

2018 Herman Goldstein Award for Excellence in Problem-Oriented Policing submission

Summary

EDUCATION IS COMPULSORY, SCHOOL IS NOT! A *partnership pilot to safeguard invisible children.*

OBJECTIVE:

To reduce the exploitation and abuse of children, whose vulnerability is facilitated by the invisibility caused through home schooling.

SCANNING:

Some Elective Home Educated (EHE) children are invisible to services due to the limitations of existing legislation which prevents access by officials to homes on a routine basis. This can increase their vulnerability. In January 2017 101 children were recorded as being home educated in Darlington, UK. Over ½ (57) were recorded as not having been seen by the local authority EHE monitoring staff in 18 months. A published triennial analysis of serious case reviews, as well as national and international child tragedies, have highlighted the risk of harm to these invisible children.

ANALYSIS:

Legislation - Under the Education Act 2002 local authorities do not have to see, nor insist upon seeing a home schooled child, unless there are grounds for concern, yet invisibility prevents such identification.

Schools - Some head teachers encourage parents to home school troubled individuals as a way of managing establishment performance. Parents do not need to provide a reason for removing their child.

Community - Over half of the EHE children in Darlington were from the Gypsy, Roma, Traveller community, demonstrating that some home school as a result of cultural beliefs.

RESPONSE:

The data wash reduced the number of recorded unseen children from 57 to 15 as the children were found to have interacted with public services in the last 18 months. 7 of the 15 had moved out of the area.

Joint proactive welfare visits by police and local authority representatives were carried out to the remaining unseen EHE children.

Whilst the short term child safeguarding response was underway, awareness raising with key strategic stakeholders in the UK was being carried out to provide evidence to support the requirement for legislative change.

The study was presented to school governors and head teachers to highlight the issues and inform their thinking regarding their efforts to keep children in school.

Traveller liaison colleagues within the local authority became part of the EHE monitoring process to provide bespoke engagement with diverse communities.

ASSESSMENT:

There are no unseen children in Darlington from the original cohort. Invisibility has reduced.

Children have been safeguarded and at least one child saved from harm (neglect).

Multi agency EHE monitoring and proactive welfare visits are embedded practice within Darlington to sustain the positive position.

EDUCATION IS COMPULSORY, SCHOOL IS NOT!

A partnership pilot to safeguard invisible children.

OBJECTIVE:

To reduce the exploitation and abuse of children (be it through neglect, physical or sexual abuse), whose vulnerability is facilitated by the invisibility caused through home schooling.

SCANNING:

Society has many formal and informal systems of surveillance to maintain the protection of children and one of these is school. This allows children to meet with peers and trusted authority figures (i.e. teachers) who can act as confidants, or identifiers of neglect, physical or sexual abuse. When children are taken out of school they can remain invisible to this scrutiny. There are many tragic examples when home schooled children, not monitored by agencies, have suffered in isolation leading to serious harm or even death. In January 2018, for example, David and Louise Turpin's 13 children were found to have been tortured within their home which had acted as their private school. It was discovered that the premises had received no government oversight and was never inspected by education officials (Jones, 2018). Whilst there will always be those that flourish in a home school environment, however for some there are potential risks. These include socialisation skills, emotional development, and lack of future life chances.

The abuse suffered can be in the form of neglect, be it from physical, sexual or emotional abuse:

Physical abuse can often be seen in the form of bruising, scars, other marks etc if the child is visible outside of the home. This form of abuse can have serious emotional as well as physical consequences. For example, Dylan Seabridge was only 8 years old when he died of scurvy in 2011 having not been seen by any agency since he was 13 months old. Following his death questions were raised about whether existing safeguarding mechanisms are sufficient for children who are home educated. However, despite this in the last 7 years there does not appear to be any significant legislative change to enhance safeguarding arrangements for this population of children.

The NSPCC reports that 1 in 20 children in the UK have been sexually abused. Children within a home schooled environment may not be equipped to identify behaviour as abuse nor know it is wrong. This is compounded by the child not having the required opportunity to report any concerns.

Emotional abuse, although more understated and potentially harder to identify than physical/sexual abuse, can cause just as much harm. The 'response' phase of this study evidences that emotional abuse can negatively impact on children leading to low self-esteem and feelings of inadequacy in their ability to do the most basic of daily functions. Isolation from a social environment such as school means the child does not receive the valuable life skills to thrive.

