

# Public Document Pack



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Friday 27 October 2017

## Notice of Meeting

Dear Member

### Children's Scrutiny Panel

The **Children's Scrutiny Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Monday 6 November 2017**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Children's Scrutiny Panel members are:-**

### **Member**

Councillor Cahal Burke (Chair)

Councillor Donna Bellamy

Councillor Fazila Loonat

Councillor Paul Kane

Councillor Robert Light

Councillor Amanda Pinnock

Dale O'Neill (Co-Optee)

Fatima Khan-Shah (Co-Optee)

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Minutes of the Previous Meeting**

1 - 8

To approve the minutes of the Children's Scrutiny Panel meeting held on 9<sup>th</sup> October 2017.

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**2: Membership of the Committee**

This is where Councillors who are attending as substitutes will say for whom they are attending.

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**3: Interests**

9 - 10

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

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**4: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

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**5: Corporate Performance Information (2017/18)**

To consider information on the availability of the performance reports.

Contact: Sue Grigg – 01484 221000

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**6: Kirklees Safeguarding Children's Board**

To discuss information relating to the work of the Kirklees Safeguarding Children's Board.

Contact: Sheila Lock – 01484 221000.

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## **7: Elective Home Education**

11 - 16

To discuss Elective Home Education, and to consider future Panel involvement.

Contact: Jo-Anne Sanders – 01484 221000

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## **8: Work Programme**

17 - 22

To discuss and update the 2017/18 work programme for the Children's Scrutiny Panel.

Contact: Yolande Myers - 01484 221000

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## **9: Future Meeting**

To note that the next meeting of the Panel will be on Monday 18<sup>th</sup> December at 10:00am in the Council Chamber, Huddersfield Town Hall. The meeting will be webcast.

Contact: Yolande Myers - 01484 221000

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Contact Officer: Yolande Myers

## KIRKLEES COUNCIL

### CHILDREN'S SCRUTINY PANEL

**Monday 9th October 2017**

Present: Councillor Cahal Burke (Chair)  
Councillor Donna Bellamy  
Councillor Fazila Fadia  
Councillor Paul Kane  
Councillor Amanda Pinnock

Apologies: Councillor Robert Light  
Fatima Khan-Shah (Co-Optee)

Co-optees Dale O'Neill

In attendance: Councillor Masood Ahmedd, Cabinet Member - Childre  
Councillor Shabir Pandor, Deputy Leader  
Louise Gatfield, Designated Safeguarding Lead, Moorend Academy  
Val Flintoff, Learning Partner (System leadership)  
Learning Services Lead  
Lee Hamilton, Prevent Co-ordinator  
Sal Tariq, Service Director - Children and Families  
Alison Clarkson, Prevent Education Officer  
Sue Grigg, Directorate Performance Lead - Children's Services & Public Health

#### **1 Minutes of the Previous Meeting**

The minutes of the meeting of the Children's Scrutiny Panel held on 9<sup>th</sup> August 2017 were approved as a correct record subject to amendment at item 4 where the Panel recognised that Social Worker recruitment was not just about financial recompense, but the package of support that went alongside.

#### **2 Membership of the Committee**

Apologies for absence were received from Councillor Robert Light and Fatima Khan-Shah.

#### **3 Interests**

No interests were declared.

**4 Admission of the Public**

It was agreed that all agenda items be considered in public.

**5 PSHE / Prevent in Schools and Further Educational Settings**

Val Flintoff, Learning Partner (System Leadership) provided the Panel with a report around the current work in schools relating to Personal, Social, Health and Economic Education (PSHE) and Prevent. Lee Hamilton, Prevent Co-ordinator, Alison Clarkson, Prevent Education Officer and Louise Gatfield, Designated Safeguarding Lead at Moorend Academy also attended for the meeting. Cllr Shabir Pandor attended the meeting as the Cabinet lead for Prevent.

The report highlighted the work being carried out around:-

- The inclusion of Prevent within PSHE education and citizenship education in Kirklees schools
- How students feel and react following receipt of Prevent teaching
- The inclusion of far right extremism in Prevent resources for schools

Ms Flintoff informed the Panel that Kirklees Council was a local authority partner of the PSHE Association until 2018. Being a member of the association gave schools access to free guidance and resources, however it was up to each individual school as to which resources they used and in what way.

