



Response to
Draft non-statutory guidance for local authorities
on elective home education

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MAE POB PLENTYNDOD WERTH BRWYDRO DROS
EVERY CHILDHOOD IS WORTH FIGHTING FOR

About the NSPCC

We're leading the fight against child abuse in the UK and Channel Islands. We help children who've been abused to rebuild their lives, we protect children at risk, and we find the best ways of preventing child abuse from ever happening.

Abuse ruins childhood, but it can be prevented. That's why we're here. That's what drives all our work, and that's why – as long as there's abuse – we will fight for every childhood.

We help children rebuild their lives, and we find ways to prevent abuse from ruining any more. So when a child needs **a helping hand, we'll be there. When parents are finding it tough, we'll help. When laws need to change, or governments need to do more, we won't give up until things improve.** Abuse changes childhood. But so can we.

NSPCC Cymru / Wales welcomes the opportunity to comment on the draft non-statutory guidance for local authorities on elective home education. Our mission is to end cruelty to children, and to ensure that measures for safeguarding and child protection are sufficiently robust to provide the best outcomes for all children and young people and their families, irrespective of the education setting.

Question 1: Do you feel that the guidance provides sufficient assistance for local authorities to support home educating families?

NO – NSPCC Cymru/Wales feels that the guidance will help local authorities develop a constructive dialogue with elective home educating (EHE) families, but we feel it does not strike the right balance with **children's rights and** welfare or place sufficient emphasis on how local authorities should ensure that elective home education delivers the best outcomes for every child or young person educated at home.

The principle of a child's welfare being the paramount consideration is enshrined in the Children Act 1989¹ and all Welsh Ministers while exercising their duties must have due regard to the UNCRC². NSPCC Cymru / Wales recognises that parents have the right to educate their children at home providing that they fulfil the requirements of Section 7 of the Education Act 1996 and that the large majority of parents choose to home educate because they believe it is in the best interests of their child. However, there are a small minority of parents who choose to home educate when it is not in the best interests of their child.

In 2014, NSPCC published a thematic review of learning from case reviews (including two cases from Wales) for improved practice around elective home education.³ The reviews states that 'Home-education is not, in itself, a risk factor for abuse or neglect. However there is a danger that these children can become invisible to the authorities' **The** review identified that, in a small number of cases, elective home education can lead to isolation and the obscuring of children from the universal services that would otherwise be in a position to monitor their welfare.

The learning from the Serious Case Review on Child A in Caerphilly⁴ included:

- that children causing concern should be treated on an inter-agency basis, particularly those who are home educated, so that appropriate monitoring and support can be provided.
- Where appropriate, schools and LEA to challenge parents requests to educate their child at home

The guidance provides local authorities some advice on early intervention and good practice examples but it does not provide clear advice when there are concerns about the child or how to challenge parents requests to home educate.

It is vital that this guidance is strengthened to strike the **right balance between parental rights and children's best interests** (article 3 of the United Nations Convention of the Rights of the Child) and **their rights to protection** (article 19) and **education** (articles 28 and 29). We believe the **section on children's rights on page 10 of the draft**

¹ <http://www.legislation.gov.uk/ukpga/1989/41/section/1>

² <http://www.legislation.gov.uk/mwa/2011/2/section/1>

³ NSPCC (2014) *Children not educated in school: learning from case reviews Summary of risk factors and learning for improved practice around elective home education*. London. Available at:

<http://www.nspcc.org.uk/preventing-abuse/child-protection-system/case-reviews/learning/home-education/>

⁴ <http://www.scribd.com/doc/64051250/Child-a-Executive-Summary>

guidance should come first, should be strengthened and relevant articles such as the ones mentioned above should be listed for local authorities to take into consideration when supporting EHE families.

NSPCC Cymru/Wales **feels that the draft guidance needs to be strengthened in order to emphasise children's rights and in particular Article 3 (best interests), and to assist local authorities to fulfil their safeguarding responsibilities towards children and young people who are educated at home.** NSPCC Cymru/ Wales is happy to advise on wording for the final guidance if that would be helpful.

