

ALL WALES PRACTICE GUIDE

Last updated: February 2021

Safeguarding children who are home educated

To be used in conjunction with the Wales Safeguarding Procedures

Who is this practice guide for?

This guide is primarily for practitioners and professionals working with children up until the last Friday in June of the school year in which they have their 16th birthday.

This includes those working in early years, social care, education, health, the police, youth offending and youth, community and family support services (including the third sector) and foster care and residential care.

What is this guide for?

Safeguarding children is a responsibility shared by everyone in contact with children and young people.

The Wales Safeguarding Procedures support individuals and agencies across Wales to understand their roles and responsibilities in keeping children and adults safe. They support a consistent approach to safeguarding practice and procedures.

This practice guide provides additional information about safeguarding responses where a child is home educated. It should be used in conjunction with the Wales Safeguarding Procedures.

Effective safeguarding arrangements in every local authority area should be underpinned by two key principles:

- safeguarding is everyone's responsibility: for services to be effective each practitioner and organisation must play their full part both individually and in collaboration; **and**
- a child-centred approach: for services to be effective they should be based on a clear understanding of the personal outcomes for the child and what matters to them. The rights of the child should be central to the approach and their best interests should always be paramount.

There are some issues which are common across safeguarding practice guides and some which are specific to the safeguarding issue being considered:

- The United Nations Convention on the Rights of the Child (UNCRC) guarantees every child the right to grow up healthy, happy and safe. This includes to be protected from harm and be appropriately supported to recover from abuse. Practitioners and professionals should adopt [A Children's Rights Approach](#) in line with the duty of due regard to the (UNCRC) and follow [National Participation Standards](#)
- Agencies must work together to provide a joined up response to safeguarding issues as set out in the Wales Safeguarding Procedures.
- There is a statutory Duty to Report Children at Risk on relevant partners under Section 130 of the Social Services and Well-being (Wales) Act 2014. [Social Services and Well-being \(Wales\) Act 2014 Safeguarding Summary](#)
- Information sharing is central to good safeguarding practice. Practitioners must share information in accordance with data protection legislation. Data protection legislation allows for the sharing of information and should not be automatically used as a reason for not doing so. **One of the specific circumstances which provides for information sharing is in order to prevent abuse or serious harm to others.** When information is not shared in a timely and effective way, decisions about how to respond may be ill informed and this can lead to poor safeguarding practice and leave children at risk of harm.
- We know that sensory impaired and disabled children are at an increased risk of being abused compared with their non-disabled / non-sensory impaired peers. They are also less likely to receive the protection and support they need when they have been abused. Practitioners and professionals should explicitly recognise the increased vulnerability of sensory impaired and disabled children to abuse and neglect, as well as

the barriers they may face, especially around communication and provide for any additional safeguards needed to protect them.

- Professionals and practitioners should familiarise themselves with the culture and beliefs of those families they work with. Practitioners should not be afraid to ask about particular behaviours and the reasons for them in a sensitive manner and should never overlook potential harmful practices on the basis of cultural sensitivity.
- All practitioners must be alert to the possibility of the child being at risk of harm regardless of the setting they are living in, whether in foster care, adoptive placements or a children's home. Children in placements or those who are adopted will have relationships that may include foster carers, adoptive parents, birth parents, siblings or other birth relatives. These relationships and any contact may be positive and welcomed or undesired and deemed a risk. Children's past experience of abuse and neglect may leave them at risk of having emotional, behavioural and mental health difficulties, which may continue to make them vulnerable.
- Our response to safeguarding issues should be proportionate, child centred and based on the individual needs and circumstances of the child. Children need to be meaningfully involved in the planning of their care and support.
- **Children should be seen and heard.** Evidence from Child Practice Reviews has highlighted the need for children to meet on their own with practitioners, away from parents and carers in an environment where they feel safe, so that the child can speak about the impact that the circumstances which have prompted safeguarding concerns are having on them. There are too many cases where the child was not seen or asked their views or feelings, or where this did not happen enough. Providing time and space to listen directly to children supports a child-centred system and promotes good safeguarding practice.
- Home education is a term used to describe when parents educate their children at home instead of sending them to school. It should not be confused with home tuition, which is a type of education other than at school (EOTAS) provision that is paid for by the local authority.¹ In Wales, as with the rest of the UK, education is compulsory, but going to school is not.
- A parent's decision to home-educate is not in itself grounds for concern about the well-being of the child. However, as with any child regardless of where they are educated, there may be circumstances which, individually or combined, give practitioners cause to seek further information about a child.

