

**From: Roger Gough, Cabinet Member for Education and Health Reform**

**Patrick Leeson, Corporate Director for Education and Young People's Services (EYPS)**

**To: Cabinet– 28 January 2015**

**Subject: Elective Home Education Policy**

**Classification: Unrestricted**

**Electoral Division: All**

**Summary:** This report presents the revised draft Elective Home Education (EHE) Policy. Cabinet agreed on 7 July 2014 to defer approval of the revised EHE Policy, pending further consideration and a process of engagement on the revised EHE policy.

Further consideration of the revised EHE Policy has now been undertaken and amendments made.

**Recommendation:** The Cabinet is asked to agree the revised EHE Policy and the process of engagement to be undertaken.

## **1. Introduction**

- 1.1 Elective Home Education (EHE) is the term used to describe parents' decisions to provide education for their children at home instead of sending them to school. Parents are legally responsible for ensuring that their children receive a 'suitable' education. The role of the Local Authority is to provide support for home educating families (at a level decided by local authorities themselves) and if families wish it; and to intervene with families if the local authority is given reason to believe that a child is not receiving a suitable education.
- 1.2 There has been a significant increase in EHE registrations - from 793 in 2008 to 1326 in 2013-14. New referrals are being received at an average of 65 per month. In response to this increased demand there has been a renewed focus on engaging with families earlier. Current practice has shown that some families have been using EHE as a last resort and were not choosing this option pro-actively.
- 1.3 Kent County Council recognises that many parents who elect to educate their child(ren) at home do so to an extremely high standard and this is to be commended.
- 1.4 However, in undertaking our evaluation of current policy, safeguarding and educational risks were found. These concerns were recognised by KCC's Integrated Children's Services Board, which recommended that the Elective

Home Education Policy be reviewed to ensure more robust approaches are put in place.

## **2. Education Risks**

2.1 KCC's current interpretation of legislation and guidance results in EHE Officers making contact with registered home educating parents and offering a meeting to advise and provide support. However, parents may refuse this offer and provide alternative evidence of education. They may choose to meet EHE Officers at an alternative venue, or choose not to engage. There is some risk therefore that children who do not attend a meeting may not be receiving a suitable or any planned education. This means the LA is not able to ascertain whether a suitable education is being provided in these cases.

2.2 KCC officers may only intervene where there is evidence or a strong belief that a child or young person is not receiving a suitable education, or where there may be child welfare concerns.

2.3 In addition to the significant increase in EHE registration, there are also disproportionate numbers of adolescents leaving schools to be home educated. The profile of young people taken off roll for Home Education suggests this is being used as an alternative to addressing vulnerabilities and learning needs that could have been supported through earlier interventions:

- 2% of EHE pupils received a permanent exclusion prior to being taken off roll, which is a higher proportion of the cohort than for all Kent pupils, 0.6% of whom received a permanent exclusion. 14% of EHE pupils receive one or more fixed term exclusions in comparison with 5% of all Kent pupils who received one or more fixed term exclusions. 6% of EHE pupils received multiple fixed term exclusions during the academic year in which they were taken off roll from school.
- A high percentage of EHE pupils have poor attendance at school which gets worse during the year in which they are taken off roll. Average attendance for this cohort reduces from 79% to 69% in the academic year prior to the year in which they were taken off roll to become home educated. Persistent Absence of EHE pupils (that is absence of 15% or higher) shows the same trend: 45% of EHE pupils were persistently absent from school in the academic year prior to the year in which they were taken off roll and the persistent absence rate increases to 62% in the academic year during which they were taken off roll. In these cases their educational progress and attainment has already been damaged.

## **3. Safeguarding risks**

3.1 Families who choose to home educate at the time a child reaches statutory school age do not have to register as EHE with the local authority. Families with children who are reported and registered as a Child Missing Education can inform KCC that they are home educating and may refuse a meeting.

3.2 Although there is no evidence that children who are EHE are at any more of a safeguarding risk, it is the case that universal systems in place to safeguard

children and young people that are embedded in schools are not necessarily available to children who are educated at home. There is a risk that these young people have less access to agencies that would carry out safeguarding functions and duties. The current policy is such that the voice of the child is not routinely heard.

