

# Response ID ANON-8YT5-1VGJ-J

Submitted to **Home Education – Call for Evidence and revised DfE guidance**  
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## Introduction

### 1 What is your name?

**Name:**

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### 3 Are you responding as an individual or on behalf of an organisation?

Organisation

### 4 If you are responding on behalf of an organisation, what is your organisation?

**Organisation:**

Surrey County Council

### 5 Which of the following best describes the capacity in which you are responding to this consultation?

**Choose answer from dropdown list:**

Local authority

**If Other, please give details:**

### 6 Which local authority area are you based in?

**Please select:**

Surrey

### 7 Would you like us to keep your responses confidential?

No

**Reason for confidentiality:**

## Information about home educated children

### 8 How effective are the current voluntary registration schemes run by some local authorities? What would be the advantages and disadvantages of mandatory registration of children educated at home, with duties on both local authorities and parents in this regard?

**Registration - text:**

In our view, the voluntary registration scheme is currently ineffective as it does not require all parents/carers to register children who they are choosing to electively home educate. Therefore we are unable to provide a true accurate figure as to whom is a resident in Surrey and is being home educated as many children remain under the radar.

In some circumstances, families choose not to register their child to avoid engagement with the Local Authority (LA). Whilst this may be for a perceived good reason by the parent, a significant disadvantage – and current risk – is our ability to effectively safeguard this cohort from potential harm.

Advantages of a mandatory registration scheme:

- Ensure all children electively home educated are known to the LA and their mobility can be tracked if they move out of area
- Enable the LA to provide accurate data on this cohort. For example, this information can be used to inform policy and regulation
- Ensure the LA allocate appropriate resources to support parents/carers who choose to electively home educate, including the provision of information otherwise shared via schools, for example health education
- Enable us to identify vulnerable children and maintain oversight from a safeguarding perspective of all electively home educated children
- Enable the LA to more effectively meet 437(1) Education Act 1996 to intervene & 436A to enable LAs to identify children not registered at school or receiving suitable education
- Enable the LA to link with other relevant partners to ensure children's needs are met and that they are receiving appropriate, suitable and full-time provision
- Potentially reduce the number of unregistered schools
- May discourage parents who choose to electively home educate for the inappropriate reasons
- Assess and address instances of 'off-rolling' locally.

Disadvantages of a mandatory registration scheme:

- Create resentment and negative perception of interference amongst the Elective Home Education community who currently choose not to register their children as Electively Home Educated.
- Increase the cost to the public purse as additional resources would be required.

Whilst we support a mandatory registration scheme for children who are home educated, a new requirement for local authorities to administer such a scheme must be properly assessed and fully funded.

**9 What information is needed for registration purposes, and what information is actually gathered by local authorities? Would it help the efficacy of these schemes, and the sharing of information between authorities, if there were a nationally agreed dataset or if data could be shared by national agencies, such as DWP or the NHS?**

**Data - text:**

Information currently gathered by Surrey for registration purposes:

A de-registration letter written and signed by parents is required from the school, if the child is being taken off roll for elective home education.

Information gathered by Local Authority:

Surname, first name, gender, DOB, parent/carer name address, e-mail, phone number, Ethnicity code, current year group, key stage when registered, date on roll, reason on roll, anxiety, date off roll, reason off roll, school deregistered from, borough, SEN status, LAC status, CP/CIN/Early Help/CSE.

Sharing of information:

An agreed dataset would help enable the LA and partners to monitor and support more effectively those families who are electively home educated and who may be known to other professionals. It will also better equip LAs to monitor and track those children who may move to another authority in the UK or in some cases abroad without parents/carers informing the LA. This potentially exposes children to safeguarding risks. It would also ensure that children receive the same level of service as children in school, for example vaccinations.

**10 Does experience of flexi-schooling and similar arrangements suggest that it would be better if the scope of registration schemes included any children who do not attend a state-funded or registered independent school full-time? If so, do you think that local authorities should be able to confirm with both state-funded and independent schools whether a named child is attending that school full-time?**

**Other settings - text:**

Registration for elective home education and reporting of children who are not attending a state funded or independent school full-time (pupils missing out on education) should both be considered for mandatory registration to ensure children are known to the LA enabling appropriate monitoring and safeguarding.