Question 2: Is there anything missing from the guidance which you think should be included, if so please specify?

1. **YES** - We feel further clarification is needed in the following areas:

More emphasis on the child's right to be safe

We note Section 5 on Child Welfare but feel that more emphasis on the importance of safeguarding should be weaved into and embedded in the body of the document.

As noted in the draft guidance, home education is not, in itself, a risk factor for abuse and neglect. But, as with any other group of children, home educated children may be the subject to safeguarding concerns and **home educated children are at increased risk of becoming invisible to authorities.**

This is because **education practitioners in regular contact with school-educated children and their parents can be well-placed to identify those children who needs are not being met** and who are more at risk through home environments (domestic abuse, parental mental ill-health or substance misuse) or experiencing poverty. There needs to be careful **consideration of how to ensure the needs of those children who are not in regular contact with these professionals are being met.**

As noted in the draft guidance, under current legislation there is no formal registration process for elective home education which means that some children may be completely unknown to the local authority. A small minority of families may potentially decide to home educate as a

mechanism to conceal neglect and abuse. Recommendations from the reports reviewed highlighted **the need for governments to review powers for authorities to see home-educated children. As we noted in our response the consultation on Registering and Monitoring Home-based Education in 2012, we feel that a compulsory monitoring and reviewing system should be in place for children who are educated in Wales.**

We feel the section on information sharing could also be strengthened to give more specific guidance to local authorities about who should share information with whom. However, we recognise that information sharing within the context of home education is difficult, as there is no formal monitoring and reviewing mechanism in place.

Training

As highlighted in NSPCC's 2014 thematic review, there is a **need to ensure that all staff who deal with home-educated children, directly or indirectly, are aware of the signs of child abuse and of what to do to report concerns.** The draft guidance needs to be strengthened in this respect. This is especially important in the absence of new legislation introducing compulsory monitoring and reviewing of home education.

Section 3.3 refers to a named contact within local authorities whose role it is to provide advice and support to home educating families. **We believe that this named contact should receive suitable training to recognise signs of abuse and neglect and know the processes to follow if they have any concerns, and the guidance should make this clear.**

When there is a concern

Page 9 of the draft guidance refers to the withdrawal of a child from the school admissions register, and states that advice should be sought if there is a cause for concern over the withdrawal. Clearer definition of a cause for concern would be helpful here, including those categories listed on page 29 of the draft guidance, along with reference to the Welsh Government guidance document no: 158/2015 'Keeping Learners Safe'. We think that a child with low school attendance, particularly in secondary school, is also a cause of concern and should be added to the list on page 29. We have anecdotal evidence that some parents choose to home educate when they are threatened with a fine for non-school attendance

and this may result in the child obtaining no qualifications and becoming NEET.

As mentioned in answer to Question 1 above, the guidance does not provide clear advice about what to do when there are concerns about the child or how to challenge parents requests to home educate. **We would recommend that when there are concerns about a child, that a clear process for capturing those concerns is put in place so that appropriate monitoring and support is provided.** A suggested process is that after the school receives a letter stating the parent's intention to home educate and when there are concerns about the child and whether EHE is in their best interests, that the school/ EWO and school health nurse/ GP completes a form detailing the concern and that the new duty to report a child at risk in the Social Services and Wellbeing (Wales) Act 2014 is utilised. We also recommend that head teachers receive training to enable them to challenge parents' requests to home educate

Page 23 refers to the characteristics of provision that local authorities may wish to take into account when considering parents' provision. This should **include a consideration of child development, which goes further than expected literacy and numeracy levels. Developmental delays can be indicators of safeguarding concerns.**

NSPCC Cymru/Wales **welcomes the recommendation on page 17 of the draft guidance that local authorities should raise awareness of opportunities for those involved in EHE networks to undertake safeguarding and child protection training.** Ensuring that those home educating parents who come into contact with other home educating families through EHE groups are aware of the signs of abuse and the procedures to follow in case of any concerns, can be potentially very helpful.

