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**To: The Education and Children's Services Scrutiny Board (2)**  
**Date: 21<sup>st</sup> October 2021**

**Subject: Children withdrawn from the school system to be educated at home (Elective Home Education)**

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## **1 Purpose of the Note**

- 1.1 To set out the legal and national position in relation to the education of children who are home schooled, known in law as elective home education (EHE); and to report on:
- the effectiveness of the Council's approach to delivering its statutory duty, to ensure children who are EHE are receiving a 'suitable' education and;
  - any fluctuation in the number of EHE children known to the LA, in the context of the current pandemic and the significant increase reported nationally.

## **2 Recommendations**

- 2.1 The Education and Children's Scrutiny Board (2) are recommended to:
- 1) Note the content of the report
  - 2) Support the approach to elective home education in Coventry, which embraces parents informed choice, without compromising the Council's statutory duty to safeguard all children
  - 3) Identify any recommendations for the Cabinet Member

## **3 Information/Background**

- 3.1 The decision to home school a child is supported in law through Section 7 of the Education Act 1996 which states:

"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.**"

- 3.2 This means that as an alternative to school attendance, parents can arrange 'suitable' education otherwise, which includes EHE. If the LA is aware that a child is being EHE it has a duty to determine if the provision is suitable. However, there is no legal or nationally agreed definition of what 'suitable' education means. The definition is therefore determined locally and may vary across LAs.
- 3.3 The true number of children who are EHE in England is not known. This is because there is: no national database of EHE children; no requirement for LAs to maintain a register and no requirement for parents to register their children on a voluntary register where these exist. The Association of Directors of Children's Services projected that as of October 2020 more than 75,000 children were being educated at home, an increase of 38 per cent from

the previous year. LAs contributing to the survey identified the increase as being partially attributable to the pandemic. Reasons included the need to protect vulnerable family members who were shielding, fear of transmission and a philosophical choice based on a positive experience of remote learning.

- 3.4 Whilst there is no requirement for a parent to inform the LA of their decision to EHE their child, under Section 436A of the Education Act 1996 LAs do have a duty to identify children who are of compulsory school age but are not registered pupils at a school and are not receiving suitable education outside of school. This therefore creates a tension, between Section 7 and Section 436A in terms of balancing a family's right to EHE their child unfettered and the safeguarding duty Councils have for all children in their local area
- 3.5 The Government estimate that approximately 10 to 20% of EHE children have never been to school. It is therefore particularly difficult to identify this group through available monitoring systems, because children have never accessed services and are not on any accessible databases. Consequently, an unknown proportion of EHE children currently remain legally 'out of sight' which means it is not possible to ensure that they are safeguarded.
- 3.6 In terms of provision, there is no legal requirement for parents who chose to EHE their children, to follow the national curriculum, enter their child for public examinations, follow the dates of the school year or length of school day. Education provision can be autonomous and self-led, although there is an expectation from the Government, that the programme will have positive outcomes. Parents that elect to home educate must take full responsibility for their child's needs at their own expense. LAs do not receive any funding for children who are EHE.
- 3.7 The LAs general responsibilities for EHE is set out in national guidance: [Elective Home Education: Government Guidance for Local Authorities April 2019](#)

#### **4 The National Landscape**

- 4.1 The tension created by the competing legislation set out in this report, is subject to continuous and often contentious debate. The national landscape in context, is best understood with reference to the [House of Commons Education Committee: Strengthening Home Education July 2021](#) and its preceding report, produced in 2016. The inquiry sought to understand "the extent to which current arrangements provide sufficient support for home educated children to access efficient, full-time and suitable education, and establish what further measures may be necessary in order to facilitate this." The call for evidence included both written and oral contributions and is now closed. The interim key recommendations of the report include:
  - The establishment of a statutory register for children out of school, arguing that without data, it is not possible to ensure that all children are receiving a suitable education.
  - Completion of the National SEND review, to ensure that the needs of children with SEND are met within their school, so families do not feel that they have to EHE to meet their child's needs
  - The creation of an independent, neutral advocate to "guard against coercive off-rolling and provide families considering EHE with neutral guidance"
  - The power for LA's to assess the educational progress of children who are home educated at least once a year, in order to take reasonable steps to reassure themselves that EHE is judged 'suitable'.
  - National criteria against which the suitability of education can be assessed
  - The commission and publication of a longitudinal research on the life chances and social outcomes of EHE children

