

REPORT OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS

ELECTIVE HOME EDUCATION

1 Purpose of the Report

- 1.1 To provide members with an overview of the statutory requirements regarding elective home education. This paper also contains information on the number of children who are home educated in Sunderland.

2 Background

- 2.1 The Committee requested information on Elective Home Education in Sunderland.
- 2.2 Elective Home Education offers families and carers the opportunity to provide education for children and young people in their care independent from Local Authority or establish school provision. The law states that the responsibility for a child's education rests with their parents. Whilst education is compulsory, attending school is not.
- 2.3 Parents take on full responsibility for their child's education, including all financial responsibilities. Any funding allocated to a school will not be passed on to a parent or to the local authority, though there are exceptions for children who have an Education, Health and Care Plans (EHCPs). Parents are responsible for ensuring that the education provided is full time and suitable to the child's age, ability and aptitude and any Special Educational Needs (SEN) they may have. Elective Home Education gives families and carers the opportunity to educate their child outside of the school system.

3 Current Legal Position

- 3.1 The legislation associated with elective home education is not a framework for the regulation of elective home education rather it is a system for identifying children and ensuring they are receiving a 'suitable' education. There is currently no national framework in place for local authorities to work to in relation to elective home education. The Education Act 1996, section 436A states that local authorities must make arrangements to identify children not receiving education.
- 3.2 Section 437 makes provision that where a child of compulsory school age is not receiving suitable education, the local authority can take action to serve notice on parents to send their child to school and ultimately obtain a school attendance order to direct or instruct the parent to send the child to school. The school attendance order will remain in force until revoked by the local authority.
- 3.3 In 2017 a private members Bill was introduced to make provision for local authorities to monitor the education, physical and emotional development of children receiving elective home education. In response to the Bill the Government published a call for evidence on issues connected with home education. Alongside the call for evidence the

government published two guidance documents, one intended for local authorities and the other for parents. The Bill was withdrawn in October 2018.

- 3.4 In April 2019, the government published updated versions of their elective home education guidance documents for parents and for local authorities. Within the guidance it states that when parents choose to home educate their children, they assume full responsibility for their children's education which includes financial responsibility and states the local authority is entitled to conclude from the absence of any response to their informal enquiries that the parents are not providing their child with a suitable education.
- 3.5 Between April 2019 to 24 June 2019 the government held a further consultation that sought views on proposed legislation to establish:
- A duty on local authorities to maintain a register of children of compulsory school age who are not registered at a state-funded or registered independent school.
 - A duty on parents to provide information to their local authority if their child is within scope of the register.
 - A duty on education settings attended by children on the register to respond to enquiries from local authorities about the education provided to individual children.
 - A duty on local authorities to provide support to home educated families if requested by such families.

The outcomes of that consultation have not yet been published and no changes to legislation have been made as a consequence at this time.

- 3.6 Sunderland City Council has held a database of children registered as receiving elective home education for over thirteen years and when families move out of the area the information is passed to their new local authority.
- 3.7 Where parents who have deregistered their child fail to respond to the informal enquiries of the Council's Attendance Manager regarding their proposed education plan, there is a clear route to escalate this nonparticipation to a formal enquiry which can ultimately lead to the issuance of a School Attendance Order. This process is also used if the education provision provided by the parent is deemed unsuitable. The escalation process used in Sunderland has been adopted by other regional local authorities.
- 3.8 The recent OFSTED inspection noted there are robust procedures for children who are electively home educated, effectively evaluating, and responding to risk.
- 3.9 Schools are required to provide information relating to the pupil on the Council's prescribed template within 10 days of the child's deregistration. This template captures information about the child and their education.
- 3.10 Schools are asked where possible to secure the reason for the parents' decision to home educate however parents are not required to provide justification to a child's previous school. Under existing legislation, parents can elect to home educate at any stage of a child's education career and take full responsibility for their education. They do not have to give a reason for their decision to home educate.

