

# **Education Advisory Panel**

## **Elective Home Education update**

**Wednesday 23 June 2021**

**Dave Harvey**

**Inclusion Support Service Manager**

# The law relating to Elective Home Education (EHE) and parents

The law in England states that the responsibility for a child's education rests with their parents.

Education is compulsory but school is not.

Parents have a right to educate their children at home. Section 7 of the Education Act 1996.

# EHE growth in numbers : HCC

Academic Year	Hampshire	
2014/15	799	0.5%
2015/16	956	0.6%
2016/17	1492	0.9%
2017/18	1378	0.8%
2018/19	1715	0.97%
2019/20	1814	1.0%
Spring Term 2021	2074	1.2%

# The Law and EHE

- Neither “efficient” or “suitable” are defined in the 1996 Education Act, but “efficiency” is broadly described as “achieves that which it sets out to achieve”
- “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”.

# Withdrawal from school

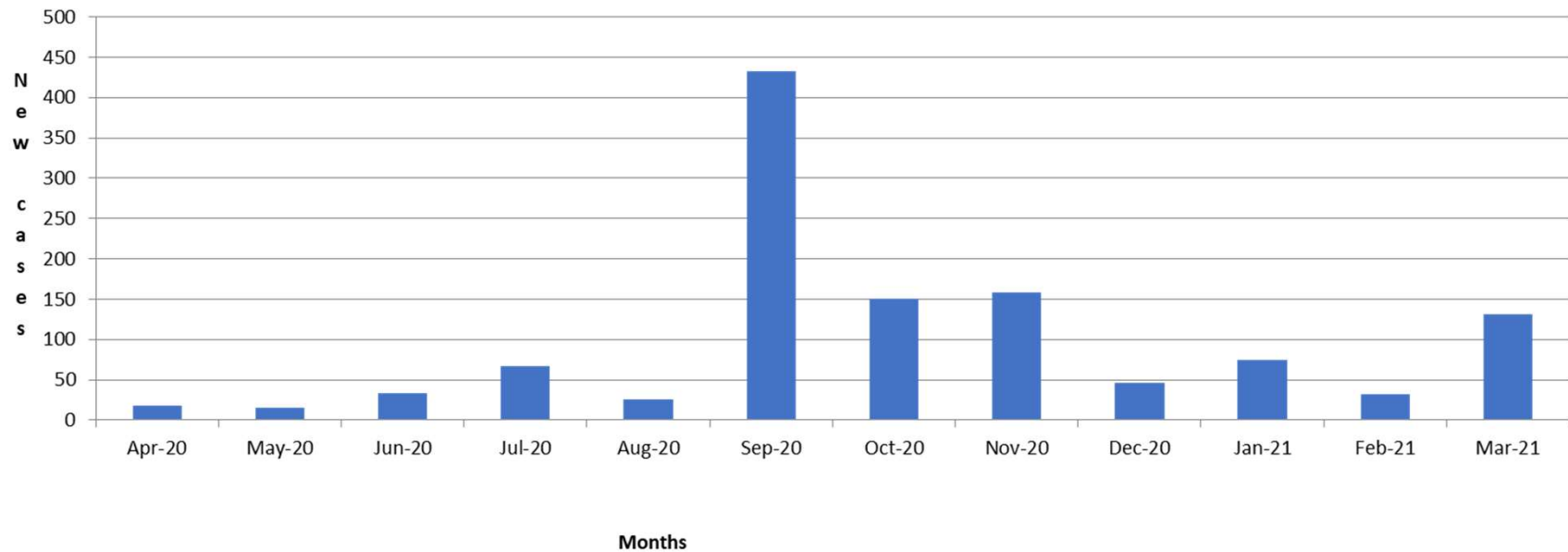
- Parents are advised to write and inform school of intention to EHE if they don't notify in writing the child is technically CME until EHE (or not) is established.
- HCC guidance expects schools to discuss with parents – we respect parental rights but believe the best place to educate Hampshire children is at school
- School copies letter to ISS EHE team
- ISS register child and write to parents signposting support and offering EHE Home Visitor visit