The UK policing community has also been made between invisible home schooled children and any form of grooming and exploitation: For example, radicalisation, criminalisation, Honour based violence, and opportunity to perform female genital mutilation, all whilst undetected.

The main concern is not the education itself but the **invisibility**.

This study takes place in the UK. Elective Home Education (EHE) refers to a parent's decision to provide education for their child at home instead of sending them to school. It is different to home tuition provided by a local authority. In the UK, national figures show that nearly 30,000 children were home educated in the 2016/17 academic year; this represents a 97% increase since 2011 (Yorke, 2017). However, estimates suggest that there are between 45,250 and 150,000 home educated children in the UK, with 1% of families with dependent children being home educated at some point (Arora, 2006; Hopwood, O'Neill, Castro, & Hodgson, 2007; Smith & Nelson, 2015). Parents may choose to home educate for a variety of reasons: access to local schools, dissatisfaction with the system, bullying, special educational needs, religious or cultural beliefs etc. The responsibility for a child's education rests with the parents. Whilst education is compulsory in the UK, school is not. Despite the issues highlighted in serious case reviews (inquiries that follow serious harm to a child), there is no law that allows education representatives to enter a home and check on the wellbeing of a child. Opportunities to safeguard in the current context are therefore extremely limited.

The risk from **invisibility** of EHE children is specifically mentioned in a triennial analysis of serious case reviews:

Pathways to harm, pathways to protection: a triennial analysis of serious case reviews 2011 to 2014

Final report

May 2016



*"Being at school can promote good overall development and provide a buffer against adversities for the child both within and beyond the home. Children who are not regularly in school, due to poor attendance, **home schooling** or exclusion, can be vulnerable due to their invisibility and social isolation. Where neglect or maltreatment is already occurring, absence from school increases the child's risk of further harm..."*

Neil Carmichael, the former chair of the Education Select Committee, highlights problems around it being an *'uncalibrated'* and *'unregulated'* area and suggests that every home educator should be registered (Yorke, 2017).

In 2015 a family court judge ruled on a case of a severely disabled boy who was removed from school to be home educated and suffered years of serious neglect. She said *"the parents refused entry to their home to all professionals, even those involved in his home education and therapies for many years. As a result he became isolated from the outside world and was disengaged from health and other services...."* The judge continues: *"It cannot be right that a school educated child has his school premises inspected but that a home educated child does not have his home inspected."*

This project focuses on the Darlington area of the UK. Darlington is a large market town in County Durham, in North East England. It has an overall population of 105,000 with 5970 children of secondary school age (11-16 years) and 9050 primary school aged children (5-11 years). The Missing, Exploited & Sexually Abused sub group of the Darlington Safeguarding Children's Board (DSCB) reports that in January 2017 101 children were Elective Home Educated (EHE) in Darlington. Of the 101 children, 57 were recorded as not having been seen by agencies in 18 months.

Durham Constabulary officers share their safeguarding concerns with specialist staff working in Multi-Agency Safeguarding Hubs¹ through submission of *"vulnerable child referral forms"*.

During 2016/17 there was a total of 237 neglect referrals, 246 sexual abuse referrals and 270 physical abuse referrals within the Darlington locality. It is unlikely that these figures are a true reflection of harm to children at risk as referrals are only submitted by any agency when they have seen a child. There may be many more children who are **invisible** and therefore their risk of harm is undetected and under reported.

The following referral examples relate to EHE children in Darlington identified when they came to the attention of public services during crisis:

- A 14 year old boy came to the attention of health practitioners having reached 27 stones (171kg) in weight.
- A young girl presented at Accident & Emergency having attempted suicide by way of overdose.
- An 11 year old girl disclosed non recent sexual abuse.

Acknowledging the limitations of current home schooling legislation, and to understand the scale of the potential risk to children, the local authority shared the EHE register data with

¹ MASH arrangements include police, children's social care, health, drug and alcohol services, domestic abuse support services, adult social care and adult mental health services.

safeguarding partners². A data comparison was carried out between agencies to jointly understand a child's interaction, or lack of, with services and to identify any patterns/trends.

Of the 101 children, 25 were known to police for the following reasons (single or combination):

7 – Domestic abuse incidents³

2 – Missing people

6 – Suspects/Offenders

7 – Victims

10 – Vulnerable⁴

3 – Witnesses⁵

Of the parents, who were acting as their educational tutors, 38 were known to police for the following reasons (single or combination):

18 – Domestic abuse incidents

13 – Suspects/offenders

13 – Victims

2 – Witnesses

Over half of the families were linked to Gypsy, Roma, Travellers (GRT) (56). Of the 57 who hadn't been seen in 18 months 70% were GRT.

