

From: Roger Gough, Cabinet Member for Education and Health Reform  
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To: Cabinet – 30 November 2015

Subject: **Outcome of the Engagement Exercise in respect of the revised Elective Home Education Policy and Approval of the Policy**

Classification: Unrestricted

Electoral Division: All

**Summary:** Cabinet agreed on 28 January 2015 to endorse the revised Elective Home Education (EHE) Policy and undertake a process of engagement on the proposals. This report details the outcome of the process of engagement with the EHE community on the revised EHE Policy.

**Recommendations:** Cabinet is asked to:

- (i) note the feedback from the engagement exercise detailed in Appendix 1;
- (ii) note that the policy has been amended in light of the feedback received and appears at Appendix 2;
- (iii) confirm the earlier agreement by Cabinet on 28 January 2015 to implement this revised Policy.

## 1. Introduction

On 28 January 2015, Cabinet considered the revised Elective Home Education (EHE) Policy. After consideration, Cabinet agreed to endorse the revised EHE Policy and undertake a process of engagement with the EHE community to secure feedback on the revised policy.

The revised policy was designed to make improvements to the way in which Kent engages and works with EHE families and to help establish an appropriate framework for engagement with the EHE community to ensure that suitable education is being provided for all children of parent(s) who elect to home educate.

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) if families wish it; to ascertain whether suitable education is being provided (by a range of means including home visits) and to intervene with families if the local authority has reason to believe that a child may not be receiving a suitable education or there are concerns about their welfare.

There has been a significant increase in numbers of families registered to EHE – from 793 recorded in 2008 to 1340 in 2014-15. New referrals received in 2014 –

15 equated to 964 which averages at 80 per month. A significant number of referrals include young people aged 14-16, and pupils with a history of exclusion and unauthorised absence from school. In these cases the local authority may have some concern about the suitability of the education provided at home, and not in school.

In response to this increased number of children and young people being home educated 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. There is good reason to believe, therefore, that home education is not the first preference for many of these families. Of the 964 referrals to the EHE Service in 2014-15 the subsequent work, advice and support for these families resulted in 366 children and young people being helped to return to school.

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. Feedback from the Engagement Exercise**

The engagement process has secured a positive open dialogue moving forward with the EHE community which we wish to maintain. The engagement exercise was undertaken between April and June 2015 and incorporated:

- A postal survey to 1161 parents who were registered to EHE;
- Three public meetings held in Maidstone, Gravesend and Thanet;
- An invitation to review the newly designed EHE content on KCC's website.

Feedback from the EHE community comprised:

- 102 questionnaire survey responses;
- 17 individuals attended the public meetings (10 Maidstone, 3 Gravesend and 4 Thanet);
- There were 22 responses to the draft EHE content and feedback helped to inform the final design, layout and content of the EHE pages on KCC's website.

The outcomes of the public engagement exercise in respect of the revised EHE policy are attached as Appendix 1. Part 1 of the feedback details a summary of responses to the questions asked in the survey, grouped around their observations, advice and outstanding concerns. Part 2 summarises the issues raised at the public meetings on pages 26 and 27.

Part 3 of the Engagement Feedback Report provides a summary of the engagement exercise and is detailed on pages 28 – 32 of Appendix 1. It takes the form of:

- What we heard;
- The LA's response; and
- What more the LA could do.

### **3. Response to the feedback**

Overall, the feedback received from interested parties raised a number of concerns about the perception the EHE community has towards the LA and its intentions. In light of the issues raised, officers have been able to improve the clarity and understanding of both KCC's intentions and duties in respect of EHE. A number of aspects of the EHE policy have been redrafted to better reflect our intentions and a number of new paragraphs have been added that seek to emphasise the right of parents to educate their children at home and focus on working with and seeking to support EHE parents where they wish to engage. The final revised policy can be found in Appendix 2 of this report. In light of the feedback received, KCC's EHE website has been substantially redesigned in order to provide improved support and advice to parents.

Unfortunately, a large number of parents in the EHE community did not engage with the exercise. Of those that responded (141 in total) their principle concerns are that they are:

- Opposed to any LA engagement with them and their children;
- Want funding support for the education they provide, including fees for public examinations;
- Do not agree with our EHE Policy.

Other concerns expressed by the responders included:

- The belief that KCC has no duty to monitor the suitability of Elective Home Education;
- Families want advice and guidance, not obstructions or intrusion;
- KCC should consider the approach of other LAs to EHE.
- Access to learning materials.

Part 3 of the Engagement Feedback Report (Appendix 1) addresses the concerns identified in detail.

In each instance, every response received has been fully considered with concerns taken into consideration which have informed a redraft of aspects of the policy. However, some key elements are integral to the intent of the revised policy and have therefore remained.

### **4. Focus of the revised Elective Home Education Policy**

KCC is obliged to fulfil its responsibilities to all parents who elect to educate at home and in meeting these responsibilities, intervene with families where there is reason to believe that children are not receiving a suitable education. In light of this duty, the change in composition of the growing EHE registrations and the variety of different circumstances that pupils and parents present, it is KCC's intention to maintain the focus of our original revised policy, whilst also improving access to information, learning materials and support and advice that an EHE family may need.

Where one or more of the conditions set out in Section 5 of the revised EHE Policy (attached at Appendix 2 and below for ease of reference) are met, KCC expects every parent(s) who elects 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. 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 engaging in or receiving a suitable education and may be seriously under-achieving. Education will not be recorded by KCC as suitable if the meeting with the parent(s) / carer(s) is not held.

The conditions where this meeting would usually be required 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, school assessments and National Curriculum Test Results as the basis for assessment;
- c) The child has previously been permanently excluded from school(s) or has a history of fixed term exclusion whilst at school;
- d) The child has been referred to Early Help and/or to Children's Social Care.

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 and advice 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 expectation of such a meeting and KCC will record such a child as receiving suitable education.

## **5. Equality Impact Assessment**

A full Equality Impact Assessment was undertaken on the EHE Policy and can be viewed in Appendix 3 of this report.

## **6. Conclusion**

Kent County Council recognises that most parents who elect to educate their child(ren) at home provide suitable education and this is to be commended.

Whilst recognising there has been opposition to the introduction of the revised EHE Policy, we cannot lose sight of the compelling data detailed in the EQIA (Appendix 3) under the section entitled 'Information and Data', which demonstrates a strong correlation between the characteristics of vulnerable children and many of those that register for EHE.

The EHE policy has been revised to state that where one of the four conditions set out above is met, indicating a strong likelihood that a suitable education may not be being received, the expectation is that the evidence for the provision of a suitable education will include a meeting with the child present. This will help ensure that informed decisions have been made and that an informed 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 recorded as suitable. It will be recorded that there has been no opportunity to speak to the child and see sufficient evidence regarding their education and the child's name will be added to the Children Missing Education register.

Children 'Missing Education' who are registered EHE will 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 and parent.

Where there is evidence that a suitable education is not being provided, and after a period of time in which the parent has been asked to improve the educational programme and the expectations for a suitable education are still not being met, KCC will take steps to issue a School Attendance Order.

KCC considers the revised EHE Policy (attached at Appendix 2) reflects a balanced approach to mitigating some of the concerns raised by home educators, whilst stating our clear intention to provide any necessary support to vulnerable learners.

**7. Recommendations:** The Cabinet is asked to:

- (i) note the feedback from the engagement exercise detailed in Appendix 1;
- (ii) note that the policy has been amended in light of the feedback received and appears at Appendix 2;
- (iii) confirm the earlier agreement by Cabinet on 28 January 2015 to implement this Policy.

**Appendices:**

- **Appendix 1** – Feedback from Engagement Exercise – Elective Home Education Policy
- **Appendix 2** – Revised Elective Home Education Policy
- **Appendix 3** – Equality Impact Assessment of the Elective Home Education Policy

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## Feedback on the Elective Home Education Policy Engagement Exercise

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## Introductory Comments

Kent's Cabinet recently endorsed the draft Elective Home Education Policy and asked that officers engage with Kent's elective home education community to seek feedback.

The policy document is designed to make improvements to the way in which Kent engage and work with EHE families and to help establish an appropriate framework for engagement with the EHE community. We wanted to provide the opportunity for the Elective Home Education community to comment between 30 April 2015 - 12 June 2015. KCC intend to maintain a positive open dialogue going forward inviting groups to use a section of our website for promoting learning opportunities.

To ensure EHE families were aware of the consultation period, KCC wrote to 1161 parents who were registered to EHE and published the consultation on its website. 102 responses were received. Responders were asked to complete a questionnaire enabling the Local Authority (LA) to acknowledge the opinion of the EHE community.

### Part 1 – Survey Questions and Answers

#### Question 1

We know from looking at the data we hold on registered Electively Home Educated children that about 50% of families chose to electively home educate following a breakdown in relationship with the child's schools which followed on from poor attendance levels and/or because the family felt their child wasn't being appropriately supported by the school.

**Do you think KCC is right to try to engage families early who feel they are in this position with the offer of support in accessing their previous school (or an alternative school place) whilst providing additional support and advice on the delivery of home education if on balance this is preferred?**

#### Answers

Option	Results Count
Yes	38% (39)
No	53% (54)
Don't Know	9% (9)

#### *Observations made*

These are unresolved school issues

Requires more data to have a complete picture

EHE parents do not need to involve the LA

KCC appear to be insisting parents return their CYP to school.

Elective is not always how it feels.

The Issue is with schools.

Home educating community provide adequate support.

LA Support is helpful.

Genuine support is welcomed.

LA's have a duty to act if no education is in place.

### *Advice offered*

Allow families time to 'de-school'.

Leave EHE to families

Offer support, not force support.

EHE can meet the needs of some CYP better than schools.

Do parents have a choice?

Allow parents to make their own choice.

Problems with previous school may not be an indication EHE won't work for the family.

Acknowledge parents right to EHE

Provide a schools strategy for discussing EHE.

LA to make families aware of support

Provide better training in schools

LA to act as a go between before families de-register.

Offer support to those who want to return to a school.

Engage with families early on with a respectful dialogue

An LA contact available to advise, before the family de-register.

The LA should identify schools who promote EHE to families.

Earlier LA interventions would help.

Signpost families to support with an introductory letter

Write to parents annually to offer support.

KCC should offer all the support it can.

## **Question 2**

There is no duty on the Local Authority to monitor the quality of elective home education and we know from our data that about 50% of home educating families we visit are well-resourced and their children's education is thriving.

**Do you think it is reasonable for KCC to ask parents to evidence this so that the local authority can quickly identify families as not of concern and target their efforts more readily where children may not be receiving appropriate education?**

## Answers

Option	Results Count
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Yes	15% (15)
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No	81% (82)
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Don't Know	4% (4)
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### *Observations made*

Families should not be of concern, until the LA has reason to believe otherwise.

The LA has no legal rights.

Parents are free to make choices.

No legal requirement

EHE do not necessarily follow curriculum

A waste of limited resources.

