- 2 Members of CYPOSC agreed to undertake a review of Elective Home Education following members concerns about the rise in numbers of children in County Durham who are educated at home. Members want to examine the standard of education for children who are home educated, how relationships with partners protect children from harm, relationships with schools and support available for children and families.
- 3 This report details the scope of the investigation, terms of reference and meetings project plan in respect of the review.

**Recommendations**

- 4 The Children and Young People's Overview and Scrutiny Committee are requested to receive this report, consider, comment and agree to the proposed terms of reference as set out in paragraphs 19 – 24 and the project plan at appendix 2 for the review.

## Background

- 5 At its meeting on 2 July 2018 Children and Young People's Overview and Scrutiny Committee (CYP OSC) agreed its work programme for the ensuing year including an in-depth review into elective home education. Due to the committee's workload there has not been an opportunity to commence this work until now.
- 6 Members of the Committee have raised concerns about the increase in the numbers of children and young people in County Durham who are educated at home for whatever reason.

## National Context

- 7 The Education Act 1996 provides that: "The parent of every child of compulsory school age shall cause him/her to receive efficient full-time education suitable –
  - a) To his/her age, ability and aptitude, and
  - b) To any special educational needs he/she may have. Either by regular attendance at school or otherwise."This means that the responsibility for a child's education rests with their parents. In England, education is compulsory, but going to school is not.
- 8 The Education Act 2002 suggests that it is the job of each local authority to find an appropriate balance between parental autonomy and its overall responsibilities for education of children in its area.
- 9 The Department for Education recommends that local authorities have a written policy statement on elective home education which is clear and transparent; offer guidance to all known home educating families; regularly review their home education policies and provide clear details of their complaints procedure that deals with complaints in a sensitive and timely manner. Some local authorities operate a voluntary registration scheme to provide support more readily. However it is not a legal obligation for either local authorities or parents.
- 10 In April 2018, the Government published non-statutory guidance for local authorities to help them understand their role in relation to elective home education. At this time the Government also called for evidence on the greater oversight of children whose parents elect to educate them from home in relation to registration of children, monitoring of home education provision and support offered for families home educating. The second part of the consultation was on two revised Department for Education guidance documents, one for local authorities and one for parents. The consultation closed in July 2018.

- 11 In April 2019 the government published its response to the consultation on home education. Data from the consultation estimate 57,600 children of compulsory school age are home educated in England which is in line with an estimate produced by the Association of Directors of Children's Services (ADCS). The government has suggested that the numbers given are under estimates as there are children educated at home that local authorities know nothing about.
- 12 The results of the consultation indicate that local authorities were in favour of a statutory system of registering children who are educated at home. Local authorities also were in favour of a statutory framework to monitor and assess the suitability of home education of an individual child. In relation to support for families who home educate there was no unanimity on what changes were required.
- 13 The government stated that "despite the lack of consensus on the need to alter the framework within which home education operates, [it] believes that there is a basis for changing the landscape for children not in mainstream school education in order to help achieve the aim that every child should receive a good education." It added that "at the heart of any change would be the need for proportionality, parental choice and respect and recognition of the diversity of education settings."<sup>1</sup>
- 14 A new consultation running from April to June 2019 will seek views on proposed legislation to establish a register maintained by local authorities of children not attending mainstream schools together with associated duties on parents and proprietors of certain educational settings. It will also consult on proposed legislation to establish a duty to support parents who educate their children at home and seek support from their local authority in doing so.

## **Local Context**

- 15 Durham County Council provides a guide to EHE that explains what the local authority must do if parents choose to home educate their child and what they must do. It explains that the local authority will work in partnership with parents throughout if they choose to home educate their child.
- 16 Durham County Council operates a voluntary registration scheme for parents who home school their child, this helps the local authority to identify children who are being educated at home.
- 17 Durham County Council takes a partnership approach to ensuring that children who are home educated have a good wellbeing and are

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<sup>1</sup> House of Commons Library, Briefing Paper Number 5108, Home Education in England April 2019

protected from harm. Colleagues from Police and Health together with officers from DCC's Children's Services, Progression and Learning and Education sit on DCC's EHE Panel.

## **Reviews by Other Local Authorities**

- 18 Staffordshire County Council conducted a review into elective home education in May 2018 that made four recommendations, two of the recommendations relate to making representations to Ofsted and to support a private members bill to support national registration. The other two recommendations refer to supporting their EHE service.

## **Terms of Reference**

- 19 The review will examine the number of children who are home educated in County Durham, whether the figures have increased/decreased and the reasons for this. It will consider legislation and DCC policies and procedures in place to ensure children being EHE are receiving a suitable education and how the authority addresses issues with schools. The review group will also consider the number of attendance orders issued and pursued and whether levels have increased or decreased.
- 20 Information in relation to children with additional needs including Special Educational Needs and Disabilities (SEND); children known to children's social care and known to police who are educated at home will be considered by the review group.
- 21 The review will explore the extent of partnership working to safeguard children and finally the review will look at how the authority support children and families in relation to EHE.
- 22 The review will consider why families choose to home educate their children, what support is offered to them and what the outcomes are for children receiving education at home including funding implications.
- 23 The review will consider evidence from officers of the Council from Children & Young People's Services including representatives from education, Children's Social Care, Durham Police and children and families who home educate.

## **Objectives**

- 24 The aim of the review is to investigate Durham County Council's Elective Home Education offer and follow four key lines of enquiry:
  - a) The level of EHE in County Durham; data overview including location, age, gender and ethnicity analysis.