Four EHE households were occupied by an organised crime offender⁶ and had been subjected to serious violence, or the building itself damaged by rival gangs.

It can therefore be argued that home schooling allows abusive parents to isolate their children and hide their abuse. There isn't the '*buffer*' associated with being at school to highlight the abuse, therefore it remains **invisible**. Of course, there are examples of children

² Police, local authority, health & education.

³ Incidents reported to and attended by police that fit the national domestic abuse definition: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: •psychological •physical •sexual •financial •emotional

⁴ Police identified concern for a child leading to the submission of a report referral to the Multi Agency Safeguarding Hub under child protection arrangements.

⁵ Witness to a crime or incident reported to police

⁶ Organised crime can be defined as serious crime planned, coordinated and conducted by people working together on a continuing basis. Their motivation is often, but not always, financial gain. Organised criminals working together for a particular criminal activity or activities are called an organised crime group.

that thrive in a home schooled setting. However, there is evidence to suggest that abuse in this context isn't a rare phenomenon.

ANALYSIS:

In this section we will explore the contributory factors enabling some children in our communities to be invisible (in the absence of projects such as this).

The starting point is the effectiveness of the current legislative framework and what "super controls" this does or doesn't provide in the monitoring and protection of EHE children.

GOVERNANCE

What is the legislation?

In the UK, local authorities have a 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 is possible*, of children in their area not receiving a suitable education. Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, there are regulations under the same act setting out that a local authority should intervene if it appears that parents are not providing a suitable education. Local authorities do not have the power to enter a home or see a child for the purposes of monitoring the provision of elective home education nor to enquire into the child's safety and wellbeing on a routine basis. They do not have to see, nor insist upon seeing a home schooled child, unless there are grounds for concern (Education Act 2002). Therefore, ***the opportunities to identify risk of harm to children is incredibly limited within the existing legislative framework.***

Each Local authority retains a register of elective home educated children but monitoring practices varies between authorities in the UK. Some conduct annual visits to all families, whereas others don't conduct physical checks and instead review samples of work. **If a child remains invisible within this process how can an authority satisfy itself that a) the work is that of the child's and b) that the child is safe?**

Organisational culture and resource availability could impact on the robustness of the monitoring process. In this study Local authority education and safeguarding staff used a child centred safeguarding approach to justify pushing the legislative envelope and carry out visits to home schooled children rather than an administrative desk based monitoring method within the confines of the legislation. Parent's seeking to limit authority exposure to the child whilst controlling authority access to them in the home for invalid/unlawful reason could be disguising compliance with the process by simply submitting work. This reduces agency opportunity to identify safeguarding risks.

There is no requirement for rigorous exploration or scrutiny by educational establishments as to why children are withdrawn from school in the first instance.

SCHOOLS

A UK report in February 2018, evidenced “*rogue head teachers*” encouraging parents to home school their troubled children at risk of exclusion or poor attainment to prevent a negative impact on their school performance indicators. This could be why in some cases schools fail to dissuade parents from removal of poorly performing individuals. For example, police in Darlington became aware of a secondary school aged child following their attendance at a domestic related incident within the home. The child was being neglected and not in receipt of any education. The reason for home schooling provided by the mother, who was herself living in an abusive relationship, was that she could not afford the fines for school non-attendance.

The Education (Penalty Notices) (England) Regulations 2007 set out the procedures for issuing fines to each parent who fails to ensure their children’s regular attendance at school or fails to ensure that their excluded child is not in a public place during the first five days of exclusion. Parents must, from 1 September 2013, pay £60 within 21 days or £120 within 28 days. The publicity surrounding the businessman Jon Platt and Isle of Wight Council, after Platt took his daughter on holiday during term time, is believed to have influenced some parental decision making, as he was ultimately convicted at the Supreme Court. A similar pattern is seen in many local child protection cases. Underlying issues of the child leading to poor attendance are then left unaddressed by removal from school and are instead hidden.

In circumstances where domestic abuse is a factor for a child in a home school environment, national initiatives such as Operation Encompass⁷ is not available to protect the child.

The incentive for a school to massage performance indicators, specifically exclusion rates, is reinforced by Debbie Barnes, the Chair of the Associates Education Achievement Committee who states, “*the anecdotal evidence that we get is that these are young people who are quite vulnerable, who are at risk of exclusion, so that rather than the school excluding them, the child is electively home educated . . . education is that pathway out of poverty so it’s a really serious and crucial decision to exclude a child from mainstream school, we know that outcomes are worse when a person is excluded and they are much more at risk of child sexual exploitation*” (www.BBC.co.uk/news/education).

