

Report of the Deputy Director to the meeting of the Children's Services Overview and Scrutiny Committee to be held on 12 October 2016.

Subject: Elective Home Education

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Summary statement:

This report provides Members with details of the legislative framework surrounding Elective Home Education and the Authority's role and responsibilities.

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1. SUMMARY

- 1.1 Elective Home Education (EHE) is the term used to describe parents' decision to provide education for their child (ren) at home instead of sending them to school. This is different to home tuition provided by a Local Authority (LA) or education provided by a LA other than at school. Children whose parents elect to educate them at home are not registered at any school. The costs associated with Elective Home Education are the parents' alone.

2. BACKGROUND

- 2.1 Statutory responsibility for children who are home educated is found under Section 7 of the 1996 Education Act, where it states that: *"The parent/carer of every child of compulsory school age shall cause him to receive efficient full time education suitable to his age, ability and aptitude, and to any special educational needs he may have, either by regular attendance at school or otherwise."*
- 2.2 Section 9 of the Education Act 1996 states that: *"In exercising or performing all their respective powers and duties under the Education Acts, the Secretary of State and Local Authorities shall have regard to the general principle that pupils are educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure."*
- 2.3 The parent/carer is not required to inform the Local Authority of their decision to home educate. This does mean that some children may be home educated who are not known to the Local Authority.
- 2.4 When the child is on the roll of a school and the parents decide to home educate, the school must inform the Local Authority of the parents' decision to home educate. The school must delete the child's name from their school roll on receipt of written notification from the parents that the pupil is being electively home educated.
- 2.5 Local Authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis nor do their officers have an automatic right of access to the parent/carer(s) home. However, the LA has a duty under Section 437(i) of the Education Act 1996, to intervene if it appears that parents are not providing suitable education for their child(ren).
- 2.6 The statutory guidance tells us "Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child". There is currently no legal definition of "full-time" and home educating parents are not required to:
- teach the National Curriculum
 - provide a broad and balanced education
 - have a timetable
 - have premises equipped to any particular standard
 - set hours during which education will take place
 - have any specific qualifications make detailed plans in advance
 - 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.

3. Process followed by Bradford LA when a parent notifies of intention to home educate

- 3.1 The flow chart (Appendix 1) depicts the process followed in relation to EHE notifications. This relates to the notification process and the monitoring of provision only; safeguarding issues are covered in addition to this.
- 3.2 Where a parent/carer decides to home educate their child after they have begun formal schooling, contact is made with the LA either directly or through notification to their child's school. Upon receipt of such notification the child is removed from school roll (if applicable) and their name added to the LA's list of electively home educated children. Where parents have made the decision to home educate before registering at a school, the Authority has no knowledge of the child(ren) unless the parents make contact.
- 3.3 A Home Education pack, containing guidance notes for parents/carers (Appendix 2) together with a questionnaire (Appendix 3), is sent out from the Department of Children's Services for completion.
- 3.4 Shortly after notification of intention to home educate and usually on receipt of the completed questionnaire an initial visit is made by the Education Social Worker (ESW), the purpose of which is to ascertain the welfare of the child (ren) and to provide a further opportunity for the family to seek advice.
- 3.5 After a settling in period, of a minimum of three months, the inspector will assess the provision to determine whether or not it is 'suitable'. This three month period is considered a reasonable period for parents to develop their provision.
- 3.6 In the event that the provision is deemed to be unsuitable, advice will be given to the parent/carer and a revisit will take place within three months. If provision remains unsuitable, a school place for the child will be sought in consultation with the parent/carer. This also applies if parents do not agree to an inspection but the LA has reason to believe there is no suitable provision in place and parents are unwilling to work with us. A Statutory Notice requiring parents to demonstrate the suitability of their child's education or a School Attendance Order (SAO) may be issued to the parent/carer as a last resort if informal steps to address the issue are unsuccessful.
- 3.7 If a child has a Statement of SEN/Education, Health and Care Plan (EHCP) and has been placed by the Authority in a special school, and the parent/carer wishes to deregister them and to home educate, the Local Authority's SEN department must agree to this and, if agreed, must amend the Statement/EHCP accordingly. An exit review will be held with the parent/carer and the school wherever possible. Arrangements will be made, as far as is practicable, to hold the annual review in the opposite six months to the EHE assessment of provision so that the child has bi-annual input rather than yearly. Some statemented, home educated children receive LA funded tuition, in which case there is no inspection visit as the tutor provides the SEN department with reports on the pupil's progress.

