

**City of Bradford Metropolitan District Council
Children's Services Overview and Scrutiny Committee**

**Alternative School Provision, (including Elective Home Education) - Scrutiny
Review**

DRAFT - Terms of Reference

See Part 3E paragraphs 2.1 to 2.11 of the Constitution of the Council.

Background

At its meeting on Wednesday 9 October 2019, Children's Services Overview and Scrutiny Committee agreed to undertake a programme of scrutiny reviews relating to Children's Services.

One of the agreed scrutiny reviews relates to Alternative School Provision, (including Elective Home Education).

Protecting Children's legal right to Education was discussed at the Council meeting on Tuesday 15 October 2019 and the comments and views raised by members will be taken into consideration during the course of this Scrutiny Review.

Context

Elective Home Education

Despite the term 'compulsory school age', education does not have to be undertaken through attendance at school, even though parents can request a state-funded school place and the local authority is obliged to find one - or make alternative arrangements for education of your child. Parents not the state are responsible for ensuring that children of compulsory school age are properly educated.

Elective home education is a term used to describe a choice by parents to provide education for their children at home or in some other way they desire, instead of sending them to school full-time. This is different to education provided by a local authority other than at a school, for example for children who are too ill to attend school.

There is no legislation that deals with home education as a specific approach. However, Section 7 of the Education Act 1996 provides that:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable -

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have, either by regular attendance at school or otherwise.

Elective home education is a form of 'education otherwise than at school' and this piece of legislation is the basis for the obligations of parents. It is also the starting point for local authorities' involvement.

Alternative Provision

Local authorities are responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who – because of illness or other reasons would not receive suitable education without such provision. This applies to all children of compulsory school age resident in the local authority area, whether or not they are on the roll of a school, and whatever type of school they attend. Full-time education for excluded pupils must begin no later than the sixth day of the exclusion. The Secretary of State has the power to make statutory guidance about these duties⁵, and local authorities must have regard to it.

While there is no statutory requirement as to when suitable full-time education should begin for pupils placed in alternative provision for reasons other than exclusion, local authorities should ensure that such pupils are placed as quickly as possible.

Any school that is established and maintained by a local authority to enable it to discharge the above duty is known as a pupil referral unit. There is no requirement on local authorities to have or to establish a pupil referral unit, and they may discharge their duties by other means. However, only a local authority can establish a pupil referral unit; although they can only do so after exploring the possibility of opening an AP Academy. Others can establish AP Academies or AP Free Schools.

Local authorities have a power (not a duty) to arrange education provision, where not already available, for pupils aged 16-18.

Key Lines of Enquiry

The key lines of enquiry for this scrutiny review are to:

- Explore the proportion of home schooled children who are home schooled, because the child has not been allocated the chosen school place.
- Examining the current arrangements in place for alternative school provision.
- Explore the approach where parents consider that their child will receive a better education at home, rather than school.
- Explore the proportion of children, which have been moved on by the school.
- Review the safeguarding of children, who are outside the normal school system;
- Examining the educational outcomes of children who are in alternative school provision.
- Consider through Human Resources representatives across the District, how employees assess the ability and capability of interviewees when they have been home schooled.

Methodology

The committee will receive and consider a variety of evidence/information provided by a range of interested parties. The Committee may adopt one or more of the following methods to collect evidence/information:

- relevant documents;
- relevant data;
- written submissions from, or meetings with interested parties;
- interview key and relevant personnel;
- undertake relevant visits.

Indicative list of interested parties

An indicative list of interested parties is provided below. This is not definitive or exclusive and can be developed as the scrutiny progresses.

Organisation / Department	Contact
Bradford Council Executive Portfolio Holder.	Cllr Imran Khan/Cllr Adrian Farley.
Bradford Council.	Mark Douglas – Children’s Services. Mariam Haque – Children’s Services. Sue Lowndes – Children’s Services. Danielle Wilson – Children’s Services. Rachel Phillips – Children’s Services. Anne Lloyd – Human Resources.
Local/Regional/National Organisations.	Police. Parents. Bristol Council.

Indicative Timetable

Date	Milestone
Wednesday 15 January 2020.	DRAFT Terms of Reference to be presented to the Children’s Services Overview and Scrutiny Committee – for discussion and approval.
TBC.	Information gathering session –
TBC.	Information gathering session –
TBC.	Information gathering session – .
TBC.	Draft Scrutiny Review findings and recommendations to be presented to the Children’s Services Overview and Scrutiny Committee.