



DARLINGTON
Borough Council

Children and Young People Scrutiny Committee Agenda

9.30 am

Monday, 7 April 2025

Council Chamber, Town Hall, Darlington, DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/ Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Scrutiny Committee held on 3 March 2025
(Pages 3 - 8)
4. Elective Home Education –
Report of the Assistant Director of Education and Inclusion
(Pages 9 - 28)
5. Work Programme –
Report of the Group Director of Operations
(Pages 29 - 40)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are
of an urgent nature and can be discussed at this meeting
7. Questions



Luke Swinhoe
Assistant Director Law and Governance

Friday, 28 March 2025

Town Hall
Darlington.

Membership

Councillors Ali, Allen, Crudass, Dulston, Johnson, Layton, Renton, Storr, Toms and Dr. Riley

Statutory Co-optees

Carly Stonier

Non Statutory Co-optees

Maura Regan, Janet Woodcock, John Armitage and Sally Hudson

If you need this information in a different language or format or you have any other queries on this agenda please contact Michael Conway, Mayoral and Democratic Officer, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays email: Michael.Conway@darlington.gov.uk or telephone 01325 406309

CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

Monday, 3 March 2025

PRESENT – Councillors Allen (Chair), Crudass, Johnson, Layton, Storr, Toms and Dr. Riley

APOLOGIES – Councillors Ali, Dulston and Renton

ALSO IN ATTENDANCE – Councillors Wallis

OFFICERS IN ATTENDANCE – Chris Bell (Assistant Director of Children's Services), Helen Ellison (Head of Education Partnerships) and Martin Graham (Head of Quality Assurance and Practice Improvement)

CYP27 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

CYP28 TO APPROVE THE MINUTES OF THE MEETING OF THIS SCRUTINY COMMITTEE HELD ON 6 JANUARY 2025

Submitted – The Minutes (previously circulated) of the meeting of this Scrutiny Committee held on 6 January 2025

RESOLVED – That the Minutes of the meeting of this Scrutiny Committee held on 6 January 2025 be approved as a correct record pending the addition of information regarding Right-to-Choose and Autism Assessments.

CYP29 DARLINGTON SAFEGUARDING PARTNERSHIP ANNUAL REPORT

The Independent Chair of the Darlington Safeguarding Partnership presented the Darlington Safeguarding Partnership Annual Report to account for the Partnership's achievements over the previous year and assess the effectiveness of multi-agency safeguarding arrangements within the local area. The report summarised and reflected on the work of the Partnership over the 2023/24 period.

Points of note included the feedback has been very positive, with statutory partners continuing to meet on a regular basis (Local Authority, Police and health colleagues) with wider meetings also occurring which additionally include organisations such as education, housing, voluntary agencies, probation and the fire service.

Members were informed that quality assurance drives the development of the partnership with its key function being to ensure all organisations can work together in the best possible way with children's services having three subgroups covering operational services, child exploitation and the child death overview partnership.

Questions were raised which included as to whether any barriers are existent against the partnership's work with the response that the wide variety of partners assist in overcoming any barriers. It was also asked as to whether the partnership is functioning well in

comparison to other authorities, and it was confirmed that it is, with large amounts of information being shared including regional and subregional information-sharing, the national panel has also met with Darlington with deep-dive work taking place.

A member asked for clarification of the “Joined Up” approach stated in the report, and it was confirmed that this refers to the process in which any referral information is looked at by professionals from the various partner organisations to provide the best possible response. It was also asked if wait times for responses are an issue with assurance provided that statutory timeframes are always adhered to alongside an immediate response to any information received from the police.

Further questions included how organisations can become partnered and what training is available with officers confirming that relevant groups, where applicable are invited to attend multi-agency meetings and online training, with level one training also being available to elected members.

Discussions were held which included it being highlighted that GP referrals do not always receive full feedback with officers welcoming the feedback and willing to look into these areas.

RESOLVED – Members noted the annual report with members wishing to express their thanks for the positive work of the Safeguarding Partnership and its effectiveness and efficiency with quality information being shared between partners. Members also acknowledged the fine work of the Independent Chair during her tenure and wished her a happy upcoming retirement.

CYP30 LOCAL DESIGNATED OFFICER ANNUAL REPORT

The Service Manager, Children’s Services presented the Local Designated Officer Annual Report to update Members of the Children and Young People Scrutiny Committee on the progress and performance of the Designated Officers’ (DO) response to all contacts received relating to allegations/concerns of abuse by those who work with children for the period April 2023 to March 2024.

Points of note included that there has been a 25% decrease in activity in the last year, showing a continued return to pre-COVID numbers. There have been 37 substantiated allegations in the period of which 30 resulted in dismissal of staff and 63 unsubstantiated allegations.

Members were also informed that the work of DO was carried out by agency workers however an advertisement for a full DBC staff member has been produced for the role in a permanent full-time basis.

Questions included as to whether a full time DO is warranted with the response that it is a statutory responsibility, and we were assured that options had been explored before making the decision which included sharing the post with Durham however this was not deemed viable. Another member believed that having a full time staff member in the role is a positive move.

A further question was how a rise in complaints is handled by schools and it was confirmed that schools welcome dialogue with the team and that allegations are always dealt with inside the established timeframes

RESOLVED - Members considered and agreed the content of the report.

CYP31 CHILDCARE SUFFICIENCY REVIEW 2024

The Head of Education Partnerships presented the annual Childcare Sufficiency Review 2025. The Department for Education's Early Education and Childcare Statutory Guidance for Local Authorities, January 2024 requires local authorities to 'secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0 – 14 or up to 18 for disabled children'. In carrying out this requirement local authorities should 'report annually to elected council members on how they are meeting their duty to secure sufficient childcare and to make this report available and accessible to parents'

Members were informed that the childcare market in Darlington is made up of private day nurseries, pre-schools, childminders, out of school clubs, nursery schools and nursery units. Cases of unmet demand are gathered using various methods: from providers through the monthly attendance returns, by analysing parental enquiries via the families' information service (FIS), via the unmet demand list and from any parental complaints to the local authority. There have been no indications that there has been a lack of sufficiency overall in the borough during the period of the review.

Questions were raised which included clarification on who pays for lunches with the response that the DfE issued new guidance around consumables – childcare entitlement providing a free place for a child with guidance as to what providers can and cannot offer or charge for. Officers are happy to speak to any providers to provide advice and will audit providers periodically.