Evidence base

There is no evidence to suggest that home educated children are at greater risk of neglect or abuse than children who are educated at school. Home education is a positive experience for many children.

- However, schools and education settings play an important role in safeguarding as places where children are routinely seen and heard. It is important that children who are educated at home enjoy the same right to be safe as other children.
- Parents/carers have primary responsibility for ensuring that their child receives an 'efficient' and 'suitable' education. Although this responsibility is usually delegated to schools, parents may educate their children at home providing they fulfil the requirements of section 7 of the Education Act 1996. Some parents decide to exercise the requirement by providing home education. The parent of every child of compulsory school age shall cause her/him to receive efficient full-time education suitable:
 - to her/his age, ability and aptitude, and to any special educational needs he may have,
 - either by regular attendance at school or otherwise.
- **The local authority should establish that a child who is home educated is receiving a suitable education and is not missing education. Until this has been established the child will be considered a child missing education.** Children missing education may be at significant risk of harm and the statutory guidance on children and young people missing education sets out the actions that should be taken by agencies where a child is found to be missing education.
- In 2017, the [National Independent Safeguarding Board Wales](#) commissioned a review and analysis of the safeguarding, health and well-being implications of elective home education and a [Report](#) was published. The report included a recommendation to support: An improved response to children where actual or suspected harm is identified and the child is or becomes home educated.
- [Non-statutory guidance on elective home education](#) was published by the Welsh Government in 2017 and includes advice on safeguarding. New statutory guidance on elective home education is being developed by the Welsh Government and this practice guide will be updated once that new guidance is issued in 2020.
- This practice guide is intended to support practitioners in ensuring a robust safeguarding response to children who are home educated, as they would for any other child.

Responding to information that parents/carers intend to home educate their child

- The Health Visiting service should ask parents about their intentions in relation to the education of a child coming up to the statutory age for starting school at 5 years old. If parents inform the Health Visiting service that they intend to home educate the child, the Health Visitor should notify the School Nursing service for the school catchment area in which the child lives to ensure that the child can benefit from routine universal health provision. This will be subject to regional Health Board arrangements.
- If a child is registered at a school their name cannot be removed from the school roll unless the school receives written notification that the child is to be home-educated. Where the child is attending a special school under arrangements made by the local authority, parents must obtain permission from the local authority before the child's name can be removed from the register. If a child has never attended school, no permission or notification is required.
- Where the local authority has received notification from the school of a child's withdrawal with the intention of being home-educated, the Local Authority Home Education named officer should contact the parents/carers to introduce themselves with a view to setting up a face to face meeting. If the parent/carer does not consent to a visit this should be recorded. The local authority will still need evidence from the parent to establish whether the child is receiving a suitable education.

Consideration of any well-being or safeguarding needs related to a child where a parent/carer intends to or is home educating the child

- When any practitioner or professional is informed that a parent/carer intends to home educate or is already home educating their child they should give consideration to the well-being and safeguarding needs of the child. This should include a consideration of whether there are any care and support needs of a parent/carer that might impact on their ability to provide the child with a suitable education at home or to support their well-being. Consent is required to refer a parent or child to Social Services for an assessment of their care and support needs unless there is cause to suspect that they are at risk (are experiencing or are at risk of abuse, neglect or other kinds of harm; and has needs for care and support).

- The local authority is required to ensure that a home educated child is receiving a suitable education. A failure to provide education is capable of satisfying the threshold criteria of “significant harm” under section 31 of the Children Act 1989. The local authority should make arrangements for on-going contact with the parent/carer to ensure that a suitable education is being received. Wherever possible this should include face to face contact with the child and the parent/carer at a place where they undertake educational activities which may include a public place. Further advice will be included in statutory guidance to be issued in 2020.
- There may be circumstances where a child has not had direct contact with public services for a significant period of time. This is not in itself evidence that a child is at risk of harm. However, there have been a number of cases where children out of contact with public services have been significantly harmed. There may be cases where there are grounds to report a safeguarding concern to Social Services when there is evidence to suggest that there has been no direct contact between a child and public services for a prolonged period.
- It is essential that Home Education named officers receive appropriate safeguarding training which equips them to identify any well-being or safeguarding issues related to those children that they do visit as part of arrangements to ensure that a suitable education is being received.

A proportionate response

If any agency involved with the child has concerns that the child may have care and support needs that their parent(s)/carer(s) cannot meet without support, they should seek parental consent to refer the child to the home local authority Information, Advice and Assistance service for an assessment of their needs.