Following questions from the Panel, it was noted that there was not a consistent approach throughout schools and that it was down to each individual school as to what, when and if they taught PSHE and Prevent. The teaching of the subject was not statutory, except for citizenship which was a statutory subject in secondary schools.

Ms Flintoff advised the Panel that there were very different models of PSHE being taught across Kirklees, and they varied in quality. Cllr Shabir Pandor informed the Panel that Cabinet was in the process of reviewing Kirklees Council's relationship with schools to clarify expectations, and what they could expect from the Local Authority, with a view to standardising a programme.

Lee Hamilton informed the Panel that the Prevent team could offer support and can go into schools to deliver Prevent training, which included subjects such as belief, tolerance and building resilience. Alternatively, a school could choose to get a third party organisation to deliver the training. The Panel questioned whether far right extremism was addressed in the training, and Mr Hamilton confirmed that unless school's make specific requests all forms of extremism are covered. Mr Hamilton also informed the Panel that Kirklees had secured funding to employ a Prevent Education Officer, until 31 March 2018. The postholder, Ms Clarkson, would focus purely on school support. The Panel asked Mr Hamilton how the Prevent team measured its success and impact. Mr Hamilton explained that the team request feedback on the training from students and schools.

## Children's Scrutiny Panel - 9 October 2017

The Panel then heard from Louise Gatfield, designated Safeguarding Lead at Moorend Academy. Ms Gatfield praised the work done by the Prevent team and informed the Panel that the team was very accessible and would look at the whole picture presented to assess whether the school had dealt with the situation sufficiently or whether a referral was required. Ms Gatfield explained that the curriculum was very full, but Moorend Academy felt it was important to include the teaching of PHSE and Prevent. All students at the school were taught PHSE which included British values, safeguarding, radicalisation and extremism. Ms Gatfield explained that it was often the pupils themselves that came up with the questions they wanted answering. One of the questions would be taken forward and everyone would become involved in the discussion. Ms Gatfield explained that children have enquiring minds and their conversations should not be closed down.

The Panel asked how Moorend Academy measured its success and Ms Gatfield explained that the school captured this a number of ways, including using Survey Monkey and paper evaluations. Ultimately success was measured by pupils feeling empowered to talk. The Panel questioned whether the school had received any criticism around the training, or whether pupils had been offended by the content. Ms Gatfield explained that they had not experienced any negativity and the schools experience was that the pupils wanted to talk about the issues contained with PHSE and Prevent. Ms Flintoff advised the Panel that it was important to have skilled, competent and confident teachers.

The Panel continued to explore the take up of Prevent training in schools. Mr Hamilton explained to the Panel that schools were not targeted i.e. asked if they wanted any training, but schools themselves approached the Prevent team, sometimes with a specific area that they would like to be covered. The Panel asked if contact was made with schools to find out the reasons why they don't want to engage. Alison Clarkson, Prevent Education Officer, explained that they now had the capacity to approach schools and she was currently undertaking a school mapping exercise. Ms Clarkson informed the Panel that in Quarter 1 and Quarter 2 in Dewsbury, 50% of secondary schools had engaged with the Prevent team, and this figure would increase to 60% by the end of Quarter 3. In Huddersfield the Q1 and Q2 figure was 38% and would be 61% by the end of Q3. Ms Clarkson informed the Panel that the success rate in Batley was lower, but as yet figures were unavailable.

The Panel enquired how many Channel referrals had been made, but Mr Hamilton explained that the information was restricted and held nationally by the National Counter Terrorism Security Office.

Following questions from the Panel around the training of teachers, and Ms Gatfield explained that teachers and associated staff all received training in how to deliver Prevent training. Ms Clarkson also informed the Panel that they had a date to visit PGCE students at the University to speak to them about Prevent.

The Panel asked whether there was a process in place to look at the pathway from identification to conclusion and whether there was a common thread. Mr Hamilton explained that each individual and situation was different and often there was no single factor in common. Cllr Pandor, Deputy Leader and Cabinet Prevent Lead,

explained that there was still work to do and there will be work ongoing around the Prevent brand.

