

From: Matt Dunkley, Corporate Director Children, Young People and Education

To: Richard Long, Cabinet Member for Education and Skills

Subject: Elective Home Education Policy and Children out of School

Decisions Number: 20/00037

Classification: **Unrestricted**

Future Pathway of Paper: Cabinet Member Decision

Summary: This paper is designed to update Members on Kent's revised policy for Elective Home Education (EHE) following the DFE Guidance for Local Authorities and Parents published April 2019.

The Policy amendments reflect the guidance issued by the DfE and sets out how KCC EHE Support and Advice Officers implement the guidance to identify where pupils are not in receipt of education. It will assist the LA in evidencing that appropriate education is taking place reducing the number of children who may be denied the education to which they are legally entitled. It clearly sets out the desire for KCC to support genuine home educators, helping every Kent child reach their full potential.

Recommendation: The Cabinet Member for Education and Skills is asked to determine an updated County Elective Home Education Policy (EHE)

1. Introduction

- 1.1 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.

2. Background

- 2.1 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.

3. EHE Policy

- 3.1 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.

- 3.2 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.

4. Legal Implications

- 4.1 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.

5. Financial Implications

- 5.1 There are no financial implications in endorsing the revised policy.

6. Equalities Implications

- 6.1 An EqIA has been completed (Appendix 2) 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.

7. Consultation

- 7.1 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. 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.

8. Recommendation:

The Cabinet Member for Education and Skills is asked to determine an updated County Elective Home Education Policy (EHE)

9. Contact details:

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10. Appendices

Appendix 1 Revised Kent County Council EHE Policy

Appendix 2 Revised EqIA

11. Background documents

Revised DfE Guidance “Elective home education; Departmental guidance for local authorities, April 2019” ([link](#))