

FIRST MAJOR REVIEW - WITNESS SESSION 2

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REASON FOR ITEM

To enable the Committee to gather evidence as part of their First Major Review in relation to Elective Home Education in providing a consensus of the working in relation to the conflict of the Children Act and Education Act.

OPTIONS AVAILABLE TO THE COMMITTEE

1. Question the witnesses
2. Highlight issues for further investigation
3. To make a note of possible recommendations for the review

INFORMATION

At this Committee's meeting of 5 July 2011 approval was given to the committee undertaking a review on Elective Home Education.

The Aim of the review was to provide a balance of both safeguarding issues and the rights of parents within the EHE Policy ensuring lawfulness and mindful of the views of Residents. The policy was adopted by the Planning Environment Education and Communities (PEECS) and the Local Safeguarding Children's Board (HSCB).

The Committee on the 7 September 2011 heard from 3 witnesses as follows:-

Deborah Bell – Service Manager, Special Educational Needs, Behaviour & Attendance & Pupil Support Teachers
Paul Hewitt – Service Manager, Safeguarding and Quality Assurance
Councillor Carol Melvin

The information from that meeting can be seen in the minutes attached to this agenda.

The Policy Overview committee at this meeting will be hearing from witnesses as follows:-

Parent that Home Educates and had until recently been working with the Local Education Authority
A Trustee from the Home Education Advisory Service.

Further Witness Sessions if Required

Young people that have been home educated (this could include a meeting outside of the Policy Overview Committee).
A cross section of Parents that Home Educate

Key Issues and areas of possible questioning

When did you first come aware of the amended policy after February 2009.

What are the concerns that you have around unannounced visits.

Had contact been made with local schools to see whether they would be willing to allow access to exams.

Would the setting up of a cross borough group for Elective Home Educators be useful.

PAPERS WITH THE REPORT

Scoping report attached as Appendix A.

SUGGESTED COMMITTEE ACTIVITY

1. Members question the witnesses and identify important issues for their review.
2. Members identify areas where further information and evidence is required to help greater understanding of the issues.
3. Members to give consideration to initial recommendations for the review.



HILLINGDON

LONDON

Policy Overview & Scrutiny Committee Review Scoping Report 2011/12

OBJECTIVE

Short title of review

ELECTIVE HOME EDUCATION (EHE) IN HILLINGDON

Aim of Review

This review aims to review the Council's Elective Home Education Policy and the balance of both safeguarding issues and the rights of parents.

Terms of Reference

- To look at the reasons why parents opt for EHE.
- To analyse at what stage parents decide to opt for EHE.
- To consider the needs of people within the EHE Community for inclusion in the policy.
- To look at all sources of good practice and to recommend a revised policy to Cabinet.
- To look at the psychological development of children that are home educated
- To look at partnership arrangements associated with EHE.
- To look at how attainment progress is measured.
- To look at the transition to formal education if and when they choose to take that step.

Reasons for the review

At the last meeting of the Committee, Members were informed of some issues that were ripe for review regarding the children whose parents had decided would be educated at home. The Council has an existing Elective Home Education Policy but it needs to be updated to reflect a more balanced approach to both safeguarding issues and the rights of parents. This would be a potential review involving both internal and external witnesses, including parents and young children. This is a service area that has not been reviewed at Member-level for a long time. Such a review would also result in a new policy on this matter being presented to Cabinet by the Committee.

The Hillingdon EHE Policy in partnership with the Local Safeguarding Children's Board (LSCB) was ratified in 2009. The Policy has been delivered ever since.

In February 2011, a Member was contacted and met with a group of EHE parents, some being Hillingdon Residents. This group expressed concerns that unannounced 'safeguarding' ad-hoc visits to EHE homes by Hillingdon officers were unlawful and unwelcome.

Subsequently, the ad hoc visiting element of the Hillingdon EHE Policy has been on hold pending a full review of the policy.

Members and Residents will be assured that Hillingdon children are safeguarded as far as is reasonably possible. Delivery of EHE is of a quality and quantity to prepare Hillingdon children to be contributing members of society when adults

Supporting the Cabinet & Council's policies and objectives

Hillingdon Children's & Family's Trust Plan priorities:

- P1 Keeping children and young people safe
- P2 Ensure all children have a good start to life

INFORMATION AND ANALYSIS

Key Issues

There is a conflict in the Education law in regard to EHE and the Children's law in relation to safeguard.

