

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

Richard Long,
Cabinet Member for Education and Skills

DECISION NO:

20/00037

For publication

Subject: Elective Home Education Policy and Children out of School

Decision:

As Cabinet Member for Education and Skills, I agree the updated County Elective Home Education Policy (EHE)

Reason(s) for decision:

The aim of the elective home education policy is to ensure that the Local Authority has robust procedures in place for discharging its statutory duties in relation to electively home educated children and young people and seeks to affirm the principles upon which the Local Authority undertakes its duty towards electively home educated children and young people.

The current Elective Home Education Policy was agreed in 2015 and needs reviewing to reflect the publication of DfE updated non-statutory guidance Elective home education; Departmental guidance for local authorities, April 2019 and Elective home education: Departmental guidance for parents, April 2019.

The revised DfE guidance replaces the 2005 DfE Guidelines for Local Authorities and helpfully sets out clarification in relation to the duty of the Local Authority. It makes clear that Section 436A of The Education Act 1996 creates a duty on the LA to make arrangements to find out, so far as possible, whether home educated children are receiving suitable full-time education. If it appears to a local authority that a child of compulsory school age in their area is not receiving suitable education, the Local Authority has a duty under Section 437 of the Education Act 1996 to serve a School Attendance Notice.

Kent's revised policy (Appendix 1) reflects these expectations as set out in the guidance, giving clarity to our process, providing parents clear information regarding the actions we will take to support them and informing them of the actions that will be taken where it becomes necessary to raise a School Attendance Order.

Legal Implications

The policy has been amended to reflect the latest guidance, ensuring the Council is in the best possible position to defend any challenges to its policy or practice in respect of Elective Home Education.

Financial Implications

There are no financial implications in endorsing the revised policy.

Equalities Implications

An EqIA has been completed and found that there is no negative impact on any particular groups. There is positive impact on SEN (disability), race and religion/belief. The policy is aimed at providing greater awareness of processes for all families who are choosing elective home education and will ensure that children are in receipt of the education to which they are legally entitled, either through

home education or by returning to mainstream education, whilst ensuring that staff working in EHE are sensitive to cultural or religious backgrounds.

Cabinet Committee recommendations and other consultation:

The report was shared with Members of the CYPE Cabinet Committee for comment, prior to a decision being taken.

While a wider consultation was not completed as there are no significant changes from the previous policy, however, the draft policy document was shared with the lead of the Maidstone Home Education Group who represents the home education community in Kent. Two suggested amendments were taken up and the policy was amended.

Any alternatives considered:

The policy amendments ensure that Kent's policy and procedures sit inside of the parameters of the updated guidance. Failure to revise the policy in line with latest guidance would leave Kent open to challenge from parents who may be actively denying their child an education.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None



24 June 2020

Signed.....

Date.....