



CHILDREN, YOUNG PEOPLE & EDUCATION COMMITTEE

Monday, 25 September 2023

REPORT TITLE:	ELECTIVE HOME EDUCATION
REPORT OF:	DIRECTOR FOR CHILDREN, FAMILIES & EDUCATION

REPORT SUMMARY

The purpose of the report is to provide members of the Children, Young People and Education Committee with an overview of Elective Home Education within Wirral.

This report is aligned to the Wirral Plan 2021-26 priority: Working together for brighter futures for our children, young people, and their families.

This matter affects all wards within the borough but is not a key decision.

RECOMMENDATION/S

The Children, Young People and Education Committee is recommended to note and comment on the development of the Electively Home Education of young people and agree to receive a further report from the Attendance Service.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To ensure Members of the Children, Young People & Education Committee have the opportunity to monitor, review and challenge performance in relation to Elective Home Education and a greater understanding of the role of the Local Authority in relation to this group of young people.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options have been considered as the Electively Home Education Service links to a range of strategic priorities keeping young people in education.

3.0 BACKGROUND INFORMATION

- 3.1 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." 3.3 This means that the responsibility for children's education rests with their parents. In England, education is compulsory, but – despite the phrase 'child of compulsory school age' quoted above – going to school is not. State-funded education is made available for all children of compulsory school age whose parents request it, and every child should be in school or receiving alternative provision made by the local authority or the child's school, unless parents themselves can make suitable arrangements. If parents do educate children at home, section 7 means that the child should be getting an efficient, suitable full-time education.
- 3.2 Elective Home Education is a term used to describe a choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time. This is different to education provided by the local authority otherwise than at a school - for example, tuition for children who are too ill to attend school via the Home & Continuing Education Service.
- 3.3 Parents who choose to educate a child in these ways rather than sending the child to school full-time take on financial responsibility for the cost of doing so, including the cost of any external assistance used such as tutors, parent groups or part-time alternative provision. Examination costs are also the responsibility of parents if a child does not attend school full-time.
- 3.4 There are no specific legal requirements as to the content of home education, provided the parents are meeting their duty in s.7 of the Education Act 1996. This means that education does not need to include any particular subjects and does not need to have any reference to the National Curriculum; and there is no requirement to enter children for public examinations. There is no obligation to follow the 'school day' or have holidays which mirror those observed by schools. Many home educating families do follow a clear academic and time structure, but it should not be assumed that a different approach which rejects conventional schooling, and its

patterns is unsatisfactory, or constitutes 'unsuitable' education. Approaches such as autonomous and self-directed learning, undertaken with a very flexible stance as to when education is taking place, should be judged by outcomes, not on the basis that a different way of educating children must be wrong.

- 3.5 The current legal framework is not a system for regulating home education or forcing parents to educate their children in any particular way. Instead, it is a system for identifying and dealing with children who, for any reason and in any circumstances, are not receiving an efficient suitable full-time education. If a child is not attending school fulltime, the law does not assume that child is not being suitably educated. It does require the local authority to enquire what education is being provided and local authorities have these responsibilities for all children of compulsory school age. Local authorities should ensure that their enquiries are timely and effective. Depending on the results of those enquiries, the law may require further action by the local authority and the department believes that this is the case for an increasing number of children. Local authorities must take such action where it is required, within the constraints of the law. Local authorities have the same safeguarding responsibilities for children educated at home as for other children. They should be ready to use safeguarding powers appropriately, when warranted. This flows from the general responsibilities which local authorities have for the well-being of all children living in their area.
- 3.6 A Local Authority should, as a minimum:
- have a written policy statement on elective home education which is clear, transparent, and easily accessible by using different formats as necessary, is consistent with the current legal framework
 - set aside the resources necessary to implement its policy effectively and consistently
 - consider their organisational structures for supporting with home education
 - seek to offer guidance to all known home-educating families in their area about their rights and obligations, and provide advice on good practice and available resources for parents who request it
 - make it clear in all documentation that the local authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, for all children living in its area.
- 3.7 Local authorities may often choose to go further than this - for example by operating voluntary registration schemes so that support can be given more readily to those who wish to receive it, and by providing more information on home educated children in their locality. The Department for Education encourages those authorities which do not operate voluntary registration to consider doing so. However, registration is currently not a legal obligation for either parents or authorities.
- 3.8 Locally we do have a register of young people who are Electively Home Educated and have processes in place to be informed of any young people leaving a school to become Electively Home Educated. We also have links with health through the 0 – 19 service so will sometimes be notified by them if they come across a young person who is Electively Home Educated and not on our list. Usually having transferred in from another area or only just reaching statutory school age.