- Relevant partners have a Duty to Report Children at Risk (Section 130) under [Part 7](#) of the Social Services and Well-being (Wales) Act. Section 130(4) defines a “child at risk” as a child who:
 - **a)** is experiencing or is at risk of abuse, neglect or other kinds of harm; and
 - **b)** has needs for care and support (whether or not the Local authority is meeting any of those needs).

When a child has been reported under section 130, the local authority must consider whether there are grounds for carrying out an investigation under section 47 of the Children Act 1989.

- If Social Services make a decision that the report/referral received does not relate to a child at risk they will make a record of this and the rationale for their decision.
- Social Services of the local authority in which the child is located should make a decision on the evidence on whether to convene a multi-agency strategy discussion, to inform a decision on a response for the child, including whether to hold a multi-agency Strategy Meeting.
- If the initial assessment or multi-agency strategy discussion indicate that there are no grounds to proceed to a Strategy Meeting or to a Section 47 Inquiry, consideration should be given to a referral for preventative work to reduce the likelihood of future risk of harm.
- Where there is already a care and support plan, child protection plan or they are a looked after child or they are in the secure estate, there should be a multi-agency strategy discussion to decide whether a Strategy Meeting is necessary to inform the development or review of a plan for the child.
- The arrangements for carrying out a Strategy Meeting are set out in the Wales Safeguarding Procedures and in Welsh Government [Working Together to Safeguard People Volume 5- Handling Individual Cases to Protect Children at Risk](#) issued under the Social Services and Well-being (Wales) Act. Wherever possible, the practitioners attending the Strategy Meeting should have direct knowledge of the child. It is, however, recognised that some agencies may come into contact with a child for the first time as a result of the issues being considered at the Strategy Meeting.
- The Strategy Meeting should consider if there is any information or evidence relating to the child which suggests that there are other specific safeguarding issues that need to be considered in addition to the primary presenting safeguarding issue. **The Strategy Meeting should be child centred rather than issue based.**
- Social Services should also refer to All Wales Practice Guides issued with the Wales Safeguarding Procedures on any relevant related issues.
- **The Strategy Meeting must result in a set of agreed actions to inform the development or review of a child protection and/or care and support plan for the child.** This plan must consider the holistic needs of the child in order to promote well-

being and prevent future harm and must not be focussed exclusively on the management of risk.

- Where the Strategy Meeting results in an agreement that a plan is not required the rationale for this decision should be recorded and consideration should be given to making a referral to preventative services.
- Children and young people are entitled to an active offer of advocacy from a statutory Independent Professional Advocate (IPA) when they become looked after or become subject of child protection enquiries leading to an Initial Child Protection Conference. The '**active offer**' is made directly to the child by the Advocacy Service. An 'active offer' is a sharing of information about the statutory right and entitlement of a child in particular circumstances to access support from an Independent Professional Advocacy Service. Information should be shared with them that includes an explanation about the role of Independent Professional Advocacy. This includes what it can and cannot do, how it operates based on their wishes and feelings, its independence and how it works solely for the child/young person, its policy on confidentiality and significant harm – it explains the statutory right of children and young people to be supported to express their views, wishes and feelings as well as their right to make a representation or complaint.

Appendices

These organisations are there for all children and young people in Wales. Professionals and practitioners should let children know about these organisations and how to contact them.

Meic is the helpline service for children and young people up to the age of 25 in Wales. From finding out what's going on in your local area to help dealing with a tricky situation, Meic will listen even when no-one else will. They won't judge you and will help by giving you information, useful advice and the support you need to make a change. You can:

- Chat to someone from Meic on-line: <https://www.meiccymru.org/>
- Call Meic for free and talk to someone: **0808 802 3456**
- Text Meic for free on: 84001

You can contact the [Children's Commissioner for Wales](#) Investigation and Advice service which is free and confidential. It's there as a source of help and support if children and

young people or those who care for them feel that a child's been treated unfairly. You or you parent/carer can:

- Call the service for free: **0808 801 1000**
- Email the service: advice@childcomwales.org.uk

Childline is a free, private and confidential service where anyone under 19 can access support and advice. The Childline website www.childline.org.uk has information and advice pages as well as tools to help you work through problems yourself. If you want to talk or chat to Childline you can:

- Call Childline for free: **0800 1111**
- Register on-line to email Childline or chat on-line to a counsellor: www.childline.org.uk/get-support/

If you want to talk to Childline in Welsh see www.childline.org.uk/get-support/

¹ Section 19(1) of the Education Act 1996 (as amended by section 47 of the Education Act, 1997) provides that:

Each local authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.