**RESOLVED –**

- 1) That the work relating to the teaching of PSHE and Prevent be noted.
- 2) That the Panel is satisfied with the current content and outcomes of PSHE and Prevent training in Kirklees based schools.

**6 Leeds and Kirklees Improvement Partnership Report in BS Folder**

The Panel received the Leeds and Kirklees Improvement Partnership Report. Sal Tariq, Service Director for Children and Young People explained that it was still in draft form, but that it had been shared between both Local Authorities and the Department for Education. He informed the Panel that there were a number of small issues to be finalised, but the final report was in essence what had been presented to the Panel. Mr Tariq highlighted the 27 areas that Ofsted set out as major and urgent concerns and emphasised that it would be a whole system response to improve services. The Panel was informed that the indicators gave the picture in key areas.

**Children Looked After**

The Panel was told that referral rates in previous years had been markedly lower in Kirklees than those of its neighbours and nationally. There had now been a spike in the number of children on Child Protection Plans but this was to be expected as the local issues had prompted a risk adverse approach. Once confidence in the service returned, the number would settle back to an amount similar to that seen nationally.

The Panel noted that the Improvement Programme was based on ten priorities, with an action plan for each priority. In order to understand the issues, a simplified approach was being taken. Mr Tariq explained that this did not mean the plan was missing detail, but it was a way to easily highlight the important information.

Mr Tariq informed the Panel that the service would be looking at external placements outside of Kirklees as these were not necessarily the best option for children, and were very expensive. A review would be undertaken and the proportion of children placed outside of Kirklees would be reduced safely and appropriately.

**Early Help and Edge of Care**

The Panel heard that the service would be seeking additional funding for Early Help and Edge of Care as this was central to the overall improvement. Mr Tariq explained that if families received help before difficulties became entrenched, it could avoid them drifting into care.



### **Front Door**

The Panel was informed that the Front Door would be examined to see how professionals contacted Children's Services. Currently there are a number of processes that other professionals go through before a social worker responds, and this would be streamlined in future so that professionals had immediate access to a social worker. Following questions from the Panel about how decision making practice would be improved, Mr Tariq explained that currently there was a disproportionate number of referrals undergoing assessment to decide whether services are required. If it became clear that there were no services or further work required, the conclusion would be that the service had the wrong referrals coming through the front door. The Panel asked how this was assessed and Mr Tariq explained that a weekly referral review was taking place so that patterns of referral could be considered.

### **Workforce**

The Panel was told that the number of agency staff was still high and work was underway to reduce the numbers. Mr Tariq explained that a good career development programme had been introduced to attract people to work in Kirklees. A manageable workload was very important to attracting social workers. Mr Tariq explained that the work to reduce agency staff had only just begun but a recent recruitment exercise had seen a number of permanent staff being employed. However it was recognised that it would take time to reduce the number of agency staff. Mr Tariq informed the Panel that he would bring a further update on the use of agency staff to a future Panel meeting.

The Panel was<sup>3</sup> informed that the social work team had moved from Riverside Court to Civic Centre 1 and staff were now feeling much more positive about their accommodation. The management team met regularly with front line staff and the staff had begun to receive positive feedback, following a period when they had felt criticised by the process. The Panel heard that staff were ready to draw a line under the past and get on with the next phase where they will be expectations about the quality of service. Mr Tariq explained that staff morale was now improving and there was a feeling of hope amongst staff. The Panel was informed that staff were aware of what was happening in each authority locally, and it was hoped that information would start to filter through that Kirklees is a good place to work.

The Panel asked if clear career paths and succession planning was considered as part of the improvement plan. Mr Tariq advised that there were gaps in leadership, but the service was beginning to identify people to progress. However it is clear that some of these staff did not want to leave the frontline service completely, and so the service would look to create leadership roles that would still incorporate frontline social work.

The Panel commented that in the current climate there was a move away from lower management but felt that when such posts were in place it created a sense of ownership and increased productivity. The Panel also questioned whether a financial package could be put in place to attract more staff. Mr Tariq explained that there was a balance to be struck, it was important to create the conditions for staff to perform at their best, and staff didn't always move or stay in work for financial

reasons. Kirklees had historically been one of the better paying authorities for social work, but this did not attract candidates to the roles. The use of agency staff cost the service more, and did not always provide staff with the quality and commitment required or needed.