- 3.9 Once we are aware of a young person being Electively Home Educated, our Senior Locality Attendance Officer the EHE Lead will contact the family and arrange to visit. The purpose of this visit is to ensure that parents are fully aware of what they are taking on and that the decision to choose Elective Home Education is an informed one. The visit is also an opportunity to discuss plans and the Local Authority processes. We also produce a handbook, which includes resources, for parents.
- 3.10 Following on from the initial visit, one of our monitoring teachers will make contact 3 to 6 months later to review the work that is being produced and that it is suitable. Our monitoring teachers then produce a report which is shared with the parents.
- 3.11 If a report identifies that the education is not suitable then we will initially take informal steps to bring about a change either through better provision from the parent or by supporting the parent to return their child to a school. Ultimately, if both options are not successful, we will consider a School Attendance Order. However, judging the suitability of education when there are no guidelines to follow can make this challenging.
- 3.12 Throughout our processes, if any health issues are identified the named School Nurse will contact the family and offer support. Sometimes this can be a way to engage families who are reluctant to engage with the Local Authority staff.
- 3.13 Where there is a complete lack of engagement, we have a process agreed with the Integrated Front Door where they will make contact as and when appropriate. Especially if there are concerns for the child.
- 3.14 In terms of numbers, our Electively Home Educated cohort continues to grow post the pandemic. In 2017 we had 143 young people on our register, 157 in 2018, 167 in 2019, 241 in 2020 and as of the 31st of July 2023 we had 296. The numbers do drop at the end of June each year when the Year 11 cohort finish. Their details are shared with colleagues in the 14 – 19 team to try and ensure they do not become NEET.
- 3.15 The Department for Education started a termly census in relation to Elective Home Education in Autumn 2022. This enables us to compare against other Local Authorities in terms of numbers.

	Autumn 2022	Spring 2023
Wirral	270	280
Knowsley	150	190
Liverpool	410	400
St Helens	180	220
Sefton	220	240
Halton	140	150
Cheshire West	440	470
National	80900	86200

- 3.16 The census data also allows us to compare reasons for choosing Elective Home Education within Wirral against national figures as the Department for Education have a set group of reasons for a young person becoming EHE.

- 3.17 In addition to this data, we also monitor the numbers of young people becoming Electively Home Educated from particular year groups across the borough or from particular schools.
- 3.18 Where an issue is identified between a family and a school, our Locality Attendance Officers, with support from our Senior Locality Attendance Officer – EHE Lead, will try to resolve issues between families and schools to keep the child on the school roll.
- 3.19 Looking ahead, the Department for Education carried out a consultation in 2019 and published their response in February 2022 which then led to a number of Elective Home Education proposals being within the Schools Bill 2022 until that was withdrawn in Parliament. However, the feedback from the Department is that these aspects of the Bill, along with the School Attendance aspects, will be introduced as soon as parliamentary time allows.
- 3.20 Among the proposals are:
- A duty on Local Authorities to maintain a register of children not registered at specific types of school.
 - A duty on parents to register their child.
 - A duty on Local Authorities to provide support.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report. However, if the new duties are introduced there may be some financial implications depending on how the Department for Education visualise the duty to provide support.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 436A of the Education Act 1996 imposes a statutory duty on local authorities to identify so far as it is possible to do so, the identities of children in its area who are not receiving a 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 at school (for example, at home, or in alternative provision). Identification of children who have never attended school and may be home educated forms a significant element of the Local Authority fulfilling its duty. Until the 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. "So far as it is possible to do so" means that the Local Authority should do whatever is actually possible.
- 5.2 The Government Guidance Elective Home Education -Guidance for Local Authorities recommends that "local authorities should explore the scope for using agreements with health bodies, general practitioners and other agencies, to increase their knowledge of children who are not attending school".

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are none arising from this report.

7.0 RELEVANT RISKS

7.1 There are none arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 The feedback we are receiving from parents is positive about the role the Local Authority plays in relation to Elective Home Education and we would hope to continue this by engaging parents as much as we possibly can.

8.2 One of our Elective Home Education monitoring teachers was nominated by a parent for an award from a national organisation involved in Elective Home Education in 2022.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The content of this report is not expected to have any impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no community wealth implications arising from the report.

REPORT AUTHOR: **James Backhouse**
Assistant Director for Education

email: jamesbackhouse@wirral.gov.uk

APPENDICES

EHE Parent's Booklet

EHE Data

TERMS OF REFERENCE

This report is being considered by the Children, Young People and Education Committee in accordance with section a of its Terms of Reference:

1. Exercising management, oversight and delivery of services to children and young people in relation to their care, wellbeing, education or health, with the exception of any powers reserved to full Council.

BACKGROUND PAPERS

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf

<https://explore-education-statistics.service.gov.uk/find-statistics/elective-home-education#explore-data-and-files>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1052272/Children_not_in_school_-_consultation_response_Feb2022.pdf

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Wirral School Forum	14 June 2022
Wirral School Fourm	11 May 2021