It was also asked what the uptake rates of free provision are with the response Darlington is performing well against the relevant indicators and that information is shared with Social Care colleagues to help encourage eligible parents. A code is provided to parents who present this to a provider who then validates it with a 96.95% validation rate in Darlington and that entitlements can be transferred to a different provider due to government safety nets and grace periods for codes.

RESOLVED - Members noted the information and findings of the 2024 Childcare Sufficiency Review.

CYP32 HOME TO SCHOOL TRANSPORT

The Assistant Director of Education and Inclusion presented the report to outline the current arrangements for the Council's Home to School Transport Policy and outlines the changes in recent statutory guidance with Darlington Borough Council having a statutory duty to provide free home to school transport in certain circumstances.

Members were informed that previous interest from members with regards to transport for SEND children is now covered in the report and that highlighted plans will be adopted for the commencement of the 2025 academic year. It was also reiterated that the local authority purchases places on school busses who have entitlement to free transportation.

A member stated that parents sometimes encounter cancellations from transport providers with officers assuring members that the council are required by law to follow set procurement process, driver scarcity is always an issue however the service is more stable than in previous years. Members were reassured that staff are present from 07:00 every day and ready to react to any cancellations.

RESOLVED - Members considered the report and noted the arrangements in place as well as the changes to statutory guidance relating to home to school transport.

CYP33 PERFORMANCE INDICATORS QUARTER 2 2024-25

The Assistant Director Children's Services provided members with an update on performance against key performance indicators for Quarter 2 2024-25

Points of note included that 0.6% of referrals took over three working days to be completed in Q2 2024/25, which is outperforming our target of 5%.

64 children had a C&F assessment completed in Q2 2024/25. This is below the 376 assessments started in Q2 2023/24, and in line with pre-COVID figures. 93.9% of the assessments were completed with the 45-day timescale. This is an increase to previous years (51.2% in Q2 2023/24, 73.8% in Q2 2022/23 and 88.4% in Q2 2021/22) and evidence of sustained targeted work and support throughout the year

Slowdown in demand continues as per previous updates showing a continued return to pre-COVID levels with almost 94% of referrals being completed within 45-day timescales showing an impressive increase and a reflection of the efforts of staff.

A question was raised as to what most commonly leads to breakdown in placements with officers responding that poorer placement stability is experienced in independent placements and noting that some negative performance figures in this area are a result of previous years due to longer term placements taking time to show changes.

RESOLVED - Members reviewed and noted the performance information provided.

CYP34 OVERVIEW OF THE LOCAL AREA SEND INSPECTION (NOVEMBER 2024)

The Assistant Director of Education and Inclusion provided members with an overview of the SEND Inspection Framework, the activity that took place during our inspection in November 2024 and the findings and subsequent actions taken and planned. Children and young people with special educational needs and/or disabilities (SEND) are 'valued, visible and included', inspectors have found. Ofsted and the Care Quality Commission visited to check on services for young people with SEND. Darlington has seen improvements to services for children with SEND since its previous inspections in 2022

Points of note included the related inspection covered schools, providers and family views covering both the local authority and Integrated Care Board, both of whom are responsible for SEND provision. The report displayed a great many positive indicators for Darlington with areas for improvement including pathways for children with learning disabilities which will be actioned by officers.

Officers aim to publish a year-long plan on the Council website once prepared.

It was asked how staff had reacted to the report with the response that from the LA perspective, staff were encouraged to see the inspectors' feedback and will work to focus on any areas for improvement.

RESOLVED - Members noted the update and planned response and members expressed their appreciation for the efforts of staff in achieving positive progress.

CYP35 WORK PROGRAMME

The Group Director of Operations submitted a report (previously circulated) requesting that consideration be given to this Scrutiny Committee's work programme and to consider any additional areas which Members would like to suggest should be included in the previously approved work programme

RESOLVED – That the work programme be noted.

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**CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE
7 APRIL 2025**

ELECTIVE HOME EDUCATION

SUMMARY REPORT

Purpose of the Report

1. To provide the committee with an overview on elective education processes in Darlington and current demand levels.

Summary

2. Parents have a legal right to choose to electively home educate their child and the local authority has certain duties regarding the monitoring of education being provided and enforcement action where it is judged a suitable education is not being provided.

Recommendation

3. It is recommended that :-
 - (a) The committee notes the Council's legal duties and current arrangements.
 - (b) The committee notes the proposed new duties outlined in the Children's Wellbeing and Schools Bill.

Tony Murphy
Assistant Director of Education and Inclusion

Background Papers

No background papers were used in the preparation of this report.

Tony Murphy : Extension 5637

Council Plan	Education supports the commitments for children and young people-supporting the best start in life, realising potential and raising aspirations.
Addressing inequalities	Effective monitoring of elective home education supports children ensuring that they can receive access to high quality educational provision and outcomes.
Tackling Climate Change	The effective delivery of education provision will support the council's Climate Change priorities.
Efficient and effective use of resources	The efficient monitoring of education the commitments in the council's Safety Valve Agreement to ensure efficient use of the Designated School Grant High Needs Block.
Health and Wellbeing	Health lifestyles of children and young people is a key component of effective education provision
S17 Crime and Disorder	There are no specific elements of the strategy which address crime and disorder.
Wards Affected	All wards are affected.
Groups Affected	Children, young people families and key stakeholders.
Budget and Policy Framework	The Education Act 1996
Key Decision	Not applicable
Urgent Decision	Not applicable
Impact on Looked After Children and Care Leavers	The effective delivery of education will positively benefit looked after children and care leavers.

MAIN REPORT

Information and Analysis

Background

4. The responsibility for a child's education rests with their parents and parents have a right to educate their children at home if they so choose.
5. The legal framework expects that parents must 'ensure that their child receives an efficient, full-time education suitable to their age, ability and aptitude, to any special educational needs, either by regular attendance at school or otherwise'. The law also states that 'Parents are not required to engage with a member of the local authority, teach the National Curriculum, provide a broad and balanced education or give formal lessons or mark work'. Thus, the framework within which the local authority can work with families around Elective Home Education (EHE) is limited. The framework governing schools around EHE is clear and states, "Schools must not advocate elective home education".
6. The number of children who are EHE has risen consistently over the last five years, both

nationally and locally, across all year groups and school type. Darlington’s profile has risen at a higher rate than regional and national average. Latest Department for Education published data is outlined below:

Number of EHE pupils	2021/22	2022/23	2023/24
England	116,300	126,100	153,300
North East	3890	4520	5920
Darlington	250	330	390

Current Oversight and Support

7. The Council currently has an Elective Home Education Adviser, a former primary school teacher. Annual visits to all families is the preferred approach.
8. Whilst the law places significant limitations on the LA, the service undertake a range of activities to engage with EHE families so that we can maintain some contact with families who are otherwise out of the education system. **Appendix A** outlines the current Darlington guidance and **Appendix B** outlines the current process.
9. Ensuring that CYP who are EHE are safe from harm is a significant priority for the service. To do this, we assess the level of vulnerability against a criteria of red and green, using information from the off-rolling form, EYES (our internal database) and also including any social care updates.

