



# Children and Young People Scrutiny Panel

19 June 2019

<b>Report title</b>	Elective Home Education – current arrangements and government consultation
<b>Cabinet member with lead responsibility</b>	Councillor John Reynolds
<b>Wards affected</b>	All
<b>Accountable director</b>	Tim Johnson, Strategic Director
<b>Originating service</b>	Inclusion Support Service
<b>Accountable employee(s)</b>	Robert Hart Tel 01902 555256 Email Robert.hart@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Children & Young People Leadership - 30.05.19 Joint Leadership – 10.06.19 Children & Young People Cabinet member – 11.06.19 Education Cabinet member - 12.06.19 Scrutiny on 19.06.19 Children & Young People Scrutiny – 19.06.19

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## Recommendation(s) for action or decision:

The Scrutiny Panel is recommended to:

1. Consider the Government's response to the 2018 consultation on children who are Electively Home Educated (EHE) and City of Wolverhampton Council's proposed response to the current EHE consultation.

## Recommendations for noting:

The Scrutiny Panel is asked to note:

1. Current arrangements for the monitoring and support of children who are Electively Home Educated (EHE) in Wolverhampton, alongside the current EHE legislation and its limitations in supporting the Council in its monitoring the quality of home education in the city.

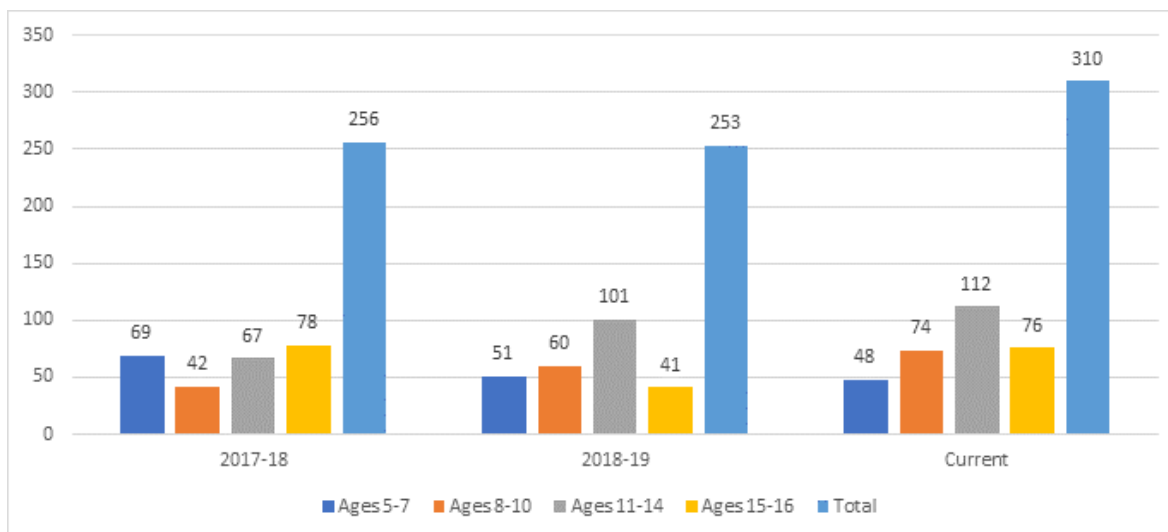
## 1.0 Purpose

- 1.1 To consider and provide feedback on the Council's proposed responses to the current consultation on changes to legislation in relation to EHE.

## 2.0 Background

- 2.1 Parents are ultimately responsible for ensuring that their children receive an education. They can decide to provide an education “otherwise than at school”. All parents have the legal right to home educate and the council cannot refuse. On occasions, this can mean that vulnerable children may be removed from schools for home education. Therefore, it is critical that there are robust monitoring arrangements in place. However, current legislation is limited regarding this priority as current EHE guidelines (April 2019) states that the parent is not required to provide any particular type of education. There is also no requirement for parents to engage with the local authority in this regard.
- 2.2 Local Authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that parents are not providing a suitable education. There is no definition of what is deemed ‘suitable education’ and this therefore makes it challenging to gather evidence and intervene. This section states that: *“If it appears to a local 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.”*
- 2.3 Over recent years there has been a significant increase, nationally, in the number of young people being home educated. In Wolverhampton, however, numbers have remained largely static. **Figure One** indicates numbers of EHE pupils in Wolverhampton by age range.

