



## **EDUCATION FOR LIFE SCRUTINY COMMITTEE – 7TH NOVEMBER 2017**

**SUBJECT: ELECTIVE HOME EDUCATION (EHE)**

**REPORT BY: CHIEF EDUCATION OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to update and inform Members of the work that is undertaken to monitor and track pupils whose parents choose to electively home educate.

### **2. SUMMARY**

- 2.1 The report describes the work undertaken to date to implement the non-statutory guidance document from Welsh Government issued to Local Authorities in January 2017.

### **3. LINKS TO STRATEGY**

- 3.1 Elective Home Education non-statutory guidance for Local Authorities (2017).
- 3.2 SEN and Inclusion Strategy.
- 3.3 SEN Code of Practice for Wales (2002).
- 3.4 The report contributes towards the Well-being Goals within the Future Generations Act (Wales) 2015, specifically:
- A prosperous Wales as this is centred on developing a skilled and well educated population;
  - a healthier Wales as this is concerned with maximising peoples physical and well-being;
  - a more equal Wales, this is focusing on enabling people to fulfil their potential no matter what their background or circumstances are;
  - a Wales of vibrant culture and thriving Welsh language.

### **4. THE REPORT**

- 4.1 Elective Home Education (EHE) is the term used to describe parents' decision to provide education for their children at home instead of sending them to school.
- 4.2 This is different to home tuition provided by the Local Authority (LA) or education provided by the LA other than at school (EOTAS).

- 4.3 The Law relating to EHE states that parents have the right to educate their children at home. Section 7 of the Education Act 1996 indicates 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.'
- 4.4 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 rights of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.'
- 4.5 Guidance from the Welsh Government (2017) states that:  
'LAs are not responsible for the provision of EHE or under any statutory obligation to support it. However, under section 436A of the Education Act 1996, LAs do have a duty to make arrangements to identify children not receiving suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll and who are not receiving a suitable education otherwise than being in school, for example, at home, privately or in alternative provision.'
- 'suitable provision' in relation to a child means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.
- 4.6 Working within the Law and Guidance from Welsh Government, Caerphilly has robust processes in place to monitor and challenge EHE decisions where necessary. A clear EHE Policy is in place, which provides the framework within which we operate. The policy is regularly reviewed with a range of stakeholders.
- 4.7 Upon receipt of written notification from parents, schools must remove the child's name from their admissions register, unless the child has a statement of Special Educational Needs (SEN) or attends a special school. In this case the decision to remove the child's name from the register must be delayed until a review of the Statement has taken place.
- 4.8 Schools must immediately notify the LA of the details of the EHE information. As soon as the LA is notified it is sent directly to the Service Manager for EOTAS, the Education Welfare Officer (EWO) link officer, admissions team, Information Advice Assistance Service (IAA) and SEN team to make the relevant checks on the status of the child and report back to the EOTAS Service Manager.
- 4.9 Where safeguarding concerns are identified a direct referral is made. Information from all the checks will lead the Service Manager to make a decision as to whether the decision for EHE is to be challenged by the LA. All decisions have to be evidence based.
- 4.10 The LA has no statutory duties in relation to monitoring the quality of home education. However, if the LA considers that suitable education is not being provided, then a written report of the findings will be made and copied to the parents. Parents are given reasonable opportunity to address the identified concerns and report back to the LA.
- 4.11 If parents fail to address concerns the LA can send a formal notice to parents under Section 437 Education Act 1996 using a School Attendance Order (SAO).
- 4.12 To date Caerphilly have not been required to evoke the use of a SAO.
- 4.13 If there are no reported safeguarding concerns, an initial letter is sent to parents informing them an EWO will visit, the process proceeds.