Children’s Wellbeing and Schools Bill

10. The government’s new schools bill proposes a number of new duties onto local authorities relating to elective home education including:
 - (a) All councils must have ‘children not in school’ registers, with a duty to support parents on their registers. Children in scope are those not registered at a school or receiving some of their education outside of school (i.e. flexi-schooling and unregistered alternative provision). Schools will have to check with Councils if children being withdrawn are in these categories. Out-of-school education providers must also provide details, and can be fined if not.
 - (b) Some parents will need Council consent to home education their child. It will apply to those with children subject to protection orders, on a protection plan or at a special school under arrangements made by the local authority. LAs can also compel home-educated children on protection orders to attend school.
 - (c) School attendance orders will be standardised nationally, with Councils compelled to check whether the home-learning environment for a child is suitable when making such orders. Parents would also face prosecution if they don’t comply.

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Elective Home Education (EHE) Guidance

1.0 Introduction

This information is to support parents or carers who elect to educate their children at home and to explain Darlington Council's procedures for ensuring that arrangements met the legal requirements.

- 1.1** Elective Home Education ('EHE') is the term used by the Department for Education ("DfE") to describe a parent's decision to provide education for their children at home instead of sending them to school. It is not home tuition provided by the Local Authority (LA), or where the LA provides education otherwise than at a school.
- 1.2** Home-educated children are those who, for a range of reasons, are being educated at home and in the community by parents, or tutors, and are not registered full time at mainstream schools, special schools, Pupil Referral Units (PRUs), colleges, or children's homes with education facilities or education facilities provided by independent fostering agencies.

2.0 Principles

Education for all children in the United Kingdom is compulsory; attendance at school is not, provided suitable arrangements are in place. Parents are responsible for ensuring that their children receive a suitable education. Where parents choose to home educate, Darlington Council considers it to be desirable for parents and the LA to work together, recognising each other's rights and responsibilities and establish and maintain a positive dialogue in the interests of the child to ensure that a high quality education is received and children are safeguarded.

- 2.1** Section 7 of the Education Act 1996 states "it shall be the duty of the parent of every child of compulsory school age to cause him to receive efficient full time education suitable to his age, ability and aptitude {and to any special needs he may have} either by regular attendance at school or otherwise." To be considered efficient a child's home education need not be the same as a child would receive at school, but the Council must be satisfied that the education is appropriate for the child.

3.0 Purpose

The purpose of this guidance is to clarify for schools, parents, carers, guardians and related agencies, the framework by which the LA carries out its statutory responsibilities and to encourage good practice by setting out the legislative position and the roles and responsibilities of the LA and parents in relation to children of compulsory school age educated at home. The guidance sets out parents' rights to educate their children at home, together with the legal duties and responsibilities of Headteachers and Darlington Council. It also sets out the arrangements Darlington Council will make in order to carry out its legal duties.

4.0 Who are the children and young people on EHE?

There are currently around 219 (as of Aug 22) children who are known to the LA as being electively home educated in Darlington. Parents and carers have chosen to take this responsibility for a variety of reasons.

4.1 The main reasons given for children on the EHE register are:

- Ideological or philosophical views which favour home education or wishing to provide education which has a different basis to that normally found in schools.
- Religious or cultural beliefs and wish to ensure that the child's education is aligned with these.
- Dissatisfaction with the school system, or schools(s) at which a place is available
- Bullying of a child in school
- Health reasons, particularly mental health of a child
- As a short-term intervention for a particular reason
- Child unwillingness or inability to go to school, including school phobia or school refuser
- SEND or perceived lack of suitable provision in the school system for those needs
- Disputes with a school over education, SEN or behaviour of the child, in some cases resulting in 'off rolling'.
- Familial reasons which have nothing to do with schools or education (home carer)
- As a stop gap awaiting place in a school of choice.
- Avoiding potential prosecution for poor attendance
- Avoiding potential exclusion.

4.2 Most families who take the decision to home educate do so because they believe it to be in the best long term interest of their child. Such families usually provide a high standard of education for their children. On occasion, some families may feel that electing for home education is the only available option when it appears that school issues cannot be resolved or where personal circumstances mean that attending school regularly is problematic. The LA EHE Advisor aims to support families in these situations to ensure families understand the implications of the child no longer being on a school roll, for example having to take qualifications as an external candidate, and the lack of school places for young people during GCSEs.

4.3 When assessing the suitability of arrangements that are in place the council must consider both safeguarding and educational issues and respond accordingly within the legal frameworks available.

4.4 A child is of compulsory school age from the school term after his/her 5th birthday until the last Friday in June of the academic year in which they reach the age of 16. There is no obligation to provide education before or after this period.

5.0 Choosing Home Education

- 5.1 Darlington Council acknowledges 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 the council understands and is supportive of many differing approaches or 'ways of educating' which are all feasible and legally valid.
- 5.2 The role of the LA EHE Advisor is not to tell parents how to educate their children or to promote registration at school. It is to support and respond to concerns that a child is not receiving a full-time education suitable to his or her age, ability and aptitude and, where appropriate, provide support and information for parents.
- 5.3 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.
- 5.4 Where young people are entering EHE during Key Stage 4, attention will be given to ensuring appropriate learning pathways are discussed with relevant parties. There is an expectation that clear plans will be in place for achieving recognised qualifications at age 16 and securing progression to post 16 learning or employment with training, and, recognising the vulnerability of becoming NEET ("not in education, employment or training") for young people who exit school at this late stage.
- 5.5 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". It is appropriate for EHE practitioners to be mindful of this when planning education provision.
- 5.6 When the council begins monitoring the home education of a child we will seek to learn what the parents' objectives are (what they set out to achieve). Only in this context can the **efficiency** of the provision be judged. The **suitability** of education is considerably harder to determine, except in the broadest terms, or where a child has specific needs, which must be met.
- 5.7 If parents inform schools they are considering home education, it is important that schools and parents are fully appraised of the expectations and implications of home educating before committing to making this important decision. Darlington Council recommends that parents are given contact details and advised to seek advice from the LA EHE Advisor before the parents formally ask the school to remove the child from the school roll. Schools must not seek to persuade parents to educate their child at home, nor would it be recommended for parents to elect to

educate their children at home as a way of solving a perceived or ongoing problem for a school.