# Total new EHE cases: registered during Spring and Autumn Terms (Covid impact)

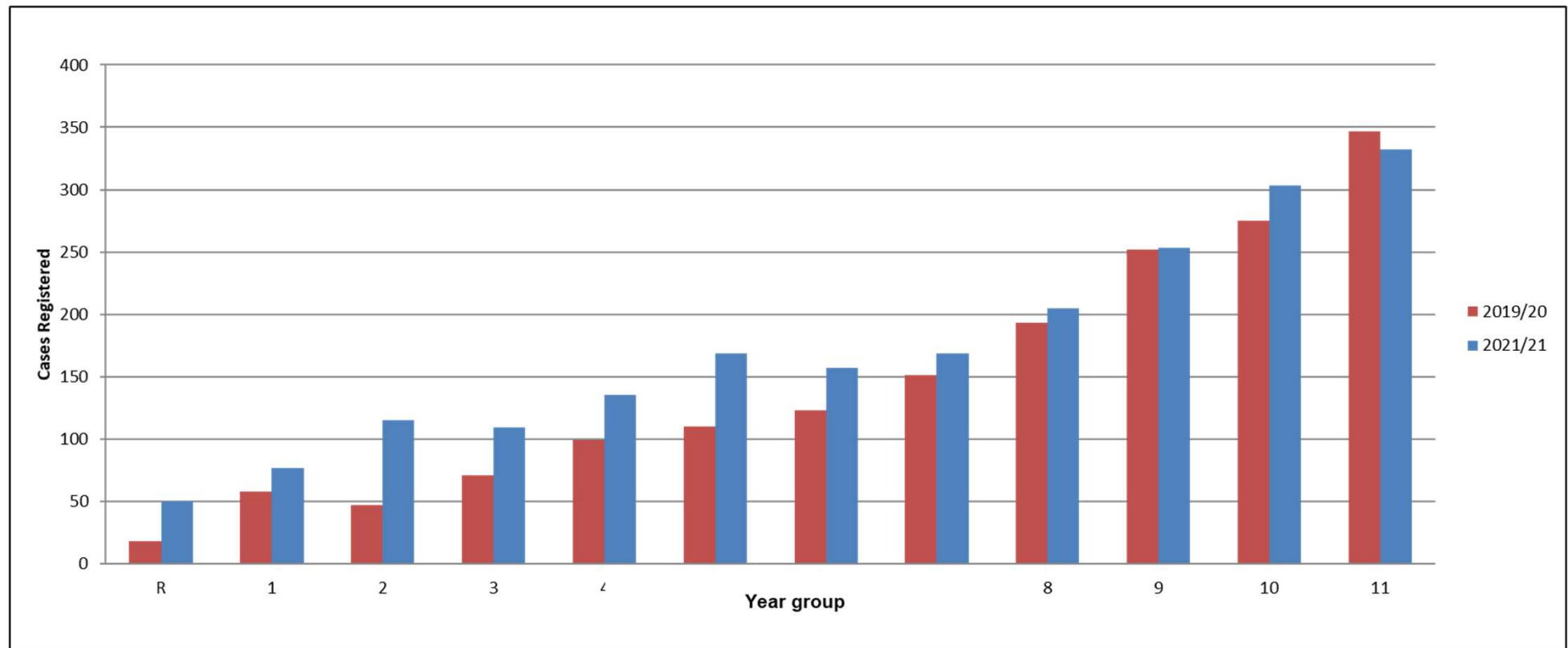
Date	Hampshire
Autumn & Spring Term 2018	397
Autumn & Spring Term 2019	561 (41% ▲)
Autumn & Spring Term 2020	573 (2% ▲)
Autumn & Spring Term 2021	1024 (78% ▲)

# Total new EHE cases: opened during the calendar year by month

Number of new cases by month



# Autumn and Spring current cases by year group





# The EHE team: EHE Co-ordinator, Admin Officers and 3.6 Home Visitors

- HCC registers all EHE young people (where known) on a database.
- At the point of registration Children's Services Social Care and Early Help Hub records are checked. Where there is an open case the relevant Key Worker is contacted.
- RAG rate each child and focus on the most vulnerable.
- Introductory letter and information pack with the offer of a single EHE Visitor appointment or multiple visits where appropriate, together with a written report that is shared with parents.
- Website advice for parents together with bespoke telephone or email advice and guidance service for parents and schools.
- The offer to pay for Year 10 and 11 examination fees of GCSE or equivalent qualifications subject to published conditions.
- Maintain good links with EHE parent groups, NHS, Social Care and other services responding to local need.