- 4.14 During the initial visit the EWO will meet and see the child/children. Parents are offered a Parental Information booklet and informed a curriculum visit can be arranged. All such visits are recorded and any issues identified for action. Parents have the right to refuse to have any interaction with the LA. If parents are willing to have LA input a cycle of annual visits is instigated.
- 4.15 Areas for concern focus on the lack of statutory guidance to fully support LA officers where there is a need to challenge a decision to EHE. Presently as a LA we can only track and monitor those pupils who have been in an educational provision. We are not in a position to identify pupils who have never been registered to a school. We do advise parents to consider if they are using private tutors as part of their decision to EHE, that such tutors should have relevant DBS checks to safeguard the children, but we cannot enforce this.
- 4.16 For pupils with a statement of SEN, if parents wish to pursue EHE following a review of the child's statement of educational need, the LA continue to maintain the statement.
- 4.17 Internally we meet termly to discuss our EHE known pupils and review visits and procedures. All pupil data information is held on our System for Tracking and Reporting Identified Vulnerability in Education (STRIVE). This allows for robust data information gathering.
- 4.18 Moving forward we will be introducing data on live births to attempt to identify those children who are not registered for school at statutory school age.
- 4.19 Relationships with our EHE community are generally very positive. We have had three cases recently where the decision to progress, or continue with EHE has been reversed. One case related to safeguarding concerns and the remaining two cases were in conjunction with families and the young person wishing to return to education to access education for GCSEs. We also offer a registered exam centre for EHE families to use to register for exam purposes.
- 4.20 Current EHE figures for Caerphilly are 76 pupils. 40 male and 36 female. Generally we do not see a gender issue as an indicator of EHE. Of the 76 pupils, 2 have statements of SEN. The age profile of learners is as follows:

Nursery	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11
1	1	3	8	6	5	5	8	6	7	13	13

The analysis of data follows the national trend in that there is a clear increase in pupil figures at Key Stage 4 (Years 10 & 11). We also see that numbers in Secondary sector (Years 7-11) are almost double those in the Primary sector (N-Year 6). Again this is in line with national figures.

If we consider the profile of EHE numbers over four academic years we have an increasing population of EHE across Caerphilly. This again is in line with national figures:

2013 Jan-Dec	2014 Jan-Dec	2015 Jan-Dec	2016 Jan-Dec	2017 Jan-current
30	32	43	97	76

We also make an analysis of the parental reasons for EHE, where they agree to share this information with us. Of the current 76 the following information has been recorded:

Reason	Number
Parental preference	48
Medical	2
School curriculum	2
Behaviour	1
Bullying	3
Attendance/prosecution	4
School refuser	1
Other	2
Chose to offer no reason	4

Following analysis of this information we have decided that the primary reason families offer especially under the category of 'parental choice' needs further investigation. From September 2017 we ask for both a primary and a secondary reason to try and elicit what could have enabled the child to remain in the education system. This will inform future practice.

- 4.21 We are active participants of the Welsh Government EHE Stakeholder Working Group. We have also contributed to the first collection and analysis of EHE data across Wales held in 2016. This will be an annual data collection process going forward.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act and more specifically for the principles noted below.

- Long term – The report considers the importance of balancing the short term needs to safeguard the ability to also meet long term needs. Continuing to work alongside families who are choosing to EHE their children is necessary to ensure we keep the option of returning to mainstream education a viable option for these learners.
- Prevention – Taking all reasonable action and having a robust system operating to reduce the likelihood of problems occurring for families and pupils in EHE. Remaining as a resource for EHE families to use to support their choices to educate their children.
- Integration – Acknowledgement that EHE can offer opportunities which cannot be universally achieved within the current educational system.
- Collaboration - The ability to work as collaboratively as is reasonable with EHE families to share the valuable aspects of the opportunities they offer to their children which may differ from the educational system at present.
- Involvement – Involvement on all levels to support and challenge EHE effectively to ensure all pupils are having their needs met. This is a local, regional and national level.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 An Equalities Impact Assessment is not needed because the report is to update Members of the work that is undertaken to monitor and track pupils whose parents choose to electively home educate, therefore the Council's full Equalities Impact Assessment process does not need to be applied.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no direct financial consequences from this report.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no direct personnel implications from this report.

## **9. CONSULTATIONS**

- 9.1 The report reflects the views of consultees.

## **10. RECOMMENDATIONS**

- 10.1 That we continue to maintain the current system of tracking and monitoring EHE trends and figures across Caerphilly.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To attempt to safeguard the needs of this group of learners.

## **12. STATUTORY POWER**

- 12.1 Well-being of Future Generations (Wales) Act 2015.  
Education Act 1996.  
Equality Act 2010.

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Consultees: Directorate Senior Management Team  
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Gareth Jenkins, Assistant Directors Children Services  
Ros Roberts, Corporate Performance Management  
Anwen Cullinane, Senior Policy Officer, Equalities and Welsh Language  
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Background Papers:  
Background papers are exempt.