- The creation of a 'level playing field' to enable EHE children to the same access to public examinations, further educational and work opportunities as their schooled peers.
  - The Select Committee also identified from evidence, that children who are EHE are not considered in any national safeguarding guidance, specifically Keeping Children Safe in education (KCSIE), which it wants rectifying as an urgent priority.
- 4.2 The National Child Safeguarding Panel in its annual report for 2020, included a focus on safeguarding children who are not visible to school. It reported that during the course of the year, there were 15 incidents involving children who were reported to be electively home educated. Three of those children died, two through suicide and one through risk-taking behaviour. The non-fatal serious harm incidents included neglect, emotional abuse, and intra-familial child sexual abuse. The panel noted that often these children were 'invisible' to services, because they were not in school and not visited at home. Therefore, they did not have the additional protection that school provides. The Panel has determined to analyse these cases to examine the extent to which elective home education has been a factor in the serious harm or death of a child.
- 5 The Coventry offer:**
- 5.1 Coventry City Council discharges its duty to ensure suitability of provision through the post of an EHE Coordinator. This dedicated post is held by an experienced teacher who ensures that the Council fulfils the minimum standards for monitoring EHE, whilst building a strong partnership with the City's community of home educators.
- 5.2 The minimum standards recommended by the Department for Education are set out in the national guidance as follows:
- the provision and regular review of a written policy statement on elective home education which is consistent with the current legal framework, clear, transparent and easily accessible,
  - the necessary resources to implement its policy effectively and consistently.
  - consider organisational structures to ensure an holistic approach to issues of suitability, attendance, welfare and safeguarding.
  - consider the offer of 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;
- 5.3 Coventry's response to EHE is based on a model of partnership. The Council respects a family's decision to EHE and offers a range of support as required. This includes a help hotline, the provision of guidance and advice and the sharing of information via a dedicated Facebook page e.g. arrangements for Covid vaccinations, examinations and community activities. Every known EHE family is offered an annual conversation to discharge the LA's duty to determine if a programme is suitable. This can be in the form of a meeting within the home, at a neutral venue, or virtually; a telephone conversation or an email/letter exchange. Given that there is no requirement for a family to engage with the LA relationships are informal.
- 5.4 The coordinator deploys professional curiosity towards new referrals, to ensure that families have an opportunity to reflect on their decision and are able to make an informed choice. Consequently, a significant proportion of expressions of interest do not transfer to EHE programmes or the programme ends relatively quickly. Common reasons given for a decision to EHE include Covid concerns, dissatisfaction with a school offer at the point of phase transition (primary to secondary), perceived encouragement by their current school,

'off-rolling', avoidance of an exclusion, newly arrived in the City, perceived bullying or relationship breakdown with school.

- 5.5 In July 2020, 228 children were recorded on the voluntary register as EHE, this rose to 358 by July 2021 and currently stands in October 2021 at 369. The national range of EHE is 0.5% to 1.5% of the school age population. Coventry maintains a voluntary register, which is subject to daily fluctuations. During the last academic year 164 children were removed from the register, 129 of whom are now attending school; 149 children are identified as established long-term EHE, benefitting from high quality provision that evidences progression.
- 5.6 Coventry maintained its service for EHE throughout the pandemic, although during periods of lockdown face to face visits were switched to virtual meetings. The offer of a remote service has proved successful and the level of uptake has been maintained. The virtual offer now includes an improved virtual presence offering increased opportunities to share information via the Council's website and Facebook which has been welcomed by families.
- 5.7 Coventry has robust systems in place to respond to individual circumstances. The service works closely with admissions, attendance and social care systems, enabling an integrated response to any concern. Parents are able to access comprehensive information and advice as required and if a situation needs to be improved, the service works with the family to secure a positive outcome. If on a rare occasion it proves necessary to instigate enforcement action, this is followed through to a conclusion.
- 5.8 Coventry has worked with local businesses and exam centres to ensure that parents who want to register their child to sit public examinations can do so, although there is no compulsion for EHE students to sit exams. In order to encourage formal validation of a child's learning, subsidies are available to support family finances through business sponsorships.
- 5.9 EHE programmes are not always delivered from the home. For example many EHE students in Coventry attend North Warwickshire and Hinckley College (Nuneaton campus) to access English and Maths. However, it is evident nationally that some providers within the EHE community are operating as unregistered schools. Coventry is vigilant to this practice and is currently unaware of this activity within the City.
- 5.10 EHE students follow a range of post 16 destinations. For those that continue their formal studies at home, Coventry continues to offer support. Others attend a range of colleges or enter employment. When consent is secured, the Council refers students to a careers advisor to support any young people who are not in education, employment or training (NEET).

## **6 References**

[Elective Home Education: Government Guidance for Local Authorities April 2019](#)

[House of Commons Education Committee: Strengthening Home Education July 2021](#)

[The Child Safeguarding Annual report 2020](#)

<https://www.coventry.gov.uk/electivehomeeducation>

<https://www.facebook.com/coventrycchomeeducation/>

[https://adcs.org.uk/assets/documentation/ADCS EHE Survey 2020 FINALweb.pdf](https://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_2020_FINALweb.pdf)

[Keeping Children Safe in Education 2021](#)

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