

## Response ID ANON-TN9R-C31C-Q

Submitted to **Children not in school**

Submitted on **2019-06-06 08:21:50**

### Introduction

#### 1 What is your name?

**Name:**

Hilary Alford

#### 2 What is your email address?

**Email:**

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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:**

Kent County Council

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

Local authority officer or member

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

No

**Reason for confidentiality:**

### LA duty to maintain a register of children not in school

#### 7 Do you agree that local authorities should be obliged to maintain a register of children who are not registered at specified schools (those listed at paragraph 2.2 of the consultation paper) or being educated under s.19 arrangements?

Yes

### Maintaining a register - implementation details

#### 8 Why do you support the concept of a duty on each LA to maintain a register?

**Support comments:**

Some of the points addressed in the consultation response below will reiterate opinions and findings reported in Kent's response to the DfE 2018 Call for Evidence.

KCC currently have 2561 (April 19) children registered to Electively Home Educate, a 13% increase on the numbers registered at the same point in 2018. It is evident that Elective Home Education is on the increase. In every authority there will be an unknown number of children who are home educated and remain hidden from services. This would suggest that current voluntary registration schemes are not effective in identifying every child and whether they are in receipt of education.

KCC considers that a central registration scheme, would significantly improve its ability to identify families who previously remained 'under the radar' and who have for their own reasons, made a conscious decision to avoid engagement with the authorities. It would serve to inform these parents of their duty to educate and what that duty may entail.

Registration would provide a positive opportunity for the LA to engage with families, ensuring all children and young people are in receipt of the education to which they have a legal entitlement. It cannot be assumed that any neglect to a child's education or wellbeing will be identified through other professionals, when their existence may not be known.

Under the current legislation not all LA's monitor EHE children/young people as they have no statutory duty to do so. With a registration scheme, the LA will have a clearer understanding of the numbers and resource commitment required by the LA to support families who EHE.

Many people will be unaware that for children who have never been in school, there is no requirement on their parents to register them as home educated. These children can be completely, unknown to authorities and potentially being denied their right to education. A register will ensure that the education status of all

children is known and will for the first time, enable LA's to better meet the requirements of 437(1) Education Act 1996 to intervene & 436A to enable LA's to identify children not registered at school nor receiving suitable education, some of whom may be vulnerable and therefore may require additional support from other professionals.

Where a child is identified as not being on roll of a school, independent or otherwise, they are recorded as a Child Missing Education (CME) until their education provision can be confirmed. There is already a central government record of all children on a school roll who have been issued with a UPN number in the form of 'Keys to Success'. A central record would ensure that the education arrangements or status for every child of statutory school age are recorded.

**9 Should such a register specify whether children are attending an educational setting (other than their own home) during school hours? Add comments if you wish.**

Yes

**Other settings comments:**

Yes. There is a whole unregulated tuition industry that has built up around the home education community. This group of often unregistered education providers understandably have a vested interest in avoiding any external scrutiny of their work with children, particularly if they have no appropriate training or expertise in working with children. Where there is no regulation there is no measure of quality or appropriateness of the education being delivered. The amount of time spent in education is not a measure of the learning taking place if the curriculum is not stretching the child, there does need to be some form of external scrutiny. It is considered that the significant growth in home education fuels the growth in unregistered schools and tutor agencies; with no regulation of these agencies, children may be placed in dangerous environments or find themselves potentially in the care of individuals restricted from working with children. In the worst case scenarios, no oversight could lead to instilling extremist views at a time when children are in their most formative years.

**10 Should the register be widened still further to also include children who are being educated under s.19 arrangements? Add comments if you wish.**

Yes

**s.19 comments:**

Yes, the education provision for every child who is not on a mainstream school roll should be recorded against a unique pupil number (UPN), making it easier to follow a child through their education and identify those who are thought not to be in receipt of the education to which they are legally entitled to. This would also highlight any education provision that may previously have gone unmonitored and therefore not held to account for the curriculum or outcomes of the 'alternative provision 'on offer.

