

5 January 2021

Update on Elective Home Education

Ward(s): All

Portfolios: Councillor Chris Towe – Education and Skills

1. Aim

The aim of this report is to:

- Summarise the law around Elective Home Education
- Explain how Walsall meets its statutory responsibility in regards to Elective Home Education.
- Present and explain Elective Home Education data

2. Recommendations

That the Education Overview and Scrutiny Committee considers the contents of this report and decides whether there should be further information or updates.

3. Report detail – know

3.1 A guide to the law

Elective Home Education (EHE) is the term that is 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.

There is only a voluntary register for EHE. If a child has never attended school parents have no legal obligation to notify the Local Authority or to seek consent if they intend to home educate their child. If a child is withdrawn from school for EHE the school has an obligation to notify the Local Authority.

In statute law, the parent, not the state, is responsible for ensuring that a child of compulsory school age is properly educated. Despite the term ‘compulsory school age’ education does not need to be undertaken by attendance at a school, even though the parents of any child living in England can request a state-funded school place and the local authority is obliged to find one or make alternative arrangements for the child’s education.

There is no specific legislation that deals with elective home education 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.

EHE 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.

The Department for Education (DfE) elective home education guidance for parents (see Appendix A) published in April 2019 clarifies that parents should be able to quantify and demonstrate the amount of time their child is educated and this should clearly be occupying a significant proportion of a child's life. Parents should also provide age appropriate work that allows the child to progress and should allow children social opportunities so that they do not impede their social development.

3.2 The Local Authority's responsibility

The Local Authority has a statutory duty (under s.436A of the Education Act) to make arrangements to enable it to establish the identities, so far as it is possible to do so, of children in its area who are not receiving a suitable education. We do this by working closely with various partners including: parents, school admissions (including children missing education and pupil tracking teams), special educational needs, Educational Welfare, Data matching Team, Black Country Impact, local schools & colleges, school health, Black Country consortium, early help, educational psychologists, social workers, and other neighbouring authorities.

N.B please note this list is not exhaustive

The EHE service is responsible for identifying and recording compulsory school aged children who are home educated. The service also makes enquiries as to whether that education satisfies legal requirements. If it is deemed that the educational provision at home is unsuitable we also have robust processes to return the child/young person to school.

3.4 Ensuring it's a positive choice for the child

As EHE potentially has huge implications for the child/young person where possible, the service offers parents guidance and support before they formally decide to home educate.

Parents, professionals and schools are encouraged to contact the service if parents are considering EHE. The officers also coordinate pre-elective home education meetings between school, child, parent and other relevant professionals to resolve potential issues in school which may be the cause for the decision to home educate.

The pre-elective home education meetings are also an ideal opportunity to remind parents they are taking on a duty of care to ensure their child's educational, social, emotional and mental health needs are met when they elect to home educate. Furthermore it is reiterated that there is no financial support available for elective home education.

The EHE policy (See Appendix B) and information booklet (see Appendix C) are also available on the Local Authority website, which ensures parents have easy access to the appropriate information to help them make an informed choice.
https://go.walsall.gov.uk/home_education

3.4 EHE monitoring & support

The EHE service has the following robust processes to monitor the educational provision at home:

- 6 weeks after a child/young person becomes EHE, initial visits are undertaken to the home address by the officers (experienced teachers) Parents are expected to demonstrate how their child is already progressing and to share plans for how they intend for the education to develop.
- Interim visit are completed 4 to 6 weeks after the initial or annual visit if concerns were identified regards the quality of the educational provision.
- Annual visits are completed to assess the current suitability of home education.
- Although the majority of our EHE educating parents agree to a visit a small minority who don't are expected to provide evidence of their child's work and reports demonstrating their child's learning.
- Depending on the results of the enquiries the children/young people may be identified as potential children missing education (CME) and further action maybe required by the EHE service E.g. referral to fair access panel, request for the previous school to re-enrol the child back on their register or begin the school attendance order process.
- Section 175 of the Education Act 2002 requires authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare. Parent's failure to provide suitable education is capable of satisfying the threshold requirement contained in s.31 of the Children Act 1989 that the child is suffering or is likely to suffer significant harm. The EHE service therefore also has a statutory duty in relation to safeguarding of home educated children and young people. This duty is fulfilled by working closely in partnership with other professionals and agencies and following the Walsall Safeguarding Partnership procedures and guidance for Children's Services. This includes statutory child protection procedures, regional safeguarding guidance and local information sharing protocol, including exploitation tools and pathways.
- Where possible, the EHE service aims to establish positive relationships with home educating parents to offer the appropriate support, including signposting to 14-16 educational provision, advising regards teaching and learning strategies, providing information regards exams and qualifications and referring young people to a careers advisor.

3.5 Elective Home Education Data

As of 30 October 2020, there were 433 children/young people registered as EHE educated in Walsall. This is in line with our statistical neighbours as they reported the following: Sandwell 537, Dudley 389, Telford 375, and Birmingham 2147.

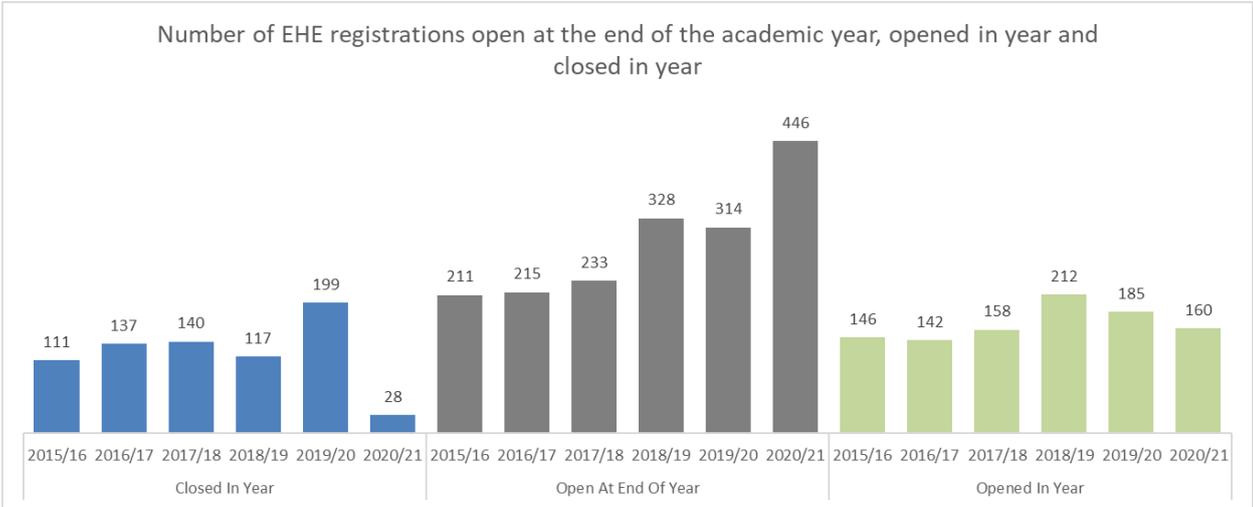
Between 1 September 2020 and 30 October 2020, Walsall registered 137 children/young people as EHE. Our statistical neighbours reported the following: Sandwell 220, Dudley 122, Telford 121 and Birmingham 401.

Of those registered as EHE 48% are female and 52% are male. This is similar to previous years.

Year 10 and year 11 make up the highest cohort of elective home educated children/young people.

The statistical report (See Appendix D) published by The Association of Directors of Children’s Services in November 2020 confirms the EHE data that Walsall has recorded in line with national and local trends.

Number of Elective Home Educated children/young people:



The data above shows the number of cases that were closed, the total number open at the end of the year and the total number of new cases that were opened every academic year since 2015/16.