Local authorities should also be able to confirm with state funded and independent schools whether a named child is attending their school full time and for full compliance, without the need for evidence of risk under safeguarding legislation

It would be beneficial for the LA, professionals and parents to have clearer guidance on flexi-school arrangements.

**11 Would the sanction of issuing a school attendance order for parental non-compliance with registration be effective, or is there another sanction which would be more useful?**

**Sanctions - registration - text:**

The sanction of raising a school attendance order is not currently considered sufficient in Surrey.

If parents do not comply with registration and the LA is aware of the children, then the LA will name or identify a school through Fair Access Protocols.

Furthermore, if parents choose not to comply with registration, despite being advised of the mandatory process, then the LA's view is that they should be issued with a fine similar to the 'penalty notice' issued for non-attendance.

**12 What steps might help reduce the incidence of schools reportedly pressuring parents to remove children to educate them at home?**

**Pressure on parents - text:**

There are a number of measures the Department could consider introducing to prevent schools from pressuring parents to home educate their children. Surrey County Council recommends the following options.

OFSTED ensuring the inspection framework includes scrutiny of children withdrawn for elective home education over the period since the last inspection and data and detail on children who have been issued fixed-period/permanent exclusions.

Identified instances should be recorded by the LA and reported to Ofsted and the Schools Adjudicator in the LA annual report.

Schools expected to provide an evidence trail showing support provided for the child to remain in school.

The LA being provided with statutory duty to meet with parents/carers for all children prior to de-registration to ensure parents/carers make a fully informed decision and are not being pressurised into choosing elective home education.

Where a child is withdrawn for elective home education from the school roll funding should be withdrawn for the academic year.

Where Elective Home Education is inappropriately advised as an option to a parent by a school, the school should be required to readmit the child/young person

immediately and without further disruption to the education of that child/young person.

**13 Is there an argument for some provision which allows a child to return to the same school within a specified interval if suitable home education does not prove possible?**

Yes

**Monitoring educational provision made at home or for home-educated children**

**14 How effective is local authority monitoring of provision made for children educated at home? Which current approaches by local authorities represent best practice?**

**LA monitoring practice - text:**

Monitoring is as effective as it can be within the confines of statutory powers. However, effective monitoring is restricted and challenged by the current limited statutory powers.

Surrey County Council's current approach:

Surrey Elective Home Education Service sits within Children, Schools and Family Service and reports in to the Strategic Lead for Vulnerable Learners. The Elective Home Education Team is made up of the Elective Home Education Manager (full-time position), Elective Home Education Assistant (0.6 FTE) and an admin assistant (full-time).

The Surrey Elective Home Education Website provides advice and support for parents who have decided to, or who are considering, educating their child at home, rather than at school (link below).

<https://www.surreycc.gov.uk/schools-and-learning/educating-your-child-at-home/elective-home-education-guidance-for-parents>

A welcome letter to The Surrey EHE Team provides a copy of a "suggested learning plan" to every newly registered family and also to families where the education provision at home is of concern. This "suggested learning plan" outlines the benefits of having a good learning routine and provides some suggested learning topics (academic, social and physical) to include in each week's learning.

The Surrey EHE Team routinely encourages families to consider 25 hours of learning (encompassing social and physical activities and work experience if appropriate) each week to be a full time education.

The 'Resource Information Sheet' shared with all new EHE families now runs to 16 pages of suggested education ideas, activities, resources and independent education or social activity providers. This information has been gathered and collated by the Surrey EHE Team and is a continual "work in progress" and is frequently updated and added to.

The Surrey EHE team have been provided with training to ensure they have a clear understanding of home education legislation, parental rights and safeguarding.

The EHE team has worked with the Education Welfare Service to implement a new process for children withdrawn from school for elective home education. Since September 2017 an Education Welfare Officer has made initial contact with the family to ensure that the decision to EHE was an informed choice and, if appropriate, will offer support to resolve any outstanding issues that may have prompted a hasty decision. This ensures that all students moving to EHE are quickly identified and families are immediately made aware of expectations and responsibilities when home educating and also are aware of support available to them.