Depends on the definition of quality and what's suitable for the child

Its intrusive

The role of the LA should be a supportive one.

EHE is a personal choice.

The LA only offer advice not practical help.

There are systems in place to identify families who require interventions.

How EHE is delivered will vary from one family to another.

The LA has a responsibility to identify children not receiving education

The EHE officer who visited was calm and communicated well with the children

Reasonable to ask for evidence, but consider how this is done

### *Advice offered*

The LA, to consider providing better resources to EHE families.

Request evidence if they have reason to believe the child is not receiving an education.

Assume that parents are providing a suitable and sufficient education unless evidence is available that disputes this

The LA cannot judge education quality, only that education exists.

EHE officers are not considered to be qualified to assess the abilities of CYP

It is acceptable to contact the family after a settling in period.

All EHE families should be regularly visited, situations may change.

KCC should only be contacting families or requesting

KCC should visit all EHE CYP in the home

KCC should only offer support to those who consider they were forced to EHE.

KCC should provide resources and exam centres.

### *Questions asked*

How does the LA define well resourced?

Where is evidence of EQIA data published?

How will KCC measure the "quality" of an education?

How is the LA considered qualified to judge, education provision?.

### **Question 3**

KCC's policy distinguishes those EHE children where one or more of the factors listed below is present which from past experience and our data is a strong indicator that the child in question may not be receiving a suitable education.

**Do you think that the four conditions set out in the policy are reasonable indicators to use to help determine where officers should focus their attention and support?**

### **Answers**

	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
1. The child has a history of persistent unauthorised absence from school (by persistent absence, KCC mean absence of 15% or higher) (33% answered)	15	78	9
2. 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. ( 22% answered)	12	84	6
3. The child has previously been permanently excluded from school(s) or has been subject to more than one fixed term exclusion whilst at school. (19% answered)	33	63	5
4. The child has been referred to early help and / or to children's social care. (26% answered)	35	60	7

#### Question 4

The Local Authority is primarily concerned where it is suggested by schools and other agencies that families are unlikely to have the capacity to effectively home educate.

**Where this is the case, do you think the Local Authority should ask for evidence of learning so we can be confident the child is not denied access to education?**

#### Answers

Option	Results Count
Yes	19% (18)
No	74% (72)
Don't Know	7% (7)

#### *Observations made*

In some cases, would be a better answer

They have no legal right to do so

It is utterly undermining parents to imply that all an agency need do is "suggest" a family might not have the capacity to home educate effectively in order for the LEA to intervene

Children need to be engaged to learn at a rate that they are comfortable with

The law is clear

This is a binary solution; the proposition is that the state provision for education is institutionalized learning in the asylum setting - and nothing else.

Head teachers do not always appreciate that EHE is an effective educational provision.

Progress of the CYP is relative and can be hard to measure

Schools and other agencies usually know diddly squat about elective home education and how it works Evidence should be given that the child is learning but learning to their capability.

Concerns raised around the quality or bias of the information provided to the LA from the school.

Schools do not understand or approve of EHE.

Broadly speaking there are 2 groups of home-schooled: Lifestyle choice or Solution based

Where school and parents relationship breaks down, the school has no rights what so ever to voice an opinion as to whether these parents are capable of providing adequate education

Assumptions are made about the parents ability to EHE

The law does NOT say 'if it appears to a local authority that a child of compulsory school age in their area might not receive suitable education at some point in the

future...' it says 'if it appears to a local education authority that a child of compulsory school age in their area IS NOT [my emphasis] receiving suitable education'. The law absolutely does not require the LA to feel 'confident' about a child's prospects.

Most school-based educationalists do not understand Home Education, how different intelligences work or that different children need different approaches to learning

The law does not require KCC to judge a child's future prospects

### *Advice offered*

Only ask to meet a parent where genuine concerns exist.

Give parents time to adjust and find their own way

Acknowledge that families deliver EHE differently

Where concerns have been raised, KCC should of course make informal enquiries to ascertain whether the child is receiving a suitable education. There is no requirement to demonstrate 'learning'

When you are dealing with children, every case is different because children are individuals. An experienced EHE officer will know when it is appropriate to ask for evidence of learning

The idea that parents need to fit some particular criteria to successfully home educate their child is not true

Identify schools not deregistering a CYP who has been removed to EHE

Purely subjective decisions by professionals should not result in parents being considered unable to educate their child

The parents know the child better than the schools

Definitely – these vulnerable children need protection

LA should ask for evidence from schools who make such claims and the family offered the opportunity to counter the claims

It is not for schools and other agencies to judge home education provision

Please train KCC EHE staff so they don't ask stupid questions like this

If a concern is reported to you, you must by law follow it up. However, consider the source

I agree these families should be engaged and the individual reasons for concern should be addressed and discussed. It should not necessarily mean that evidence of learning needs to be provided

They should only ask questions if they have evidence or real reason to think that the child is not receiving a suitable education

KCC should not only ask for evidence as a box-ticking exercise, but arrange home visits and ask the child questions and perhaps do some age-appropriate tests of basic literacy and numeracy

If the child is deemed at risk through factors other than education such as at risk of abuse yes, but I fear there is still a great deal of ignorance, prejudice and stereotyping regarding HE esp within schools who are nervous about children being

outside of the system

I don't think you can be asking for evidence of learning. I think you should be asking for a written or verbal educational philosophy and a plan for how the parent is going to achieve the education that they are setting out to achieve

### *Questions asked*

How can this be judged?

How can the school make assumptions about the parents' ability to educate? This smacks of bullying by local authorities and schools towards individuals

What makes you think a school that has failed the family to the point of them removing their child from the education system is in a position to judge the families ability to provide an education?

### **Question 5**

Although there is no legal obligation for EHE families to engage with the Local Authority, KCC believes that some level of engagement is constructive to help meet its welfare and safeguarding responsibilities to Kent children.

**To what extent do you agree or disagree that engagement with EHE families should be undertaken for this purpose?**

### **Answers**

<b>Option</b>	<b>Results Count</b>
Strongly agree	7% (7)
Agree	12% (12)
Neither agree nor disagree	8% (8)
Disagree	22% (21)
Strongly disagree	49% (48)
Don't know	1% (1)

### **Question 6**

**Please tell us any suggestions you have for how best KCC can engage with vulnerable children and families (who have chosen to EHE) to ensure children are receiving appropriate education. (It is not our intention to impose on those families delivering suitable education for their children.)**

### **Answers**

There were a number of suggestions which we have categorised:

### *Funding and resources*

KCC to Provide communal areas where families can meet to perform activities,

Offer grants for supplies,

Free resources, reduced price entry for school trips

Support the family (financially if you have to), make sure they can be healthy and happy.

Provide alternatives, like a tutor, or small co-op schools, or alternative schooling systems that would suit that child.

Offer positive reasons for families to engage with the authority by for example opening up access to educational, sporting and creative opportunities and resources for home educating families.

Make educational resources freely available.

Publicise available resources

Discounts for council run facilities

Pay money to HE families,

LA funded surgery with the EHE advisors in the library and EHE mentor on hand

Pay costs of exams

More financial support for sick or disabled children

### *LA support*

'Fantastic supportive not judgmental or intrusive and lots of advice and reassurance was given (although on very infrequent visits)'. This is the right balance. If parents do not want this then it is reasonable for safeguarding checks to be made

Parents can be helped not forced

Focus on schools, Make schools accountable

Create a pro-HE website (even a simple blog so there are no fees) with useful info

Offer an induction course to all parents starting the process of home schooling, critically workshop based.

### *Engagement*

Don't interfere with parents

Consider this to be a tick box exercise

Offer time to 'deschool', before being expected to engage with the LA

Engagement is best done as a group activity

Well-functioning families have a lot of relevant support and are capable of seeking what they need without the help of KCC

The LA to work with schools to reduce bullying and increase support

LA to give some positives for the families

Families engage with the LA out of fear. They feel that they must prove not only that they are educating to a high standard but also prove that there are no welfare concerns

Provide incentives to EHE families to engage

Offer a non-judgemental, informative service

Look at the whole child, the whole family, not just the education aspect

LA to attempt to have a decent relationship with families

Listen to EHE families

Build better relationships with EHE families

Provided services worth engaging in

Publicise the work that Education Otherwise and local HE groups undertake

Improve the SEN support so as its easier to gain support

Acknowledge good practice

Operate a non-judgemental 'open-door' policy

More regular visits from the LA, list what the LA officer can offer to EHE families

Letters bespoke to the family

Develop a good website

Educate KCC officers on EHE. Use the expertise and experience of existing EHE communities to help and support home educated children

Engage POSITIVELY with families 'above the radar' then perhaps your staff will be seen less negatively by those avoiding your services

Offer support but make it entirely voluntary and communicate that this is the case

Offer more help, if you offer to help facilitate and guide home schoolers, you will have more opportunities to engage and get voluntary sign up

Offer individualised packages of agency support to vulnerable families

Constructive engagement with the LA is beneficial to families

Be clear how & what evidence the LA request from families

### *Safeguarding/welfare*

It is reasonable to seek to support families already known to social services who are home educating, but it should be with the aim of supporting them in their home education rather than condemning it

Children are not put into school to safe-guard them, they are in school to receive an education. Home educators have contact with Drs, clubs, societies, etc.

Welfare of children is primarily parents' responsibilities. Safeguarding is everyone's responsibility

Safeguarding concern should be referred to social services or the police

Education is completely separate from welfare issues

KCC should engage if and only if there are real safeguarding concerns, as with any child (ie not treating EHE children as particularly at risk)

Being EHE is not a reason for concern over the child's welfare

The LA are not responsible for what goes on in private families unless there are issues

Home education in itself is not an indicator of abuse

In the context of home education, KCC has very limited 'education functions'

It is not, nor has it ever been, the duty of KCC to ensure the welfare and safeguarding of Kent children. Home education is not a welfare issue and safeguarding is not the remit of EHE visitors, it is the role of social services

Conflation of welfare and education creates a confusion of responsibility liable to lead to vulnerable children falling through the cracks. KCC should refer any welfare concerns to the appropriate agency

The law is clear that there is no legal need for engagement. Home educating a child is not a welfare issue and the two should not be conflated

Some level of engagement can be constructive to help parents with the education of their children

Welfare wasn't looked after very well in mainstream school

The LA can encourage families to engage with the service there without operating the proposed deficit model which sets families up to fail

Be proactive in challenging schools nudging out pupils who disrupt the smooth running of the school or who are unlikely to achieve the required exam results

Identify where there are bullying issues in schools

KCC should act according to its duties if there are concerns about a specific child's safety or welfare. There is no need to engage with EHE families in a blanket fashion for this reason

Ed families take the home ed route because they want the best for their child

Parents are the natural and legal safeguarders of their children. Home educated children are at no more risk than those children in school

Safe guarding and educating should be kept as two separate issues

Education professionals already have the power to refer families to other agencies where there are concerns about a child's safety or welfare

Home Educated children are not more at risk than schooled children. If the authority plans to monitor HE children in order to check on their welfare, does it also plan to check on pre-school children not attending nursery? And schooled children in the school holidays?