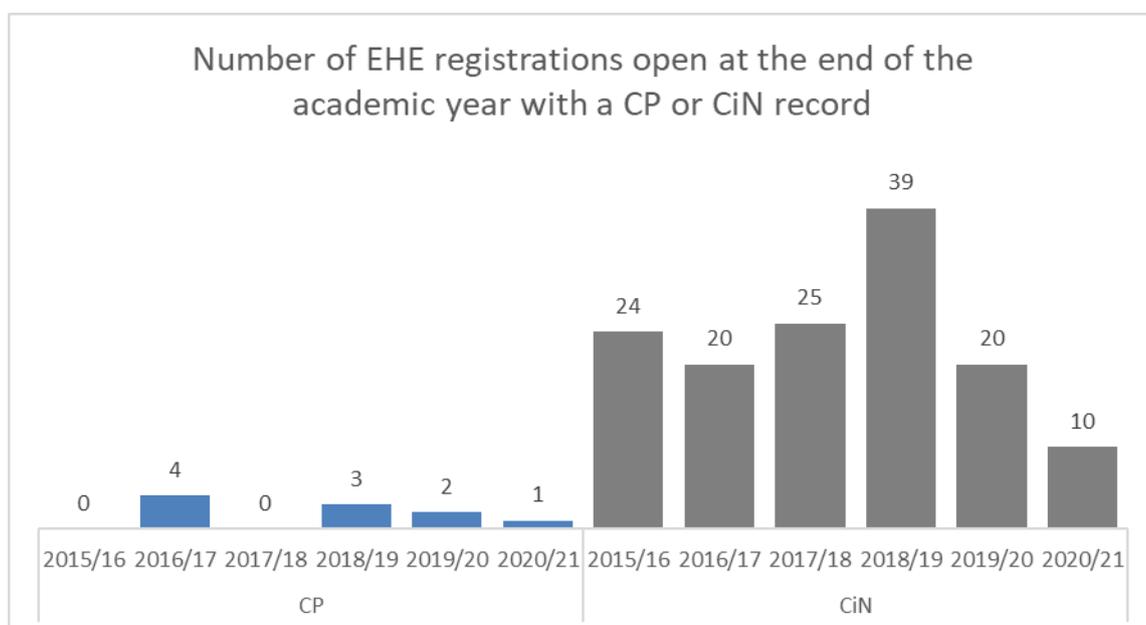
In the 2019/20 academic year, 199 cases were closed. This was a significant increase from the previous academic year as the EHE service worked collaboratively with the school admissions team to identify potential children missing education and returned children/young people back to education in a timely manner.

Since 2015, the EHE population has nationally been increasing 20% every year (see Appendix A). In line with national trends, Walsall has also seen a year on year increase in the number of cases over this period.

Data for the 2019/20 academic year was impacted by the COVID-19 pandemic and in March 2020 the Local Authority asked schools not to de-register any children or young people for the purpose of EHE wherever possible. This meant only 17 new cases were opened from 1 April to 1 September 2020 in comparison to 54 new cases being opened for the same period the year before.

The national statistical data in (see Appendix A) showed that there has been a national increase of 38% in the number of EHE children/young people compared to the same time last year. Locally Walsall mirrored this pattern, as we had 314 EHE cases open at the end of the 2019/20 academic year and by October 2020 we had a 38% increase as we had a total of 433 children registered as EHE.