### **Voice of the Child**

The Panel were informed that this was an important part of how the design and development of services would progress. There was a balance around the voice of the child, but there needed to be a conversation with the children in the first instance, and for the service to act on what the child has told them. The Panel commented that although the service report that they are seeing increased confidence there was no contribution from social workers in the success measures. Mr Tariq explained that he would ensure that this was added to the plan.

### **Leadership**

The Panel commented that there was no contribution from social workers concerning their confidence in the Leadership. Mr Tariq agreed that he would ensure that this was added to the plan.

### **Performance and Quality Assurance**

The Panel was informed that there was an enormous amount of performance and quality assurance data. The service was working to pull together the most useful information and the key areas of focus. The Panel asked whether the success measures were achievable with the reductions in funding, and if not, whether they should be included in the improvement plan. Mr Tariq explained that the practice of social work was critical to everything in Children's Services. It required manageable workloads and skilled employees. The aim should always be to keep more children at home with their families as this was morally the right thing to do. This would also result in cost savings.

The Panel heard that there had been a spike in the number of referrals received but as practices improved and needs were met; less children would need to come into the care system. Increased investment in early intervention and prevention would lead to significant financial savings. Mr Tariq explained that when Leeds City Council started its improvement journey, the budget was £60m with staffing being £25m. The budget was now £46m with staffing costs remaining at £25m.

The Panel questioned when the new Liquid Logic computer package would be implemented and Mr Tariq agreed to bring back the training programme to the Panel.

The Panel asked questions about the Problem Solving Court, a national initiative supported by Her Honour Judge Hillier. The Problem Solving Court meant that the Judge has a much more active role with families, including regular court appearances, ensuring engagement and the take up of services offered.

**RESOLVED -**

- 1) That the Leeds and Kirklees Improvement Partnership report be noted.
- 2) That the input of Social Workers be captured and recorded within the success measures where appropriate.
- 3) That the Panel is given further information relating to:-
  - (i) The sequence of training for Social Workers on the Liquid Logic system
  - (ii) The Problem Solving Court
  - (iii) Front Door – data to show pattern of referrals including those referrals deemed to be inappropriate.

**7 Corporate Performance Q4 (2016/17)**

The Panel heard from Sue Grigg, Directorate Performance Lead - Children's Services & Public Health that there were 140 indicators from the Corporate Performance Report that were being monitored and reported to the Corporate Parenting Board, Improvement Board and the Scrutiny Panel. The service would wish to avoid duplication of efforts.

Ms Grigg provided the Panel with a draft Directorate Management Team (DMT) report which was clearer, simpler to understand and gave a business critical set of indicators. Ms Grigg informed the Panel that the Q1 report would contain headline actions, integrate the improvement plan targets and have core performance indicators. It was agreed that the final DMT report would be circulated to Panel members once completed.

The Panel asked to what degree the social workers understood the data, in particular how to follow the process of collating data and how important that was to indications of performance. Ms Grigg agreed that there had been a big leap forward in expectations and discussions had taken place with social workers around the importance of the data, which was also evidence of how hard they were working.

Mr Tariq explained that work was being carried out to get to the heart of why performance was being measured so that its purpose could be understood. Once social workers understood the reasons why they had to collect the data, the service would see increased compliance. The Panel recognised that there were a lot of reports to prepare which had implications on officer resources. The Panel was content to receive a simplified report that avoided duplication. Ultimately scrutiny should be focussed on outcomes.

**RESOLVED –**

- 1) That the information relating to Children's Services be noted.
- 2) That the Panel receive future performance information in the new layout format provided at the meeting.

- 3) That the 2017/18 Q1 Performance Information be brought to the next meeting of the Panel

**8 Work Programme**

The Panel considered the work programme for the Children's Scrutiny Panel.

**RESOLVED –**

That the updated work programme be noted.

**9 Minutes of Corporate Parenting Board**

The Panel received for information, the minutes of the meeting of the Corporate Parenting Board held on 20<sup>th</sup> February, 24<sup>th</sup> April, 15<sup>th</sup> May and 17<sup>th</sup> July.