5.8 Where parents are looking to home educate due to a breakdown in relations at the school and the parents are notifying of intent to home educate for these reasons, there should be a presumption that mediation will be explored prior to a final decision being made on whether to remove the child from the school roll and that the LA can be engaged in that process. The LA would expect all Darlington schools to have had a discussion with parents, signposting them to support & guidance before making any formal decision. The LA EHE adviser can support with this and it is recommended that they are included in meetings to discuss between parent and school prior to the decision being made to remove the child from roll.

5.9 If a child is on the roll of a school they must inform the headteacher by letter that they intend to home educate. The headteacher is then required to notify the local authority. If they do not inform the headteacher in writing the child will remain on roll and the parent may be liable to prosecution for non-attendance.

5.10 When a school receives written notification from a parent of their intention to home educate their child, it is the responsibility of the school to:

- Invite the parents to discuss any issues or concerns that could be resolved to enable the child to continue to be educated at school in a way which meets the parents' expectations
- If the parents' decision is firmly to home educate, to acknowledge this in writing and delete the child's name from the school register. However in the interests of the family, recommended good practice would be to allow a period of 20 school days after deletion of the name from the school register, for the parents to reflect on their decision having sought further advice and support and to change their mind if they so wish.
- Inform the LA immediately of removal of the child's name from the register following the above. (Regulation 12 (3) of the "The Education (Pupil Registration) Regulations 2006)
- Ensure that the pupil file is retained in accordance with usual procedures until requested by a receiving school.

5.11 The only circumstances under which parents are under an obligation to inform the LA directly of the intention to home educate a child concerns pupils registered at a special school.

- Special schools should not automatically remove a child from their roll because a parent states that s/he intends to opt for home education.
- Parents must seek the consent of the LA before making arrangements to home educate. Until this is provided and the LA has approved the

educational provision for the child, the child should be expected to attend school as normal. Failure to attend without reason should be treated as unauthorised absence.

5.12 If a child is registered at a school as a result of a school attendance order the parents must get the order revoked by the LA on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.

5.13 The LA may also receive information that a child is either not attending schools and/or being home educated from a number of sources. These include: the Admissions team, Social Care, , Health services, Housing or other Local Authorities.

5.14 In all cases where it becomes apparent that a child is being home educated the guidelines below should be followed.

- If it is unclear whether a parent is simply absenting a child from school or providing education, the situation should be explored and clarified as a matter of urgency.
- While a child remains on a school roll, the school should treat any ambiguous failure to attend as an unauthorised absence. On this basis an attendance officer can legitimately visit the home to explore the reasons for the absence. Schools must be advised to seek this service where any ambiguity over education provision exists.
- If a child is not on roll at a school, the Children Missing Education Officer should investigate.
- It should not be assumed that home education is being provided until a parent states that this is the case.

5.15 A child with an EHCP/statement of special educational needs can be educated at home. Any assessment of the home education will be linked with the process of keeping a child's special needs provision under review..

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6.0 EHE referral process

If a child is registered at a Maintained or Independent school, and the parents elect to home educate, they must inform the school in writing. Schools are advised to refer families to the EHE Adviser to ensure they are fully informed of the process prior to receiving formal notification of intention to withdraw the child from school.

6.1 Schools are strongly advised to offer to meet with the parents to discuss and resolve any issues about school and the child's needs that might influence the parents' decision to continue with their child's attendance at school or to home educate.

6.2 The LA and EHE Advisor will monitor data and highlight schools considered to have larger than average numbers of children leaving to EHE and report the findings of this data.

6.3 The LA will offer an early opportunity for parents to inform them if they believe they have been pressured by the school. In such situations, the LA will ask the school to reconsider and apply any influence it may have to encourage the school to take a pupil back.

7.0 Monitoring of EHE

Contact will be made with parents who opt to home educate:

- Initial contact will be made by the LA EHE Advisor. This will be aimed at establishing the position, gathering initial information and providing help if the parent is actually seeking a school place.
- Where parents intend to continue to home educate, the case will be monitored regularly by the LA EHE Advisor.

7.1 If a parent decides to cease home education they may apply to the LA for a place at a school. The LA EHE Advisor will support them with the process as needed.

7.2 The type of educational activity can be varied and flexible. It is recognised that home-educating parents are **not** required to:

- teach the National Curriculum
- provide a broad and balanced curriculum
- have a timetable
- have specific premises equipped to any particular standard
- set hours during which education will take place
- have any specified qualifications
- observe school hours, days or terms
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards

7.3 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.

7.4 If an EHE child decides to take GCSEs, then parents should make their preparations as early as possible. It is sensible to start planning when their daughter/son is in Year 9 (the school year in which they become aged 14).

- 7.5** It is essential to find out where their daughter/son can sit the examinations. This must be an accredited centre. They should contact their local school or further education college to see if it will accept external candidates. Parents will have to use the same syllabus/exam board as the school/college. They can also look on the internet for accredited examination centres under the chosen examination board.
- 7.6** Parents will need to ask how much the school/college/ examination centre will charge, as they will also, under current legislation, have to pay the exam board fees. The LA is currently unable to provide this funding for GCSEs if a child is receiving EHE.
- 7.7** It is the parents' responsibility to identify exam boards and syllabus material and to prepare their child for any examinations. Parents are responsible for meeting deadline dates and the costs for registering for examinations they wish to enter their child for.
- 7.**
- 7.9** Local Authorities have a duty to try and identify children not receiving a suitable education. Section 436A of the Education Act 1996:
- “A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but —
- (a) are not registered pupils at a school, and
- (b) are not receiving suitable education otherwise than at a school.”
- 7.10** Section 437 (1) Education Act 1996 provides that “if it appears to a LA 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 (which must be no less than 15 days) that the child is receiving such education.”
- 7.11** The LA may make enquiries of parents who are educating their children at home to establish that a suitable education is being provided. This was established in case law (Phillips v Brown, Divisional Court [20 June 1980, unreported] Judicial review by Lord Justice Donaldson) which said ‘an LEA is entitled, though not required, to make **informal** enquiries of parents’. However, parents will be under no duty to comply. In his judgement, Lord Donaldson said, however, that it would be ‘sensible for them to do so’. If parents ‘give no information or adopt the course ... of merely stating that they are discharging their duty without giving any details of how they are doing so, the LEA will have to consider and decide whether it ‘appears’ to it that the parents are in breach of Section 36 of the 1944 Act [now Section 7 of the 1996 Education Act]’

