

What Case Reviews tell us about Elective Home Education

NSPCC Briefing July 2014

This briefing is based on seven case reviews published since 2008, where elective home education was highlighted as a key factor. The briefing consists of learning about child protection pulled from the published versions of the reports.

Home-educating parents or carers are not more likely than others to abuse or neglect their children. There is, however, a risk that home-educated children can become invisible to the authorities. Under current legislation and guidance, there is no formal registration process for elective home education which means that some home-educated children may be completely unknown to the local authority. The Badman Review of home education (DCSF, 2009) recommended a formal registration scheme and rights for local authority staff to access the home and interview children alone.

In the serious case reviews we examined, children died, or were seriously injured, in the following ways:

- Neglect and / or physical, emotional and sexual abuse
- Malnourishment and severe wasting
- Suicide
- Substance poisoning caused by Fabricated or Induced Illness (FII)

With regard to elective home education, there are some common threads running through the learning points and recommendations highlighted in these serious case reviews.

The child's invisibility and isolation

The isolation and invisibility of home educated children was flagged as a serious issue in most of the SCRs. One case review criticised current legislation which denies children the right to express their views formally or participate in the assessment or decision-making process of home education. In addition, they are isolated by having no right to independent access to friends, family or professional agencies. There are no mechanisms to ensure that they continue to receive a 'suitable' education or adequate care without the express consent of their parents / carers. This highlights a 'major safeguarding flaw within home education legislation which focuses on parental choice and rights at the expense of children's rights, wishes, welfare or protection.' (Birmingham LSCB, 2010)

Specific recommendations made in the serious case reviews include:

- Strategic director of children's services should communicate to DfE safeguarding inconsistencies within legislation surrounding children who are educated at home- emphasising that parents' right to home educate does not outweigh rights of child.
- Education service should review current arrangements for offering assistance to families who have chosen home education, with a view to increasing frequency of contact and direct child contact, so as to maximise opportunities for safeguarding children
- Formal review at 6 weekly intervals in respect of those families who do not engage in the services offered by Education Other Than At School services (EOTAS).

Dominant personalities of parents / carers

Four of the case reviews identified parents / carers who were extremely well-informed, articulate, hostile, aggressive and/or resistant to professional intervention. Their attitudes and approach intimidated professionals and diverted the focus away from the children's welfare. The SCR reports found that they had used home education to avoid scrutiny of their child care and were able to control, monitor, limit and / or deny access to the children. According to one serious case review such actions

'reinforced a power imbalance that undermined the rights, welfare and protection of home educated children' (Birmingham LSCB, 2010).

Specific recommendation made in a serious case review:

- The Local Safeguarding Children Board (LSCB) should ensure that programmes for the training and development of staff address the issue of working with challenging parents who are combative and articulate.

Professionals' understanding of their own and each other's roles and responsibilities with regard to the safeguarding of home educated children

Education Other Than At School services (EOTAS) are offered to parents who choose to educate their children at home. One of the reviews found that these professionals did not have the necessary knowledge or skills to address safeguarding concerns. This was compounded by children's social care staff's lack of awareness of the limitations of home education legislation. They also made assumptions about the depth and adequacy of the safeguarding and welfare component of the EOTAS assessment process that impeded their professional judgement and decision making.

Specific recommendations made in the serious case reviews:

- Update guidance for professionals on home education which specifically covers the issue of the local authority's responsibility to safeguard and promote the welfare of children in need.
- Ensure learning advisers undertake induction and basic child protection training.
- Where safeguarding concerns are identified and professionals do not possess the necessary skills to undertake these tasks, then a joint assessment with a suitably qualified and experienced worker should be conducted as a minimum standard.
- Local Safeguarding Children Board should assess children's social care staff's understanding of the role and responsibility of the Education Other Than At School services (EOTAS).
- Head of safeguarding and manager of EOTAS should review current practice guidance and draft new guidance to improve joint working between social care and EOTAS when there are concerns about the care of home educated children.
- Ensure EOTAS team develop further understanding of safeguarding and are able to consult with CSS to do this.
- To review and amend the draft Elected Home Education Policy to ensure more robust information sharing between EOTAS and social care.

The health care of home educated children

Children educated at home do not have access to school nursing services. School nursing services may be the first to detect children with health problems and identify those whose immunisations and routine health checks are not being followed up.

Specific recommendations made in the serious case reviews:

- The local health trust should consider whether any extra action is required to meet the health needs of children in elective home education.
- The health trust should ensure that health surveillance arrangements are offered to children who do not attend school.
- For all GPs / Health Visitors to be informed that a child on their case load is being home educated.
- Education service to consider the development of closer working links with school age nursing team to monitor procedures and share information about children who are elective home educated.
- Where it is clear that a medical condition is preventing a child from attending school then clarification should be sought without further delay from medical professionals.

Limitations of current legislation and guidance

Current legislation and guidance inadvertently helps the small minority of home educators who use elective home education as a cover to conceal child neglect and abuse. Local authorities do not have the power to monitor or inspect home education provision, which means a missed opportunity to ensure that the children are safe and well.

Specific recommendations made in the serious case reviews:

- Central government to review its guidance and consider further statutory procedures in terms of the role of the local authority and requirements placed on parents in monitoring and evaluating the educational progress and welfare of a child who is home educated.
- Central government review guidelines and consider statutory intervention procedures for LAs in situations of non-compliance in the statutory assessment of child's special educational needs.
- Ask Department for Education (DfE) to re-evaluate evidence of safeguarding concerns for children who are electively home educated including any SCRs where this is a feature, to satisfy themselves the national guidance in relation to safeguarding of these children is sufficiently robust.

Conclusion

The SCRs examined identified that, in a small number of cases, elective home education can lead to isolation and obscuring of children from normal services that could act as a monitor of their welfare. The recommendations address the need for government to review powers for authorities to see home educated children. There are further recommendations to ensure that all staff who deal with home educated children, directly or indirectly, are aware of the signs of child abuse and the current limitations on powers to see these children.

These SCRs highlight that it is important that consideration is given to these issues so that the very small number of children who are abused in a home education setting can be protected more effectively.

Serious case reviews analysed

Association of Independent LSCB Chairs (2013) Family W Family W: the executive summary of a serious case review [executive summary]. Flintshire (2012) Sion D
www.wrexham.gov.uk/assets/pdfs/lscb/case_review/child_siond.pdf

Caerphilly (2011) Child A

Birmingham (2010) Child case number 14 www.lscbbirmingham.org.uk/downloads/Case+14+New.pdf

Enfield (2009) Child ST www.enfield.gov.uk/lscb/download/downloads/id/26/exec_summary_st

Gloucestershire (2008) Mrs Spry

South Tees (2008) Child S

References

Association of Independent LSCB Chairs (2013) Family W: A report into the case as it relates to the law relating to home education http://www.lscbchairs.org.uk/sitedata/files/Family_W_-_Home_Education_.pdf

Badman, G. (2009). Report to the Secretary of State on the review of elective home education in England. London: Stationery Office.

National guidance and legislation referred to in these serious case reviews

Department for Children, Schools and Families (2007). Elective home education: guidelines for local authorities. London: Stationery Office.