**RESOLVED -**

That the minutes of the Corporate Parenting Board held on 20th February, 24th April, 15th May and 17th July 2017 be noted.

**10 Future Meeting**

The Panel noted that the next meeting of the Committee would be held on Monday 6th November 2017 at 10:00am in the Council Chamber, Huddersfield Town Hall. The meeting would be webcast.

<b>KIRKLEES COUNCIL</b>			
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>			
<b>DECLARATION OF INTERESTS</b>			
Childrens Scrutiny Panel			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]</b>	<b>Brief description of your interest</b>

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**Name of meeting: Children's Scrutiny Panel**

**Date: 6.11.17**

**Title of report: Elective Home Education**

**Purpose of report: To provide an overview of a brief overview of the legislative framework in relation to Elective Home Education and local practice and put forward a proposal for the LA to establish a working group of home educating parents to review our protocols.**

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	no  If yes give the reason why
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	not applicable  If yes also give date it was registered
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	Not applicable  If no give the reason why not
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	Steve Walker Director for Children's Services
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	Not applicable
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	Not applicable
<b>Cabinet member <a href="#">portfolio</a></b>	Cllr Erin Hill Cllr Masood Ahmed

**Electoral wards affected: All**

**Ward councillors consulted: Not applicable**

**Public or private: Public**

## 1. Summary

Elective home education (EHE) is the term used by the Department for Education (DFE) to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to home tuition provided by a Local Authority, or education provided by a Local Authority other than at a school.

Numbers of electively home educated children and young people are increasing in Kirklees, and this is in line with neighbouring Local Authorities and national trends.

Year	Numbers of EHE children
2012/13	171
2013/14	204
2014/15	229
2015/16	244
2016/17	263*

\*this figure has reduced by 20 as support was provided that enabled the child to return to school

This report will give a brief overview of the legislative framework and local practice. It will also consider a proposal for Local Authority engagement with parents and carers of electively home educated children and the support on offer.

## **2. Information required to take a decision**

Historically the Pupil Referral Service (PRS) were responsible for EHE but since September 2015 the oversight of EHE became the responsibility of the Education Safeguarding Team, which also has responsibility for attendance as well as other statutory duties and commercial services. The team works in partnership with any other relevant team or agency to provide support to families when needed.

Currently in Kirklees, in line with DfE Guidance, parents who choose to educate their children at home are expected to assume full financial responsibility, including bearing the cost of any public examinations.

The role of the Education Safeguarding Team is to support when needed the family of a child who is being electively home educated so that they receive a full time education suitable to his or her age, ability and aptitude. This support may include, where appropriate, providing support and information for parents, and linking families to other services, for example if the child has Special Educational Needs.

Section 2 of the Department for Education guidance outlines the law in relation to Elective Home Education, sections of which are extracted below;

**2.1 The responsibility for a child's education rests with their parents.** In England, education is compulsory, but school 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."*

Parents have a right to educate their children at home. 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 -*

*(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."*

**2.3** The responsibility for a child's education rests with his or her parents. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law as an education that "achieves that which it sets out to achieve", and a "suitable" education is one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".



## **Parental rights and responsibilities**

**2.4** Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age. Parents are not required to register or seek approval from the local authority to educate their children at home. Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. However, local authorities are encouraged to provide support where resources permit. Parents must also ensure that their children receive suitable full-time education for as long as they are being educated at home.

## **Local authorities' responsibilities**

**2.5** The DFE recommends that each local authority provides written information about elective home education that is clear, accurate and sets out the legal position, roles and responsibilities of both the local authority and parents. This information should be made available on local authority websites and in local community languages and alternative formats on request. Local authorities should recognise that there are many approaches to educational provision, not just a "school at home" model. What is suitable for one child may not be for another, but all children should be involved in a learning process.

**2.6** Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (for example, at home, privately, or in alternative provision). The guidance issued makes it clear that the duty does not apply to children who are being educated at home.

**2.7** Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears** that parents are not providing a suitable education. This section states that:

*"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education."*

Section 437(2) of the Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

**2.8** Prior to serving a notice under section 437(1), local authorities are encouraged to address the situation informally. The most obvious course of action if the local authority has information that makes it appear that parents are not providing a suitable education, would be to ask parents for further information about the education they are providing. Such a request is not the same as a notice under section 437(1), and is not necessarily a precursor for formal procedures. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so...