The responsibility for a child's education rests with their parents. In England, education is compulsory (for children aged 5 to 16), but schooling is not.

2.2 Article 2 of Protocol 1 of the European Convention on Human Rights states that:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.

This right is enshrined in English law. Section 7 of the Education Act 1996 provides that:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable -

- (a) *to his age, ability and aptitude, and*
- (b) *to any special educational needs he may have,*

either by regular attendance at school or otherwise.

And Section 9 of the Education Act 1996 provides that:

In exercising or performing all their respective powers and duties under the Education Acts the Secretary of State local education authorities and the funding authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

In conjunction with this, The Children Act 2004 places duties on the Local Authority to:

- safeguard and promote the wellbeing of children in partnership with children and young people, parents and carers, and the wider community.

Remit - who / what is this review covering?

Access and Inclusion Service (Planning, Environment, Education and Community Services)

The Home Education Advisory Service - <http://www.heas.org.uk/>

The Hillingdon Safeguarding Children's Board

Connected work (recently completed, planned or ongoing)

Revised EHE draft Policy for Hillingdon, which has been agreed by Access & Inclusion (PEECs),

LBH Legal Services and the Hillingdon LSCB and a background report for information.

Key information required

The proposed EHE Policy for Hillingdon, Sections 7 & 9 of the Education Act 1996 and the Children Act 2004.

EVIDENCE & ENQUIRY

Scrutiny of documents available on EHE.

Consideration of information provided by witness sessions from officers, stakeholder agencies and other interested parties.

Witnesses

- Education Officers (PEECs)
- Representative from the Home Education Advisory Service
- Paul Hewitt – Safeguarding, Social Care, Health & Housing
- Parents providing EHE for various reasons.

- An older child that has been home educated

Information & Intelligence

Intelligence

<http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Documents-by-type/Thematic-reports/Local-authorities-and-home-education>

[Local Authorities and Home Education](http://www.heas.org.uk/)

<http://www.heas.org.uk/>

Badman Review

European Convention on Human Rights - Article 2 of Protocol 1

Sections 7 & 9 of the Education Act 1996.

The Children Act 2004

Information

This is a contentious area and many EHE parents across the country are passionate about the field. The previous Government commissioned the Badman Review with a view to altering current legislation. Members may wish to read this review and be familiar with the response from the EHE community.

The Home Education Advisory Committee has represented a minority of Hillingdon EHE parents who were dissatisfied with the previous Hillingdon policy of ad hoc visits when a child had not been seen for a year. A Member met a group of EHE parents expressing this view in February 2011.

Consultation and Communications

Hillingdon has a standard information letter and leaflet available on line or through the Contact Centre/EWS Duty Line to support and advise EHE parents.

Consultation with Hillingdon EHE parents has been planned for the proposed revised policy. With the POC leading on this review, it can undertake this consultation as part of the review and through its witnesses.

Lines of enquiry

How does LBH propose to support EHE parents to ensure all residents children are safe when they are not seen in the wider community?

PROPOSALS

Recommendations will be put forward following the witness sessions.

LOGISTICS

Education & Children's Services Policy Overview Committee – 19 October 2011

PART 1 – MEMBERS, PUBLIC & PRESS

Proposed timeframe & milestones

| Meeting Date * | Action | Purpose / Outcome |
|----------------|--|--|
| 5 July 2011 | Agree Scoping Report and Presentation by officer | Information and analysis |
| September 2011 | Witness Session 1 | Evidence & enquiry |
| October 2011 | Witness session 2 | Evidence & enquiry |
| November 2011 | Draft Final Report | Proposals – agree recommendations and final draft report |

** Specific meetings can be shortened or extended to suit the review topic and needs of the Committee and additional meetings arranged when required.*

Risk assessment

There may be Legislative Changes required arising from the review.

Policy may not please all stakeholders

There are tensions between the LA statutory safeguarding responsibilities and current EHE Legislation.

Equality Implications

The Council has a public duty to eliminate discrimination, advance equality of opportunity and foster good relations across protected characteristics according to the Equality Act 2010. Our aim is to improve and enrich the quality of life of those living and working within this diverse borough. Where it is relevant, an impact assessment will be carried out as part of this review to ensure we consider all of our residents' needs.