

DERBYSHIRE COUNTY COUNCIL

CABINET MEMBER FOR YOUNG PEOPLE

9 January 2018

Report of the Strategic Director for Children's Services

Appointment of Elective Home Education Officer

1. Purpose of the Report

- 1.1 To seek Cabinet Member approval to the recruitment and appointment of a new post for an Elective Home Education (EHE) Officer to meet Derbyshire County Council's statutory requirements in relation to the increasing numbers of young people electively home educated and their increasing complexity.

2. Information and Analysis

2.1 Background and Context

Parents have the right to decide to teach their children at home at any stage up to the end of compulsory school age. Parents who choose to home-educate their children are responsible for ensuring that the education provided is efficient, full-time and suitable to the child's age, ability, aptitude and any special educational needs they may have. They do not have to follow the national curriculum. The parents of home educated children must be prepared to assume full financial responsibility, including bearing the cost of any public examinations.

Local authorities have duties to make arrangements to identify children not receiving a suitable education, and to intervene if it appears that they are not. Intervention could, for example, take the form of issuing a school attendance order, although Government guidance on home education encourages authorities to address the issue informally before serving such a notice.

As part of their safeguarding duties, local authorities have powers to insist on seeing a child to enquire about their welfare where there are grounds for concern, but this does not extend to seeing and questioning children for the purpose of establishing whether they are receiving a suitable education.

Elective Home Education and the role of the Local Authority is complex and has been the subject of a number of reviews and reports.

The Casey Review (December 2016) stated that parents should continue to have the right to home educate their children, but raised a number of “difficulties and risks” associated with home education. These included; that the current definition of a “suitable education” runs counter to efforts to foster British values in schools and building cohesive communities; that some people may be misusing the right to home educate their children to place them in unregistered schools; that the current framework means that local authorities have no sure way of knowing the extent of home education or the suitability of the education provided. It also limits the extent to which authorities can be aware of any arising child protection issues.

The Association of Directors of Children Services established a specific EHE working group which has commissioned two national surveys in relation to EHE. The most recent survey stated that 92% of Local Authorities reported a year-on-year increase in the number of young people known to be EHE with an in-year variation of 17% in relation to numbers reflecting the fluidity in this group.

Young people who are removed from school to be EHE is also a focus for Ofsted who have also commissioned their own surveys and focused on this in school inspections.

2.2 Derbyshire Context

Derbyshire Local Authority’s (LA) principles and practice re EHE are incorporated in our EHE Guidance for Parents. We fully respect the rights of parents to home educate. We promote an active dialogue with parents and seek to work in partnership with them. We find the best way to do this is to offer a home visit with one of our EHE consultants. The visit results in a record being kept which states the suitability of education as well as practical suggestions as to how to support/improve provision. This informal meeting can avoid misunderstandings and reduce the need for formal/legal proceedings. Follow-up visits are made and annual contact is the main arrangement for many families. Where provision is unsuitable, a referral is made to either Starting Point/MAT and can include making a School Attendance Order.

2.3 Current staffing resource

To deliver on our duties in Derbyshire, we have an EHE Team comprising an 1.0 fte EHE Manager, 0.4fte term time from current Health and Well-being consultant capacity, 5 independent EHE consultants (former head teachers or senior education professionals) who undertake the visits, 0.5fte Scale 6 Business Services and 1.0fte

Scale 4 Business Services.

2.4 Current Numbers and pattern

There has been a significant increase in the number of young people being electively home educated and they demonstrate increased complexity. The figures only relate to those young people we know about.

In 2014-15 there were 522 EHE young people during the year.

In 2015-16 there were 691 recorded as EHE.

In 2016-2017 there were 741 young people who were known to Derbyshire as EHE at some point in the year, with an increasing number of young people who have SEND.

In 2017-2018 currently there are 635 young people EHE. This is the highest point at this time compared to previous years.

There are increasing numbers of young people EHE with social care or Early Help involvement.

There are a number of significant challenges

- Increasing numbers of young people electively home educated.
- Increased complexity of young people electively home educated – SEND, Child Protection/Child in Need.
- The complex legal framework for home education.
- Ensuring effective multi-agency working.
- Schools' engagement with parents in relation to EHE, increasing number of removals due to school circumstances.
- Home educating families not wishing to engage – i.e. receive a visit or send a report.
- Families not known to us.
- Hearing the child or young person's voice.
- EHE young people being not in education, employment or training

2.5 Purpose of appointing an EHE Officer

The core purpose of appointing an EHE officer is to meet the additional demands on the Local Authority in meeting its statutory requirements which the increasing numbers and complexity of EHE young people. This role will enable us to more effectively provide advice and support to families who are considering or have chosen to electively home educate their child; provide information and support to the workers who work face-to-face with home educating parents and their children, usually in the family homes; liaise with other services, including schools, multi-agency teams (MAT) and health

regarding the young people's learning and welfare; collate, production and analysis of various reports. The new post will be for the full year rather than the current term time-only arrangement.

2.6 Risks and issues if appointment is not made

- Not being able to fulfil our Local Authority duties in relation to EHE.
- Not being able to respond to external challenge –inspection, serious case reviews, complaints.
- Not being able to respond effectively to safeguarding issues.
- Not being able to efficiently and effectively work in a multi-disciplinary way.

3. Human Resources Considerations

A new job and person profile has been created and has been Hay Evaluated at Grade 8. It is the intention to recruit to EHE role in line with the Council's recruitment policy. This appointment will strengthen the EHE Team where currently there is only one substantive EHE Manager.

4. Financial Considerations

Currently, elements of this proposed role are being covered on a temporary basis of 0.4 fte by an emotional health and well-being consultant who is substantively in the Education Improvement Service (EIS) structure. The cost of this is £18,888 including on costs against the EHE budget. This consultant is returning fully to their substantive post. In addition, other elements of the proposed role are currently being undertaken by Business Services colleagues which they would cease doing. The cost of this support currently is £11,399 in the EHE budget.

The cost of a full-time Scale 8 EHE Officer post is £28,082 including on costs, and would therefore be met from the existing EHE budget.

5. Legal Considerations

The legal context of Elective Home Education is complex; however, Section 437(1) of the Education Act 1996 ("the 1996 Act") imposes a duty on local authorities to intervene if it appears that a child of compulsory school age in its area is not receiving a suitable education (specifically, by beginning procedures for issuing a School Attendance Order). If issued by the Local Authority (i.e. if it has not been possible to resolve the matter informally), a School Attendance Order will require the child's parent(s) to register their child at a named school. If they fail to comply with the Order, the child's parent(s) can be prosecuted by the LA under Section 443 of the 1996 Act.

6. Social Value Considerations

The additional post will support a cohesive and co-ordinated approach which will help secure positive outcomes for local people and communities in Derbyshire. The proposals will improve service delivery.

7. Equality and Diversity Considerations

The role of EHE will be recruited to in line with the Council's recruitment policy.

8. Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime & disorder, equality of opportunity, environmental, health, property and transport considerations.

9. Key Decision?

No

10. Call In

Is it required that the call in period be waived in respect of the decisions being proposed in the report - No

11. Background Papers

No

12. Strategic Director's Recommendation

It is recommended that the Cabinet Member:

- Approves the recruitment and appointment of a new post for an Elective Home Education Officer

Jane Parfremment
Strategic Director for Children's Services