Emotional health and wellbeing is a key priority and we are committed to ensuring all pupils and families are both aware of and have access to services that can provide support. In order to ensure parents are signposted effectively, the EHE team now records "anxiety" when given by parents as a reason for choosing elective home education. Although anxiety is not included in the reasons listed in the DFE guidance, this enables us to provide appropriate support and guidance for parents on emotional wellbeing for their children and ensure equitable access to services which may otherwise be accessed through schools. It also enables Surrey to identify trends and allocate resources appropriately. The service also offers a visit to all families registered.

Where evidence suggests that a child is not receiving efficient, suitable and full-time provision, the Surrey EHE team follow Children Missing Education procedures.

In order to deliver this level of support to all children who are home schooled, the Government must ensure funding is made available.

**15 If monitoring of suitability is not always effective, what changes should be made in the powers and duties of local authorities in this regard, and how could they best ensure that monitoring of suitability is proportionate?**

**Changes: monitoring - text:**

For the LA to have a definition of 'suitable and efficient education'.

There should be a statutory duty for parents who choose to electively home educate to ensure provision includes core curriculum subjects, provides evidence of children making progress and evidences learning which takes place outside of the home is effective. Monitoring should require, at least, an annual report to be provided by all parents/carers choosing to electively home educate.

Where concerns are identified, the LA should be able complete mandatory checks and visits until they are assured suitable, efficient and full-time provision is in place. This should include face to face contact with the child.

It would be useful for OFSTED and the DFE to set out a best practice guide, defining how 'suitable education' should be measured by LAs.

**16 Should there be specific duties on parents to comply with local authorities carrying out monitoring if such LA powers and duties were created, and what sanctions should attach to non-compliance?**

**Monitoring: duties on parents - text:**

Yes. Where parents do not comply with LA monitoring and concerns remain regarding the education provision for the child, a School Attendance Order and a penalty notice should be issued.

**17 Is it necessary to see the child and/or the education setting (whether that is the home or some other place), in order to assess fully the suitability of education, and if so, what level of interaction or observation is required to make this useful in assessing suitability?**

**Seeing the child - text:**

Yes. The child's voice is often lost in current arrangements.

An annual face to face meeting with the child to gather their views and discuss their work to ensure their learning needs are being met. The meeting should be more frequent if there are concerns that the child is not receiving efficient, suitable and full-time education.

**18 What can be done to better ensure that the child's own views on being educated at home, and on the suitability of the education provided, are known to the local authority?**

**Children's views - text:**

Face to face meeting as above for question 17.

In addition, Surrey County Council recommends the following:

- An offer of a mentor for the child (similar to a youth worker/advocate role) to ensure access to advice and support throughout the year. This could be facilitated online.
- Each local authority could also recruit/secure EHE champions from the local EHE community to offer further peer support in partnership with the LA as opposed to the current EHE network which often exist following a perceived need to defend the cohort against the LA.
- A standard feedback form issued by the DFE to ensure consistent feedback is gathered from all LAs for children electively home educated.

**19 What are the advantages and disadvantages of using settings which are not registered independent or state schools, to supplement home education? How can authorities reliably obtain information on the education provided to individual children whose education 'otherwise than at school' includes attendance at such settings as well as, or instead of, education at home?**

**Other settings - text:**

There are a number of advantages and disadvantages we have identified in relation to children's access to education in unregistered settings.

Advantages include:

- Children who are accessing such provision may be benefiting from the provision and this may be better than nothing at all. However, there are risks associated with such provision.

Disadvantages include:

- LAs may be unaware of these settings.
- Unregistered provision is not subject to any routine scrutiny or monitoring, although there is a growing appetite to do so from OFSTED.
- Children may be exposed to harms, including unsafe premises.

If the LA had the autonomy to visit every child/young person, they would be better informed about the scale and use of unregistered provision and it would be more difficult for these settings to remain 'off the radar'. Furthermore, parents/carers should be required to report to the LA if their child is attending an alternative provision.

**20 What are the advantages and disadvantages of using private tutors to supplement home education? How can authorities best obtain information on the education provided to individual children whose education at home includes private tuition, or whom attend tuition away from home?**

**Private tutors - text:**

There are many tutoring agencies that provide a service to Home Educating parents. Surrey has produced guidance to support parents/carers who employ a private tutor. This includes the advantages and disadvantages (link below).