**11 Should the register include flexi-schooled children (ie those who are educated at home or elsewhere for some of the week during school hours but are also on the admission register of a state-funded or registered independent school)? Add comments if you wish.**

No

**flexi-schooled comments:**

If a child is accessing any additional education provision during the school day, they could be recorded as 'Dual rolled'. Showing clearly the details of who is responsible for the education provided. The hours of attendance should be recorded through the attendance register of each individual provider, regardless of whether that provision is a school, or the child is educated otherwise by a commissioned provider.

**12 What information as a minimum do you think the register should contain about each child? Check as many as required**

Name, Address, Date of birth, Known previous local authorities of residence, Whether educated at home currently, Whether educated at home previously, Current settings outside home attended if known, Previous settings outside home attended if known, Whether on child protection plan, Name and address of each parent, Parental reasons for child not being in school, Other (add comments if wished)

**Data to be required:**

If the child/young person has an EHCP, a copy of the plan and relevant background information from previous school (Attendance/ Attainment/behaviour log, etc.)

**13 Do you think DfE should prescribe a national format for the register? Add comments if you wish.**

Yes

**national format comments:**

Yes, the same data that a school would be required to submit at census should be collected. This can be reported at the same time census is completed, allowing the information to be held centrally on the DfE 'Keys to Success'. Keys to Success is currently updated through Census. It should be noted that Keys to Success is not a live data feed.

**14 Do you believe that local authorities should share information from their register with other local authorities and other agencies? Add comments if you wish.**

Yes

**Comments:**

Yes, an agreed dataset would enable the LA to monitor more effectively those families who may be known to other professionals, who then move to another authority in the UK, or in some cases abroad and who do not inform the LA.

Tracking children missing education takes considerable effort and requires resources dedicated to finding them. The home authority will follow up the case,

ensuring the young person is in receipt of an education.

It is also important to share information provided by partner organisations, to ensure families who are outside the school system, receive the same information as those attending formal education provision. Kent currently provide home educating families with information from the NHS and any other agencies offering support that a child or young person may usually receive in School, (for example, vaccinations).

**15 Do you think that a local authority should include any information about a child on its register which has been legally obtained from other agencies? Add comments if you wish.**

Yes

**data from other agencies - comments:**

Whilst this about ensuring appropriate education is in place, the opportunity to improve safeguarding of children should not be missed. The LA should be obliged to share the information they hold on a child with other LA's and partner agencies, in line with GDPR. Sharing information ensures that regardless of where a family moves, they continue to receive any specialist help and the child can continue to be appropriately supported and education monitored by the new home authority.

**16 Do you agree that a register held by a local authority should be open to inspection by other bodies as prescribed by the Secretary of State, in order to check whether the local authority is carrying out its obligations to maintain the register? Add comments if you wish.**

Yes

**register open to inspection text:**

All LA's would be expected to manage a register in the same way they would be expected to collect data for any other reporting purposes.

**17 Do you agree that local authorities should have to make annual returns of collated data from the register to DfE for statistical purposes? Add comments if you wish**

Yes

**data return comments:**

There would need to be clarification regarding which data will be of the most value. Currently LA's collate their own data to identify and address local trends. A collated approach would evidence the situation and trends nationally, as can be evidenced in the ADCS annual EHE survey.

**18 This question is for local authorities only. What does the local authority believe would be the approximate additional annual cost of maintaining a register for its area? This should so far as possible include any costs already incurred on voluntary registration, but exclude other costs incurred by the authority in relation to home education and children missing education. It would be helpful to set out the basis for the estimates.**

**Costs - LAs:**

Kent already hold a register of families who are known to them, the nature of additional cost would depend on what information the DfE will be require for reporting, what format the register will take, and the number of additional children previously unknown to the authority, that the registration identifies.

If the resource is purely an administrative resource, Kent would require an additional administrative post to manage the inputting and tracking of the CYP.

In Kent the administration staff record both EHE & CME children, however if the role is broken down into the duties relating to registering and tracking families who are EHE, we would advise that the EHE part of the role could be completed by three administrators.

The Primary functions of administrators are as follows :

- Act as the information point for EHE enquiries from parents, professionals and schools;
- set up referrals and add the data to the database;
- gather relevant background information from parents and schools;
- send out initial and ongoing correspondence to EHE families;
- Have daily contact between families and EHE Support & Advice Officers;
- Investigate and record Key stage 4 onward destinations to prevent NEETS;
- Record on the data base if the child is a CME or returns to school.