It is not KCC's responsibility to safeguard the child, it is the parents

My parents are responsible for me. Nobody at school looked out for me. I don't think KCC is responsible in any way for my welfare unless there is a problem

Welfare and education are not the same thing

Home education IS NOT A welfare and safeguarding issue

Elective Home education should not be seen as a welfare concern

There is already a system in place for safeguarding

EHE is not a safeguarding issue. The LA's safeguarding remit extends to a proactive duty with regard to its own services and a reactive duty should welfare concerns come to light. Safety in schools is the LA's responsibility, yet bullying and coercion is rife. Safety at home or in the wider world is the parents' responsibility. Nothing in law permits LAs to go on fishing expeditions for welfare concerns

Allow other agencies to support vulnerable EHE families . eg: Social services

EHE people responsible for referring those who are vulnerable to their LA, when that LA behaves appropriately

The LA has misunderstood its duty under s175(1) as there is no proactive duty for you to seek to undertake safeguarding checks on HE children

There is no evidence of any links between home education and safeguarding

Some level of engagement is fine, it should be optional

Safeguarding duties should not be conflated with education. The two are distinct and separate in law for good reason

Studies show the link between home education and safeguarding is completely unsupported by the statistics

If engagement for safeguarding is linked to home education it should also be linked to children in free schools or independent schools who are equally not in contact with LA safeguarding

What safeguarding duties?

The Badman Review was referenced

LA involvement is unlawful

If there are concerns about a child's welfare then that is a social services issue

Elective home education is not and never should be a welfare consideration

Again the law!!! education is NOT a cause for safeguarding concerns

Should not be as excuse to presume welfare or safeguarding issue

You should assume as set out by the law, that parents have the welfare of their own children at heart, that we are not a risk to our own kids.

Most EHE are protecting their children from the real problem....the school system, which allows heads to ignore Specialist and GP requests and which breaks the law by the way it handles the provision of education for sick children

Social Services is the agency responsible for a child's welfare. Elective Home Education is NOT a welfare concern. Confusing the two has led to children not having the correct input from social services - be VERY careful with this

Home education is not a safe guarding issue

*Policy recommendations*

Stop using narrow definitions of 'suitable' education. Use the safeguarding procedures already in place properly

Withdraw the policy

Follow Lancashire

The LA to take a hands on policy and stop the purely advisory role

The LA to provide meaningful support, undertaken in such a way that the family do not feel they are being dictated/demeaned by

Guidance rather than forceful action

Define vulnerable

### Question 7a

We know from our visits with some families and from data relating to spikes in the school year that when families opt to EHE this can be driven by schools, and parents have felt pressured to EHE.

### Has this been your experience?

#### Answers

Option	Results Count
Yes	14% (13)
No	78% (72)
Don't Know	8% (7)

YES

Schools reluctant to acknowledge bullying

Lack of appropriate SEN support

Undiagnosed SEN

Pressure of testing

Medical issues

Flawed school system

School should be taken to task

The environment of school life in general pushes parents of some children to HE?

The school refused to Home Tutor a sick child as requested by the specialist

school were in denial that problems existed

No mediator to advise and support parents

Schools having ridged approached to education

A number of educational and pastoral care issues

Reported to me by parents. The scale of this needs to be identified and schools need

to be tackled if they are adopting this as a policy to force out children who they regard as undesirable, perhaps by threatening them with permanent exclusion if they do not comply

Lack of CAMHS knowledge

It might be worth checking to see if the spikes are just after the school census days. Schools have been known to get prickly when parents attempt to deregister their children in the weeks leading up to the funding dates

Failed relationship with school

School unable to provide appropriate support

Ill health and absence

I haven't any experience of this and haven't met a HE family that has

Not applicable to our family

but I have heard of this from teachers at reputable schools who know of other schools who do this to keep their exclusion figures down or to avoid low exam grades

## Question 7b

**Has this been the experience of any EHE families you know?**

### Answers

Option	Results Count
Yes	33% (30)
No	45% (41)
Don't know	23% (21)

YES

Unlawful exclusions on Ofsted days and school trip days followed by pressure to deregister

The Home Ed families I know have either removed their child because of bullying, haven't managed to secure a place in the school of their choice, or simply because they do not feel that a child sitting in a box for 6 hours a day being pressurized to reach targets is healthy

I meet with parents via the Kent autistic trust who have similar experiences

A tiny minority and they are not true home educators

Forced into Home Education due to serious failings in school, including neglect, bullying and abuse from teachers and pupils. Other factors have included large class sizes, inability to recognise and deliver individualised teaching, forced pressures from constant tests to meet Government standards

Many HE families feel unsupported by school and I have since heard that many parents advised not to tell schools of decision of HE due to ill effects our children

suffer because of this. Some children just don't fit the school system and should not have to endure something that is detrimental to them

Schools are uncooperative and unable to cater for child's needs- impossible to help 30 children and do all paperwork expected of teachers

My use of forums indicate this

Some of the families that I advocate for have been advised to consider home education by schools that are trying to get rid of "trouble" children from their rolls

Undiagnosed SEN

Many families feel so failed by the school system that home education becomes a necessity not a choice

yes, but from shared experiences, which cover all of England- so not necessarily Kent

Two CYP taken out of school because their schools said it was the only way to avoid fines for absence

Several families I know have experienced this for the following reasons:

- special needs not met
- bullying not properly dealt with by the school
- challenging behaviour not wanted by Academy schools
- curriculum and methods of teaching not suitable for child with learning needs

I have talked to many home educating families throughout the country and they don't always realise how they have been driven into a corner with regard to home education, what the alternatives might be, and how much entitlement they sign away once they deregister

Schools are often the driving force because of their failings, but it is a fortuitous discovery that home education can provide a fully tailored and considered education for each child

One felt their gifted child wasn't getting the most they could from school. Some didn't get the place they wanted and so EHE until one became available

No but I have heard that LAs think this so I assume some must

Not personally no, although have heard people on internet forums say they have come to home education that way (not necessarily in Kent)

No families who EHE that we know have been pressured into EHE

It's not my business to describe others' experience, as it's not yours also

Sorry I do not feel it is appropriate to comment on other families in this kind of detail

## Question 8

**Have you received a home visit from the Kent Elective Home Education team?**

Option	Results Count
Yes	33% (30)
No	67% (62)

Don't know 0% (0)

### Question 8a

If yes, how would you rate the quality of advice you were given?

#### Answers

Option	Results Count
Excellent	37% (11)
Good	13% (4)
Satisfactory	27% (8)
Unhelpful	17% (5)
Very Unhelpful	7% (2)

### Question 9

Do you have any other suggestions as to how we can improve the quality of our contact and engagement with EHE families?

#### Answers

##### *Legislation*

Letters that reflect the law. A policy that reflects the law. Useful info without strings.  
Asking the community what support it requires

Read law, act upon law. You are no law

Step in line with national law and guidance

Respect them. Treat them as equals. Keep to the Law

follow current Government guidelines and legislation

## *Suggestions to Improve Working practices*

Visits should be encouraged to help provide any extra support parents may need while EHEing

Treat EHE families with respect

As soon as a parent tells the school or EWO or SEN team at KCC that they are home educating, it might be prudent to invite parents to talk or offer help

Within the first few months send a standard letter listing groups/services/benefits that could be of use to the family with contact details for the EHE officer if they so wish to use it

After 6-12 months send a letter to offer a meeting or preferably a drop in session for parents with or without their children to have the opportunity to discuss any problems they may have with a request to send an education philosophy.

Hold open days, without registration, so those who do not want to be on any list can still access information

If it is a families choice then just let them know you are there if needed. And maybe do 1 or 2 visits a year to check that the child is ok. Otherwise offer help not just advice. All children deserve an education and is awful when you are told that there is no education available

Show more respect - be honest - be positive and open about EHE and stop trying to impose home visits, face to face meetings and such like on families who have told you they don't want them

Make sure ALL staff know the policy and make sure all staff do not over step the mark if they are invited into the family's homes

By all means offer support and services

Accept that conventional schooling is only one of a wide range of didactic methods

Work with schools to ensure that where pupils are disengaging, the school is working proactively to address the issue

Look at Lancashire

Carry out a comprehensive survey into why families opt to EHE. Analyse data

Non-intrusive , non-compulsory

Be more supportive and less threatening in all communications

Do not suggest follow up visits as par for the course

Training and more knowledgeable staff - particularly in relation to the law around home education

More professional staff, ie in their manner when making phone calls

Liaise with local Home Educating groups and families in a manner which inspires trust

Hold parent led group meetings

Show more respect - be honest - be positive and open about EHE

Stop trying to impose home visits

Keep to the existing legislation  
Scrap the dreadful draft policy  
Don't turn up on the doorstep unannounced  
Offer support rather than demand evidence  
Let families come to you if they feel they need it  
I am sure your team do a great job and would like to think that the people you employ are all for Home Ed. Do not try and force CYP back into schools  
Understand that your duties are reactive, not proactive  
KCC should only be contacting families if legitimate educational concerns have been reported and offering support if families ask for it  
A service accessed voluntarily  
Differentiate between EHE families and CEHE families  
Research into different intelligence, personality types, 'learning difficulties', syndromes, methods of learning  
Just 'offer' contact details and let the parents know what help is available should they require it  
Offer help accessing the kind of support available to those with children in school regarding special needs assessments, taking gcse's moving on from home ed to college  
EHE officers after a visit should have to provide the family with a report for their own interest  
Offer induction workshop for parents  
Separate from the KCC website  
Advertise better so that people are more aware of your team's efforts  
Be friendly and have an alternative to going back to school if EHE isn't working (in your view)  
Provide independent advocates for the children experiencing difficulties in school  
Intervene in the situations where all those families cannot engage with education before they are forced to EHE  
Do not suggest unnecessary visits to families, do not ask for evidence of learning or plans from families who you have no grounds to believe are not educating their children

### *Comments*

"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."