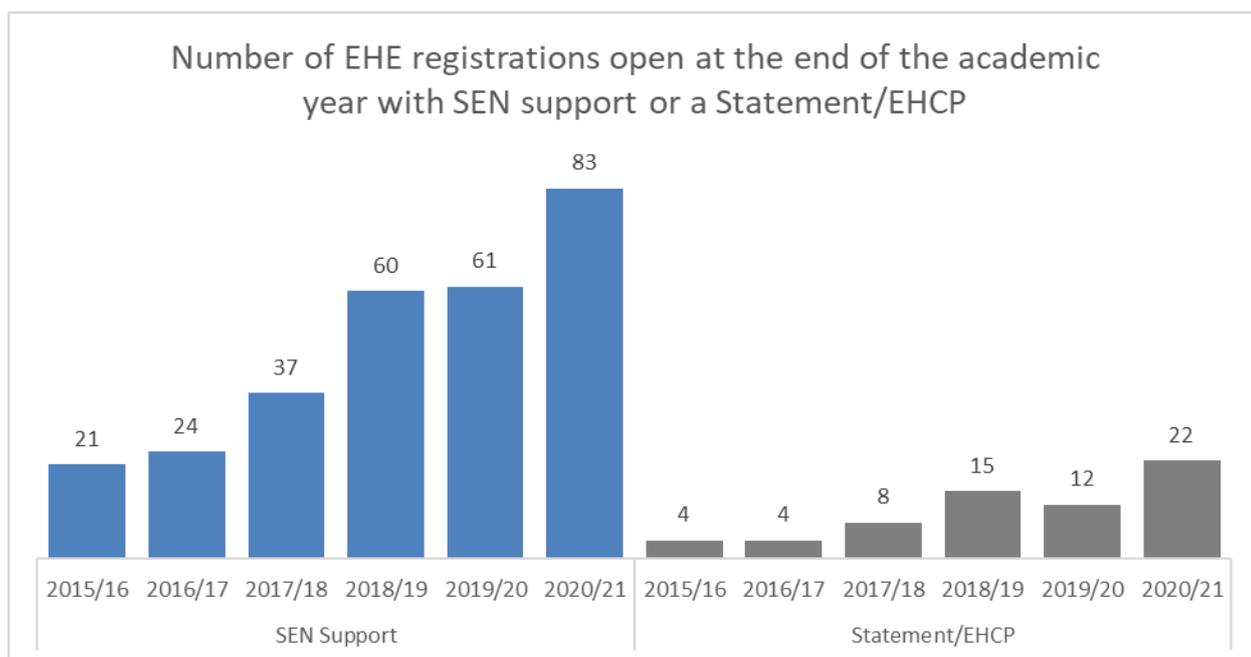
Child Protection or Child in Need - open to Elective Home Education



In the West Midlands region, there are on average approximately 11.4% of children/young people who are known to be elective home educated have current or historical involvement with children's social care and nationally there is an increase in vulnerable families moving to elective home education which is of a local and national concern.

In Walsall approx. 2.5% of EHE children/young people are open to child protection or child in need. Parents of children who are under child protection or child in need are strongly discouraged from electing to home educate as often the conditions at home may not be conducive to the child's learning.

Educational Health Care Plan (EHCP) or Special Educational Needs (SEN)



The number of elective home educated children/young people who have special educational needs has been increasing since 2015/16.