- b) Children being home educated are receiving a 'suitable' education
- c) Children being home educated are supported, safeguarded and protected from harm
- d) How the Local Authority works in partnership with other agencies.

## Outcomes

- 19 It is expected that the following outcomes will be achieved from this review:
- a) Greater awareness of the home education level in County Durham including how this is monitored, voluntary registration schemes and funding implications to families, schools and DCC.
  - b) An understanding of how partnership working, and data sharing improves and protects children being educated at home
  - c) An insight into the support provided to children and their families who choose home education.

## Approach

- 20 The review will consist of meeting with members receiving verbal and written evidence via reports and presentations.

## Membership

- 21 A working group will be established of no more than 10 members from the membership of the Children and Young People's Overview and Scrutiny Committee. The Chair and Vice Chair of the Corporate Overview and Scrutiny Management Board will be ex-officio members of the working group.
- 22 A project plan is attached at appendix two that sets out a schedule of review group meetings and evidence required.

## Reporting

- 23 Children and Young People's Overview and Scrutiny Committee will receive regular updates during the evidence gathering process. On completion of the evidence gathering and following formulation of the recommendations, a report will be drafted and shared with Children and Young People's Overview and Scrutiny Committee before being presented to Cabinet and then shared with Children and Families Partnership.

## Timescale

- 24 The review will commence evidence gathering in September 2019 and expects to be in a position to take a report to Cabinet for consideration early 2020.

## Conclusion

- 25 The Committee agreed to undertake a review of Elective Home Education at its meeting in July 2018, members of Children and Young People's Overview and Scrutiny Committee is invited to agree the proposed review scoping report.

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**Contact:** Tom Gorman

Tel: 03000 268027

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## **Appendix 1: Implications**

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### **Legal Implications**

Not applicable

### **Finance**

Not applicable

### **Consultation**

Not applicable

### **Equality and Diversity / Public Sector Equality Duty**

Not applicable

### **Human Rights**

Article 28 of the UNCRC says that children and young people have the right to education no matter who they are, regardless of race, gender or disability; if they're in detention, or if they're a refugee.

### **Crime and Disorder**

Not applicable

### **Staffing**

Not applicable

### **Accommodation**

Not applicable

### **Risk**

Not applicable

### **Procurement**

Not applicable

**Elective Home Education – DRAFT PROJECT PLAN**

<b>WHEN Times/Dates/ Locations</b>	<b>DESIGNATED LEAD Member/Officer</b>	<b>WHO Key Witness, including Expert Witnesses from inside the organisation</b>	<b>Engagement External Organisations, Expert Witnesses from External Organisations and Members of the Public</b>	<b>WHAT Evidence/Information</b>	<b>HOW Meeting/Visit/ Correspondence/ Briefing Paper/ Research/ Engagement</b>	<b>OUTCOMES</b>	<b>WHY</b>
16 September 2019  1.30pm  Farnham Room	Cllr Smith/Potts  Ann Whitton	Ian Shanks/Clare Nicholls		<p>The level of EHE in County Durham this will include a data overview that looks at location, age, gender, ethnicity analysis and additional needs.; Reasons for becoming EHE including looking at school attendance orders including how many issues and pursued and any change in levels.</p> <p>DCC's Policies and Procedures to ensure our children are receiving a good standard of education.</p> <p>What happens in relation to school funding when a child is educated at home?</p>	Meeting	<p>Members will be aware of the level of EHE in County Durham including the data overview and whether there has been an increase/decrease in the number of attendance orders issued and pursued and the reasons for this.</p> <p>Members will understand how DCC policies and procedures ensure children are receiving a good standard of education.</p> <p>Members will have an understanding in relation to funding implications to parents, schools and DCC</p>	It is important that members are aware of the levels of EHE in the county, the trend over the last couple of years and the policies and procedures in place.

				How do parent access financial support			
30 September 2019 1.30pm Committee Room 1B	Cllr Smith/Potts Ann Whitton	Ian Shanks/Clare Nicholls	Children's Social Care Durham Police	Effective data sharing and partnership working to ensure that children receiving EHE are safeguarded and work done with schools to address off rolling and children with additional needs including SEND and those children who are known to Children's Services and the police.	Meeting	Members will understand how a partnership approach has been taken and how effective this has been and how it benefits children's education.	Members will see how partnership working is providing a joined-up approach in relation to EHE.
21 October 2019 1.30pm Committee Room 1B	Cllr Smith/Potts Ann Whitton	Ian Shanks/Clare Nicholls	Children's Social Care Durham Police	What support is given to children and families in relation to EHE including feedback from families.	Meeting	Members will be aware of the support offered and provided to parents and children involved in EHE.	Members will have an understanding of the support available for children and families who home educate, their views via feedback information and why they choose to educate their children in this way.
TBC	Cllr Smith/Potts Ann Whitton		Engagement with Children/ Parents who have home educated	Members will have an opportunity to speak with parents who have educated their child at home	Focus Group	Members will have an understanding of why families choose to educate their children at home and feedback from their experiences.	Members will have an understanding of the support available for children and families who home educate, their views via feedback information and why they choose to educate their children in this way.

11 November 2019  1.30pm  Committee Room 1B	Cllr Smith/Potts  Ann Whitton			Key Findings	Meeting	Members will consider the key findings and formulate their recommendations.	Members will formulate their recommendations from the key findings.
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