#### **4. Key Policy Changes**

4.1 The key policy changes proposed to mitigate the risks detailed above are set out below.

4.2 In order for KCC to satisfy itself that suitable education is being received, an EHE Officer will request to meet with the family and the child to discuss the education provision. Where one or more of the conditions set out below are met, KCC will expect every child whose parent(s) elect to home educate to participate in a meeting with an EHE Officer and the child at a mutually convenient time and place in order to satisfy KCC of the suitability of the education provision proposed. To ensure that the critical voice of the child is heard and to establish education suitability, KCC will request that both the child and evidence of learning are seen. Where one or more of the conditions set out below are met, education will not be recorded as suitable if this meeting is not facilitated.

The conditions where this meeting would be expected are:

- (a) The child has a history of persistent unauthorised absence from school (by persistent absence, KCC mean absence of 15% or higher);
- (b) The child has a record of poor attainment at school as measured by progression in performance using prior attainment and National Curriculum test results as the basis for assessment;
- (c) The child has previously been permanently excluded from school(s) or has been subject to more than one fixed term exclusion whilst at school;
- (d) The child has been referred to early help and / or to children's social care.

From past experience the presence of one or more of these factors is a strong indication that the child in question may well not be receiving a suitable education and may be seriously under-achieving.

Where none of the four conditions set out above are present, KCC would strongly encourage parents to participate in a meeting in order that they receive the full support available. However, in these circumstances, unless there is any other matter which suggests that the child is not receiving a suitable education otherwise than at a school, there is no requirement for such a meeting and KCC will record such a child as receiving suitable education.

Evidence at this meeting could include a report about the education provided, an assessment by a qualified third party or by showing samples of their child's learning supported with input from the child. Parents would be expected to provide evidence of a suitable education that would, on the balance of probabilities, convince a reasonable person that a suitable education is being

provided for the age and ability of the child.

- 4.3 Should the offer of a meeting be declined where one of the above four conditions are present, the LA will not be able to state that a suitable education is being offered. The LA will also record that there has been no opportunity to speak to the child regarding their education. In this case the child's name will be added to the Children Missing Education register until such time as it becomes possible to ascertain that they are receiving suitable education. This information will also be made available for the KCC Children's Social Services Teams.
- 4.4 When the EHE officer is satisfied that a parent is complying with their Section 7 of the Education Act 1996 duty, the EHE officer and family will agree a date for the next annual review of educational provision. Parents may contact the EHE team at any time during this period for advice and support.
- 4.5 Following contact with the parent and child the EHE officer will write to parents within four weeks summarising the matters discussed/presented and will provide any additional information or advice requested by parents.
- 4.6 If it appears that a child is not receiving a suitable education, the EHE officer will offer advice and support to help enhance the education being provided and agree a follow up visit to monitor progress.
- 4.7 If it appears to the EHE officer that a child is still not receiving an 'efficient' and 'suitable' full-time education, the officer will write to the parent stating that this appears to be the case, the reasons for their opinion and inviting them to respond. Parents will be given 15 working days to reply. Their reply should address the question of whether they are providing a 'suitable education' with reference to their own philosophy, and/ or educational provision.
- 4.8 The EHE Team will only take legal action against the parent as a last resort, after all reasonable avenues have been explored to bring about a resolution of the situation.
- 4.9 "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 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". [Section 473(1) of the Education Act 1996]
- 4.10 If it appears to KCC that an appropriate education is not taking place then a magistrate may be requested to issue a School Attendance Order. At any stage following the issue of the Order, parents may present evidence to KCC that they are now providing a suitable education and apply to have the Order revoked. If this is refused, parents can choose to refer the matter to the Secretary of State. If KCC prosecutes parents for not complying with the Order, then it will be for a court to decide whether the education being provided is suitable and efficient. The court can revoke the Order if it is satisfied that the parent is fulfilling their duty. It can also revoke the Order where it imposes an Education Supervision Order.

## 5. Conclusions

- 5.1 The current policy has been revised to state that the evidence for the provision of a suitable education will be based on a meeting with the child present, where one of the four conditions set out above are met. This will ensure that informed decisions have been made and that a judgement on suitability of provision can be made. Where there has been no engagement with KCC officers and one of the conditions above have been met, the education provision will not be deemed suitable. It will be registered that the family and child have not been seen, and the child's name will be added to the Children Missing Education register.
- 5.2 Children 'Missing Education' who are registered EHE should remain on the Children Missing Education register until KCC is satisfied that suitable education is being provided, including through a meeting which involves engagement with the child.

**6. Recommendation:** The Cabinet is asked to agree the revised EHE Policy and the process of engagement to be undertaken

## **Appendix: Revised Elective Home Education Policy**

### **7. Contact details**

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