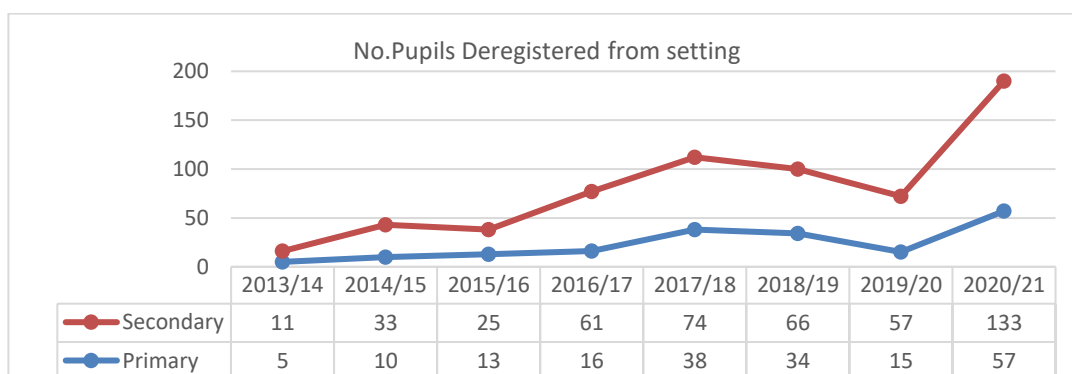
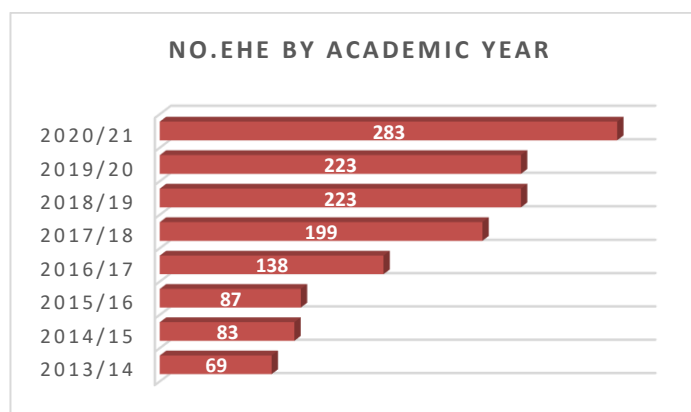
- 3.11 The Council has no statutory duties in relation to monitoring the quality of home education on a routine basis. Nor does it have a right of entry to the family homes of children who are home educated in order to assess the education being provided.
- 3.12 Parents are under no obligation to meet with the Council to discuss the education being provided with or without their child being present.
- 3.13 Although local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis, under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears** that parents are not providing a suitable education. Government guidance encourages Local Authorities to address the issue informally before serving statutory enforcement notices
- 3.14 For the majority of Sunderland families the provision of education is deemed suitable, and they continue to home educate for as long as they feel it meets the needs of their child.
- 3.15 Elective Home Education Guidelines for Local Authorities states the welfare and protection of all children; both those who attend school and those who are educated at home are of paramount concern and the responsibility of the whole community’.
- 3.16 The Council’s statutory abilities to insist on seeing a child to enquire about their welfare does not extend to questioning children for the purpose of establishing whether they are receiving a suitable education
- 3.17 If any child protection concerns come to light in the course of engagement with Elective Home Educating families these concerns would immediately be referred to the appropriate authorities’ using the established protocols.
- 3.18 The Department for Education (DfE) has recently created a blog to ensure parents understand the difference between home schooling and Elective Home Education. In May 2021 Local Authorities were asked to share an open letter from the DfE with Elective Home Educating parents. The letter outlined the significant increase in Elective Home Education with the most common reason for this national increase cited relating to Covid-19. The DfE letter encouraged parents to consider readmission and suggested parents discussed their concerns with the Local Authority and school.

4 Elective Home Education Data as of 31/08/2021

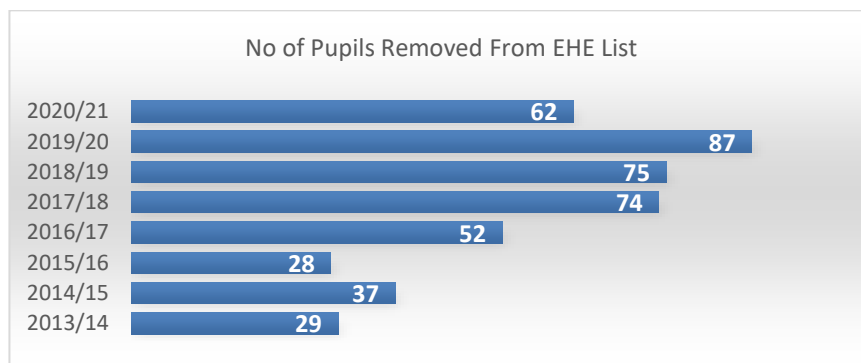
- 4.1 The DfE does not collect data relating to elective home education, however, the Association of Directors of Children’s Services (ADCS) has been collecting information from local authorities since 2016. The ADCS data collection was the first comprehensive national survey in recognition that the definitive numbers of home educated children across England and Wales are not known.
- 4.2 This current year’s survey, based on the data from first census day 1st October 2020, reported there, are 75,668 children nationally who are electively home educated an increase of 38% on census day in 2019.
- 4.3 It is estimated 19,510 became electively home educated nationally after September 2020, this represents approximately 25% been educated on 1st October 2020 and it estimated that the total cumulative number being home educated nationally was

86,335, this represents 10% increase since 2018/19 academic year, despite school being closed for most pupils from 23rd March 2020.