7.12 Section 437(3) Education Act 1996 provides that if a parent fails to satisfy the LA within the specified period that their child is receiving a suitable education, it has the power to issue a “school attendance order” requiring that their child become a registered pupil at the school named in the order

7.13 The LA has general duties to make arrangements to safeguard and promote the welfare of children (see section 175 of the Education Act 2002 and sections 10 and 11 of the Children Act 2004). The EHE Advisor along with all employees of the local authority, has a responsibility to ensure all children are safeguarded and their welfare promoted throughout their work. Section 175 (1) provides:

“A LA shall make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children”.

7.14 Sections 17 and 47 of the Children Act 1989 provide the LA with a power to insist on seeing children in order to inquire about their welfare where there are grounds for concern, although such powers cannot be used in order to establish whether the child in question is receiving suitable education at home.

7.15 Officers must act upon any concerns that a child may be at risk of significant harm, in accordance with Darlington Council’s child protection procedures.

7.

7.17 The LA will do all it can to monitor each case which comes to its attention. This is viewed as important in order to safeguard children and to ensure that a suitable educational experience is provided, so children are enabled eventually to take their place in society and to contribute to it. Monitoring also provides the opportunity to offer parents advice and to signpost opportunities available.

8.0 EHE procedures

In order to comply with its duty to intervene if it appears that a child of compulsory school age is not receiving a suitable education and to adequately plan for support for families, the LA guidance is to maintain a record of children known to Darlington Council being educated at home. This is a list of the children known to Darlington Council only and therefore not an exhaustive list of all children educated at home in Darlington. Families who have children who have never been on roll may also register to access advice and support.

8.1 Parents can respond to a request for information about their child’s education provision by writing to or by meeting the LA EHE Advisor and talk things through. Many people find a home visit helpful, but parents may wish to meet at another venue.

8.2 The first monitoring visit will be used partly to establish a positive relationship with the family and the child. The main priority is to gain a picture of what has been done

so far and what the parent's objectives are for the future (what they set out to achieve).

- 8.3** Parents may welcome the opportunity to discuss the provision that they are making for their child's education during a home visit but parents are not legally required to give the LA access to their home. They may choose to meet a LA representative at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. Where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made. If they choose not to meet, parents will be asked to provide evidence that they are providing a suitable education. Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form.
- 8.4** If it appears to the LA that a suitable education is not being provided, the LA will seek to gather any relevant information that will assist reaching a properly informed judgement. This will include seeking from the parents any further information that they wish to provide which explains how they are providing a suitable education.
- 8.5** A written report will be made and copied to the parents stating whether the authority has any concerns about the education provision and specifying what these are, to give the child's parents an opportunity to address them. The report will use the following three descriptors:
- The provision provides evidence of a suitable education
 - The provision is generally suitable but needs the following improvements...
 - The provision has not provided any evidence of a suitable education
- 8.6** The LA EHE Advisor monitors progress with each case being reviewed based on its needs.
- 8.7** Parents will be given the opportunity to address any specific concerns that the authority has. The child will be given the opportunity, but not required, to attend any meeting that may be arranged or invited to express his or her views in some other way.
- 8.8** Whilst there are no statutory duties in relation to the routine monitoring of the quality of home education, under Section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that parents are not providing a suitable education.
- 8.9** Ultimately the LA might send parents a formal notice asking them to satisfy the LA that their child is receiving suitable education, and if this is not forthcoming then the LA will look at serving a School Attendance Order requiring parents to send their child to school. Once the School Attendance Order is issued it can only be revoked (cancelled) if evidence is presented to the LA that a suitable education is being provided.

8.10 In order to determine confirmation that parents are providing a suitable education the LA ensures that informal enquiries about educational provision are initiated in the first instance. However it would be quite consistent with these guidelines to proceed to a formal notice under s.437(1) of the Education Act 1996 if parents refuse to respond to informal enquiries. If parents then refuse to respond to the notice, school attendance proceedings should follow. The LA is clear that although parents' rights should be respected, the prime objective is the welfare of the child.

8.11 The LA's role is confined to situations where it is not satisfied that the education is full-time and suitable to the child's age, ability and aptitude. Darlington Council does not think this means that the authority should do nothing until evidence of failure by the parent materialises, but it does mean that the approach should be proportionate. Darlington Council finds it adequate to make informal enquiries once a year and if the outcome is satisfactory, leave matters there. Otherwise it begins to look unnecessary and over-bearing. However if lack of response gives rise to a view that the authority isn't satisfied then more frequent enquiry and escalation to a s.437(1) order are consonant with the authority's role.

9.0 Safeguarding in EHE

Where one or more of the conditions set out below are met, there is an expectation that every child whose parent(s) elect to home educate to participate in a meeting with the LA EHE Advisor and the child at a mutually convenient time and place in order to satisfy the LA of the suitability of the education provision proposed. From past experience the presence of one or more of these factors is a strong indication that the child in question may well not be engaging in a suitable education and may be seriously under-achieving.

9.1 If the child is known to be vulnerable, a refusal to cooperate is more serious in view of the potential safeguarding risks. To establish education suitability the LA will request that both the child and evidence of learning are seen. Where one or more of the conditions set out below are met education will not be recorded as suitable if this meeting is not facilitated.

The conditions where this meeting would be required are:

- a) The child has a history of persistent unauthorised absence from school (by persistent absence, Darlington Council mean absence of 15% or higher);
- b) The child has a record of poor attainment at school as measured by progression in performance using prior attainment and National Curriculum Test Results as the basis for assessment;
- c) The child has previously been permanently excluded from school(s) or has been subject to more than one fixed term exclusion whilst at school;
- d) The child has been referred to early help and/or to children's social care.

