

## Education Scrutiny Committee

Meeting to be held on Tuesday, 28 November 2017

Electoral Division affected: (All Divisions);
--

### Elective Home Education

(Appendix 'A' refers)

Contact for further information:

Frances Molloy, Tel: 01772 532722, School Attendance/Children Missing Education Lead - frances.molloy@lancashire.gov.uk

#### Executive Summary

The Elective Home Education team, located with the School Improvement Service, provides support for families who have elected to make arrangements for their children's education other than at school. This report provides an outline of the support available from the team, the types of challenge applied when concerns are identified and the limits of the local authority's ability to monitor and report on attainment within the current legislative framework.

#### Recommendations:

The Education Scrutiny Committee is requested to:

- i. Note and comment on the arrangements in place within Lancashire to support families who are home educating;
- ii. Note and comment on the arrangements in place within Lancashire when it is determined that suitable education may not be in place through elective home education arrangements; and
- iii. Note the limitations on the identification/reporting of the attainment of home educated children.

#### Background

Elective home education (EHE) is the term used to describe a parent/carers' decision to provide education for their child instead of sending them to school. This is different to home tuition provided by a local authority or education provided by the local authority other than at school, sometimes referred to as EOTAS.

#### Legal Framework

Education is a right for every child in this country, and the responsibility for a child's education rests with their parents. In England, education is compulsory but school attendance is not.

Parents/carers have a duty in law to ensure that their children of compulsory school age receive an efficient and suitable full time education; whilst many choose to do this by registering their children at a school, others will elect to home educate their children.

Section 7 of the Education Act 1996 (EA96) 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 ..."*

An "efficient" and "suitable" education is not defined in the EA96. However, "efficient" has been broadly defined 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 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 wishes to do so".

The type of educational activity can be varied and flexible and EHE educators are not required to follow the national curriculum, provide a broad and balanced education, have any formal structure, follow set hours, formally assess their children's progress, enter them for examinations or match school-based, age-specific standards.

Local authorities have a statutory duty under section 436A of the EA96, 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. The guidance issued makes it clear that this duty does not apply to children who are being educated at home.

### **Local authority support for home educating families**

The EHE team regularly receive telephone enquiries from families who are considering home education. These enquiries include families who genuinely have considered the options and feel this is the best arrangement for their child, and families who believe they are in effect having no choice but to take their child out of school. The team offer advice and where there are concerns will offer parents the option of self-referral to our Pupil Attendance Support Team who can often help parents resolve difficulties being experienced in respect of their child's current school placement. We are currently unable to record numbers of such contacts although we will explore whether that will become an option following the upgrade to the authority's education management system Impulse.

The team also offer support to families in line with the authority's procedures for EHE but where no concerns have been identified regarding the provision being made it is ultimately a matter for the families to determine how much or how little contact they wish to have with the EHE team. Information on the number of families known to be home educated in Lancashire over the last three full academic years along with

details of those families receiving home visits or returning information regarding their child's education to the team can be found in Appendix A.

For children who have an Education, Health and Care Plan, the authority's Special Educational Needs and Disability service continues to have statutory responsibility for ensuring plans are subject to annual review.

The EHE team also meet with home educators on a termly basis, providing a forum for home educators to raise any areas of concern and to explore other ways in which the authority can support such families. In addition, we arrange drop in sessions at various locations around the county which provide the opportunity for home educators to meet with other home educators in their area.

### **Local authority challenge in respect of elective home education**

In some instances the EHE workers identify families who indicate they have been pressured by school to remove their child for EHE. In those instances the team will work with the family to determine whether they still wish to home educate and where appropriate, will liaise with colleagues to ensure that the school is challenged regarding their actions although this can often prove difficult as it is usually tied up with issues around interpretation of what was said by whom etc.

In cases where the parent does feel they were inappropriately directed towards home education, the team will advise and support parents in returning their child to school based education where this is the preferred option, or where it is clear suitable educational provision is not being made.

In addition, the EHE team monitor the instances where such concerns are raised and where a pattern is identified the relevant school attendance consultant (primary) or behaviour and attendance consultant (secondary) will discuss and challenge those concerns with the senior leadership team within the school.

In other cases, where concerns have been identified/reported regarding the suitability of educational provision being made for a home educated child, the EHE team will undertake investigations and where necessary will work with the family to help them bring the work up to an acceptable standard.

Where concerns remain and families will not work with the EHE team, or where the team determines that despite their best efforts the parents are not in fact making suitable educational provision for their child, the team will work with the school attendance service's legal team to carry out the appropriate statutory procedures in order to effect a return to school based education for the child.

Members may be aware of a recent BBC radio programme that highlighted instances where parents who had elected to home educate were not in fact ensuring that suitable provision was being made for their child. In any situation in Lancashire where such concerns are raised, the team would always initiate an investigation as set out above.

## **Attainment of electively home educated children**

There is no requirement for a family that has chosen to home educate to notify the authority of their decision. In addition, as set out above, there is no standard course content or qualification framework within which home educators are required to work. As such, there is no national or local framework for collating and reporting on the attainment of children who are home educated and the EHE team is unable to provide members with any information in this respect.

## **Consultations**

N/A

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

There are no risks associated with the recommendations contained in the report. There is a concern for the Local Safeguarding Children Board (LSCB) in respect of cases where there have been previous concerns about a child but the family choose not to engage with EHE services. The EHE team recently arranged a meeting between the Director for Children's Services, the Chair of the LSCB and home educators to begin to explore the options for establishing better links.

## **Financial**

There are no financial implications arising from the recommendations contained in the report.

## **Legal**

There are no legal implications arising from the recommendations contained in the report.

## **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Tel
<a href="#">Lancashire Elective Home Education Procedures</a>	September 2013	Frances Molloy 01772 532722

Reason for inclusion in Part II, if appropriate

N/A