***Figure One - Number of Compulsory School Aged EHE Pupils in Wolverhampton - at the start of each academic year and as of May 2019. Note that final figure of 15-16 years will reduce by 50 pupils on 28 June 2019 as this is their final day as compulsory aged EHE.***



2.4 The most common reasons to home educate in Wolverhampton are as follows:

- **Lifestyle/Culture/Philosophy** - families who have chosen to EHE for a prolonged period or may define themselves as part of the Travelling Community and highlight EHE as part of their cultural dynamic
- **Not preferred school** – where the child was not given their preferred choice of school
- **Attendance/Prosecution** – where families have chosen to EHE due to poor attendance and the risk of prosecution proceedings
- **Emotional and Behavioural** – parents in this category often felt that their child's need could not be met in a school setting.

2.5 The reasons for EHE choice are often not as clear as the categories we use when collecting EHE data, and change and develop over time. It must be also noted that some families choose not to engage with the local authority, so we may not be provided with enough evidence to make a direct assessment of the appropriate category.

2.6 In Wolverhampton there is a dedicated officer responsible for monitoring home education. The role of the EHE Officer is to help to ensure that families are fully aware of the magnitude of the commitment they are making and then to support and guide those families to provide a suitable education for their children. The role also offers the opportunity to have some oversight of the quality of provision offered and to act as a single point of contact for families who EHE and for other relevant services within the local authority. The EHE Officer is located within the Inclusion Support Service.

2.7 Families are not required by law to notify a local authority of their status as EHE. Thus, if a family moves into the city and do not register their children with the Education Directorate, they may be unknown. Occasionally a child may get missed should a family not make a school application at the point the child is due to join reception class. Procedures are in place involving Inclusion Support, School Admissions and other agencies where appropriate, to ensure that these cases are followed up in a timely manner to establish where the child is being educated.

- 2.8 Schools must take a pupil off their school roll once a parent withdraws to EHE, and notify the local authority. At this point an offer of a visit is made to the family by the EHE Officer, which is usually made within four weeks unless the parent refuses a visit. Subsequent visits are usually made at three or six monthly intervals, depending on the needs and preferences of the family. There are several families in the City whose work is of an excellent standard and who may only require annual visits.
- 2.9 Some families do not consent to visits but do submit evidence of work, while some families (currently 38) do not engage at all. These families are contacted regularly to offer support. However, current legislation restricts any direct involvement unless there are safeguarding concerns raised or, there is evidence of a suitable education not being provided. If there is a safeguarding concern regarding any family, the EHE officer will work closely with colleagues in social care, attend safeguarding meetings as required, and make any appropriate referrals in a timely manner.

### **3.0 Progress, options, discussion, etc.**

- 3.1 It is evident that there are limitations within the current EHE legislation, as outlined above. Given that, the Department for Education called for evidence to consider whether the current arrangements for oversight of EHE are adequate. It also sought views on the proposed updating of departmental guidance on current arrangements for EHE.
- 3.2 The Elective Home Education Consultation findings were published in April 2019. Local Authorities unanimously agreed in, their responses, a need for:
- A statutory system of registration for children who are EHE.
  - Enhanced and specific frameworks to enable LA's to monitor and assess the suitability of home education.
  - Support for those families who wish to access exams who are providing a suitable and balanced home education.
- 3.3 The government agreed that, due to increasing numbers of EHE young people, it did see a basis for change in the current guidelines - in line with respect for parental choice and the recognition of diversity. The report proposed that the first step toward a better understanding of EHE is to establish fully who is deemed as Home Educated and to introduce a compulsory register for those children who are not in mainstream schooling.
- 3.4 In April 2019, the government made 4 further proposals for further consultation:
- Introducing a duty on local authorities to maintain a register of all children, who are compulsory school aged, who do not attend schools of a specified type.