- 4.4 Feedback from the survey indicated that parents consider Health Concerns relating to COVID-19 as a primary factor for deregistering children from a school roll, however some parents noted their positive experience of educating their children during partial school closures was a contributory factor. Feedback given by parents in Sunderland is consistent with the national data.
- 4.5 Although Covid-19 has had a significant impact on the number of parents intend to on enrolling their children back in school once their concerns over the virus are alleviated this is again consistent with feedback from Sunderland based parents and carers, where some parents have already re-registered their children in school.
- 4.6 It should be noted prior to the school closures associated with the Covid-19 outbreak, the national home educated population was growing by approximately 20% each year for the past five years as previous ADCS elective home education surveys have shown.
- 4.7 The data in Sunderland, as in other Councils, may not demonstrate the full number of children home educated as children whose parents have never applied for a school place may not be known to the Council.
- 4.8 The number of pupils in Sunderland who are educated at home is rising and this mirrors the national trend. However, as a proportion of the total population of pupils in the City those who are electively home educated remains low at 0.6%.



4.9 There is a high level of mobility of children who are home educated. Some may only be on the elective home educated register for a few weeks. This may be because their parents may choose to home educate short term e.g., whilst waiting for a place to become available at a preferred school; alternatively, this may be because the parent has failed to respond to informal requests made by the Council and following discussions with the Council the parent has returned the child to school, or the parent is failing to educate the child.



- 4.10 Of the 203 children who are registered as being home educated as 31/07/2021 two thirds of the total number of children being home educated in the secondary school age group with the largest proportion of them are in years 10 and 11.
- 4.11 Of the cohort that is electively home educated 74 are registered as having SEN with three pupils been subject to an Education Health Care Plan
- 4.12 During 2020/21 academic year 28 children have returned to school and there are a further 10 who are currently been supported to secure a school place. 11 children have moved out of the city, and they have all have been tracked to their new address by the Children Missing in Education Officer. Thirty families are currently being investigated as they have failed to submit an education plan and are potentially at risk of statutory action.

5 Conclusion

- 5.1 The Council has processes in place to ensure that children's parents, where we are notified that they home educating, are contacted. The scope of intervention for the Council is limited as parents have a right to educate their children at home within the current legislation from the 1996 Education Act.
- Council officers have no rights of access to the home
 - Council officers have no rights of access to the child
 - Council officers do not have the right to assess the child's ability or aptitude
 - Council officers do not have the right to monitor the quality of the education provision on a routine basis
 - Parents are under no duty to meet with Council officers
 - Parents are under no duty to give information about the education they are providing.

- 5.2 There is no easy definition of Section 7 Education Act 1996 regarding “suitable and efficient” education, in relation to Elective Home Education, as they are not defined in law, but education can be regarded as “efficient” if it achieves what it sets out to achieve and “suitable” if it prepares the child for life in modern society and enables the child to achieve his or her full potential.
- 5.3 Sunderland Council’s work with Elective Home Educating families goes beyond the statutory duties placed on local authorities.
- 5.4 The recent OFSTED report noted there were robust procedures for children who are electively home educated, effectively evaluating, and responding to risk.
- 5.5 The Council’s Attendance Manager has worked closely with further education (FE) colleges to get better outcomes for Keystage 4 home educated pupils. FE colleges can access 14-16 year old funding that enables these pupils to have access to free examinations and a variety of courses are available to participating pupils.
- 5.6 The Council’s Attendance Manager continues to work with the NHS Immunisation Team to ensure electively home educated pupils have access to the programme
- 5.7 The Local Parental Home Education group that is made up of parents from across the region has agreed to meet with members of the Public Health team to ensure parents and pupils are aware of the additional support and facilities available to them.
- 5.8 Although there is no statutory requirement for parents to engage with the Council, home educating families are contacted on an annual basis. Families vary in their willingness to engage with the Council.

6 Recommendations

- 6.1 The Committee is asked to consider the information contained within this report in relation to elective home education.