That is not an offer - its a threat and a very poorly worded one. I am not required to provide evidence of anything unless I am subject to a S437 notice and even then I can provide evidence in any form I choose as has been proven again and again in courts

KCC Provide independent advocates for the family Policy is written on the premise that a choice has been made

### *Personal experiences*

#### Positive

We are really happy with the visit we have and the support and experience

First visit was not compulsory and the person I saw was knowledgeable and encouragingly positive. This is a better approach than what I expect my next contact to be.....You must do this.. & why?? Because of past social services involvement

Don't contact families unless its legally justifiable

Do not suggest unnecessary visits to families

Do not ask for evidence of learning or plans from families who you have no grounds to believe are not educating their children

#### *Negative*

I had two visits in five years on both occasions I asked for information and never received the information requested

Complaint about links with NHS reporting Children missing education

### **Question 10**

#### **Do you have any further comments about the Kent EHE policy?**

It should reflect the law, not project vulnerabilities onto families and not make assumptions

#### **Answers**

##### *Positive*

All HE children should be given free exams like children in schools. It really does not help families who are trying to provide a good education to then have to pay £165.00 per exam

I welcome being able to give evidence of the work my home educated child does, she works very hard and if there's nothing to hide there's no problem. Any suggestions of how to improve her education are always welcome

Looks fine ensures child has an education

Please, please do something to help these children and families who are not 'electing' but forced to home educate. This is a much, much bigger, wider, deeper issue than the still important priority of ensuring that EHE students are safeguarded and receiving an appropriate education

The actual support received acknowledged fully our situation, was extremely realistic and helpful

i believe that the policy should be left as it is

I welcome being able to give evidence of the work my home educated child does, she works very hard and if there's nothing to hide there's no problem. Any suggestions of how to improve her education are always welcome

Looks fine ensures child has an education

Please, please do something to help these children and families who are not 'electing' but forced to home educate. This is a much, much bigger, wider, deeper issue than the still important priority of ensuring that EHE students are safeguarded and receiving an appropriate education

### *Negative*

I am concerned that this policy will have a negative impact on children with disabilities

Glad it has been consulted. Unsure how much this will affect what seemed to be a policy set up before consultation

It should include flexi school options

Yes - solve the pressured into off rolling problem in the schools

I am working with several other EHE parents to assess the EHE policies of each LA and yours is the worst I have come across so far!

I believe it is wrong to monitor & make visits compulsory. The legal guidelines is that it is our responsibility & that HE is not a reason for LA involvement

Allow home ed families to ask for support if they need it, and respect their wishes if they choose to decline visits

Solve the pressured into off rolling problem in the schools

It has caused dismay amongst HE families and advice sites have been full of fearful comments about your approach

Do not suggest unnecessary visits to families, do not ask for evidence of learning or plans from families who you have no grounds to believe are not educating their children

It needs to be rewritten in co-operation with members of the home educating community in Kent. It needs to be compliant with Education Law and the EHE Guidelines for LAs

Provide access to resources that we are taxed for and then denied access to

Your current draft policy badly misquotes the law and guidance and brings in a number of irrelevant items in order to bolster a very one-sided view of EHE. Your four "high risk" categories that you insist require home visits are blinkered,

discriminatory and unlawful

It seems to have too much bias on the anti-home educators front

Tangible help not yet more advice

Try a different approach because there is a lot of anger from parents that believe the system has failed their children whilst at school

It should include flexi school options

Please provide access to resources that we are taxed for and then denied access to

Focus on the causes not the symptoms of the failing school system, that results in pupils/families feeling they have no option but to electively home educate in order to give their children an effective education that meets their individual needs

Disappointed to read that the cost of exam entries will remain with HE families; as such a large local authority I feel Kent could be leading the campaign to gain funding from central government for HE children to have their exam entries funded to take a limited number of exams e.g. in Maths and English

As it stands KCC are assuming that parents can't carry out their parental duty unless it overseen by KCC

There are a couple of issues in the policy but I am more concerned with what will happen in practice as my experience is that does not always follow policy

It seems to have too much bias on the anti home educators front. Stop viewing home educators as potential child abusers, but instead see them as engaged parents

On the equality analysis it mentions the "limited support available" - this needs qualifying to "limited financial support" . There is loads of support for HE families

It does not as it stand meet the needs of my HE families, they want tangible help not yet more advice

Not enough consultation

The draft policy does not address or even mention that there is an issue in Kent. I know that EHE is not per se a problem, but there has to be a reason for the exceptionally high figures which needs to be identified before any policy can be finalised (actually I think it should have come first)

You need to check your policies against what the law says

There is no need to rewrite policy, it is already there in the form of the Elective Home Education Guidelines for Local Authorities 2007. It is, in fact, statutory guidance as it is signposted in CME Guidance 2015. Therefore any policy that goes against the EHEGLA is not in line with statutory guidance

Just because you change your policies it does not mean that home educating families have to abide by them, so don't bully or threaten people into complying with your ultra vires demands

For all of the reasons I have previously stated I feel that the proposed policy is unfair and unjust and targets the more vulnerable children in the community

I would like it to reflect the EHEGLA. Advisors are already overstepping the mark, and have stated the new policy is already in effect

EHE is done out of wanting the best for our children and many parents feel

victimised and pressured into proving this

It should be completely reworded and in line with the law/government guidelines

Having recently denied an EHCP assessment for our child, we are more than satisfied we made the correct choice

### Question 11

**Kent is one of the largest authorities in the country and we are keen to direct our resources most appropriately across the districts. To assist us in this, please provide your postcode (either in full or the first part).**

### Answers

### Question 12

#### Are you?

Male	17%	(16)
Female	66%	(61)
Prefer not to say	17%	(16)

### Question 13

#### Which of these age groups applies to you?

16-24	3%	(3)
35-49	50%	(51)
50-59	11%	(10)
60-64	1%	(1)
65-74	1%	(1)
Prefer not to say	18%	(17)

### Question 14

#### To which of these Ethnic groups do you feel you belong?

White English	60%	(55)
White Scottish	1%	(1)
White Welsh	0%	(0)
White Northern Irish	1%	(1)
White: Irish	1%	(1)
White: Gypsy/Roma	1%	(1)
White: Irish Traveller	0%	(0)
White: Other*	7%	(6)
Mixed: White and Black Caribbean	0%	(0)
Mixed: White and Black African	0%	(0)
Mixed: White and Asian	0%	(0)

Mixed: Other*	0% (0)
Asian or Asian British: Indian	3% (3)
Asian or Asian British: Pakistani	0% (0)
Asian or Asian British: Bangladeshi	0% (0)
Asian or Asian British: Other*	0% (0)
Black or Black British: Caribbean	0% (0)
Black or Black British: African	0% (0)
Black or Black British: Other*	0% (0)
Arab	0% (0)
Chinese	0% (0)

### **Question 15**

**Do you consider yourself to be disabled as set out in the Equality Act 2010?**

Yes	15% (14)
No	68% (63)
I prefer not to say	17% (16)

### Question 15a

#### What type of impairment applies to you?

Physical impairment	21%	(3)
Sensory impairment (hearing sight or both)	7%	(1)
Long standing illness or health condition, such as cancer, HIV/AIDS, heart disease, diabetes or epilepsy	14%	(2)
Mental health condition	0%	(0)
Learning disability	0%	(0)
I prefer not to say	71%	(10)
other	0%	(0)

### Question 16a

#### Which of the following applies to you?

Christian	80%	(20)
Buddhist	4%	(1)
Hindu	0	(0)
Jewish	0	(0)
Muslim	0	(0)
Sikh	0	(0)
Other	12%	(3)

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The engagement responses reflect a mixed response from the EHE community. Some felt that engagement with the Local Authority was positive and helpful; however there were those who considered that any engagement should be on a voluntary basis.

## Part 2 – Issues Raised at Public Meetings and via KCC Website

### Public Meetings

There were three meetings held in key areas of the county:

Maidstone	10 people attended.
Gravesend	3 people attended
Thanet	4 people attended.

The attendees raised issues around the legislation not requiring the LA to monitor EHE families

They were concerned EHE families may be victimised by the LA

They were informed that EHE officers were advising parents on what to cover in the curriculum

They were concerned that EHE officers were there to judge and not assist

Attendees were not clear how the policy would affect them

There were many myths around the LA and attendees were concerned as to what and/or who to believe

Attendees advised that not many families wished to attend the consultation meetings as they were happy with how things worked at present

The LA were advised that some families were pushed into EHE as their CYP were not receiving the support they felt they needed in school and want to know what steps are being taken to address this with Schools

They felt the policy was confusing, advising that families don't have to follow the curriculum and further on advising if education is not sufficient that action would be taken

KCC should define what is perceived as effective education

The way the policy is written makes families feel that their children will be taken away

Incentives should be offered

Home Education should be given a better standing and recognition

Yahoo groups and facebook pages are a good link for parents

KCC to look at how they correspond with parents

It is considered by some EHE families that KCC want to enforce a curriculum based way of learning

Attendees advised they had no problems with EHE officers, however were advised they had been told to attend via the internet forums

Funding should be available to private consultants who create ways to engage with CYP

Where can families get SEN support

The community fear unannounced visits from EHE officers

Parents may want to speak to an EHE officer but that may not be in their own home

Advise parents who can help and where they can go for help

The attendees advised that there is a huge hidden EHE community that won't engage with KCC

### **KCC Website Responses / Comments**

There were 22 responses to the webpage:

3 Good  
4 Average  
15 Poor

In summary, the respondents considered that while some of the advice published on the website was a positive move forward, that there was not enough information about activities and groups for EHE families. There is a requirement for more links to digital resources to be made available

Clarity is required for those EHE families contacting Kent's EHE team and what registering with the Local Authority means for those families

It was thought to be a positive gesture that Kent ask EHE families pressured into home educating to contact us, in order that support can be offered to the families

Further clarity is required around the hours that a family would be expected to offer EHE to their CYP

What EHE events will be published as the respondent had seen none to-date

The respondents advised that there should be clearer information around the legalities of the de-registration process

### Part 3 – Summary of Engagement Exercise

- 1) **What we heard**
- 2) **Our response**
- 3) **What more could we do?**

- 1) ***Parents require support with funding for exams***

- 2) KCC do not currently have funding for offering exams to those children who are Electively Home Educated, however recent DFE funding has been made available to some FE colleges so they can offer Exams and courses to EHE families who have been educating their CYP through the secondary years of education.
- 3) KCC will identify and publish on their website exam centres throughout Kent for parents who wish to fund GCSEs. KCC will research and publish which 14- 19 qualifications are being made available to families who home educate.

- 1) ***Unannounced visits were alarming.***

- 2) We are concerned that there is some confusion over officer roles. We can confirm that it is not the remit of an EHE officer to arrive unannounced, they will phone, email and write, to attempt to arrange a mutually convenient time and place to meet. However if they are unable to make contact, they will refer to an EWO who would make an unannounced visit.
- 3) EHE officers will endeavour to always meet EHE families at a convenient time . It is only where these arrangements fail, that an Education Welfare Officer may attend unannounced

- 1) ***There is a lack of information on KCC website and a lack of published information available to EHE families.***

- 2) KCC have recently created a new website and invited feedback from EHE groups and families in order to develop this. Where we become aware of useful information for EHE families KCC will publish this along with links to publications and legislation.. The consultation invited the EHE community to provide helpful links, the details of local EHE groups, forums and information and we will publish these as they are presented to us.
- 3) KCC ask that EHE communities and forums share good practice tips and news stories that can be published and shared with less experienced EHE families. We will actively seek to publish details and discounts for Home Educating groups & Families of historic and educational venues in Kent. Where EHE support groups have a particular event, we would be happy to promote these.

- 1) ***Parents want resources to be available to them.***
- 2) The LA receives no funding for EHE CYP and therefore there are no resources available, the LA can advise and signpost families to forums and EHE groups where we have permissions to share information.
- 3) For low income families, KCC will provide access to licenced learning materials for core subjects.