**Response:** City of Wolverhampton Council currently works closely with schools and partners to ensure that EHE pupils are identified and logged accordingly on the ONE system. We welcome the introduction of statutory duties regarding this as it may reduce risk and enable more effective tracking. However, we feel that it should be accompanied by a duty on local authorities to inform receiving

authorities when their children move to a new area. Currently, this does not always happen in a timely manner.

- Introducing a duty on parents to inform their local authority if their child is not attending a mainstream school.

**Response:** CWC welcome the introduction of this duty. We currently respond appropriately to any such communication but there is no statutory duty on parents in this regard.

- Introducing a duty on settings attended by children on the register to respond to enquiries by the Local Authority as to whether a specific child attends their setting.

**Response:** Currently, CWC regularly liaise with settings regarding pupil attendance, but we would welcome the introduction of a statutory duty on settings.

- Introducing a duty on local authorities to provide support for Home Educating families, should they request it.

**Response:** CWC currently offer support, in the form of advice and guidance, to families as outlined above. We would welcome stronger duties in this regard, however this could have implications for staffing and resources, depending on the type and level of support that is required.

For example, the consultation suggests “assistance with the cost of examination fees incurred by private entrants” as one avenue of support that the local authority might provide. Clearly, this would have significant financial implications. Under the awarding body AQA, for example, GCSE qualifications cost approximately £36 per subject. If all home educated pupils who are currently in year 11 in Wolverhampton (50 pupils) took GCSEs in maths, English language and English literature, it would cost £5400 to fund those qualifications. Some subjects and awarding bodies incur a higher cost and it can be assumed that many pupils would wish to take more than those three subjects (though some may not take any) so the annual cost could be significantly higher.

Other suggestions for extending local authority support include carrying out checks on private tutors and “making local arrangements for home educated children to participate in programmes normally conducted through schools, e.g. immunisation, sight and hearing tests, etc.” Such commitments would require additional officer and administrative support, entailing either the appointment of additional staff or potential loss of service in other areas.

- 3.5 The above consultation is open for a period of 12 weeks from 2 April to 24 June 2019. The consultation consists of 33 questions focusing on the four core aspects of the suggested legislation outlined above; see the link below to view the consultation document.<sup>1</sup> The Local Authority is currently considering its response to the consultation.

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<sup>1</sup> <https://consult.education.gov.uk/school-frameworks/children-not-in-school/>

3.6 The report made clear that the proposals regarding the process of compulsory registration will not include:

- Any new powers or specific duties for Local Authorities to monitor the suitability of home education.
- Any legislation or more detailed definition of what constitutes a suitable education either in the context of home education or any other provision.

3.7 While the outcome of this consultation is awaited, the EHE Officer will continue to engage with families and other key agencies to ensure that suitable education is provided for young people who are being educated at home. The local authority will also continue to follow local procedures to ensure that EHE pupils are identified in a timely manner.

#### **4.0 Questions for Scrutiny to consider**

4.1 Whether to support the government's proposals to introduce a compulsory register of children who are EHE and to strengthen expectations on local authorities, families and schools to monitor and support the quality of education of children of school age who are home educated.

#### **5.0 Financial implications**

5.1 There are no direct financial implications as a result of this report.

5.2 Any costs associated with Elective Home Education (EHE) support, as it currently stands, will be contained within the existing budget in the Inclusion Support Service. However, the current government consultation on EHE may result in future resourcing implications, depending on the outcome, as outlined in 3.4.  
[NM/04062019/C]

#### **6.0 Legal implications**

6.1 As this is a consultation, there are no legal implications to it. Once the DofE has decided on the way forward, legal consequences will be considered, if relevant.  
[LW/02062019/M]

#### **7.0 Equalities implications**

7.1 This report to Scrutiny is not presently one for decision and therefore an equalities analysis is not required at this stage.

7.2 The Government will be required to support any upcoming policy with an equalities analysis prior to its approval.

#### **8.0 Environmental implications**

8.1 There are no environmental implications within this report

## **9.0 Human resources implications**

9.1 There are no HR implications within this report.

## **10.0 Corporate landlord implications**

10.1 There are no corporate landlord implications within this report.

## **11.0 Schedule of background papers**

11.1 There are no further background papers