

**REPORT OF THE EXECUTIVE DIRECTOR OF PEOPLE SERVICES**

**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.

**3 Current Legal Position**

- 3.1 Department for Education (DfE) Guidance for EHE was drawn up in 2007. It has not been revised since that date, despite the subsequent changes to the national educational landscape. The guidance emphasises that 'parents should neither be encouraged nor discouraged by schools or local authorities to electively home educate'.
- 3.2 The Council has a duty to maintain a register of all children known to be home educated and to provide advice and guidance if and when required.
- 3.3 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.
- 3.4 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.
- 3.5 Parents are only required to seek approval from the local authority to electively home educate if their child accesses a commissioned place at a special school.
- 3.6 Although consistency with National Curriculum is not required the parent must ensure that the education programme delivered provides an 'efficient and suitable education. that primarily equips a child for life within the community of which child is a member'.
- 3.7 When notification is received that a pupil has been removed from roll the Attendance Manager writes to the parent and requests a copy of the families' educational plan.

- 3.8 Parents are under no obligation to provide any evidence to the local authority of the education being provided but the Department for Education recognises that it would be sensible for parents to do so.
- 3.9 Parents are under no obligation to meet with the Council to discuss the education being provided with or without their child being present.
- 3.10 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.
- 3.11 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
- 3.12 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. If the education provision provided by the parent is deemed unsuitable or if the parents fail to submit an education plan and continually fails to respond to informal requests by the Council a statutory School Attendance Order will be issued.
- 3.13 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'.
- 3.14 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
- 3.15 If any child protection concerns come to light in the course of engagement with the children and families these concerns would immediately be referred to the appropriate authorities' using the established protocols.
- 3.16 The LA would not expect a LAC child to continue to be home educated. In most cases if a child is on either a Child Protection Plan, or considered to be a Child in Need, the Council would not expect home education to be suitable. The views of Children's Social Care the child and the parent views will be considered before any decision is made.
- 3.17 In February 2015 a national Select Committee recommended the formation of a national body to share good practice. In response to this recommendation the DfE launched The National Association of EHE professionals with representation from all local authority regional networks.
- 3.12 Although the Department for Education (DfE) does not collect data in this area the Association of Directors of Children's Services (ADCS) issued a survey in February 2016 requesting statistical trend data and information from each local authority. This was the first comprehensive national survey in recognition that definitive EHE numbers across England and Wales are not known.

- 3.13 ADCS stated that from the data collected it could be inferred that there is somewhere in the region of 37,500 children nationally are EHE. However, it is recognised that this was a conservative estimate.
- 3.14 The ADCS have issued a further survey which coincided with the 2017 DFE Autumn School Census.
- 3.15 On June 27th 2017 the Home Education (Duty of Local Authorities) Bill had its First Reading in the House of Lords. This is a private members bill to make provision for local authorities to monitor the educational, physical and emotional development of children receiving elective home education.

#### **4 Elective Home Education Data as of 30/10/2017**

- 4.1 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.
- 4.2 There is a high level of mobility of children who are home educated. Some may only be on the EHE 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 at a preferred school; alternatively this may be because the parent has failed to respond to informal requests made by the LA and following discussions with the Council the parent has returned the child to school, or the parent is failing to educate the child.
- 4.3 The number of children known to be home educated in Sunderland as of 30/10/2017 is as follows;

	Total number of pupils on roll	Oct	April	July
2015/16	36,032	26	33	39
2016/17	36,354	71	107	92
2017/18	36,446	97	N/A	N/A

The local increase is consistent with national trend data.

- 4.4 Fifty-four of the children on EHE register are Key stage 4 pupils

23 have been educated for more than year:  
 14 for more than two years  
 9 for more than three years

- 4.4 Thirteen children were receiving SEN support in school and two children are subject to a Statement/EHCP and
- 4.6 One child who is currently registered as EHE is known to Childrens Social Care. No concerns have been raised in respect of them remaining EHE.
- 4.5 Since the start of the current academic year six children have returned to school and there are a further three who are currently been supported to secure a school place.

Twenty-eight families are currently been followed up as they have failed to submit an education plan and thirteen of the twenty-eight families are at risk of statutory action.

## **5 Conclusion**

5.1 The Council has processes in place to ensure that all children, where we are notified that they are being home educated, are contacted. The scope of intervention for the local authority 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 "suitable and efficient" beyond "These terms, in relation to EHE, 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 The Council's work with electively home educating families is similar to those in many other areas, and goes beyond the statutory duties placed on local authorities.

5.4 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.