During the academic year 2017 -18 Kent recorded 3112 individual children as home educated at some point during the year. The existing team of 6 term time only officers has struggled to meet this rising demand and similarly the administrative impact is a rising challenge. Therefore, if we modestly estimate the 'unknowns' to equate to 20% of our revolving EHE cohort, this would mean keeping records for approximately an additional 620 young people.

It would require at least 1 additional administrator for the register and most likely two, in order to meet the year on year increase and maintain any level of quality assurance.

Additional administrative cost -1.5 FTE x KR5 administrator = £38k with on costs

**19 Do you have any other comments on either the principle of registration or practical issues related to registration on the basis proposed?**

Other comments on register:

## Duty on parents

**32 Do you agree that parents should be under a legal duty to provide information to their local authority about a child who is within scope of the proposed registration requirement?**

Yes

## Duty on parents - implementation details

**33 If a duty on parents was created what data should parents have to provide about their child? Check as many as required**

Name, Date of birth, Address, Whether educated at home for part or all of time, Settings currently attended other than home, Settings previously attended other than home, Name and address of each parent, Reasons for child not being in school, Other information (add comments if wished)

### data comments:

This data set should also include the names of key individuals and/or agencies acting in a dedicated education role, where the provision takes place outside of a structured monitored setting.

**34 Do you agree that there should be a consequence for parents for failing to register details of a child for the purposes of registration?**

Yes

**35 Whether or not your response to (3) was 'yes', do you think that the most effective consequence for non-compliance with the registration process is that it authorises the local authority to begin the school attendance order process by serving a s.437(1) notice on the parents, which begins the formal process of considering suitability of education and whether a child should attend school?**

Yes

**36 Whether or not you favour any consequences of non-compliance, what alternatives to initiation of the SAO process would you prefer as an effective way of securing compliance?**

### alternatives comments:

Where a parent declines to register with the LA or provide information regarding the child's education, the child should be recorded as a Child Missing Education and this action would in turn trigger the school attendance enforcement process. If non-cooperation continued and parents fail to evidence the provision of education, it would be appropriate for the process to lead to a prosecution for failing to educate. During the enforcement process, in the event the parent provides evidence that the child is in receipt of an education, the process can be halted, however as costs have been incurred through non-engagement, the parent should be responsible for paying any legal costs that have been incurred by the LA to this point in trying to establish the provision of education. (Designed purely to incentivise families to cooperate in evidencing the provision of education without delay – enabling LA to operate more cost effectively and move on to those families who are genuinely failing to educate.) This approach would also appear to align with 6.19 of the EHE departmental guidance recently issued by DfE which suggests seeking costs would not be unreasonable.

The SAO provides a lawful avenue for LA's to return a child to school, preventing further delay to them accessing an education. In Kent there would be a process to follow before a school attendance order is raised. The LA would record and hold evidence of attempts made to engage and work with the family to seek assurance of an education taking place. Where there is no evidence, the parent is provided with an opportunity to produce this work in a reasonable time frame. The SAO process works very effectively, and it could prove difficult and costly to an LA to invoke any other form of penalty.

**37 Do you have any other comments about the concept of a legal duty on parents to supply information for the purposes of the proposed register?**

### duty on parents comments:

Where a parent takes responsibility for a child's education, there should be evidence of that education, regardless of what shape or form the education takes. This should be recorded in a format that would enable a parent to demonstrate the provision of suitable education. The parent could be challenged through the courts by the child in later years if they are unable to evidence that the child received an education and the education was designed to enable the child to learn at a pace that would be in-line with their personal aptitude and ability. It is not uncommon for parents to submit a statement, providing an overview of education. This should not be considered as adequate proof, unless there is clear evidence that enables the LA to assess the content, quality and progress of the child that has been educated as described in the statement.

