

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Children and Young People Select Committee
Date:	20 November 2019
Title:	Elective Home Education
Report From:	Director of Children's Services

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Purpose of this Report

1. To outline changes to the Department for Education (DfE) guidance, give an overview of the Hampshire position and consider next steps.

Recommendations

2. That the Children and Young People Select Committee consider the report and note the next steps being taken by the department.

Executive Summary

3. In April 2019 the DfE released new guidance around Elective Home Education (EHE), this was warmly welcomed and followed several years of lobbying from Hampshire County Council (HCC) to both change the law and guidance. Whilst the Private Members' Bill (known as the Soley Bill) did not come to fruition it undoubtedly helped to prompt the DfE to consider guidance change. The new guidance contains some significant changes of emphasis and will impact on how HCC interacts with parents who have chosen to EHE.
4. Numbers of children and young people being EHE continue to grow with a highpoint of 1715 EHE at the end of the 2018 / 2019 academic year. The EHE team was enhanced in July 2018 which has had a positive impact in the oversight of EHE. There will need to be further growth of personnel to keep abreast of both increasing numbers and the new expectations of Local Authorities.

Background information

The Law

5. The law is clear, namely that education is compulsory, but school is not. EHE is a perfectly legal option where parents take responsibility for their child's education. The DfE defines EHE as "the term to describe a choice by parents to provide education for their children at home or in some other way they desire, instead of sending them to school full time". 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

EHE is a form of 'education otherwise at School' although the DFE are still reluctant to define efficient or suitable.

Guidance 2019

6. Following considerable pressure on the DFE new guidance was issued in April 2019 replacing the 2007 guidance that was widely accepted as being not fit for purpose. HCC welcomed the new guidance. The guidance is split into two parts – guidance for parents and guidance for the LA.
7. The guidance helps LA's to understand existing powers and their duties and how these relate to the obligations of parents. It aims to enable the LA to identify those children not receiving a suitable education and to take action where necessary. Where education is considered by the LA to be suitable then oversight should be minimal. The onus is on the LA to determine if the education is suitable or not. This means that the LA must make arrangements to find out as far as possible whether EHE children are receiving suitable full-time education or not. The guidance confirms that this is a legitimate part of the LA's overarching responsibilities. The DFE recommends that contact is at least on an annual basis so to reasonably assess the current suitability of education. All arrangements are 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.
8. The guidance firms up options if families do not co-operate. This includes a provision that the LA is entitled to conclude that education is not suitable if parents refuse to provide evidence of education. Further, if there isn't suitable education it is suggested this be considered a safeguarding risk as a lack of suitable education can impair a child's education and therefore may invoke Child Protection. Para 7.5 makes it clear that not receiving an education meets thresholds that the child is suffering or is likely to suffer significant harm. These are major changes.