...**2.12** Local authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states:

*"A local education authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children."*

Section 175(1) does not extend local authorities' functions. It does not, for example, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

**2.16** Section 53 of the 2004 Act sets out the duty on local authorities to, where reasonably practicable, take into account the child's wishes and feelings with regard to the provision of services. Section 53 does not extend local authorities' functions. It does not, for example, place an obligation on local authorities to ascertain the child's wishes about elective home education as it is not a service provided by the local authority.

Full time does not mean being bound by school hours and terms, as this measurement of contact time is not relevant to home education where there is often almost continuous one-to-one contact.

Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age. Parents are not required to register or seek approval from the local authority to educate their children at home.

Home education is an option that any family may consider for their children. The reasons for deciding on this approach are many, as are the styles of education undertaken. For a significant number of families it is a decision based on their philosophical, spiritual or religious outlook, for others it is to meet the specific needs of a child or children. If parents report that an issue at school has led to their consideration of electively home educating their child, the Education Safeguarding Team work restoratively with the family to resolve these issues, and where appropriate, re-engage with school.

Kirklees fully respects the rights of parents that have chosen to home educate their children. We have seen many excellent examples of home education and acknowledge that learning takes place in a wide variety of environments.

Whilst there is no legal obligation on the Council or home educators to develop relationships with each other, doing so will often provide parents and carers with access to any support that is available and allow authorities to better understand parents' educational provision and preferences. Therefore, to build on current practice, the service proposes to establish a working group of parents and carers of electively home educated children in order to review and develop the offer currently available.

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

Kirklees has an EHE protocol in place that is understood by all schools in Kirklees. Schools have a duty to inform the Local Authority of any child that has been removed from their school roll once a parent has de-registered to become EHE.

When the Education Safeguarding Team is made aware of a child that has become EHE it offers to visit the parent to provide an offer of support if required.

### **Children with Special Educational Needs**

Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). This right is irrespective of whether the child has a statement of SEN or an Education, Health and Care (EHC) plan.

Where parents elect to home educate a child with a statement/ plan who is registered at a mainstream school the school will remove the pupil from roll, following receipt of written confirmation from the parent that educational provision is being made otherwise than at school. Local Authority approval for removal from roll is not required irrespective of whether or not the child has a statement of SEN/ EHC plan unless registered at a special school.

In Kirklees before a child is removed from the roll of a Special School a review of the Statement/EHC Plan takes place – an agreement is sought to ensure that the child's needs can be met other than at school.

## **3.2 Economic Resilience (ER)**

It is expected that all children who are electively educated will receive an education appropriate to their needs that enables them to transition successfully to adulthood. For those young people who take external exams, a centre is available, and provided by Shelley College who liaise with the Education Safeguarding Team.

## **3.3 Improving Outcomes for Children**

Kirklees understands that there is no one 'correct' educational system. All children learn in different ways and at varying rates. It is vital that parents and children choose a type of education that is right for them, and we ensure that officers understand and are supportive of many differing approaches or "ways of educating" which are all feasible and legally valid to enable all children to reach their full potential.

## **3.4 Reducing demand of services**

As the current education environment changes there is more parental choice with regards to education such as Academies, Free Schools and Independent Schools, home education is increasingly being seen as another option open to families.

## **3.5 Other (e.g. Legal/Financial or Human Resources)**

In order to ensure a flexible approach to meeting our statutory duty, all officers within the Education Safeguarding Team are required to work the families of electively home educated children and young people.

#### **4. Consultees and their opinions**

In the last academic year we arranged two EHE Network meetings in order to engage with our families. This is a positive way of meeting with parents, has resulted in amendments to guidance documents and processes as a result of consultation.

#### **5. Next steps**

We are always looking for ways to improve the service we offer and intend to engage and consult with our EHE families to draw up an action plan that set out our mutual objectives.

#### **6. Officer recommendations and reasons**

There is commitment to support children, young people and their families who have chosen to home educate, and we believe that further opportunities exist to engage positively with our EHE families in a more creative way.

