

**Report to the Cabinet Member for Children and Schools**  
**Report submitted by: Executive Director for Children and Young People**  
**Date 6 March 2012**

**Part I - Item No. 5**

Electoral Division affected:  
All

**Elective Home Education Procedures**  
(Appendices 'A' and 'B' refer)

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**Executive Summary**

Following a transfer of Elective Home Education (EHE) functions to the Quality and Inclusion group within Universal and Early Support Services and in light of concerns raised by some home educators regarding the authority's procedures for responding to EHE matters, the procedures have been reviewed and are now submitted for approval.

This is a Key Decision and has been included in the Forward Plan.

**Recommendation**

The Cabinet Member for Children and Schools is recommended to approve the revised procedures as set out in Appendix 'A' for elective home education within Lancashire with immediate effect.

**Background and Advice**

In April 2011, responsibility for EHE transferred from the Lancashire Education Inclusion Service following the disestablishment of that service as part of the restructure of the Inclusion and Disability Support Service (IDSS). At that time, concerns had already been raised by some home educators regarding the authority's documentation in respect of EHE and we acknowledged the need for the procedures to be reviewed.

In drawing up the revised procedures advice has been sought from the County Secretary and Solicitor's Group, IDSS, the Access to Information Team and the Head of Safeguarding, Inspection and Audit. The original draft document that was consulted on in Autumn 2011 has been significantly amended to reflect the views received during the consultation stage outlined below.

An equality impact analysis has been undertaken and is attached at Appendix 'B'.

## Consultations

During October and November 2011 a letter was sent to all known home educators in Lancashire informing them of the revised draft documentation and offering them the opportunity to comment on the proposed new procedures. The consultation was listed on the authority's consultation site, and in addition a public meeting was held on 23 November 2011.

85 written responses were received and we also took account of the views raised at the public consultation meeting and via representation through MP letters on behalf of constituents.

In summary, whilst a few responses welcomed the document, or at least some aspects of it, the vast majority of responses were negative. Many respondents felt that there was a misunderstanding of the LA's role and responsibilities in relation to EHE. Some comments related to the length and style of the document.

The concerns expressed included:

- Interpretation/paraphrasing of the law relating to EHE and the DfE non-statutory guidance
- The definitions of 'suitable' and 'efficient'
- The continued emphasis on "monitoring" of elective home education – especially through the 'collection of evidence' on a regular basis and the proposal to maintain some kind of offer of annual contact with home educating families..
- The inappropriate use of Children Missing Education Statutory guidance within the document – including to justify annual 'monitoring'
- Initial notification of 'de-registering' being processed via the CME team, rather than straight to EHE team
- Issues relating to data collection and data sharing
- Safeguarding

A number of responses commented on the use of 'school' or 'schoolchildren' within the document and this was felt to be inappropriate in this context. The responses to the consultation are included in the background papers.

Those responses have resulted in a significant revision of the document and representatives from the Lancashire Home Educators Forum have had further opportunity to comment on the revised documentation. Arrangements are being made to establish a wider group of home educators who may wish to be part of ongoing consultation around additional documentation and practice around EHE.

To allow for this further consultation to be reflected in our practice as it develops, we are proposing that the procedures document, if approved, will be reviewed in 12 months time before adopting a longer frequency for ongoing review thereafter.

## Implications:

This item has the following implications, as indicated:

### Risk management

If the recommendation in this report is not approved then the authority's capacity to respond to cases referred to the EHE team will be compromised until new amended procedures are finally agreed. If the recommendation is approved, it is likely that some home educators in Lancashire may remain unhappy with the procedures in Lancashire for responding to EHE matters.

### Legal

Advice has been sought from the County Secretary & Solicitor's Group when drawing up the procedures document to ensure that the authority is acting in accordance with legislation and relevant guidance relating to EHE.

### Financial

There are no financial implications arising from this report.

### Any representations made to the Cabinet Member prior to the issue being considered in accordance with the Public Notice of Forward Plans

Name:	Organisation:	Comments:
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N/A

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

Paper	Date	Contact/Directorate/Tel
<a href="#">Elective Home Education – Guidelines for Local Authorities</a>	2007	Frances Molloy/CYP/01772 532722
<a href="#">Revised Statutory Guidance for Authorities in England to identify children not receiving a suitable education</a>	January 2009	Frances Molloy – as above
Responses to consultation	November 2011	Frances Molloy – as above

Reason for inclusion in Part II, if appropriate

N/A

