

Elective Home Education

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EHE is not...

- Home Tuition – arranged by school or LA
- Funded
- Quality or quantity assured or monitored
- A way of avoiding prosecution for non-school attendance
- A way of avoiding a permanent exclusion

EHE is...

- Legal
- Supported by networks
- For any child of statutory school age (and beyond)
- Becoming ever more popular, especially since the start of the Covid -19 Pandemic

Legislation

Parents have a right to educate their children at home.

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."

The responsibility for a child's education rests with his or her parents or persons with PR.

Legislation – Continued

An "efficient" and "suitable" education is not defined in the Education Act 1996 but

"efficient" has been broadly described in case law as an education that:

"achieves that which it sets out to achieve"

and a "suitable" education is one that:

"primarily equips a child for life within the community of which he/she is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he/she wishes to do so".

LA responsibility

Provide written information about EHE that is clear, accurate and sets out the legal position, roles and responsibilities of both the local authority and parents.

- EHE section on Council web pages and policy
- <https://www.barnsley.gov.uk/media/19272/ews-elective-home-education-policy-march21.pdf>
- <https://www.barnsley.gov.uk/media/15952/parental-guidance-for-elective-home-education.pdf>
- April 2019 DfE documents:
<https://www.gov.uk/government/publications/elective-home-education>

LA Duties:

Statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006,

‘to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education’

LA Duties cont.

- Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.
- The LA has no right or duty to assess parental capacity to educate the child or young person

(with the exception of a learner placed in specialist provision through an EHC plan).

LA Duties cont.

- However, Section 437(1) of the Education Act 1996, states that local authorities shall intervene:

"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education."

- **Ultimately a School Attendance Order (SAO) could be issued.**

- Where there is evidence that education is unsuitable, legal enforcement procedures are followed, leading to a possible SAO.
- FAP protocols support children returning to the school they left following EHE. FAP is also used process if we are unable to secure a school place via admissions and appeals procedures.
- Where there is a safeguarding concern, Social Care processes are followed. The EHE advisor is a member of the core group if a child has a CP plan.
- Families are also signposted to other universal services where necessary.

There can be no assumption made that being EHE in itself puts a child at any greater risk of harm than a child attending a state or private school.

The Cohort

- At the start of the of 2020/21 academic year there were **286** children on the register
- The academic year ended with 474 children on the register

During the year:

- Returned to school - 84
- Moved out of Area - 5
- Managed and located through CME - 14

Current Cohort Profile

- Children open to Social Care
 - CP 1 family 3 children
 - CIN 7 Children
- Children with an EHA – 21
- Children with EHCP's in place – 34

As of now

- 2021/22 Academic Year
- 514 children are on the EHE Register
- 150 Primary
- 364 secondary
- 31 pupils have an EHCP

Trends / Challenges

- Covid anxieties / anti testing and vaccination etc/ sibling groups/families registering for EHE
- More families considering EHE to avoid a PX or enforcement for poor attendance
- An increase in EHE at the point of Y6/7 transition
- Families feeling that Home schooling worked for them following school closure during the pandemic
- Increased interest in EHE
- Media and Gov't interest
- Generally more complex cases
- Lead professionals for EHA
- *Parents feel there is “No other choice”*

Where we are presently

EHE policy in line with government guidance

Focus of Barnsley Alliance and safeguarding partners

(Commitment to a collaborative approach from across the multi-agency partnership to support Safeguarding and Visibility of EHE cohort - Focus broader than a single education issue). Ongoing training and awareness raising to practitioners to raise the profile.

Working groups developed - Look at wider opportunities to support EHE families and capture voice of children and young people. Young persons, leaflet developed as a result to be given to young people at the point of notification. YP voice captured by EWS at the point of notification

Work with schools to accelerate return to education if appropriate.

Any
questions?