4. Data sets

- 4.1 As of January 2016, 333 children were known to be home educated in Bradford. This is roughly 0.38% of compulsory-aged pupils in maintained schools (Local Authority, Academy or Free schools). The Yorkshire and Humberside regional authorities have agreed to collect information at the national census dates and refer to the most recent when requested for EHE information, thereby ensuring consistency across the region.
- 4.2 Appendix 4 provides an overview of the numbers of known EHE pupils by Council Ward.
- 4.3 The following is a breakdown of the numbers of known EHE pupils in national curriculum

year groups and indicates how many within each have a Statement of SEN /EHCP; please see appendix 5.

NCY	Total	Statement
R	6	
1	16	1
2	23	
3	16	1
4	19	
5	29	
6	22	1
7	27	1
8	35	
9	32	
10	35	2
11	73	
Totals	333	6

5. Safeguarding

- 5.1 Whilst there is no implication that EHE is a safeguarding concern in itself, cases of concern relate to those children who have not been seen by a professional (e.g. Health, Sports and Leisure) from whom confirmation of their welfare can be ascertained, or those where there are known welfare concerns.
- 5.2 Intelligence is sought from all agencies but in the event that none can confirm the welfare of the child(ren), referral to the most appropriate agency will be made for a welfare check to take place.
- 5.3 Given that it is not a legal requirement to register EHE children with the LA, there may be children who are being home educated that are unknown to the Authority. The Education Safeguarding Team will work to identify children who are electively home educated but not known to the Authority and whose safety cannot be assured.
- 5.4 We are in the process of agreeing a protocol implementing a 20 day cooling off period which schools implement before it takes a child off school role and an application is submitted for EHE. This will give schools opportunity and the LA where appropriate the chance to have the relevant conversations with parents and carers about the responsibility of educating their children. This will be a locally agreed policy but it not currently a national protocol but other Local Authorities adopt this process.
- 5.4 We do not have a data sharing agreed with DWP but it has now been agreed with HMRC that we can be involved in their second phases, which began in Sheffield. This means they will share details of families who are in recived of child benefit, allowing us to cross reference that data with the information we hold on CYP in the district. The pilot will run from Jan – June 2017 and is likely our intelligence will increase during that pilot.

6. OTHER CONSIDERATIONS

None at this time.

7. FINANCIAL & RESOURCE APPRAISAL

No issues at this time.

8. RISK MANAGEMENT AND GOVERNANCE ISSUES

No issues at this time.

9. LEGAL APPRAISAL

No issues at this time.

10. RECOMMENDATIONS

- 10.1 That the limited powers of the Authority to intervene in cases whereby parents elect to home educate their child(ren) is noted.
- 10.2 That it be noted that the establishment of the Education Safeguarding Hub is a key vehicle in ensuring and promoting the wellbeing of children who are not attending any registered provision.

11. APPENDICES

Appendix 1: Elective Home Education Procedures. This is a flow chart diagram depicting Bradford's process from notification, registration and monitoring visits.

Appendix 2: A registration pack, containing guidance notes for parents/carers

Appendix 3: Questionnaire for completion at time of notification of intention to home educate.

Appendix 4: Overview of the numbers of known EHE pupils by Council Ward.

Appendix 5: EHE referrals

12. BACKGROUND DOCUMENTS

None