

NSPCC

Response to

**DCSF Call for Views on
Home Education**

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*ChildLine is a service provided by the NSPCC
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NSPCC Response to DCSF Consultation on Home Education

Introduction

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC aims to end cruelty to children by seeking to influence legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

The NSPCC believes that, given the will, all cruelty can be prevented. In order to achieve this, it is vital that all children, whatever their needs, have a range of services that are flexible and offer them support and protection. The NSPCC has a range of services in the UK and the Channel Islands. These services aim to:

- Prevent children being abused by working with parents and carers in vulnerable families to improve their knowledge and skills in safeguarding, and giving children and young people someone to turn to through the provision of our Listening Services.
- Protect vulnerable children and young people from abuse by providing direct services in a number of settings, including schools and young people's centres. We also protect them by providing Listening Services for adults to ensure they have someone to turn to with their concerns; by ensuring that abused children and young people are identified and effective action is taken to protect them, and by working with young people and adults who pose a risk to children and young people to reduce the risk of abuse.
- Help children and young people who have been abused overcome the effects of abuse and achieve their potential.

Context

The NSPCC recognises that parents choose to educate their child at home for a variety of reasons and that in some cases this has been because of a child's negative experience at school including the child's safety and well-being within the school environment. Irrespective of where a child is educated it is their right to be safe. We know that abuse can take place in a number of settings at school, in leisure activities and at home and that children are most at risk from those known to the child and it is important that the child is safeguarded wherever they are educated.

In preparing this response we have borne in mind the United Nations Convention on the Rights of the Child¹ and specifically:

- Articles 3 All organisations concerned with children should work towards what is best for each child;
- Article 9 Children should not be separated from their parents unless it is for their own good;
- Article 12 Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account; and
- Article 29 Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

Research on the prevalence of child maltreatment published by the NSPCC in 2000 showed that a significant minority of children suffer serious abuse or neglect. This study² of the childhood experiences of 2,869 18-24 year olds found that:

- Six per cent of children experienced frequent and severe emotional maltreatment during childhood.
- Six per cent of children experienced serious absence of care at home during childhood.
- Thirty-one per cent of children experienced bullying by their peers during childhood, a further seven per cent were discriminated against and 14 per cent were made to feel different or 'like an outsider'; 43 per cent experienced at least one of these things during childhood.
- Three-quarters (72 per cent) of sexually abused children did not tell anyone about the abuse at the time. 27 per cent told someone later. Around a third (31 per cent) still had not told anyone about their experience(s) by early adulthood.

¹ UNICEF –summary of UN Convention on the Rights of the Child

² Cawson, P., Wattam, C., Brooker, S. and Kelly, G. (2000) **Child maltreatment in the United Kingdom: a study of the prevalence of child abuse and neglect**. London: NSPCC

- A quarter (25 per cent) of children experienced one or more forms of physical violence during childhood. Of this 25 per cent of children, the majority had experienced 'some degree of physical abuse' by parents or carers.

1. Do you think the current system for safeguarding children who are educated at home is adequate? Please let us know why you think that.

No. The NSPCC has previously called for a review of the law around elective home education.³ The law currently requires parents to notify a school only when they decide to withdraw a child from a school roll and choose to educate them at home. There is no requirement to notify anyone if a child has never been enrolled.⁴

We recommend that there should be consistency with a requirement that all parents should be required to notify a local authority if they decide to educate their child at home (a formal registration scheme).

There are several reasons for this. Currently local authorities have a duty to establish which children are not receiving a suitable education, and if they are not aware that a child is being educated at home, they will have to spend time checking on the child's circumstances. With a registration scheme, whilst other powers apply, the local authority would be able to focus on those who are genuinely missing from or not receiving an education.

ContactPoint when it is fully live will mean that there will be some record of children being educated at home, because the child's place of learning will be recorded. As there is a requirement for all children in a local authority area to be recorded on ContactPoint, there will in effect be a record of children being educated at home. We are advocating a registration scheme because it would set out clearly for everyone what is expected.

There is variation in how local authorities meet their legal obligations and support home educators⁵. This inconsistency is unhelpful. It would be helpful if Government was to facilitate discussion between home educators and local authorities in order to identify examples of good practice which can be disseminated and used as a means of developing consistency.