- 1) ***EHE families consider KCC doesn't understand the concept and requires families to adhere to the national curriculum.***

- 2) We can confirm that this is not the case, KCC EHE officers are conscious that families choose a variety of ways to educate their CYP. We acknowledge that the parent understands the learning capacity and pace of their CYP. Article 2 of protocol 1 of the European convention on Human rights states that “ No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and teaching and to learning; the state shall respect the rights of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.” (elective home education guidelines for local authorities ). KCC will only raise concern, where it is evident that the parents have **no** suitable provision in place.

- 1) ***All EHE families will be referred to social services.***

- 2) Social services are an overstretched resource and there would have to be a very clear area of identified concern before a referral was made to them. If an EHE officer identifies where a family may require support from other parts of the service, a referral is made to early help and they will assign an officer to work with the family.

- 1) ***Schools were promoting EHE to families to avoid exclusions and to achieve higher SATs outcomes.***

- 2) This practice has been identified and KCC EHE officers are working more closely with the headteachers of the schools where this is identified.
- 3) To prevent CYP being out of school for any longer than is necessary, the EHE officer will compile a list of schools and CYP affected by this, and this list will be taken to the In Year Fair Access panel meetings held every six weeks. Where the family request it, the CYP will return to their original school (as is the IYFA protocol) or a new school place will be secured where appropriate

- 1) ***KCC were not challenging bad practice in schools.***

- 2) The majority of schools work very hard to create and maintain an inclusive and effective learning environment for all their pupils. It is the role of the EHE officer,

working with the area Senior Improvement Adviser, to identify schools in their area who may need to improve the support for children and families experiencing difficulties and to challenge situations where families may be encouraged to EHE in order to legally take them off roll of the school. Where such problems emerge, EHE officers will bring this to the attention of Area Education Officers and KCC directors to ensure that schools are provided with the support and direction which may be needed to better support these pupils.

3) In addition to this Fair Access will report the data to the DFE in the annual adjudicator report.

1) ***Families want advice and guidance not instruction or intrusion.***

2) Advice and guidance is exactly what we aim to provide during educational visits. This is not intended to be intrusive. The majority of families who engage with us have excellent relationships with their area EHE officer and are happy to share good practice. It is disappointing that there is opposition to LA engagements from some small elements of the EHE community.

3) The KCC EHE team has a generic contact number and email address which is now published on our website. The administration officers who are on the end of the phone are experienced officers with an excellent knowledge of EHE. In order that parents may have a discussion with an EHE officer, if they so wish before they deregister their child from school, the callers details will be forwarded to the assigned EHE officer for that area and that officer will contact the family to offer impartial advice and support.

1) ***The LA has no legal right to monitor EHE families.***

2) However the LA does have a duty of care and a responsibility to ascertain that suitable education is being provided. We have worked hard through this consultation to ensure EHE families understand this and continue to with engage with our officers, to ensure we can target our resources to those most vulnerable and support those less able to provide effective education..

1) ***Not all EHE officers follow the same direction and give varying advice and follow different formats of monitoring***

2) Through training and development Kent ensures the consistency of the approach of our EHE officers and endeavour to ensure that all officers are working to a key set of principles.

3) We will place more information on our website and aim to provide a service that EHE families will want to engage with.

- 1) ***Some EHE families welcome support from KCC EHE officers and are grateful for the engagement and advice officers are able to offer.***
- 2) Kent wants all our EHE families to benefit from the support and advice available to them and more families to engage with our officers.
  
- 1) ***EHE groups and forums provide a considerable amount of information and guidance.***
- 2) Kent would aim to publish contact details for groups so groups and forums can promote awareness to new EHE families.
  
- 1) ***Improve KCC correspondence in content and tone.***
- 2) Kent CC is reviewing the content and tone of correspondence we send out to EHE families
  
- 1) ***Engage positively with families and groups.***
- 2) Each EHE officer will liaise with local groups, offering to attend termly ( six weekly) meetings with the EHE communities in their localities in order that information, concerns and local issues can be discussed..
  
- 1) ***Keep education and safeguarding separate.***
- 2) KCC safeguarding responsibilities are a priority in everything we do, and EHE families are no different to any family in terms of what action the local authority would take in the event of safeguarding and child welfare concerns.
  
- 1) ***There is no lawful duty on the authority to monitor EHE.***
- 2) No there is not, however the local authority has a 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. It can only do this if it is aware children are in receipt of a suitable education.
  
- 1) ***Withdraw the policy.***
- 2) Kent will present the findings of the consultation and any policy amendments brought about by these findings to Cabinet Members. It is appropriate for the LA to have a policy even if some people do not agree with every aspect presented.

- 1) ***Look at Lancashire's policy .***
- 2) Kent has held discussions with Lancashire, it has listened and taken into account the Lancashire policy which is reflected in the updated policy draft.

- 1) ***Acknowledge numbers and silent majority.***
- 2) It is unfortunate that the majority of families who engage with Kent's EHE officers did not feedback during the engagement with the EHE community. Of the 1501 Families registered with KCC 922 receive a visit or engage with their EHE officer. Just 102 online responses were received from the direct consultation with the EHE community. These responses could have come from families outside of Kent and interested groups, even if the respondents were all families we serve, it means that the majority of EHE families chose not to share their views with us.

Kent County Council

### ELECTIVE HOME EDUCATION POLICY

#### 1. Introduction

Elective Home Education (“EHE”) is the term used by the Department for Education (“DfE”) to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to home tuition provided by a Local Authority or education provided by a Local Authority other than at a school. It is recognised that parents may choose home education for a variety of reasons.

Parents are responsible for ensuring that their children receive a suitable education. Kent County Council (“KCC”) recognises that parents have the right to choose to educate their child at home rather than at school. Where parents choose to home educate, KCC consider it to be desirable for parents and the LA to work together, recognising each other’s rights and responsibilities and establish and maintain a positive dialogue in the interests of the child to ensure that a high quality education is received and children are safeguarded. The LA supports positive engagement through identifying a range of opportunities for families to access via their website.

Many families make a pro-active decision to home educate. Such families usually provide a good or acceptable standard of education for their children. However, some families may feel that electing for home education is the only available option when it appears that school issues cannot be resolved or where personal circumstances mean that attending school regularly is problematic. The Local Authority EHE team aims to support families in these situations to ensure they understand the implications of the child no longer being on a school roll, for example having to take qualifications as an external candidate, and the lack of school places for young people during GCSEs. Families should also be aware that KCC has very little power of direction over the school, particularly for academies.

Where young people are entering EHE during Key Stage 4, (age 14-16) particular attention will be given to ensuring appropriate learning pathways are discussed with relevant parties. There is an expectation that clear plans will be in place for achieving recognised qualifications at age 16 and securing progression to post 16 learning or employment with training, and, recognising the vulnerability of becoming NEET (“not in education, employment or training”) for young people who exit school at this late stage. This might include opportunities to continue to take examinations in school.

It is appropriate that parents and children choose a type of education that is right for them. It is equally important that EHE officers understand and are supportive of the many differing approaches or "ways of educating" which are all feasible and legally valid. The role of the EHE Team is to respond to

concerns that a child is not receiving suitable education for his or her age, ability and aptitude and, where appropriate, provide support and information for parents. It is not the role of the EHE Team to tell parents how to educate their children.

## 2. Purpose

This policy aims to clarify for schools, parents, carers, guardians and related agencies, the procedures to be observed when a parent elects to home educate their child who is of compulsory school age. The policy sets out parents' rights to educate their children at home, together with the legal duties and responsibilities of Headteachers and KCC. It also sets out the arrangements KCC will make in order to carry out its legal duties.

## 3. Context

This policy has been drafted within the context of the following legislation and guidance:

- The Children Act 1989
- The Education Act 1996
- The Education Act 2002
- The Children Act 2004
- The Localism Act 2011
- Elective Home Education Guidelines for Local Authorities (DCSF 2007)
- Working Together to Safeguard Children (DfE, March 2015)
- Information and Policies of other Local Authorities
- 'Support for Home Education', House of Commons Education Select Committee Report (Dec. 2012), Volumes I and II
- Kent Threshold Criteria for Children & Young People. (June 15)  
[http://www.kscb.org.uk/\\_data/assets/pdf\\_file/0005/41693/Kent-Threshold-Criteria-for-Children-and-Young-People-V8-June-2015.pdf](http://www.kscb.org.uk/_data/assets/pdf_file/0005/41693/Kent-Threshold-Criteria-for-Children-and-Young-People-V8-June-2015.pdf)

## 4. The Law Relating to Elective Home Education

### Parents

The responsibility for a child's education rests with the parents. In England, education is compulsory, but school is not. Parents may decide to exercise their right to home educate their child from a very early age and so the child is never enrolled at school. Parents may also elect to home educate at any other stage up to the end of compulsory school age at 16 years.

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."*

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 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". It is appropriate for EHE practitioners to be mindful of this when planning education provision.

**Article 2 of Protocol 1 of the European Convention on Human Rights states that:**

*"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions."*

Parents must comply with notices and orders served by KCC under Section 437 of The Education Act 1996, if it appears that parents are not providing a suitable education.

**Schools**

If parents inform schools they are considering home education, it is important that schools and parents are fully appraised of the expectations and implications of home educating before committing to making this important decision.

KCC recommends that parents are given contact details and advised to seek advice from the KCC's Elective Home Education Team before formally asking the school to remove the child from the school roll. Schools must not seek to persuade parents to educate their child at home, nor would it be recommended for parents to elect to educate their children at home as a way of solving a perceived or ongoing problem with the school.

In these situations both the school and parents should be able to obtain advice and support from KCC's EHE Team. Support for the family may, for example, be offered through the KCC's Early Help and Preventative Service where families are considering home education as means of addressing wider unmet needs or unresolved issues. KCC expects the school to explain to the family that delegated funding from the school may be used to pay for 'Alternative Provision' as long as the child or young person remains on roll, however there is no funding once a child or young person is removed from the school roll.

It should be noted that where there are places available at FE colleges for home educated 14-16 places, and whilst these places are limited in number, they are funded directly by the Education Funding Agency and therefore do not

require funding from the school.

Where parents are acting to home educate due to a breakdown in relations at the school and the parents are acting to home educate for these reasons, there should be a presumption that mediation will be explored prior to a final decision being made on whether to remove the child from the school roll and that the LA can be engaged in that process.

The LA would expect all Kent schools to have had a discussion with parents, signposting them to support and guidance before making any formal decision to home educate.

When a school receives written notification from a parent of their intention to home educate their child, it is the responsibility of the school to:

- Invite the parents to discuss any issues or concerns that could be resolved to enable the child to continue to be educated at school in a way which meets the parents' expectations
- If the parents' decision is firmly to home educate, to acknowledge this in writing and delete the child's name from the school register. KCC requires the school to do this within 3 working days of receiving the parents' letter. However in the interests of the family, recommended good practice would be to allow a period of 10 school days after deletion of the name from the school register, for the parents to reflect on their decision having sought further advice and support and to change their mind if they so wish.
- Inform KCC immediately of removal of the child's name from the register following the above. (Regulation 12 (3) of the "The Education (Pupil Registration) Regulations 2006)
- Ensure that the pupil file is retained in accordance with usual procedures until requested by a receiving school. The parent may request a copy of the file.