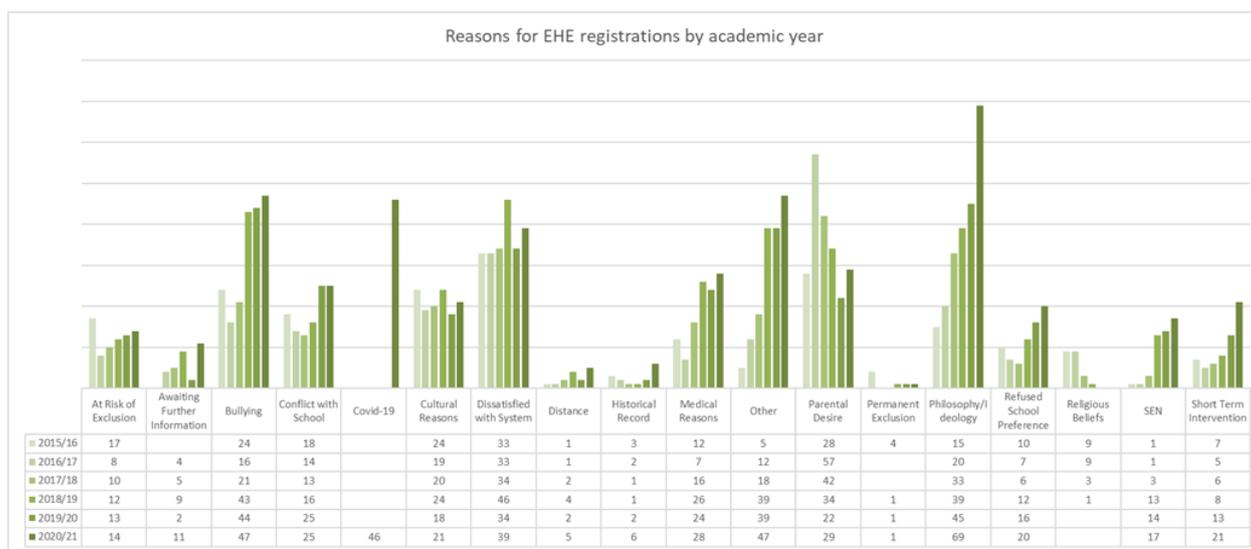
In 2020/21 24% of all the registered EHE children/young people have additional special educational needs. An increasing number of parents are reporting their child's needs are not being met appropriately in schools. Parents often claim schools label their child as "disruptive" rather than providing the appropriate special educational needs support.

It is expected that the number of special educational needs children being registered as EHE will decrease as since the 1 November all parents are now offered a pre-elective home education meeting prior to making a final decision to home educate. This allows parents the opportunity to discuss any potential concerns regards the school and the service encourages schools to consider all the appropriate support that can be utilised to avoid the child being withdrawn.

Where appropriate, the special educational needs case worker and other relevant professionals are involved in the meetings and parents are encouraged to exhaust all options prior to formally elective home educating their child.

The EHE service has been working collaboratively with the SEN team to develop processes to further support this cohort e.g. joint annual reviews are completed with the special educational Needs case worker. Parents must also demonstrate that they are able to meet the outcomes specified on the EHCP prior to the local authority consenting to removal off roll from a special school.

Reasons for Elective Home Education



In contrast to previous years, nationally most local authorities have seen a larger increase in primary aged children becoming elective home educated; formerly the secondary aged were the largest cohort.

Nationally, Covid-19 has become the most popular reason for parents electing to home educate. Local authorities clearly indicated that health concerns over Covid-19 were a primary reason for parents or carers to formally home educate their child. Whilst other parents had found educating their child during the partial school closures to be a positive experience and this had contributed to them deciding to elective home educate.

Walsall is in line with national statistical data shows concerns around Covid-19 and philosophy/ideology have been the most popular reasons for parents intending to home educate their child.

4. **Financial information**

There are no direct financial implications of the report; however, as a result of the increase in the number of elective home educated children/young people, an additional post was created for an elective home education officer in October 2020. This is a two-year fixed term post and the funding has been taken from existing resources.

5. **Reducing Inequalities**

The principal objective of the Local Authority is to continue to identify characteristics of good practice in addressing inequalities in elective home education, with particular attention to the following factors: gender; ethnicity; and Special Educational Needs (SEN).

Our aim is to work towards the position where the needs of all young people are addressed in school or alternative provision and parents are only electing to home educate as a positive choice rather than being evoked due to dissatisfaction/conflict with schools or a or conflict with schools.

6. Decide

The Committee may decide to note the current position.

The Committee may decide to request further information or assurance in respect of the progress of elective home education.

7. Respond

Any recommendations made by the Committee will be assessed against the Access and Inclusion work programme and performance board.

8. Review

Elective home education is under constant monitoring and assessment via the Children's Services Performance Board.

Background papers

None

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