9.2 Where none of the four conditions set out above are present, the LA would strongly encourage parents to participate in a meeting in order that they receive the full support available. However in these circumstances, unless there is any other matter

which suggests that the child is not receiving a suitable education otherwise than at a school, there is no requirement for such a meeting.

9.3

9.4 Child Protection Plan (CPP) – home education cannot be seen as a protective factor for a child. A child being educated at home is not necessarily being seen on a regular basis by professionals such as teachers and this logically increases the chances that any parents who set out to use home education to avoid independent oversight may be more successful by doing so. Services may be less likely to become aware of the signs of abuse or neglect in these circumstances.

9.5

10.0 The Criteria for Judgements

As noted above, parents are required to provide suitable and efficient education. The terms are amplified below on the basis of case law and reasonable practical interpretations:

Suitable education – This is defined in case law as ‘education in line with the child’s age, aptitudes and abilities and any special educational needs’. This is further defined as education which enables children 'to achieve their full potential', and 'to prepare ... for life in modern civilised society'.

‘Suitable’ – Is defined in more detail in the Elective Home Education departmental guidance for LA April 2019; 9.1 ‘What do the s.7 requirements mean’, this includes:

- No person should be denied the right to education
- Parent’s wishes are relevant, however are not the sole arbiters of what constitutes a suitable education.
- A suitable education must not conflict with British Values as defined by governmental guidance.
- Should not involve marked isolation; a suitable education should involve socialisation.
- Environmental factors must be considered.

10.1 Officers might legitimately argue that education which does not provide a reasonable range of subject matter, including access to basic skills of literacy and numeracy, ICT, and some knowledge and understanding of the world in which we live, would be failing to equip the child to take his/her place in modern civilised society.

10.2 Children’s social and emotional development are crucial. Those educated at home may not have as wide a range of possibilities in these areas as those who attend school. It is, therefore legitimate to expect parents to make provision for these areas. Contact with peers and the development of emotional resilience should be

regarded as essential elements of equipping the child to take his/her place in modern civilised society.

10.3 The notion of reaching one's full potential is problematic. However, a suitable education could reasonably be expected to provide some challenge and stretch to the child across a reasonably wide range of study.

10.4 Whilst the National Curriculum and national standards provide a benchmark for schools, these do not apply to EHE. The EHE Advisor must be cautious about making assumptions that particular skills or knowledge should be gained by particular ages. There should be awareness, for instance, that in most European countries, children do not start formally to, read, write or calculate until the age of six-and-a-half or seven.

10.5 There is some research that says 'late readers' can take off rapidly if not branded as a failure by an over-demanding education system at an early age.

10.6 Efficient education

This is defined in case law as education which 'achieves what it sets out to achieve'. Implicit in this notion is that parents should know and articulate what they set out to achieve through the education they provide.

10.7 It is important that, at every visit, the monitoring and support EHE Advisor establishes what the parent intends the child to learn next. Subsequent judgements should be made in the light of parents' stated objectives.

10.8 Parents may find it hard to specify their objectives and so rely on broad ideas, such as 'read, write and do sums'. It is reasonable to assume that this would entail making progress in such areas between visits at a rate which appears to be in line with the child's apparent ability.

10.9 It is legitimate to offer advice on realistic objectives for the next period of learning. Parents are not obliged to accept this advice.

10.10 In relation to a child's social and emotional development, it would be legitimate to expect an efficient education to provide frequent and regular opportunities for social contact and interaction with his or her peers.

10.11 Case law implies that the parent should have a clear idea of what they set out to achieve, not simply to follow the random choices of their child. It is probably insufficient for the parent simply to have the objective of teaching the child that which the child chooses to learn. There is, however, no case law to support this view.

10.12 Visit records will be kept centrally in the named child's file. They are to be written after each visit. A running record of contact dates and actions will be kept centrally.

11.0 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 an EHCP or not.

- 11.1** If a child has an EHCP/statement of SEN and the parent chooses to home educate, information will be shared between the SEN casework officer and the monitoring and support teacher for EHE. Copies of annual reviews and any reports around the home education provision will be copied to the SEN case worker and the EHE Adviser.
- 11.2** Parents of any child subject to the statutory provisions of an EHC Plan (or Statement) who are considering whether to make their own arrangements should discuss this with their child's named SEN Caseworker to ensure that they are fully aware of alternatives (amended provision and/or change of placement) and their SEN statutory rights of appeal.
- 11.3** LA approval for removal from roll is not required for children with an EHCP who are registered at mainstream schools. Where parents elect to home educate a child with an EHCP who is registered at a mainstream school the school will remove the pupil from roll in the same way as for children who are not subject of an EHCP, following receipt of written confirmation from the parent that educational provision is being made otherwise than at school.
- 11.4** In cases where the EHC plan gives the name of a school or type of school where the child will be educated and the parents decide to educate at home, the LA is not under a duty to make the special educational provision set out in the plan provided it is satisfied that the arrangements made by the parents are suitable. The LA **must** review the plan annually to assure itself that the provision set out in it continues to be appropriate and that the child's SEN continue to be met. Where the LA has decided that the provision is appropriate, it should amend the plan to name the type of school that would be suitable but state that parents have made their own arrangements under Section 7 of the Education Act 1996.
- 11.5** In some cases a LA will conclude that, even after considering its power to provide support to home-educating parents, the provision that is or could be made for a child or young person with an EHC plan does not meet the child or young person's needs. The LA is required to intervene through the school attendance order framework 'if it appears...that a child of compulsory school age is not receiving suitable education'. The serving of a school attendance order is a last resort if all attempts to improve provision are unsuccessful. 'Suitable education' means efficient full-time education suitable to the child or young person's age, ability and aptitude and to any SEN he or she may have.

12.0 If a child is not on a school roll

The LA EHE Advisor will explore the options for access/signposting to other Council services and facilities for parents, within available resources, and to also seek to

ensure EHE children have appropriate access to services and facilities from other agencies that would generally be delivered via school.

12.1 The LA EHE Advisor will advise and assist families who request support with returning children to school or with identifying a school place.

12.2 If a parent is waiting for a school place at their preferred choice of school, they can elect to home educate whilst the child's name remains on the waiting list for their preferred school. School admissions will inform the LA EHE Advisor of this decision and the parents will be sent EHE guidance notes and the young person will be registered as EHE. It is the parent's responsibility to provide suitable and efficient education and to ensure that they understand the process involved to remain on the waiting list of their preferred school.