[https://www.surreycc.gov.uk/\\_\\_data/assets/pdf\\_file/0018/103626/Private-Tutors.docx.pdf](https://www.surreycc.gov.uk/__data/assets/pdf_file/0018/103626/Private-Tutors.docx.pdf)

Advantages:

- Children who are accessing private tuition may be benefiting from the provision and this may be better than nothing at all. However, like education provided in unregistered settings, there are risks associated with such provision

Disadvantages:

- There is variation in the cost and quality of such provision
- Children may not have access to a consistent or qualified tutor
- Tutors may not be trained in mental health or special educational needs and therefore unable to best meet the needs of children needing support

Surrey County Council recommends the following approaches to enable LAs to monitor home educated pupil's access to private tuition:

- Tutors delivering provision should be legally required to hold a DBS and share this with parents and the LA if they are teaching children electively home educated.
- Any tutor practising should be legally obliged to hold a DBS and provide a copy of this to the parent, who can share this with the LA if they wish.
- Examples of work completed with tutors should be retained for evidential purposes. Tutors should be required to provide evidence for parents of progress children are making. The LA should be able to request copies of this evidence in annual monitoring processes.

**21 Are there other matters which stakeholders would wish to see taken into account in this area? If so please insert comments below.**

Yes

**Monitoring: other considerations - text:**

Yes, in addition to the above, Surrey County Council recommends that private tutors and tuition centres provide evidence of the following:

- DBS clearance as a minimum requirement
- Registration, Regulation and monitoring of tutors by the DFE and OFSTED
- Evidence of professional qualifications
- Health and safety protocols

**Support for home-educating families**

**22 What might be done to improve access to public examinations for children educated at home?**

**Access to examinations - text:**

Surrey County Council recommends the following measures to improve home educated children's access to public examinations:

- Ensure all electively home educated children have access to a local examinations centre
- Funding provided for parents to cover the cost of examinations
- If a child is withdrawn from a school roll for EHE during year 10 or 11 the school should retain responsibility for entering the child for public examinations.

**23 What good practice is there currently in local authority arrangements for supporting home-educating families? Should there be a duty on local authorities to provide advice and support, and if so how should such a duty be framed?**

**LA support - text:**

First part of question answered in question 14.

In addition, there should be a duty on LAs to provide advice and support which sits within a DFE framework that outlines requirements to ensure consistency of practice nationally.

**Other matters**

**24 Should there be a financial consequence for schools if a parent withdraws a child from the school roll to educate at home?**

Yes

**Financial consequences of withdrawal - text:**

See answer to question 12. The same process should be implemented as for children who are permanently excluded.

Schools should be required to return Age Weighted Pupil Funding (AWPU) funding for the child. This funding should be transferred to the LA to enable appropriate support to be provide for electively home educated children.

**25 Should there be any changes to the provision in Regulation 8(2) of the Education (Pupil Registration) (England) Regulations 2006 requiring local authority consent to the removal of a child's name from the roll of a maintained special school if placed there under arrangements made by the local authority?**

**Children attending special schools: removal from roll - text:**

Yes, the process should be the same as it is for children and young people who hold an EHCP and attend a special school – the school should be required to keep the child on roll until the LA can confirm that the education provision the parent is providing is deemed to be suitable. Providing a short trial period for parents to consider whether they wish to continue electively home educating should be statutory.

The above will require changes to the admissions code.

**27 What data are currently available on the numbers of children being educated at home in your local authority area?**

**Data on numbers of home educated children - text:**

Surrey County Council holds the following data in relation to the numbers of children being educated at home:

- The numbers of children who have been registered as being Electively Home Educated with the LA.
- As per Question 9, this includes: Surname, first name, gender, DOB, parent/carer name address, e-mail, phone number, Ethnicity code, current year group, key stage when registered, date on roll, reason on roll, anxiety, date off roll, reason off roll, school deregistered from, borough, SEN status, LAC status, CP/CIN/Early Help/CSE.