### **KCC's Role and Duties**

In December 2012 the House of Commons Education Select Committee produced a report, 'Support for Home Education'. It stated that:

*"The role of the local authority is clear with regard to home education. They have two duties: 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."*

Local Authorities have a duty to try and identify children not receiving a suitable education. Section 436A of the Education Act 1996:

*"A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but —*

(a) are not registered pupils at a school, and

(b) are not receiving suitable education otherwise than at a school.“

Section 437 (1) Education Act 1996 provides 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 (which must be no less than 15 days) that the child is receiving such education.”*

Case law (*Phillips v Brown*, 1980) established that a Local Authority may make enquiries of parents who are educating their children at home to establish that a suitable education is being provided. DfE guidelines, to which the Council has had regard, state that parents are under no duty to respond to such enquiries, *“but it would sensible for them to do so”*.

Section 437(3) Education Act 1996 provides that if a parent fails to satisfy the local authority within the specified period that their child is receiving a suitable education, it has the power to issue a “school attendance order” requiring that their child become a registered pupil at the school named in the order.

KCC has general duties to make arrangements to safeguard and promote the welfare of children (see section 175 of the Education Act 2002 and sections 10 and 11 of the Children Act 2004). EHE officers, along with all employees of KCC, have a responsibility to ensure all children are safeguarded and their welfare promoted throughout their work. Section 175 (1) provides:

*“A local authority shall make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children”*.

Sections 17 and 47 of the Children Act 1989 provide KCC with a power to insist on seeing children in order to inquire about their welfare where there are grounds for concern, although such powers cannot be used in order to establish whether the child in question is receiving suitable education at home.

Officers must act upon any concerns that a child may be at risk of significant harm, in accordance with KCC’s child protection procedures, which can be accessed through the Kent Safeguarding Children Board website – [www.kscb.org.uk](http://www.kscb.org.uk).

## **5. KCC’s Policy**

In order to comply with its duty to intervene if it appears that a child of compulsory school age is not receiving a suitable education and to adequately plan for support for families, KCC policy is to:

- Maintain a record of children known to KCC being educated at home. This is a list of the children known to KCC only and therefore not an exhaustive list of all children educated at home in Kent. Families who have children who have never been on roll may also register to access advice and support.
- Where one or more of the conditions set out below are met, 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. 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 engaging in a suitable education and may be seriously under-achieving.

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 required 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.
- 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 and advice 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.
  - Publish information about EHE arrangements for parents who wish to educate their child at home. The information will be posted on the County Council website and can be sent out on request to those enquiring about educating children at home.
  - Employ EHE Officers who are available to liaise with parents. Officers can offer support and guidance relating to the parents' plans for their child's education.
  - For the KCC EHE Team to explore the options for access/signposting to other Council services and facilities for parents, within available resources, and to also seek to ensure EHE children have appropriate access to services and facilities from other agencies that would generally be delivered via school.
  - To comply with legal requirements, where a child has a statement of Special

Educational Needs or an Education Health and Care Plan, the legal duty to ensure that the child's needs are met is fulfilled and annual reviews are undertaken for those children who have a statement of Special Educational Needs or EHC Plan. (See SEN section below).

- KCC's EHE team will advise and assist families who request support with returning children to school or with identifying a school place.
- Any Year 6 EHE registrations received in term 6, will not be processed until the parent has confirmed that they will be home educating in Year 7 (the first year of Secondary school) and have advised the Secondary school that they no longer require the place offered for September allowing the school to offer the place to those on the waiting list.
- KCC has had careful regard, when drafting this policy, to the Elective Home Education Guidelines for Local Authorities.

## **6. Procedural Guidance**

Parents and schools may contact the KCC EHE Team for advice at any stage in a child's education.

If a child is registered at a Maintained or Independent school, and the parents elect to home educate, they must inform the school in writing. Schools are advised to refer families to the KCC EHE Team to ensure they are fully informed of the process prior to receiving formal notification of intention to withdraw the child from school.

Schools are strongly advised to offer to meet with the parents to discuss and resolve any issues about school and the child's needs that might influence the parents' decision to continue with their child's attendance at school or to home educate.

KCC EHE officers will monitor data and highlight schools considered to have larger than average numbers of children leaving to EHE and report the findings of this data to the schools Adjudicator in the annual report.

It must be made clear to parents who choose to educate their children at home that they must be prepared to assume full financial responsibility for that education. This includes examination fees. Schools must then inform the KCC EHE Team immediately using the EHE 1 Form.

If KCC is made aware of a child being home educated within Kent, the child's details will be added to the central EHE database. An officer will make written contact with the parent and share information and guidance on a range of issues including the local offer of available services.

KCC will offer an early opportunity for parents to inform KCC if they believe they have been pressured by the school. In such situations, KCC will ask the school to reconsider and apply any influence it may have to encourage the school to take a pupil back. Where it transpires it is not parental choice to EHE, the case will be supported by a LA officer and presented at the next In Year Fair Access (IYFA) Meeting in the locality, where according to the IYFA protocol, the

school will be expected to accept the children back on their roll, and potentially directed to do so.

Initial contact will be made with a family within two weeks of deregistration from school. Further contact may be arranged once education provision is established. Families may also be contacted by a LA Officer if a referral has been made to the Children Missing Education Team to establish that education is being provided at home in order to close that referral.

In order for KCC to establish the identities of children in their area who are of compulsory school age but who are neither registered pupils at a school nor receiving suitable education otherwise than at school an EHE Officer will request to meet with the family and the child to discuss the education provision. 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 full time 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.

Where one or more of the conditions listed above under 'KCC's Policy' are met, should the offer of a meeting be declined KCC will not be able to state that a suitable education is being offered. KCC 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.

When the EHE officer has no concerns that a parent is not 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.

Following contact with the parent and child the EHE officer will write to parents within two weeks summarising the matters discussed/presented and will provide any additional information or advice requested by parents.

If it appears that a child is not receiving a suitable education, the EHE officer will in the first instance address the situation informally by offering advice and support to help enhance the education being provided and seek to agree a follow up meeting to monitor progress.

If it then appears to the EHE officer that a child is still not receiving a 'suitable' education, the officer will write formally to the parent requiring them to satisfy KCC that their child is receiving a suitable education (see section 437 (1) Education Act 1996). This letter will state the reasons for KCC's opinion that the child is not receiving suitable education. 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.

If it appears to KCC, after considering the parents' response to its written notice, is of the view that the child is not receiving a suitable education and that it is expedient that the child should attend school, it shall issue a school attendance order in the form prescribed by the Education (School Attendance Order) Regulations 1995/2090. Before making such an order, KCC will comply with the procedural requirements detailed in section 438 Education Act 1996. At any stage following the issuance of the Order, parents may present evidence to KCC that they are now providing a suitable education and apply to have the Order revoked.

KCC will always seek to discuss and engage and 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.

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. 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.

## **7. Children with an Education, Health and Care Plan or Statement of Special Educational Needs**

Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). SEN law was revised significantly with effect from 1 September 2014 by the Children and Families Act 2014 which introduced integrated Education, Health and Care assessments dealing with SEN and other issues. There is a three year period for transition from Statements of SEN to Education, Health and Care ('EHC') Plans and this policy refers to both.

Parents of any child subject to the statutory provisions of an EHC Plan (or Statement) who are considering whether to make their own arrangements should discuss this with their child's named SEN Caseworker to ensure that they are fully aware of alternatives (amended provision and/or change of placement) and their SEN statutory rights of appeal.

Parents considering to Electively Home Educate may wish to familiarise themselves with paragraphs 0.32 10.33 and 10.36 of the SEND Code of Practice January 2015:

- In cases where the EHC plan gives the name of a school or type of school where the child will be educated and the parents decide to educate at home, the local authority is not under a duty to make the special educational provision set out in the plan provided it is satisfied that the arrangements made by the parents are suitable. The local authority **must** review the plan annually to assure itself that the provision set out in it continues to be appropriate and that the child's SEN continue to be met (see Chapter 9). Where the local authority has decided that the provision is appropriate, it

should amend the plan to name the type of school that would be suitable but state that parents have made their own arrangements under Section 7 of the Education Act 1996.

- Where a child or young person is a registered pupil and the parent decides to home educate, the parent **must** notify the school in writing that the child or young person is receiving education otherwise than at school and the school **must** then remove the pupil's name from the admission register. If the school is a Special school, the local authority **must** give consent for the child's name to be removed, but this should not be a lengthy or complex process. There is no provision in law for a 'trial period' of home education.
- In some cases a local authority will conclude that, even after considering its power to provide support to home-educating parents, the provision that is or could be made for a child or young person with an EHC plan does not meet the child or young person's needs. The local authority is required to intervene through the school attendance order framework 'if it appears...that a child of compulsory school age is not receiving suitable education'. The serving of a school attendance order is a last resort if all attempts to improve provision are unsuccessful. 'Suitable education' means efficient full-time education suitable to the child or young person's age, ability and aptitude and to any SEN he or she may have.

Parents can ask KCC to arrange home education (or part of it) for a child with a statement. The request will be considered against the relevant legislation (section 319 Education Act 1996):

*(1) Where a local education authority are satisfied that it would be inappropriate for—*

*(a) the special educational provision which a learning difficulty of a child in their area calls for, or*

*(b) any part of any such provision,*

*to be made in a school, they may arrange for the provision (or, as the case may be, for that part of it) to be made otherwise than in a school.*

*(2) Before making an arrangement under this section, a local education authority shall consult the child's parent.*

If the local authority agrees to arrange home education the child's statement will be amended to include the home education programme.

## **8. Reviewing procedures and practices**

KCC will review this policy and practice in relation to EHE on a regular basis.