13 Reviewing procedures and practices

Darlington Council will review this guidance and practice in relation to EHE on a regular basis.

Sept 2022

Guidance on the EHE Process

EHE Advisor to work closely with parents, schools, multi-agencies and LA Inclusion & Safeguarding.

EHE Advisor to update EHE database at least weekly. Request previous school LA withdrawal form to gather relevant information add new EHE pupils to database as B1.

EHE Advisor check Liquid Logic/ One collate information add relevant details to database. Add all new EHE to monitoring meeting agenda for further multiagency checks. CP or CIN pupils recorded request details from SG Officer.



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**CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE
7 APRIL 2025**

WORK PROGRAMME 2024-2025

SUMMARY REPORT

Purpose of the Report

1. To consider the work programme items scheduled to be considered by this Scrutiny Committee during the 2024/25 Municipal Year and to consider any additional areas which Members would like to suggest should be included.

Summary

2. Members are requested to consider the attached draft work programme (**Appendix 1**) for the remainder of the Municipal Year, which has been prepared based on Officers recommendations and recommendations previously agreed by this Scrutiny Committee.
3. Once the work programme has been approved by this Scrutiny Committee, any additional areas of work which Members wish to add to the agreed work programme will require the completion of a quad of aims in accordance with the previously approved procedure (**Appendix 2**).

Recommendations

4. It is recommended that:-
 - a) It is recommended that Members note the current status of the Work Programme and consider any additional areas of work they would like to include.
 - b) Members' views are requested.

**Luke Swinhoe
Assistant Director Law and Governance**

Background Papers

No background papers were used in the preparation of this report.

Author: Paul Dalton

Council Plan	The report contributes to the Council Plan in a number of ways through the involvement of Members in contributing to the delivery of the Plan. The work of the Scrutiny Committee supports the 'Children and Young People' priority, supporting the best start in life, realising potential and raising aspirations.
Addressing inequalities	There are no issues relating to diversity which this report needs to address.

Tackling Climate Change	There are no issues which this report needs to address.
Efficient and effective use of resources	This report has no impact on the Council's Efficiency Programme.
Health and Wellbeing	This report has no direct implications to the Health and Well Being of residents of Darlington.
S17 Crime and Disorder	This report has no implications for Crime and Disorder.
Wards Affected	The impact of the report on any individual Ward is considered to be minimal.
Groups Affected	The impact of the report on any individual Group is considered to be minimal.
Budget and Policy Framework	This report does not represent a change to the budget and policy framework.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

MAIN REPORT

Information and Analysis

5. The format of the proposed work programme has been reviewed to enable Members of this Scrutiny Committee to provide a rigorous and informed challenge to the areas for discussion.
6. The Council Plan was adopted on 18th July 2024, and outlines Darlington Borough Council's long-term ambitions for Darlington and priorities for action over the next three years. It gives strategic direction to the Council and Council services, defining priorities, identifying key actions, and shaping delivery.
7. The Council Plan identifies six priorities, including 'Children and Young People', which aims to support the best start in life, realising potential and raising aspirations. Eight key deliverables are identified as part of this priority.

Forward Plan and Additional Items

8. Once the Work Programme has been agreed by this Scrutiny Committee, any Member seeking to add a new item to the work programme will need to complete a Quad of Aims.
9. A copy of the index of the Forward Plan has been attached at **Appendix 3** for information.

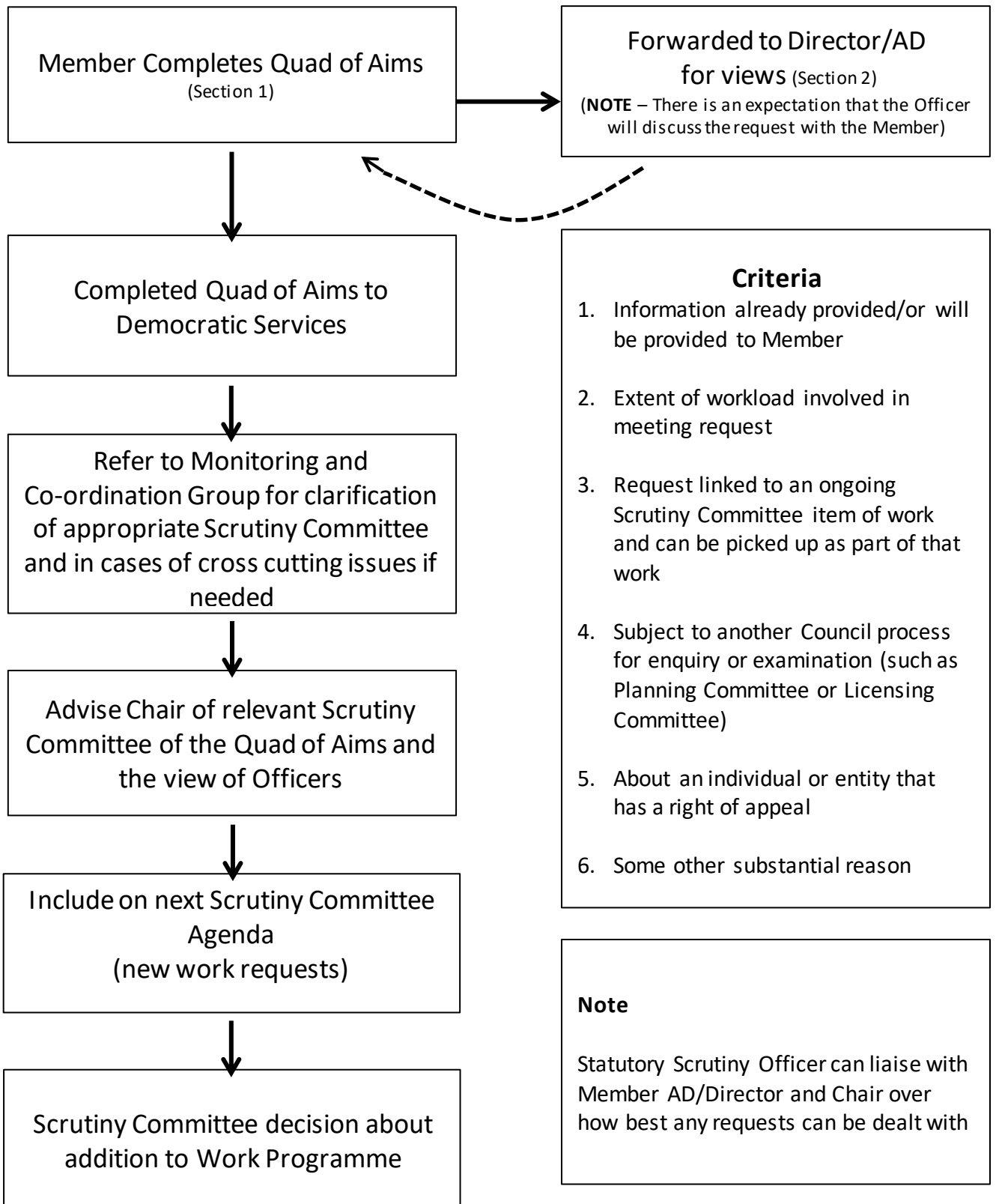
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CHILDREN AND YOUNG PEOPLE'S SCRUTINY COMMITTEE WORK PROGRAMME 2024/25