We cross-reference these cases to other needs identified by the Council where we have it for that child such as:

- Special educational needs, including whether they have EHCP or received SEND Support in school
- Identified mental health need, including anxiety
- LAC status
- On a Child Protection Plan or identified as a Child in Need
- Accessed Early Help support
- Experienced or at risk of Child Sexual Exploitation

**26 Are there any other comments you wish to make relating to the effectiveness of current arrangements for elective home education and potential changes?****Other comments on effectiveness of current arrangements - text:**

Surrey County Council acknowledges that many parents successfully provide a full-time, suitable and efficient education for their children. However the current statutory powers are limited in allowing LAs to gather a comprehensive picture of the child's progress and outcomes.

Current arrangements are not sufficiently robust and facilitate abuse of the system by some parents/carers who do not choose elective home education for appropriate reasons and can expose children to both safeguarding risks and minimises their ability to achieve their potential.

**28 Do you have any comments on any of the contents of the call for evidence document in relation to equality issues?****Equality issues - Call for Evidence - text:**

None identified.

**Draft revised DfE guidance on home education: for local authorities****29 Comments on Section 1: What is elective home education?****What is elective home education?:**

Further clarity is required on what defines a 'suitable education'.

More clarity is also needed on the rationale behind the decision to include reference to flexi-schooling in a definition of elective home education as this is a separate process.

**30 Comments on Section 2: Reasons for elective home education - why do parents choose to provide it?****Parents' reasons:**

Surrey is seeing an increased number of children with anxiety and or other mental health issues being registered for elective home education. We are also concerned about the impact of bullying, including cyber-bullying, as a significant factor for why children want to be home schooled.

We would like these issues to be added to the list of reasons on page 6 why parents may choose to EHE.

Paragraph 2.3 does not state what the basic expectation is of parents who choose to EHE but clearly states what parents do not need to do.

**31 Comments on Section 3: The starting point for local authorities****The Starting Point:**

Paragraph 3.4 is a concern to the LA as it highlights the limited duties of the LA and may influence parents who choose to electively home educate for inappropriate reasons.

**32 Comments on Section 4: How do local authorities know that a child is being educated at home?****Local authority knowledge:**

The final sentence of paragraph 4.1 is a concern to the LA as it does not give clarity on which data sources LAs are encouraged to use and may lead to inconsistency of practice nationally.

Surrey County Council had produced guidance for professionals and raised awareness of EHE amongst health authorities. Whilst we have received information from health practitioners regarding children not in school, these represent a very small number of children currently registered EHE. We are concerned that this information relies on the health professional sharing the information.

Currently Surrey receives notification on children who have left school and may be missing education from a variety of sources including social care, Surrey Family Services, health professionals, Race equality and minority achievement (REMA), neighbours and family members.

### **33 Comments on Section 5: Local authorities' responsibilities for children who are, or appear to be, educated at home**

#### **LA responsibilities:**

Surrey County Council would support implementation of a statutory duty to monitor the quality of home education on a routine basis and, at least annually, for all children electively home educated.

The Council considers the rights of parents to electively home educate disproportionate when compared to the rights of the child and the limited statutory powers the LA has.

Surrey would like to see more robust legislation/guidance on the process of de-registering children on Child Protection and Child in Need plans.

### **34 Comments on Section 6: What should local authorities do when it is not clear that home education is suitable?**

#### **LA action when not clear if home education is suitable:**

Paragraph 6.2 – Surrey County Council would like to see a definition of what is considered 'satisfactory home education'.

Paragraph 6.5 - We support the inclusion of reference to case law in concluding that a child may not be receiving suitable education if parents do not respond to enquiries about the education they are providing. However, Surrey would like LA powers to enable statutory annual reporting by parents of the education provision in place, an annual LA visit and face to face interaction with the child.

The LA is concerned that there a number of templates for annual reports freely available on the internet for parents to download and use as evidence of the education they are providing. The LA has no powers to dispute what is submitted.

### **35 Comments on Section 7: Safeguarding: the interface with home education**

#### **Safeguarding:**

Paragraph 7.1 outlines the duties of the LA in promoting the well-being, safeguarding and welfare of children in their area. However these duties are restricted by the limited statutory powers currently in place. The LA is reliant on safeguarding issues coming to our attention and this can place children who are electively home educated and at risk of harm at greater risk of not receiving appropriate LA intervention.