## **9 Contact details**

For enquiries relating to this policy, please contact the Elective Home Education

Team at [educationathome@kent.gov.uk](mailto:educationathome@kent.gov.uk)

Further information can be found on the Elective Home Education page of Kent County Council's website [www.kent.gov.uk](http://www.kent.gov.uk)

Revised November 2015

**KENT COUNTY COUNCIL  
EQUALITY ANALYSIS / IMPACT ASSESSMENT (EqIA)**

**This document is available in other formats, Please contact  
Hilary.alford@Kent.gov.uk or telephone on 03000 415769**

**Directorate:** Education and Young People's Services (EYPS)

**Name of policy, procedure, project or service**

Elective Home Education Policy

**What is being assessed?**

Updated policy

**Responsible Owner/ Senior Officer**

**Scott Bagshaw - Head of Fair Access**

**Date of Initial Screening**

**30/03/2015**

**Date of Full EqIA :**

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
1	H Alford	16/4/2015	
2	J Hill	17/4/2015	
3	S Bagshaw	17.04.15	
4	A Agyepong	20.04.15	
5	S Bagshaw	20.04.15	
6	J Hill	21/04/2015	
7	S Bagshaw	24/04/15	
8	S.Bagshaw	29/04/2015	
9	H Alford	1/07/2015	
10	J Hill	3/08/15	

## Screening Grid

Characteristic	Could this policy, procedure, project or service, or any proposed changes to it, affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact <b>HIGH/MEDIUM</b> <b>LOW/NONE</b> UNKNOWN		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative	Internal action must be included in Action Plan	If yes you must provide detail
<b>Age</b>	No	Medium	Low	<p>This policy relates to Children and young people of compulsory school age. All cases known to KCC are treated the same way irrespective of age.</p> <p>Internal Action Data evidences that a disproportionate number of children &amp; young people who are EHE have experienced fixed term or permanent exclusions or poor attendance, further work is required.</p>	
<b>Disability</b>	No	Medium	Low	<p>Children with a disability will need extra support to be educated home.</p> <p>KCC data shows us that a greater proportion of children who are educated at home have special educational needs or have had an Educational Psychologist referral.</p>	
<b>Gender</b>	No	low	low	<p>The breakdown between male and female shows some bias but further research needed. We are aware that some communities feel that there is less of a requirement for girls to be formally educated and often have caring responsibilities.</p>	

<b>Gender identity</b>	No	low	low	None	
<b>Race</b>	No	Medium	low	Further data needed	
<b>Religion or belief</b>	No	low	low	Further data needed	
<b>Carers</b>	No	low	low	Further data needed	

## Part 1: INITIAL SCREENING

**Proportionality** - Based on the answers in the above screening grid what weighting would you ascribe to this function – see Risk Matrix

Low	Medium	High
Low relevance or Insufficient information/evidence to make a judgement.	Medium relevance or Insufficient information/evidence to make a Judgement.	High relevance to equality, /likely to have adverse impact on protected groups

### State rating & reasons

We do not have sufficient data on some protected characteristics to make a judgement

### Context

In England and Wales, parents and careers have the primary responsibility for ensuring that their children receive an effective education. Although this responsibility is usually delegated to Schools some parents and carers choose to exercise this right directly by providing an education based in the home.

The Council is required to have a policy on Elective Home Education, covering its approach to its monitoring arrangements with families. A policy is in place but requires updating in line with national guidance and several Serious Case Reviews published nationally where Elective Home Education was an element considered in the review.

In addition the new policy raises the profile of the rights of the child to an efficient, effective education, and also highlights the duties the Local Authority has relating to safeguarding whilst stressing that these powers cannot be used in order to establish whether a child is receiving a suitable education.

All parents have a duty to make sure that their children receive an efficient, full time education suitable to their age, ability and aptitude, either through regular attendance at school or otherwise including by educating them at home.

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.

This new policy aims to inform parents, carers and guardians, schools, council officers, and other related agencies about the policy and procedures to be followed.

To enable KCC to monitor and support all EHE families who register with the

authority, KCC have a number of EHE officers assigned to support and advise families, these officers are mindful that the level of support required will vary according to the expertise of the family. Not all families who elect to Home Educate make this choice with full knowledge of what is involved or what their financial responsibilities will be.

KCC would hope that all parents understand and agree the importance of establishing and maintaining a positive conversation with its officers in the interest of the child and their education provision.

KCC aims to:

- Work to promote positive relationships and respect with parents and carers for the benefit and wellbeing of children and young people
- Provide effective and efficient EHE working practices, and staff with a good knowledge of elective home education
- Exercise its education functions with a view to safeguarding children and young people
- Acknowledge diversity in parental wishes and methods of educating their children
- Acknowledge the diverse needs of these children and young people
- Acknowledge that parents/carers of all educational, social, racial, religious and ethnic backgrounds can successfully educate their children outside the school setting
- Promote the relevant principles and priorities outlined in the Supporting Independence: Corporate Outcomes Framework 2015 - 2019.

**Key background documentation:**

- European Convention on Human Rights, 1953
- UN Convention on the Rights of the Child, 1990
- Education Act 1996
- Education Act 2002
- Children Act 1989
- Children Act 2004
- Education and Inspections Act 2006
- Education (Pupil Registration) (England) Regulations 2006
- Elective Home Education: Guidelines for Local Authorities, 2007
- Badman Report to the Secretary of State, Review of Elective Home Education in England, 2009
- Revised DfE guidance for local authorities on the funding of home educated children 2013-14
- Ofsted report into Elective Home Education, Local Authorities and home education, 2010
- Birmingham Safeguarding Children Board, Serious Case Review into Khyra Ishaq, 2010
- Barking and Dagenham Safeguarding Children Board, Serious Case Review into Child T and Child R, 2011
- Serious Case Review, June 2013, anonymised, Family W,
- Support for Elective Home Education, Committee Report, DfE, December 2012

- Working together to safeguard children, 2015
- Children and Families Act 2014
- SEND Code of practice, 0-25 years, 2014
- SEND Code of practice, 0-25 years, 2015
- Kent Inter Agency Threshold Criteria for Children in Need February 2015
- X County Council v The Mother, The Father, The Child by his Children's Guardian[2015] EWFC B40  
<http://www.bailii.org/ew/cases/EWFC/OJ/2015/B40.html>

## **Beneficiaries**

Parents, carers and guardians educating their child at home and schools, council officers and related agencies should benefit from this new policy

## **Aims and Objectives**

Every child of compulsory school age has the right to a full time education. The responsibility for a child's education rests with their parents/carers. In England, education is compulsory but schooling is not. Whilst KCC advocates that parents enroll their children at school, it fully acknowledges that parents/carers have the right to educate their children at home and that many young people thrive and flourish when accessing education in this way.

Parents and carers decide to home educate for a variety of reasons. Many of these children have never attended school. Such families usually provide an extremely high standard of education for their children. However, some families may feel that electing for home education is the only available option when it appears that school issues cannot be resolved or where personal circumstances mean that attending school regularly is problematic. Not all families who elect to home educate make this choice willingly or having fully considered the implications on their family life and the limited support available.

There is growing evidence that decisions are being taken, because of concerns about the schools their children attend rather than a true desire to educate outside of the state system. Some parents are surprised to learn what is involved and what their financial responsibilities are. KCC EHE officers are assigned to support all families who inform the authority and are mindful that the level of support required will vary according to the expertise and experience of the family.

Where parents have chosen to home educate, KCC wants the child to have a positive experience and to ensure the best educational interests of the child are being met. KCC is committed to supporting families that make this choice, and is keen to develop strong and mutually beneficial relationships to help ensure the growing network of home educators are assisted where this is needed in ensuring all children and young persons can access the education they deserve.

Where appropriate KCC officers will seek to meet with families to offer advice and support where it is needed, sharing identified best practice with less experienced families and will assist families in accessing material and support groups.

This policy discusses;

- home education arrangements
- information for parents considering home education
- the role of the education welfare service
- the role of the assessor
- reviewing meetings
- acknowledging diversity and Gypsy, Roma and Traveller children
- special needs and SEN statements
- safeguarding
- the support that is available, including from outside agencies.

It also identifies the circumstances when home education may not be appropriate, for example, if the parent is intending to use home education as a response to short term disagreement with the head teacher or others at school or other unmet needs etc where with support a resolution may be possible.

The provision of clear information has an important role to play in the promotion of positive relationships. KCC is looking to update the written information it provides and website links for prospective and existing electively home educating parents. This will include the legal position, roles and responsibilities, and support that is available.

Further work may be necessary to ensure that information, including the support that is available, is accessible to parents who do not have access to the internet as well as making sure that it is appropriate for the diverse range of individual parents who may seek to home educate their children. Where necessary and on request we will print and supply details of our web content in hard copy for families unable to access this information on-line.

### **Safeguarding children and young people**

The welfare and protection of all children and young people, both for those that attend school and those who are educated otherwise including at home, is of great concern and the responsibility of the whole community. (Working Together to Safeguard Children 2015)

KCC recognises that the majority of children and young people being educated at home are safe and secure but KCC also has a statutory duty to ensure that children and young people are safe and free from harm and therefore acknowledge that there are families with additional complex factors which could affect their child's education at home, some of these families are more likely to be involved with Early Help and Preventative Services or Specialist Children's Services. In some cases where there are safeguarding concerns around the child or young person, a team of professionals may already be involved, and a higher level of support is required to support the child's education. This policy aims to outline how KCC will carry out its duty to safeguard vulnerable children and young people, while maintaining a mutually beneficial relationship with Kent's EHE families.

## Information and Data

Kent County Council recognises that historically many parents who elect to educate their child(ren) at home do so to a high standard.

However, more recently Kent has identified a significant increase in the number of registrations - from 793 in 2008 to 1326 in 2013-14. New referrals are being received at a significantly increased rate of 65 per month. In response to this increased demand KCC is reviewing its current policy and there has been a renewed focus on engaging with families earlier. Further analysis will be ongoing to monitor if this increase is clustered around districts or a protected characteristic.

We know from some of our meetings with families that in a small number of instances schools are encouraging parents of children with challenging behaviour to agree to home educate. There appears to be growing numbers of families who feel they have no option but to electively home educate due to a breakdown in relationships with schools rather than this being a considered choice.

### Age

Of the children and young people KCC have recorded as receiving education at home, over one-half do not have any factors which would give any cause for concern regarding them receiving a suitable education, however, one-third to one-half of these children and young people do have other factors which may affect their ability to learn well.

Data evidences that disproportionate numbers of children and young people who are being educated at home have experienced fixed term or permanent exclusions or poor attendance, they may have Special Educational Needs, or have received support or input from other specialist agencies as identified in the following list:

Primary There are 383 primary children being educated at home for whom we hold sufficient data for comparison.

EHE	383	All
0%	0.3%	under the Youth offending team
0%	0.1%	have been permanently excluded
0.3%	0.4%	Children in Care
1%	0.4%	are Child Protection
1%	1%	have received more than 1 fixed term exclusion
2%	2%	are Children in Need
2%	1%	are Troubled Families
2%	1%	have had an Educational Psychologist referral
5%	6%	have between 85% -90% attendance
5%	6%	have a physical Special Educational Need
6%	4%	have a behavioural Special Educational Need
10%	3%	have less than 85% attendance
11%	13%	have free school meals

11%            4%    have Social Care Services referral  
 14%            0.4% have been referred as Children Missing Education  
                   0.3% have had an EHE referral

Secondary There are 640 young people being educated at home for whom we hold sufficient data for comparison.