We propose to work with our current EHE parents to seek their views about what they feel would be supportive to them as part of an overall review of our current EHE protocols and our approach to support.

#### **7. Cabinet portfolio holder's recommendations**

#### **8. Contact officer**

Mandy Cameron – Head of Service - Education Inclusion & Safeguarding  
[Mandy.cameron@kirklees.gov.uk](mailto:Mandy.cameron@kirklees.gov.uk)

#### **9. Background Papers and History of Decisions**

Elective Home Education – Guidance for Local Authorities  
(DfE publication)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/288135/guidelines\\_for\\_las\\_on\\_elective\\_home\\_educationsecondrevisev2\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/288135/guidelines_for_las_on_elective_home_educationsecondrevisev2_0.pdf)

#### **10. Service Director responsible**

Jo-Anne Sanders – Acting Service Director for Learning and Early Support  
[Jo-anne.sanders@kirklees.gov.uk](mailto:Jo-anne.sanders@kirklees.gov.uk)

**CHILDREN'S SCRUTINY PANEL – WORK PROGRAMME**

		ISSUES IDENTIFIED FOR INCLUSION IN THE WORK PROGRAMME 2017/18		
Issue	Put forward by	Approach and areas of focus	Outcomes	OFFICER/PARTNER COMMENTS
FULL PANEL DISCUSSION ISSUES				
1. <b>Implementation of Improvement Plan &amp; Ad-hoc Scrutiny Panel</b>	OSMC (2016/17 work programme)	<p>This will be a Quarterly Discussion at the Children's Scrutiny Panel.</p> <p>The Panel will receive updates on the Improvement Plan and Children's Scrutiny ad-hoc panel recommendations.</p> <p>The Improvement Board meets once a month. The minutes of this meeting will be brought to this Panel.</p> <p>The Panel will consider recruitment and retention of social workers.</p>	<p>The Scrutiny Panel is assured that the Local Authority are progressing at pace with the Improvement Plan.</p> <p>That future Ofsted visits begin to see significant improvement in Children's Services.</p> <p>The Panel is assured that staff are well supported to do their job and that retention rates improve to those seen in other 'good' Local Authority areas.</p> <p>The Panel is clear that staff have been trained on the chosen Social Work Model and the newly implemented IT system.</p> <p>That the use of agency staff reduces significantly to below 10%.</p>	Improvement Plan needs updating with progress and RAG ratings.

		ISSUES IDENTIFIED FOR INCLUSION IN THE WORK PROGRAMME 2017/18		
Issue	Put forward by	Approach and areas of focus	Outcomes	OFFICER/PARTNER COMMENTS
<b>FULL PANEL DISCUSSION ISSUES</b>				
<b>2. Performance Management</b>		<p>The Panel will receive regular information about performance, in order to monitor and challenge progress.</p> <p>Performance information will be presented in an accessible “reader friendly” format.</p>	<p>The Scrutiny Panel has considered and commented on regular, meaningful performance information.</p> <p>The Panel has a good understanding of areas of high performance as well as areas requiring further improvement.</p> <p>The Panel is assured that the measures being put in place to address under performance are on target and achieving the required improvement.</p>	<p>Sue Grigg / Andy Wainwright to prepare paper for 9<sup>th</sup> October</p> <p><b>Q1 performance to 6<sup>th</sup> November meeting.</b></p>
<b>3. Corporate Parenting Support for looked after children and care leavers.</b>	Steve Walker	<p>The Children’s Scrutiny Panel will consider how well the Council is meeting its responsibilities to looked after children. Including how the Council is ensuring that the voice of the child is heard.</p> <p>Scrutiny to consider whether the council and partners are being effectively held to account.</p>	<p>The Scrutiny Panel is satisfied that robust processes and support are in place to ensure that children in Kirklees are safe.</p> <p>The Panel is clear that the service is meeting the 5 core principles of social work - allocation, seeing the children, assessment, planning and reviewing.</p> <p>The Scrutiny Panel is satisfied that children are listened to, the</p>	<p><b>Visit to Drop in Centre to be scheduled for part of 18<sup>th</sup> December meeting.</b></p>