Paragraph 7.2 provides a balanced view which acknowledges that home educated children are not at greater risk of harm. However, it also highlights that children are not being seen on a regular basis.

Surrey County Council would support implementation of a statutory duty to monitor the quality of home education on a routine basis and, at least annually, for all children electively home educated.

### **36 Comments on Section 8: Home-educated children with special educational needs (SEN)**

#### **SEN:**

The content of this section is clear. Surrey County Council would welcome statutory powers to ensure LA consent is necessary for all children with an EHCP to be electively home educated.

### **37 Comments on Section 9: What do the s.7 requirements mean?**

#### **S.7 requirements:**

Surrey County Council welcomes the clarity provided on s.7 requirements. However, we would welcome guidance on the minimum standards parents who choose to electively home educate are required to adhere to.

### **38 Comments on Section 10: Further information**

#### **Other matters:**

10.1 Relies on parents taking responsibly and appropriate action if they believe the education provided is not successful or the child is unhappy. However, there is no statutory duty for them to do this and the voice of the child can be lost.

10.5 and 10.6 – Surrey County Council would like scrutiny by OFSTED within their inspection framework of efforts made by schools to retain children on roll and case studies of children de-registered.

10.10 – 10.16 The Council would welcome compulsory registration of any provision providing education including independent tutors.

### **Draft revised DfE guidance on home education: for parents**

### **39 Comments on Section 1: What is elective home education (EHE)?**

#### **What is elective home education?:**

Whilst this section provides basic information on what elective home education is, it does not provide any guidance on baseline expectations of what this means, i.e. fulltime, suitable and efficient. It does not clarify that by choosing to electively home educate, parents are assuming full responsibility (including financial) for their child's education (we acknowledge this is covered in section 2 but believe it should be covered in section 1).

1.2 - It would be helpful to include a link or reference to guidance for parents on engaging private tutors.

#### **40 Comments on Section 2: What is the legal position of parents who wish to home educate children?**

##### **Legal position of parents:**

2.7 – Second line appears to contain a typo as it states 'children attending school normally have about five hours tuition a week for 190 days a year', should this be five hours tuition a day?

Surrey County Council welcomes the clarity provided for parents in 2.6 – 2.12 on what is 'efficient, full-time and suitable' education. The Council would welcome further clarity on the minimum number of hours of education a child who is electively home educated is entitled to receive.

The Council welcomes the inclusion of paragraph 2.13 on the rights of the child.

#### **41 Comments on Section 3: So what do I need to think about before deciding to educate my child at home?**

##### **So what do I need to think about?:**

Surrey County Council welcomes the inclusion of paragraph 3.1 which explains the challenges and investment both in time and money required by parents who choose to electively home educate.

Paragraph 3.3 could include highlighting to parents that they will be responsible for both entering and financing exam entries if they withdraw a child for elective home education in years 10 and 11.

#### **42 Comments on Section 4: If I choose to educate my child at home, what must I do before I start?**

##### **What must I do before I start?:**

The Council supports mandatory registration for all children electively home educated and therefore are not in agreement with the inclusion of paragraph 4.1. In light of current statutory powers, we acknowledge that section 4 clearly outlines the responsibility of parents.

#### **43 Comments on Section 5: What are the responsibilities of your local authority?**

##### **LA responsibilities:**

In light of the limited statutory powers, Section 5 provides clear guidance for parents on the current role of the Local Authority.

#### **44 Comments on Section 6: Further information**

##### **Further information:**

Surrey welcomes the basic information provided on safeguarding at home, the engagement of a tutor and alerting parents to DBS checks.

The Council would welcome more detailed guidance in section 6 to raise parental awareness of safeguarding issues such as child sexual exploitation, Female Genital Mutilation, Radicalisation and Forced Marriage.

The Council would also like to see guidance on child employment legislation included in this section.

#### **Draft guidance documents: equality issues**

#### **45 Do you think that anything in the revised guidance documents could have a disproportionate impact, positive or negative, on those with 'relevant protected characteristics' (including disability, gender, race and religion or belief) - and if so, how?**

##### **Equality - guidance documents: text:**

None identified.