## Duty on settings

**43 Do you agree with the general approach that the proprietors of settings providing education in school hours - other than specified types of school - should be under a duty to supply information to local authorities about any child in scope of the proposed register?**

Yes

## Duty on settings - implementation details

**44 Which settings do you think should be included in the scope of the duty? Check as many as required**

Alternative provision settings (part-time), Unregistered independent schools, Yeshivas and other full-time settings not requiring registration, Home education groups not requiring registration, Other settings providing education during school hours, Other (add comments if wished)

**settings in scope comments:**

The details of any setting or individual tasked with educating a child for more than 5 hours a week, should be recorded.

There should also be a record provided of:

- Staff
- Staff qualifications
- Safeguarding checks and policies
- Risk Assessments relating to the setting and activities

**45 Which information should proprietors of the settings in scope be required to supply on request to the local authority about a child in scope of the registration requirement? Check as many as required**

Name of child, Address of child, Date of birth of child, Other (add comments if wished)

**settings data - comments:**

- Where the setting is based
- The hours the child attends each week,
- Subjects studied
- Risk Assessments (where applicable)
- Progress made
- Targets set

**46 Do you agree that there should be a sanction on the proprietor for non-compliance with a duty to supply information about a child in scope of the registration requirement?**

Yes

**47 Regardless of your answer to the previous question, which type of sanction do you think would be most effective?**

Fine, Court order requiring release of information, Other (add comment if wished)

**sanction comments:**

A fine in the first instance as part of a process which would include reporting the provision to Ofsted. Where a proprietor has declined to provide any information on a child or the education they are in receipt of and where the LA has reason to believe a child attends said provision; the LA should assume that no education is taking place and the child reported as a Child Missing Education. In this instance the school attendance order process can be initiated.

**48 Do you have any other comments about the concept or details of a duty on the proprietors of settings to provide information about children who attend their setting and fall within scope of the registration requirement?**

**duty on settings other comments:**

Where a setting describes themselves as providing or overseeing an education, they should be required to be transparent about what shape or form this education takes.

Many of these settings will seek payment from the parent to meet the costs incurred and, in some cases, make a profit; and yet there are no measures in place for ensuring that the child is receiving a quality education or to ensure safeguarding of the child.

**Duty on local authorities to provide support for home education**

**54 Do you agree that there should be a statutory duty on local authorities to provide support on request to parents who educate children at home, of a type to be prescribed by the Secretary of State in regulations?**

Yes

**Support for parents - implementation details**

**55 If such a duty was to be created which of the following should it encompass? Check as many as required**

Advice, Assistance with exam fees, Support for home education groups, Discounted admissions, Newsletters for home educators

**scope of duty comments:**

Officers should be aware of what is available for parents who home educate in their locality. They should be required to advise parents of where educational resources can be accessed and to possess a sound knowledge of different learning styles.

The Officer should be equipped with enough knowledge and training to support those who wish to home educate but may not initially know how best to set about doing this.

The LA should as a minimum be able to signpost parents to schools who will host exams for external candidates.

Funding for the core GCSE's could be provided for learners, where if a child was on a school roll, they would meet the criteria for Free School Meals, and have been home educated, prior to Key stage 4. However, it would be for the parent to ensure that the child has received the education that would prepare them for the exam.

To provide information regarding how to apply for an Education Health and Care Plan.

The LA to set out a clear offer of support for home education groups, to include providing advice of local events and an offer for the designated LA officer to attend the home education group sessions on a termly basis, in order to respond to questions and to provide advice and support to groups.

Kent host a Facebook page which provides useful information regarding places to visit, local and national educational events, NHS vaccination information, key points of transition for Primary and Secondary.

**56 What are the potential difficulties, apart from availability of resources, in ensuring that such a duty is properly discharged by a local authority?**

**difficulties :**

Securing engagement from families who set out to avoid any intrusion from outside agencies. There is a history of a 'them and us' culture with many established home educators. The focus of the LA will need to be on building relationships with families who EHE, and for those families to become accustomed to working collaboratively with the EHE Officer, in the interest of their child/ren.

**57 Should the duty to provide support on request be limited to children whose details are included on the proposed register?**

No

**limit - comments:**

Information should be readily accessible and available to all parents who are considering home educating their child/ren, to assist them in making an informed decision.