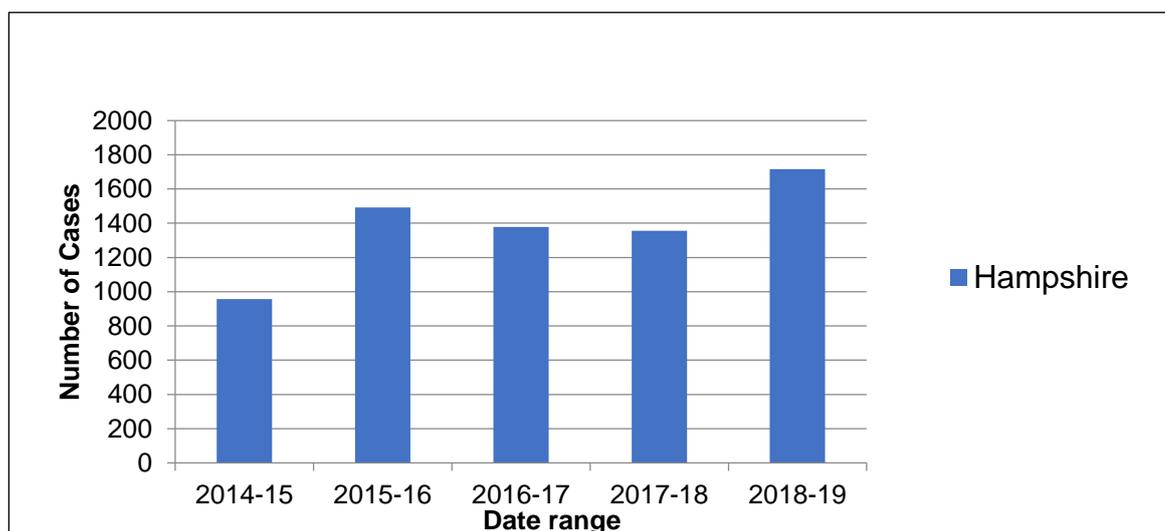
The Hampshire Position

9. • 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.
- An introductory letter and information pack is shared with parents. This makes the offer of a single EHE Visitor appointment or multiple visits where appropriate, together with a written report that is shared with parents.
- Universal website guidance for is available for parents and schools.
- Bespoke telephone or email guidance is also available for parents and schools.
- The offer to pay for Year 10 and 11 examination fees of GCSE or equivalent qualifications subject to published conditions.
- The EHE service maintains good links with EHE parent groups, NHS, Social Care and other services responding to the child’s needs.

10. The number of EHE has continued to rise to 1715 at the end of the academic year 2018 / 2019. This equates to 0.9% of the school aged population. There is considerable turnover of children being electively home educated and over the course of the 2018 / 2019 academic year over 2030 children and young people were EHE at some point. This represents a rise of 24% on the previous academic year. The graphic below shows the increase in numbers in recent years.

Number of children registered as Electively Home Educated



11. Generally, there has been increased turbulence in the EHE population as more children and young people come on and off a school roll, often for short periods. The average length of time is 8 months with 71% of children and young people being out of school for 9 months or less. The largest single year group remains year 11. Most EHE children are in the secondary sector, 1.7%

of the school population compared to 0.5% in primary. 52% of EHE children and young people are boys and 48% girls. Some districts have more children and young people EHE namely Gosport (1.6%) and New Forest (1.3%) whilst other districts have considerably less such as Hart (0.5%) and Eastleigh (0.7%)

12. The proportion of children and young people known to social care in the past 12 months was 11.5% representing a drop in percentage terms but a rise in actual numbers. Of these, 5.2% have current social care involvement. Children and young people with special needs are over represented in the EHE community compared to the total population distribution of special needs; 25% have special educational needs with 21% being identified at SEN support and 4% with an EHCP.
13. Over the past year Children's Services has aimed to increase parental engagement and, as a result, the total number of visits and / or significant telephone conversations has risen to 199. Although this represents a modest rise of 7% on the previous year it is nonetheless encouraging as the EHE home visitors were only appointed half way through the year. Next year's figures will provide a more representative full year impact. In the meantime, the department used extra administrative support to handle 1993 telephone conversations from home educators, parents of children in school or staff in schools.
14. Over the past 10 years, due to the guidance in place at the time, Children's Services has not pressed parents if they didn't reply or chose not to engage. Consequently, we did not have effective oversight and were not in a position to judge if the education was either efficient or suitable for the vast majority of EHE pupils. The new guidance is clearer around the expectations of LA's and we will be more proactive around making an assessment of the suitability of education.

Next steps

15. The increased staffing agreed in July 2018 has helped the department to keep abreast of the increasing numbers of EHE. Each case is demanding and requires careful investigation to provide the best advice around each individual child. Some parents welcome support whilst others are wary of LA contact and are resistant to support and challenge. To contact parents by either telephone, email or post is time consuming, especially if the parent chooses not to engage. A significant minority of parents claim not to want to EHE but believe they have no other option.
16. As described above, the new guidance places new demands on the LA. In order to meet the expectations of the guidance it is proposed that, as a first step, a further administrative post is created. The postholder must be able to case hold and help to prioritise the most vulnerable EHE pupils using established criteria around SEN, children known to social care, Free School Meals (FSM) and where schools have simply indicated that, in the headteacher's opinion, the parent is incapable of providing a suitable home education.

17. In order to assess the suitability of education it is proposed that this work is undertaken by Hampshire's School Improvement Service. Highly qualified education professionals will be deployed to make the assessment about the suitability of education.

Conclusions

18. HCC procedures and policies are strong. These are kept under regular review and we are well placed to meet the additional demands of the new guidance. Plans are well developed to target additional resource towards EHE so that we are fully compliant with the new guidance.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>DFE Elective Home Education – Departmental guidance for local authorities/parents</u>	<u>April 2019</u>

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

This report is an information update for the Children and Young People Select Committee and therefore no impact has been identified.

3. Impact on Crime and Disorder:

This report is an information update for the Children and Young People Select Committee and therefore no impact has been identified.

4. Climate Change:

This report is an information update for the Children and Young People Select Committee and therefore no impact has been identified.