# Total number children removed from school for EHE by school type

Hampshire: Autumn & Spring Term 2020/21 – EHE cases by School Status		
School Status	Total number of schools where children were removed for EHE	Total No. of children removed
Community	181	445
Academy	39	198
Voluntary Controlled	36	69
Voluntary Aided	20	36
Foundation	12	46

It is worth noting that proportionately the number of EHE from academies was over double the rate for community schools

# New DfE Guidance 2019

- Guidance in two parts – LA and parents
- All arrangements to be proportionate, sensible and allow LA's to focus on families who are most at risk or need most support to provide a suitable education
- Reminds LA's of what we can do and gives clear guidance – LA to judge if EHE is suitable, have oversight of all children, make contact at least annually with all families
- Firms up options if families do not co-operate, safeguarding risks

# Guidance 2019 Headlines

- The Local Authority's task is *to find out how* he or she is being educated and whether that education satisfies legal requirements
- Guidance 2019, para 3.1-3
- 'Until a Local Authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home is potentially in scope of this duty . The department's children missing education statutory guidance for local authorities applies'

# Guidance continued

- ‘The duty under s.436A dealt with above means that Local Authorities *must* make arrangements to find out so far as possible whether home educated children are receiving suitable full-time education’
- Guidance para 5.1

# Guidance Implications

- The Local Authority should consult the parents of the child when establishing whether the child is receiving suitable education . . . Prompt action and early intervention are crucial . . . (para 4)
  - School attendance proceedings can be used "to satisfy the Local Authority that the child is receiving suitable education when it comes to the Local Authority's attention that a child might not be receiving such education' (para 12(c))
  - 'Robust policies and procedures' in place to enable them to meet their duty. Including 'effective tracking and enquiry systems . . .'
- (para 6)



# ‘What should Local Authorities do when it is not clear that home education is suitable?’

- ‘Parents are under no duty to respond . . . but if a parent does not respond, or responds without providing any information about the child’s education, then *it will normally be justifiable for the authority to conclude that the child does not appear to be receiving suitable education and it should not hesitate to do so and take the necessary consequent steps.* This is confirmed by relevant case law’ Guidance, para 6.5

# Number of cases leaving EHE

	Autumn & Spring Term 2018/19	Autumn & Spring Term 2019/20	Autumn & Spring Term 2020/21
<b>Outcome</b>			
Return to Home school	28	25	79
Return to New school	180	102	197
Moved away or not HCC resident when leaving for EHE.	17	40	82
Child Missing Education	Not a category	4	3
Alternative LA provision	Not a category	2	11
Joined Special school	4	7	1
SEND Personal Budget	0	Not a category	Not a category
No Outcome Entered	8	14	0
<b>Total cases closed</b>	<b>237</b>	<b>194</b>	<b>373</b>
<b>% of EHE total cohort returning to a school/LA provision</b>	<b>13.9%</b> (returning to school only)	<b>7.7%</b>	<b>13.9%</b>



# Safeguarding interface with education

- ‘A failure to provide suitable education is capable of satisfying the threshold requirement contained in s.31 of the Children Act 1989 that the child is suffering or is likely to suffer significant harm.’ DfE Guidance 7.5
- LA ‘...should be ready, if a lack of suitable education appears likely to impair the child’s development, to fully exercise their safeguarding powers and duties to protect the child’s well-being, which includes suitable education. EHE guidance 7.4

# Impact 2020/2021

- Home visits: 462
- Feedback forms received: 409
- Telephone calls from EHE parents: 520
- HIAS contacts: 216
- Engagement: 54% (40%)

# Current cases registered by District of Current Address (by postcode)

District	Spring Term 2019/20	NOR%	Spring Term 2020/21	NOR %
Basingstoke & Deane	204	0.9%	231	1.0%
East Hants	159	1.3%	203	1.6%
Eastleigh	124	0.8%	175	0.9%
Fareham	145	0.9%	157	1.0%
Gosport	154	1.5%	143	1.4%
Hart	82	0.6%	111	0.8%
Havant	173	0.9%	214	1.1%
New Forest	271	1.3%	305	1.5%
Rushmoor	101	1.0%	110	1.0%
Test Valley	141	1.0%	176	1.1%
Winchester	177	1.3%	236	1.5%

# Issues

- 4% of HCC EHE are known to social care (EHH, CiN or CP)
- 2019 consultation outcomes still not released by DfE
- Compulsory registration – we only know what we know
- PCC tribunal outcome will be critical
- No clear guidance on what is a suitable education
- Lack of examination centres and EHE students disadvantaged in 2020
- LA's underfunded by DfE

# ‘defining OVERSIGHT’

## PORTSMOUTH CC - 26th April 2021 – leave to apply for Judicial Review granted

- ‘It is important that the authority’s arrangements are proportionate and do not seek to exert more oversight than is actually needed *where parents are successfully taking on this task* (5.2)