Examination of the process to re-enrol a child into main stream education in Darlington identified a loop hole which Academies⁸ used to prevent EHE children from returning to

⁷ Operation Encompass is supporting children through key adults. Operation Encompass is the reporting to schools before 9am on a school day when a child or young person has been involved or exposed to a domestic abuse incident the previous evening.

⁸ Academy schools are state funded schools in England which are directly funded by the Department for Education and independent of local authority control.

school within 2 months of their removal. This led to frustration and further dissatisfaction with the system by the parents, which arguably serves only to reinforce their original decision to home school. This prevents an opportunity to reduce the number of EHE children overall.

COMMUNITIES

Members of the wider community, and in particular Council leaders, have also highlighted a lack of “good school” places, bullying and the popularity surge of the home schooled movement towards the rising trends. According to recent figures, the number of children removed from year 6 (9 to 10 years) when parents are told they haven’t got their first choice of secondary school placement, has risen by 141%.

As parents do not need to highlight a reason for home educating their child, analysis into the reasons for home schooling is limited and anecdote based. It is therefore difficult to inform any strategic level hypothesis as to why children within different demographics are home educated. This makes it almost impossible to provide an evidence base within which to implement prevent & protect strategies.

It was found that over half of the children recorded on the Darlington EHE register were from the Gypsy, Roma, Traveller (GRT) community inferring that culture may contribute to the decision to home educate.

It certainly doesn’t then correspond that this group of children are more at risk. However, in terms of general support for families and ensuring this significant cohort of children aren’t left unseen it may then follow that bespoke methods of engagement should be adopted.

VICTIMS

Children do not suffer harm simply because they are home schooled. However, analysis shows that if a child is vulnerable and already at risk of harm then invisibility as a result of the current EHE legislative constraints facilitates the commission of offences against them within the home. This is due to the lack of an independent external guardian to whom they could disclose.

RESPONSE

It is right that the response to safeguard invisible children starts at that practical point.

JOINT VISITS – A PROACTIVE SAFEGUARDING APPROACH

The data wash, as described in the scanning section, found that some of the 57 children previously recorded as unseen had interacted with services in the last 18 months. For example, in a health setting having been seen by a doctor or nurse, or by a traveller liaison colleague, or through police involvement. The record of unseen children thereby reduced to

approximately 15. Seven children were found to have moved out of the Darlington area. This first phase of the project evidenced that joining up partner data by sharing information and working together within the restrictive legislative framework, can support risk assessment and prioritisation of the response to safeguard children. This provided justification and proportionality of attempts to physically locate unseen children, otherwise such action may have been perceived as an infringement of human rights (Right to a private life).

Police and local authority staff visited the unseen children at their home address.

GOVERNANCE

As discussed in the analysis phase, legislative change is needed to place a proactive and consistent onus on local authorities to visit EHE children and ensure their safety. The current legislation serves only to frustrate a preventive approach to child safeguarding. It was acknowledged early in the project that this required legislative change would not occur in the short term by this work alone. To safeguard children until then the response had to creatively and locally work within the existing legislation. It was not ethical to allow children to potentially remain at risk whilst a longer term sustainable solution was sought.

The initial problem solving work provided a platform to demonstrate a workable and proven methodology to identify risk and safeguard children who were invisible whilst home schooled. In April 2018 THE TIMES newspaper reported on this problem solving work highlighting it to influential figures such as Lord Solely (who put forward a private members bill which passed its committee stage only the day before) and Mr Robert Halfon, Chairman of the Commons Education Committee⁹. It is hoped that this problem solving in practice will strengthen their ongoing argument for reform.

The potential for rollout nationwide has been presented to the National Police Chief's Council Child Protection and Abuse Investigation (CP&AI) working group. Chief Constable Simon Bailey from Norfolk Constabulary who chairs the group advocates national implementation pending legislative change.

Following from the CP&AI presentation a briefing has been provided to the UK's Centre of expertise on CSA, which has facilitated discussion with Professor Leon Finestean, Director of Evidence and Dr Helen Powell, Head of Qualitative Research and Development at the Office of Children's Commissioner.

This awareness raising response has been planned to support (at a strategic "*super controlling*" level) improvement in EHE governance.