Local authority staff involved in home education, given their legal requirement, have tended to focus on children's educational attainment. We do not have a view on this, but believe it is important that all staff involved should be competent and confident in identifying issues of safeguarding and child protection and be able to manage them appropriately.

2. Do you think that home educated children are able to achieve the following five Every Child Matters outcomes? Please let us know why you think that.

Yes. The concern of the NSPCC is that children who are educated at home should be safe from abuse, just as all children should be safe from abuse. Most parents will do as much as they can to ensure their children are safe, healthy, happy and well. We would not seek to differentiate children who are educated at home from children who are educated at school. We do know that a number of home educators make a choice to take children out of school, because they are not achieving or because their child is being bullied. They feel that their child would be safer and more likely to achieve their potential if educated at home, rather than in a school setting. It is not the educational setting *per se* that enables a child to achieve the five outcomes and to be safe; it is the quality of the relationships and the learning they are supported to experience that are key, as well as being attuned and responsive to the individual needs of the child.

3. Do you think that Government and local authorities have an obligation to ensure that all children in this country are able to achieve the five outcomes? If you answered yes, how do you think Government should ensure this?

³ NSPCC response to the Revised statutory guidance for local authorities in England to identify children not receiving a suitable education - Department for Children, Schools and Families

⁴ Guidance for Local Authorities on Home Elective Education – DCSF

⁵ Summary of responses to DCSF consultation statutory guidance in England to identify children not receiving a suitable education. Feb 2009

Yes. This is clearly stipulated in Section 10 of the Children Act 2004. Local authorities and Government have a role to facilitate this through the provision of support to children and their families. We therefore take the view that children's services have a role in ensuring children are safe, irrespective of where they are educated.

Processes that focus on support tend to be more successful in engaging with the majority of families and are more likely to lead to improved outcomes, than a focus on monitoring and prescription. However, local authority staff involved in this process must be trained to identify signs of abuse and know what to do if they suspect it, or if a child discloses abuse. For example our Educare⁶ child protection awareness programmes enable those who have contact with children through their work or leisure activities to gain the confidence to act upon concerns about children and play a role in preventing abuse.

4. Do you think there should be any changes made to the current system for supporting home educating families? If you answered yes, what should they be? If you answered no, why do you think that?

Yes. It is clear from the correspondence from home educators to us, that many have had very poor and negative experiences with the local authority and in some cases this has been very traumatic for children.

The needs of home educating families are very diverse and so any support needs to be personalised to the family. If support is to be meaningful, and taken up then it will require genuine partnership working between the local authority and home educators. In this context the community development approach may be helpful. This approach is about working with communities (in this case communities of interest) on agendas set and led by them. It has been used successfully both by groups who have wanted to become organised and by agencies to engage with various communities.⁷

5. Do you think there should be any changes made to the current system for monitoring home educating families? If you answered yes, what should they be? If you answered no, why do you think that?

In looking across the UK we noted that Scottish government guidance says "*We recommend that authorities should ordinarily make contact on an annual basis with those families they know to be home educating in their area. This annual contact is not a statutory requirement. However, it is a suggestion as to how authorities may reasonably inform themselves in order to fulfil their duty to serve a notice on any parent who is not providing efficient and suitable education.*" Whilst the Welsh Assembly guidance stated, "*whilst recognizing that there is no legal framework for the LEA to regularly monitor provision of home education, does recommend that the authority should ordinarily make contact on an annual basis.*"

We do not agree that the status quo should be maintained and do think that monitoring should be strengthened. We are concerned that the child's safety and welfare should be paramount and that there is nothing in the current guidance or framework that would prevent children being abused by people who may claim to be home educators. The current guidance on Elective Home Education says that the local authority can investigate if they have a concern about the child's education, but they do not have the powers to visit or meet the child. The guidance (paragraph 2.15) refers to the ability to see a child under s47 of the Children Act 1989. In order for a professional to use s47 they "*must have reasonable cause to suspect that a child who lives or is found, in their area is suffering, or is likely to suffer, significant harm*". If a child who is being abused is not afforded opportunities outwith the house, then the slim chances of them being identified become even smaller than they already are. In such a situation, because there is no education concern, the local authority does not investigate, as there are no grounds to do so. If a member of the public sees the child (and this would need to be regularly⁸) then they are unlikely to contact an appropriate body. It then becomes a Catch 22 as no concern is raised, because the child or the environment in which they are cared for is not seen.

