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**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,

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Education & Children's Services Policy Overview Committee – 7 September 2011

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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 -*

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- (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.

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### Witnesses

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

<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?

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### PROPOSALS

Recommendations will be put forward following the witness sessions.

### LOGISTICS

#### **Proposed timeframe & milestones**

<b>Meeting Date *</b>	<b>Action</b>	<b>Purpose / Outcome</b>
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.