⁹ See attached article – The Times, Saturday April 28th, 2018.

SCHOOL

In response to the attendance/performance push factors identified in the analysis section, the findings from the project work have been presented to local school governors at a meeting chaired by Councillor Cyndi Hughes who has portfolio responsibility for Children and Young People. The role of the governing body of each school is to provide strategic management, and to act as a “critical friend”, supporting the work of the head teacher and other staff.

The opportunity for head teachers to massage performance indicators prompted a presentation to Darlington head teachers to highlight the potential risk to children should they inappropriately use home schooling as a way to improve performance. Reference to published serious case reviews and demonstrating the links between invisibility and harm focussed their minds on the level of scrutiny and support that could negate inappropriate &/or unnecessary removal of a child from school. This is exemplified in the case of “Katy” documented below within the assessment phase.

To address the frustration with the lack of re-entry opportunity into mainstream education within a two month period, the POP team alerted the head of education at Darlington Borough Council and made a request for change.

COMMUNITIES

It was identified that two members of staff within the traveller liaison team of the borough council were routinely engaging with GRT families. Having established relationships with many of the GRT families provided an immediate efficient and effective bespoke response to seeing EHE children within this community. A simple response of aligning existing services and integrating the EHE & GRT functions provided yet another source of available information and opportunity to task out welfare checks.

ASSESSMENT:

The initiative commenced in January 2017. The joint visits, during the short term response phase to quickly ensure child safety, was completed in the summer of 2017. The results are explained below. The strategic response continued throughout 2017 and continues to gain national momentum. Although legislative change is awaited, the evidence base to support such a move is provided by this study whilst children are being safeguarded through the tactical partnership approach outlined.

The voice of the child must not be lost. In assessing the impact of this initiative it is important to consider the outcomes for children. Has this work met the objective of reducing the exploitation and abuse of children whose vulnerability is facilitated by the

invisibility caused through home schooling? This can be answered, in part, by the results of the joint visits to home schoolers:

For two of the unseen children no concerns were raised. Parents were reminded of their EHE obligations to engage with the local authority EHE monitoring staff. They now comply.

A third child from a known criminal family was suspected of having mild learning difficulties and was removed from school more than likely (although not reported) to prevent embarrassment. Through engagement with professionals the young girl has since been afforded the opportunity to enrol on a hair and beauty course to utilise her practical skills. This means she moved from a position of invisibility (& associated risk) to benefiting from wider interaction with society. The future cannot be predicted but it can be hypothesised that in the absence of any positive pathway this young girl may have been exploited into a life of crime.

In a fourth case safeguarding concerns were raised for a 14 year old boy home alone. He was incredibly thin and there were concerns for his physical welfare. A medical examination confirmed he had a pre-existing yet untreated medical condition. There were no underlying safeguarding issues but an ongoing lack of agency intervention in the longer term may have caused him unnecessary suffering. He is now receiving additional support to re-enter mainstream education, a process he and his family had previously found frustrating and given up on.

A young girl, 'Katy', was visited and again found home alone. She was anxious, pale, thin and possibly agoraphobic. She had left school due to bullying. Her brother was trans-gendering and the family had recently suffered a bereavement. Her single mother was unable to cope with this culmination of events in the family. The physical home conditions were neglectful. In line with child protection procedures a joint investigation was carried out between police and social services. Katy was placed on a child protection plan. Her mother supported the process. The family and professionals worked well together to ensure positive change for the family: Home conditions improved and Katy completed a learning and skills course within weeks of the visit to boost her confidence and self-esteem with a goal of returning to school, which she achieved within 6 months. Feedback from Katy herself, her mother and teachers has been positive in relation to the EHE visit.

The safeguarding of at least one child (Katy) as a direct result of this POP initiative proves this concept. Katy was suffering neglect, facilitated by her invisibility caused through home schooling and yet the problem solving approach outlined here has saved her from further harm. It would not be ethical to suggest that directly safeguarding only one child is not worth the associated time and resource. Improving the life chances of this entire family provides evidence that this approach can prevent harm and potentially negate the sad requirement for serious case reviews.

There are now NO unseen children in Darlington from the original EHE cohort. The likelihood of harm correspondingly reduces.

The multi-agency EHE monitoring process is embedded as “business as usual”.

To conclude, the objective to reduce the number of unseen children of school age that are home educated, has been achieved and therefore in turn has reduced the associated risk of harm (neglect, sexual and physical abuse) that would historically have gone undetected as a result of their invisibility.