EHE	640	All
0%	1%	Children in Care
1%	0.2%	are Child Protection
1%	0.3%	have had an Educational Psychologist referral
2%	0.5%	have had a permanent exclusion
3%	1%	under the Youth offending team
3%	2%	are Children in Need
4%	6%	have between 85% -90% attendance
7%	4%	have less than 85% attendance
7%	4%	have a physical Special Educational Need
7%	5%	have a behavioural Special Educational Need
8%	2%	are Troubled families
8%	9%	have free school meals
10%	3%	have Social Care Services referral
12%	0.4%	have been referred as Children Missing Education
16%	6%	have received more than 1 fixed term exclusion
	1%	have had an EHE referral

By tracking the time of year referrals for EHE come into the LA from schools we are able to see a pattern which indicates many of these decisions may be schools driven. We see a significant rise immediately before school census and SATS and **a very high number who opt to take this decision in Year 11**. The decision to remove a child from education after 10 years of school immediately before their final exams may indicate that home schooling is not the preferred approach to education for these families but rather driven by other underlying causes..

Disability

Children with a disability will need extra support to be educated at home. KCC data shows us that a greater proportion of children who are educated at home have special educational needs or have had an Educational Psychologist referral.

**Gender**

All Primary aged pupils:	49% Female	51% Male
EHE Primary aged pupils:	45% Female	55% Male
All Secondary aged pupils:	49% Female	51% Male
EHE Secondary aged pupils:	55% Female	45% Male

We are aware that some communities feel that there is less of a requirement for

girls to be formally educated once they reach secondary school age and further research will be undertaken on KCC's profile.

### **Race**

The policy applies to all pupils regardless of their racial group. That said, there may be a potential for some groups (for example the Irish Traveller and Gypsy Roma Community) to be recorded as missing from education rather than being home educated.

Families who responded to the Engagement shows EHE families to be:

White Scottish	1%	(1)
White Northern Irish	1%	(1)
White Gypsy/Roma	1%	(1)
Asian or Asian British:Indian	3%	(3)
White other	7%	(6)

### **Religion**

Further data is required regarding religion.

KCC has reviewed its data and information and where as some families who educate the children at home are able to use wider resources at their disposal (personal, family, community or other) to support their child's education and require little or no input from KCC. Other families are likely to be facing a number of challenges and not have the same level of resources at their disposal.

Families who responded to the Engagement feedback shows EHE families to be:

Christian	80%	(20)
Buddist	4%	(1)
Other	12%	(3)

### **Involvement and Engagement**

During April and May 2015 we asked for views on this new policy. With the intention to use this feedback to ensure that the information we provide on Elective Home Education is helpful and sign posts all the resources available to make elective home education a success for both the family and the child.

We know from our referral data and meetings with families that numbers of children and young people are registered to be electively home educated spikes at key stages in the academic year, particularly around the census information being captured which would lock a child's data into the schools performance outcomes. We were keen to learn through our consultation how widespread this practice is and how much of a concern it is to the EHE community. While this statement evolves from feedback received from the families who are registered with the LA to EHE; a different picture has emerged from the respondents to the questionnaire. Only 13 of the 92 respondents to question 7a advised that this had been their experience. However 30 of the 92 respondents to question 7b confirmed that this was the experience of families known to them. KCC have

studied the data held on in more detail, the data clearly evidences where there are requirements for further engagement with schools identified as having high numbers of CYP leaving to EHE.

KCC considers it important to capture, where possible, details of EHE families and their localities to help target levels of support and to assist the authority in identifying any patterns that may be forming that adversely impacts disproportionately any particular groups. Respondents were asked to provide a postcode for the on-line engagement exercise. It recognised however that a proportion of the EHE community preferred to express their views whilst remaining anonymous. In light of this as part of the wider engagement exercise, three drop in sessions were arranged (North West, Mid & East Kent) where Kent EHE families and practitioners were invited to go along and have their views heard.

Families who responded to the consultation reside in:

<b>CT</b>	<b>5</b>	<b>CT10</b>	<b>3</b>	<b>CT11</b>	<b>2</b>
<b>CT15</b>	<b>1</b>	<b>CT16</b>	<b>1</b>	<b>CT18</b>	<b>2</b>
<b>CT19</b>	<b>2</b>	<b>CT2</b>	<b>2</b>	CT3	1
CT5	1	CT6	2	CT8	1
CT9	2	DA	1	DA	2
DA12	2	DA2	1	GRRRR	1
LA11	1	M5	1	MA	1
ME	2	ME1	2	ME10	1
ME12	2	ME14	3	ME15	8
ME16	1	ME18	1	ME19	2
ME20	1	ME4	1	ME6	2
ME7	1	ME9	2	NR21	1
S11	1	TN	2	TN10	1
TN12	1	TN14	1	TN15	1
TN16	1	TN17	1	TN2	1
TN20	1	TN23	1	TN24	4
TN25	2	TN26	1	TN27	1
TN29	1	xxxx	14		

### **Potential Impact**

Not all parents and carers of children understand the legal requirements and the implications of taking their child out of Local Authority Education provision.

The Legal Framework relating to children with statements of Special Education Needs may be a barrier to parents providing their children with a suitable home education.

Cultural and Religious differences may lead parents and KCC officers to have different interpretations of a 'suitable, efficient, full time education'.

Families of children who have never attended school may be unaware of the Elective Home Education policy and service.

Removing a child or young person from the education system may isolate them from their peers and prevent them receiving support from professionals who have been assigned to work with the family in a support, mentoring or safeguarding capacity. In line with its statutory duties KCC will exercise its education functions including its EHE support team with a view to safeguarding children and young people.

### **Positive Impact**

In terms of Equality Impact Assessment, there is no negative impact on any particular groups. There is positive impact on SEN (disability), race and religion/belief, as the policy is aimed at providing greater awareness of processes for all families who are choosing elective home education and also ensuring the staff working in EHE are sensitive to cultural or religious backgrounds.

By engaging with Kent's families who educate at home, best practice evidenced by more experienced families can be shared with those who may be less experienced but equally motivated to educate their children at home.

Where families have reluctantly elected to home educate these families will be identified and supported at the earliest opportunity, enabling KCC officers to support the family in securing a school place, or directing them to educational resources if they prefer thus preventing any unnecessary delay in children accessing suitable education.

Where there are safeguarding concerns which indicate the child is unlikely to be accessing suitable education, professionals will be on hand to engage with and support families meaning no Child or Young Person is left unsupported.

The engagement exercise has not revealed any adverse impacts for EHE families.

### **JUDGEMENT**

**Option 3 – Full Impact Assessment                      YES**

#### **Action Plan**

**The EqIA has highlighted areas where further data is required.**

Historically the quality of data held on EHE has been poor and inconsistent across the county. Measures have been taken to centralise the EHE officers and ensure a standard approach to referrals and information capture.

There has been little profiling of EHE learners to establish if there are particular communities where children are more or less likely to be in receipt of effective education at home and more work must be done identify if this is the case to

ensure appropriate targeted advice, support and information is available.

We do not currently effectively capture the reasons why parents choose to educate their children at home. It is important that we get a better understanding of this, to ensure we can effectively distinguish between the groups that make this choice freely and those who feel pressured to deliver home education as a last resort to meet their legal responsibilities as parents.

### **Monitoring and Review**

This EqIA will be reviewed annually.

Service outcomes are particularly difficult to measure, due to the absence of legal duties regarding Elective Home Education, and the breadth and diversity of the EHE Officer role.

The policy will be reviewed in light of further government guidance and legislation and the service will be reviewed on an annual basis. Statistical analysis of equality information; age, gender, disability, ethnicity and SEN of home educating families will take place on an annual basis to identify any discernible trends.

Referrals to other services, e.g. through Kent's early help team and triage process will also be monitored to ensure support is targeted at home educating families with additional needs.

Home educating parents and children will be asked to feedback on the effectiveness of the service and the accessibility of the policy and relevant information.

### **Sign Off**

I have noted the content of the equality impact assessment and agree the actions to mitigate the adverse impact(s) that have been identified.

#### ***Senior Officer***

Signed: \_\_\_\_\_ Name: Scott Bagshaw

Job Title: Head of Fair Access Date: 06-08-2015

#### ***DMT Member***

Signed: \_\_\_\_\_ Name: Patrick Leeson

Job Title: Corporate Director Date: 06-08-2015

## Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
<b>All</b>	Inconsistency in data held which requires a breakdown of registrations by District and further analysis of the information	Centralise the EHE officers and ensure a standard approach for all referrals and information capture.	<p>Better understanding of the issues facing EHE families better targeted support</p> <p>Better quality data resulting in better analysis</p> <p>Services more targeted through effective commissioning</p> <p>Shared learning and access to resources/ opportunities across County</p>	<b>Hilary Alford</b>	<b>September 2015</b>	<b>N/A</b>
<b>Age, disability, Gender, race and religion</b>	Data evidences that a disproportionate numbers of children & young people who are EHE have experienced fixed term or permanent exclusions or poor attendance,	Meetings with families where agreed will seek to gain a better understanding of why EHE has been chosen and to support parents having difficulty with EHE to access more resources or indeed re-enter	<p>Children accessing suitable education more quickly either in the home or back in school.</p> <p>Schools identified where there is a heightened trend and support and training offered to those schools to better engage learners at</p>	<b>Hilary Alford</b>	<b>September 2015</b>	<b>N/A</b>

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
		state education	high risk of permanent exclusion and poor attendance which often leads to an EHE decision for disillusioned families.			
<b>Gender, Race, Religion</b>	We are aware that some communities feel that there is less of a requirement for girls to be formally educated once they reach secondary school age and further research will be undertaken on KCC's profile	<p>Use meetings with families and surveys to try to gain an improved cultural insight where it exposes that some groups of children are failing to access education appropriately in the home.</p> <p>Engage with Virtual Head-GRT, ISK as part of consultation to explore information and data that they may hold and to explore any discernible trends that have arisen in service delivery</p>	<p>Better understanding of any cultural characteristics which will assist officers in identifying the best approach to take to encourage the continuance of learning for young adults of compulsory school age.</p> <p>Identification of services and support where families choose to EHE</p>	<b>Hilary Alford</b>	<b>September 2015</b>	

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
All	Safe guarding issues	Present policy to Kent Children's Safeguarding Board as part of consultation for discussion	<p>Partner agencies to share their EQIA's on EHE</p> <p>Partner agencies are able to see policy position in order to ensure that opportunities for shared working are taken at policy development stage</p> <p>Better support for EHE families and young people from all Safeguarding partners</p> <p>Young people with safeguarding needs are appropriately supported by KCC and partner agencies</p>	Scott Bagshaw/ Hilary Alford	April/ May 2015	N/A
ALL	Ensuring EHE parents are aware of KCC policy and offer of support to EHE	<p>Development of EHE website on Kent.gov.uk</p> <p>Publish New Policy</p>	<p>Parents are able to access resources in order to make informed decisions on EHE</p> <p>Parents are able to</p>	Scott Bagshaw	August 2015	N/A

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
		<p>Publish plan for Press &amp; Communications</p> <p>Provide feedback to those who engaged with the consultation via the KCC EHE website</p>	<p>access KCC's policy position on the implementation of EHE</p> <p>Parents are sign-posted to resources and opportunities that are available to EHE young people.</p>			