Topic	Timescale	Lead Officer/ Organisation Involved	Link to PMF (metrics)	Scrutiny's Role / Notes
Home Education	07/04/2025	Dianne Gage, Inclusion Lead		
Calm in Communities	TBD			
Children and Young People - Website Content	TBD			
Children and Young People Public Health Overview	TBD	Ken Ross		

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PROCESS FOR ADDING AN ITEM TO SCRUTINY COMMITTEE'S PREVIOUSLY APPROVED WORK PROGRAMME



QUAD OF AIMS (MEMBERS' REQUEST FOR ITEM TO BE CONSIDERED BY SCRUTINY)

SECTION 1 TO BE COMPLETED BY MEMBERS

NOTE – This document should only be completed if there is a clearly defined and significant outcome from any potential further work. This document should **not** be completed as a request for or understanding of information.

REASON FOR REQUEST?	RESOURCE (WHAT OFFICER SUPPORT WOULD YOU REQUIRE?)
PROCESS (HOW CAN SCRUTINY ACHIEVE THE ANTICIPATED OUTCOME?)	HOW WILL THE OUTCOME MAKE A DIFFERENCE?

Signed Councillor

Date

**SECTION 2 TO BE COMPLETED BY DIRECTORS/ASSISTANT DIRECTORS
(NOTE – There is an expectation that Officers will discuss the request with the Member)**

	Criteria
1. (a) Is the information available elsewhere? Yes No If yes, please indicate where the information can be found (attach if possible and return with this document to Democratic Services)	1. Information already provided/or will be provided to Member
(b) Have you already provided the information to the Member or will you shortly be doing so?	2. Extent of workload involved in meeting request
2. If the request is included in the Scrutiny Committee work programme what are the likely workload implications for you/your staff?	3. Request linked to an ongoing Scrutiny Committee item of work and can be picked up as part of that work
3. Can the request be included in an ongoing Scrutiny Committee item of work and picked up as part of that?	4. Subject to another Council process for enquiry or examination (such as Planning Committee or Licensing Committee)
4. Is there another Council process for enquiry or examination about the matter currently underway?	5. About an individual or entity that has a right of appeal
5. Has the individual or entity some other right of appeal?	6. Some other substantial reason
6. Is there any substantial reason (other than the above) why you feel it should not be included on the work programme ?	

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Signed **Position** **Date**

**DARLINGTON BOROUGH COUNCIL
FORWARD PLAN**



DARLINGTON

Borough Council

**FORWARD PLAN
FOR THE PERIOD: 5 MARCH 2025 - 31 JULY 2025**

Title	Decision Maker and Date
Annual Procurement Plan Update	Cabinet 8 Apr 2025
Annual Statement of Accounts 2023/24	Cabinet 8 Apr 2025
Consultation on a Homes Strategy for the Borough	Cabinet 8 Apr 2025
Household Support Fund	Cabinet 8 Apr 2025
Long Term Plan for Towns	Cabinet 8 Apr 2025
North East Smokefree Declaration	Cabinet 8 Apr 2025
Physical Activity Strategy	Cabinet 8 Apr 2025
Special Educational Needs and Disabilities (SEND) Strategy	Cabinet 8 Apr 2025
Update to Statement of Community Involvement (SCI) Part 1 – The Local Plan	Cabinet 8 Apr 2025
Adult Social Care Transport Policy 2024	Cabinet 6 May 2025
Dolphin Centre – Invest to Save Projects	Cabinet 6 May 2025
High Street Rental Auctions	Cabinet 6 May 2025
Schedule of Transactions	Cabinet 6 May 2025
Strategic Asset Plan	Cabinet 6 May 2025
To recommend to Council that they agree the Middleton St George Conservation Area Appraisal including the designation of a new Conservation Area	Cabinet 6 May 2025
Town Centre Regeneration	Cabinet 6 May 2025
Woodland Road Waiting Restrictions	Cabinet 6 May 2025
Consultation on the Renewal of the Town Centre Public Space Protection Order and Introduction of a Borough Wide Public Space Protection Order	Cabinet 10 Jun 2025
Representation on Other Bodies 2025/26	Cabinet 10 Jun 2025
Collection of Council Tax, Business Rates and Rent 2024/25	Cabinet 8 Jul 2025
Council Plan Performance Reporting Update - Quarter 4	Cabinet 8 Jul 2025
Disabled Facilities Grant 2025/26	Cabinet 8 Jul 2025
Housing Services Fire Safety Policy 2025-2030	Cabinet 8 Jul 2025
Housing Services Tenancy Policy 2025-2030	Cabinet 8 Jul 2025
Project Position Statement and Capital Programme Monitoring Outturn 2024/25	Cabinet 8 Jul 2025
Revenue Budget Outturn 2024/25	Cabinet 8 Jul 2025
Xentrall Shared Services Annual Report	Cabinet 8 Jul 2025

**DARLINGTON BOROUGH COUNCIL
FORWARD PLAN**

Adoption of Finalised Appraisal for the Stockton and Darlington Railway: Northgate Conservation Area Including Changes to its Boundary and Name	Cabinet 6 Jan 2026
To consider the Use of Land at Faverdale including the Former St Modwen Land for Biodiversity Net Gain and Nutrient Neutrality Credits	Cabinet