⁶ http://www.nspcc.org.uk/Inform/trainingandconsultancy/EduCare/educare_wda47928.html

⁷ The Community Development Challenge – DCLG 2006

⁸ Data from our adult helpline shows that people will take on average 2 – 3 months between starting to be worried about a child and taking the action of phoning our helpline.

That is why we have concluded that some form of monitoring is necessary and that this should be on an annual basis. What form the monitoring should take should be decided on the basis of tasking a working group of relevant stakeholders including home educators, and former home educated children.

In our discussions some have suggested that a registration similar to child minders should be introduced. This does have a superficial logic in that a childminder may look after children including, sometimes, their own children in their own home and home educators educate children in their own home. Childminders currently need to be assessed by OFSTED in order to register and are then subject to inspection. However our view is that this would be disproportionate for what it will achieve and so is not an option we would favour.

Another element is to ensure that home educators are afforded opportunities to be supported. We have earlier focused on the need for support and an ability to see the home and the child. If good support is provided, then we would hope that a relationship model would develop that is similar to the one that most families have with GPs or health visitors.

We noted earlier, it is the skills (especially in engaging with parents and children), and the knowledge about children, that are important rather than the professional background. The NSPCC believes that all personnel involved with children should have a knowledge of safeguarding which is appropriate to their role. One way of doing this is to ensure that there is a capable workforce and one which can develop trust with home educators. Another is about being able to set out a range of supports that can be made available to home educators and their children to assist them in achieving their goals. The Welsh Assembly guidance is quite helpful. In para 3.2 it states "*Education authorities should provide parents who are, or who are considering, home educating with a named contact within the authority who is familiar with home education policy and practice and has an understanding of the relevant legislation and a range of educational philosophies. The named contact's role could include liaising on a regular basis with already-established local groups of home educators or developing new groups where these don't already exist.*"

6. Some people have expressed concern that home education could be used as a cover for child abuse, forced marriage, domestic servitude or other forms of child neglect. What do you think Government should do to ensure this does not happen?

The NSPCC is represented on 60 per cent of Local Safeguarding Children Boards in England and Wales and Area Child Protection Committees in Northern Ireland. We are aware, from our representatives on LSCBs, of a small number of child abuse cases where home education has been a factor. For example, a member of staff working directly with children and young people said to us:

In a case with which we were involved, one of the siblings was sexually abused by her adult brother. There were a number of vulnerable children in this household, all of whom were adopted. They were all home-schooled by their mother.

Both parents were resistant to undertaking any work with the Local Authority or NSPCC to assess the safety of the children in the home. In this family, all the children had little contact with the outside world and no social interaction with other children. There was no external monitoring of the children's social skills or behaviour.

The home education worker who attended child protection conferences did not see the children on his own as his main focus was on the children's educational progress and he relied on self-report from their mother on how the children were progressing in other aspects of their lives. This inability [to undertake] any external monitoring did, in our view, leave the children at risk following the children's names being removed from the Child Protection Register.

Clearly one approach is a through better registration and monitoring, as detailed above. Another approach is through ensuring that children who are home educated know where to turn so that they are aware of services such as ChildLine and able to call in confidence.

Through our Helplines and projects we aware that there have been instances where a young person has been withdrawn from school for the purposes of forced marriage. In this context it is important that schools

do consider whether non-attendance is out of character and take follow up action in line with the guidance issued on forced marriage.⁹

Other comments

The work of our Safer Communities Project has demonstrated the willingness of communities to engage in safeguarding if they are afforded the opportunity to learn about it. Faith groups especially are more likely to be aware of such children, and if they have a good understanding of how the child protection system works, along with good relationships, they are more likely to come forward to report a concern.

Vijay Patel
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⁹ More about our views on forced marriage can be found in our response to the Forced Marriage Statutory Guidance Consultation Paper (Foreign and Commonwealth Office/Home Office, 2008)