



Leicester
City Council

THIRD DESPATCH

AUDIT AND RISK COMMITTEE

24 July 2019

Further to the agenda for the above meeting which has already been published, please find attached the following report and appendix:

ITEM OF URGENT BUSINESS

LOCAL GOVERNMENT OMBUDSMAN JUDGEMENT IN RELATION TO ELECTIVE HOME EDUCATION CASE AT LEICESTER CITY COUNCIL

Report of the Director of Learning & Inclusion

APPENDIX

Press release issued by the LGO office.

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Leicester
City Council

**WARDS AFFECTED:
ALL WARDS (CORPORATE ISSUE)**

AUDIT & RISK COMMITTEE

24 July 2019

**Local Government Ombudsman Judgement in relation to Elective Home
Education Case at Leicester City Council**

REPORT OF THE DIRECTOR OF LEARNING & INCLUSION

1. INTRODUCTION

- 1.1. On 18th July 2019, the local government ombudsman (LGO) published a final report in relation to a complaint received against Leicester City Council.
- 1.2. The complaint relates to an investigation by the Council's Elective Home Education service and the attached report provides the findings of the LGO in respect of this complaint.
- 1.3. As the LGO upheld the complaint, the Council is required to comply with the LGO recommendations within the report.

2. RECOMMENDATIONS

- 2.1. The Audit & Risk Committee is recommended to review the report and findings of the LGO and satisfy itself that the recommendations within are being implemented.

3. SUMMARY

- 3.1. In July of 2018, Leicester City Council's Elective Home Education Officer (EHE) received information from Leicestershire County colleagues about a young person to the effect that he *'had been causing concern as he had been contacting two students both outside the school and also during the school day'*.
- 3.2. As a result of the information received, the EHE Officer visited the parent and young person and established that the young person concerned was being home educated. It transpired, however, that the information received from County was incorrect and that this pupil was not involved in any disruptive activity.

- 3.3. The Council officer apologised for this but pointed out we still had a legal duty to establish if the young person involved was receiving a suitable education.
- 3.4. Despite numerous attempts to elicit information about the education being provided, none was forthcoming. As a result of this, and in line with our EHE policy, we commenced action with a view to requiring the pupil to attend at a local school.
- 3.5. The parent complained to the Council, and subsequently the LGO on the basis that the Council had acted on erroneous information in making the initial contact with the family.
- 3.6. The LGO found that the Council should have ceased its investigation and apologised at the point we knew information provided by County was incorrect. The LGO does not dispute that we had, and still have, the right to receive information about the education being provided at some future point, as part of our contact with parents who are electively home educating.
- 3.7. The LGO report provides full details of his findings against the Council and the attached Appendix 1 is a press release issued by the LGO office which summarises his findings.

4. BACKGROUND

- 4.1 The LGO report includes the following recommendations for the Council:

To remedy the injustice caused by fault, we recommend the Council takes the following action immediately:

- *ceases its action against Miss X based on the referral received at 2.57pm on 12 July 2018 (this does not preclude the Council's right to request a routine visit, not based on this referral, in accordance with its elective home education policy).*
- *apologises to Miss X for having based its actions on a referral that did not justify those actions, and for failing to tell her what had been alleged against Y, causing her frustration and a loss of confidence in the Council; and*
- *reminds staff that what is recorded about parents should be factual and non-judgmental.*

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)

- 4.2. In response to the above recommendations, The Council has issued a press release as follows:

The Council accepts the decision of the ombudsman and have apologised to the complainant. Our initial contact was based on inaccurate information which we should have checked. We have taken steps to ensure this will not happen again.

However, we note that the Ombudsman’s report accepted that we were acting in accordance with our policy, and that we have the right to request a future routine visit in accordance with this policy. “We have a legal duty to satisfy ourselves as to the suitability of home education.”

5. FINANCIAL IMPLICATIONS

5.1. No financial implications

6. LEGAL IMPLICATIONS

6.1 The legal implications of this report are contained within the LGO report attached. (*Kamal Adatia*)

7. OTHER IMPLICATIONS

<u>OTHER IMPLICATIONS</u>	<u>YES/NO</u>	<u>PARAGRAPH REFERRED</u>
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights / People on low incomes	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

8. BACKGROUND PAPERS

8.1 LGO report and associate press release (appendix 1)

9. AUTHOR

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APPENDIX 1

Be clear about visits to home-schooled children says Ombudsman

Councils must be clear with parents of home-schooled children whether home visits are routine or triggered by specific concerns, the Local Government and Social Care Ombudsman has said.

This comes following an investigation into a complaint about Leicester City Council, after attendance officers visited a family based on unsubstantiated claims a boy's education was unsuitable.

The Ombudsman's investigation found the council had no justification to visit the mother and son on the referral they received, and it should have checked the facts before visiting. The council also did not tell the mother the full grounds on which officers were making the visit or allow her the chance to dispute the incorrect information.

After the information was found to be wrong, attendance officers maintained their approach of demanding the mother enrol her son at a local school or face legal proceedings.

The investigation also found the council incorrectly sought to justify its actions based on an anticipated change in government guidance. And in any case the new guidance, which was issued nine months after the events, does not authorise any approach to parents based on incorrect information.

Michael King, Local Government and Social Care Ombudsman, said:

"Parents have a right to know on what basis a council proposes to visit them when they are educating their children at home. It may be a routine visit or one prompted by information which has come to the council, but it is vital that this information is passed on, particularly where a parent may need to provide an explanation.

"For the council to have continued to pursue the mother after we had repeatedly told it there was no basis for its actions was particularly disappointing.

"I now call on Leicester City Council to review my report and accept its findings."

The Local Government and Social Care Ombudsman's role is to remedy injustice and share learning from investigations to help improve public, and adult social care, services. In this case the council has stopped its action against the mother based on the second referral it received. It should also apologise for having based its actions on an unsubstantiated referral and not telling the mother what had been alleged against her son.

The Ombudsman has the power to make recommendations to improve processes for the wider public. In this case the council should remind staff that information recorded about parents should be factual and non-judgmental.