Supporting EHE families to access wider support

We welcome the general approach in the guidance of supporting and developing positive working relationships between local authorities and home educators. We also welcome the recommendation on page 19 that the local authority officers with responsibility for engaging with and supporting the EHE community have an up-to-date knowledge of youth support and specialist educational support services in the area. Schools can provide a lot more than education in an academic sense. They can also act as a gateway to further support services.

NSPCC Cymru/Wales and Action for Children-Gweithredu Dros Blant are currently delivering the Welsh Neglect Project, which is funded by the Welsh Government and aims to improve responses to child neglect in Wales. A key area for the Welsh Neglect Project in 2015 has been researching best practice among teachers/schools providing early support to children experiencing low-level neglect.⁵ Research carried out with education professionals as part of this project found that **teachers' role is more than just 'recognise/refer'**, they also provide support to children and signpost children and parents to forms of support other than social services. This is particularly relevant within the context of the Social Services and Wellbeing Act, which seeks to move the focus towards prevention and early intervention. The research highlighted the links between schools and third sector organisations that have been used to educate children on different issues and to run parenting programmes within the school. It is important that local authorities are able to provide information to home educators who may be interested in accessing these services.

It may be useful to note that the NSPCC Schools Service delivers workshops and assemblies to under 11s which give children and young people the knowledge, confidence and skills to identify all forms of abuse and provide them with the skills to protect themselves and enable them to recognise where they can go for support should they need it. We are continually looking at ways to engage with children who miss this opportunity in a school setting and would be pleased to consider ways to provide the service to groups of EHE children.⁶

The Voice of the Child

NSPCC Cymru/Wales welcomes the mention of Article 12 of the UNCRC which says that 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. However, as highlighted earlier in our response, we believe the UNCRC and all of its articles need to more strongly referenced throughout the guidance. It should especially be given further emphasis under Section 2: The Legal Position, which currently only refers to the rights of parents.

⁵ Newbury, A (2015) *Developing early support in schools and early years services for children experiencing low-level neglect*. Unpublished.

⁶ Further information on NSPCC Schools Service available at: <http://www.nspcc.org.uk/services-and-resources/services-for-children-and-families/childline-school-service/>

The 2014 thematic review highlighted criticism in one report that current legislation denies children the right to express their views formally or participate in the assessment of decision-making process of home education.

NSPCC Cymru/Wales **welcomes the recommendation on page 22 that the views of home educated children and young people should be discussed in the local authority's meetings with EHE families. To enact Article 12 of the UNCRC, we would recommend that these views are sought from the children independently from their parents. If a child is particularly vulnerable or has particular communication needs, their views should be sought in the company of a trusted person who is not the home educator or a relative.** The named officer for EHE should direct children and young people to sources of advice and information, including information on relevant independent advocacy services such as the Meic service, and other sources of support such as local counselling services and ChildLine.

On page 23, where it states that 'the local authority should be discussing any concerns it has with the family about the education provision' we would recommend that any safeguarding concerns are also be discussed with the family.

Question 3: Does the guidance clearly outline the legal position of elective home education in Wales?

YES – The draft guidance does clearly outline the current legal position of elective home education in Wales. However, as we noted earlier in this response, **we believe that a compulsory registration and monitoring system for home educated children should be kept, in order to assist local authorities fulfil their safeguarding duties for this group of children.**

Question 4: Does the guidance clearly outline the responsibilities of local authorities in relation to elective home education?

The guidance does provide local authorities with more clarity on their responsibilities in relation to EHE, although there are some areas in which this could be made clearer, as noted above in our answer to Question 2.

Question 5: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Feedback and queries – We are happy for our consultation response to be made public. If any further information is needed, then please contact the NSPCC Policy and Public Affairs Team for Wales via email – publicaffairs.cymru@nspcc.org.uk.