		ISSUES IDENTIFIED FOR INCLUSION IN THE WORK PROGRAMME 2017/18		
Issue	Put forward by	Approach and areas of focus	Outcomes	OFFICER/PARTNER COMMENTS
FULL PANEL DISCUSSION ISSUES				
			information is accurately recorded, and that requests being made by children are considered and responded to.	
<b>4. Elective Home Education</b>	Steve Walker	<p>The Panel will consider the Council's arrangements for children who receive home education. This will include consideration of safeguarding responsibilities.</p> <p>The Panel will also consider the work to develop a pathway to prosecution.</p>	<p>The Scrutiny Panel is clear that the LA, schools and parents all have a clear understanding of what is required and expected of them.</p> <p>The Panel has clarified that robust safeguarding processes are in place for children in elective home education</p> <p>The Panel has contributed to the development of a pathway to prosecution.</p>	<p>Paper to 6<sup>th</sup> November meeting to include pathway to prosecution (School Attendance Orders).</p> <p>Letter to Rt Hon Justine Greening MP</p> <p>Consider in-depth work TOR.</p>
<b>5. Special Educational Needs (To include School Transport)</b>	Steve Walker	<p>The Panel will scrutinise how Kirklees supports children with SEN and disabilities , including consideration of educational achievements and attainments post 16</p> <p>The Panel will consider how Kirklees Services measure up to</p>	<p>The Scrutiny Panel is assured that the SEND team are as prepared for the future inspection by Ofsted with clear evidence against key lines of enquiry.</p> <p>The Panel has highlighted potential areas where evidence needs strengthening.</p>	

		ISSUES IDENTIFIED FOR INCLUSION IN THE WORK PROGRAMME 2017/18		
Issue	Put forward by	Approach and areas of focus	Outcomes	OFFICER/PARTNER COMMENTS
<b>FULL PANEL DISCUSSION ISSUES</b>				
		<p>the requirements of the new OFSTED inspection regime</p> <p>The Panel will consider the proposed revisions to the Home to School Transport Policy and the implications for the Council, children and their parents.</p>	<p>The Panel is clear about the pathways available for children post 16 with SEND. The Panel has commented on the development of future post 16 pathways.</p> <p>The Panel has considered the consultation around home to school transport and provided views on the proposed changes to the Policy.</p>	18 <sup>th</sup> December meeting.
<b>6. PSHE / Prevent</b>	OSMC (2016/17 work programme)	<p>Areas of focus for the Scrutiny Panel will be</p> <p>Citizenship</p> <p>Religious Education</p> <p>Prevent</p>	<p>The Scrutiny Panel is clear about the delivery of PSHE (including statutory requirements) in the areas of focus and its effectiveness for children and young people.</p> <p>The Panel feel and react following receipt of Prevent teaching and that this has shaped future Prevent teaching.</p>	<p>Briefing paper requested from Val Flintoff.</p> <p>Completed.</p>
<b>7. EIP Strand</b>	OSMC (2016/17 work programme)	To receive updates on issues relevant to the portfolio		
<b>8. CSE and Safeguarding Member Panel</b>	OSMC (2016/17 work programme)	Minutes Quarterly to Panel	The Panel will receive the minutes of the Panel on a quarterly basis and have an initial overview of the work of the Panel and its areas of focus.	Minutes to December meeting



		ISSUES IDENTIFIED FOR INCLUSION IN THE WORK PROGRAMME 2017/18		
Issue	Put forward by	Approach and areas of focus	Outcomes	OFFICER/PARTNER COMMENTS
<b>FULL PANEL DISCUSSION ISSUES</b>				
<b>9. KSCB</b>	OSMC (2016/17 work programme)	Presentation to OSMC on 6 <sup>th</sup> November 2017	The Scrutiny Panel is clear about the focus of the work of the KSCB and satisfied that it is effective and accountable.	Report to be circulated to Panel Members once completed.  Report to 6 <sup>th</sup> November meeting.
<b>10. Regional Adoption</b>	OSMC (2016/17 work programme)	Briefing paper to be circulated to Panel members	The Panel understands the role and approach of the recently introduced Regional Adoption function and its implications for services in Kirklees.	

Chairs briefings – identification of pre-decision items.

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