**58 Should other mechanisms be explored for enhancing access to public examinations for children educated at home, and if so, what?**

Examination body operated centres, Duty on schools and colleges to allow private candidates, Other (add comment if wished)

**other mechanisms - comments:**

It should be mandatory for schools to host external candidates.

**59 (This question is for local authorities only). What expenditure does the authority already incur on support for home educated families, what types of support does this cover and approximately how many children are in scope of the support?**

**LA costs on support:**

Expenditure set aside to support families who EHE, is predominantly staff costs who provide support and advice to families who EHE.

Kent had 3420 individual children on their register, between the 1st September 2018 and 5 April 2019. (total cases remaining open on 5 April 2561). (\*Note the increase on last year's full year figures identified in question 18)

The team is structured in the following way:

1 x KR 10 (FTE) Home Education Coordinator (qualified teacher)

6 x KR 7 (TTO) Home Education Support and Advice Officers.

7 x KR 5 (FTE) Access to Education Assistants

The EHE offer includes:

- A list of schools who will host exams.
- Financial support for core GCSE's for those who have been registered with the LA for over 12 months and who if in school would meet the criteria for Free School Meals.
- Licenses for Mathletics & Reading Eggs for key stage 1 & 2 CYP whose parents are doing their best to EHE and require support. The LA will fund access to these provisions for families who if the child were on a school roll, they would meet the criteria for Free School Meals.

The administrative and support functions (Access to Education Assistants) associated with CME in Kent are integral to the operation of EHE. The combined budget for these service areas equate to £440,700.

It is not possible to accurately split out the associated costs of administrating the EHE work and CME work as the roles are interchanged. (Monitoring the records of over 5000 children)

The breakdown of expenditure for operating the EHE and CME service in Kent is as follows:

Total Budget: £440k

Total staffing budget = £387k

Operational costs £53k (Travel/mileage, ICT, exams, licenses for learning products, professional development, learning materials, communications, etc.)

In light of the ongoing rise in numbers and an estimate that a Statutory requirement to register with the LA, would result in recording an additional 20% of cases.

To support these families, Kent would need to recruit two additional officers (term time only) and 1.5 FTE additional administrators at a total additional cost of £86k not currently identified in the budget.

## **60 Do you have any further comments on the issue of local authority support for home-educating families?**

### **support - other comments:**

It would be helpful for clear guidance to be provided to all local authorities to set out minimum expectations of what the DfE consider that LA support should consist of.

As a minimum, LA's should :

Provide parents with information advising them of their roles and responsibilities as home educators.

Offer a visit

Provide a copy of the LA policy to parents

Provide a copy of the DfE EHE guidance for parents

Provide a copy of any visit report to parents/guardians

Train staff to appreciate that Home Education will vary from education delivered in schools.

Provide a Web page on the L.A. website dedicated to EHE and provides links to other services and educational resource.

KCC also provide a Facebook page to communicate with EHE parents and appraise them of National and Local events, competitions and information that may be useful to some home educators, such as secondary transition dates and Kent test dates.

Schools to better support the process, where a family chooses to Home Educate, they should work closely with the LA and have access to a named LA officer, to be consulted with when schools are first approached by parents seeking to Home Educate.

There should be a duty on schools to invite LA representatives to any meetings held with parents who are seeking to remove their children from a school roll to home educate, this should be mandatory, where it is known that the child is supported by specialist children's services. Schools should be prevented from removing a child from a school roll until such time that they can provide evidence that such a meeting has taken place, preventing EHE to be recorded as the default onward destination for children.

## **61 Do you consider that support for home-educating parents should be provided by the Department for Education?**

Yes

## **62 Regardless of your answer to the preceding question, which forms of support do you think particularly suited to delivery on a national rather than local basis? Check as many as required**

General advice to parents on home education, Financial assistance for exam fees, Other (add comment if wished)

### **types of national support comment:**

Funding for L.A's. Devolving a percentage of the annual pupil funding to LA's, would enable the delivery of a prescribed service including access to a range of learning materials.

## **Concluding questions**

### **71 Do you have any comments on the conclusions set out in the published equalities log, UNCRC analysis and family test?**

#### **Equalities comments:**

### **72 Do you have any other comments on the government's proposals for legislation relating to registration, and support for home education?**

#### **Other comments:**