

EDUCATION & CHILDREN SCRUTINY COMMITTEE 14th MARCH 2018

ELECTIVE HOME EDUCATION UPDATE: MARCH 2018

To consider and comment on the following issues:

To note the contents of the report and the key actions arising from an analysis of the current landscape in relation to Elective Home Education.

Reasons:

The Education and Children's Services Scrutiny Committee has requested a briefing report as to the latest developments in Elective Home Education. Further developments in this area of service delivery are also suggested for Members' consideration.

To be referred to the Executive Board for decision: NO

Executive Board Member Portfolio Holder: Cllr. Glynog Davies (Education & Children)

Directorate: Education & Children	Designations:	Tel Nos. / E-Mail Addresses:
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EXECUTIVE SUMMARY

EDUCATION & CHILDREN SCRUTINY COMMITTEE 14th MARCH 2018

Elective Home Education Briefing Paper: March 2018

Elective Home Education is where parents or guardians decide to provide home-based education for their children instead of sending them to school. It is not home tuition provided by the local education authority or where a local education authority provides education otherwise than at school.

The LA recognises that elective home education is a key aspect of parental choice and therefore aims to encourage good practice in its relationships with home educators. This is achieved by clearly setting out the policy landscape, and by providing information and advice on the roles and responsibilities of the LA and parents in relation to children educated at home.

Parents may choose to exercise their right to educate their children at home and may do so for a variety of reasons. The reasons themselves should not have any bearing on the LA's treatment of families who home educate, since our prime interest lies in the parents' educational provision for their children.

We seek to build effective relationships with home educators to safeguard the educational interest and welfare of the children and young people. We will provide parents who are, or who are considering, home educating with a named contact within the authority who is familiar with home education policy and practice and has an understanding of the relevant legislation and a range of educational philosophies.

While there is no legal framework for the LA to regularly monitor provision of home education, we are conscious of our wider duties of care, and we will contact parents to discuss their ongoing home education provision. The LA is mindful of new WG non-statutory guidance published on 9.1.17 (see below), which provides a basis for our approach.

The LA is not legally obliged to provide any resources for children and young people educated at home. However, we shall:

- provide advice and support on curriculum matters
- provide information on organisations which support home educators
- facilitate access to some services e.g. Careers, Counselling

The LA has established a database for children educated at home. All schools will be required to notify the appropriate LA officer of a parent's intention to home educate. A record of visits is kept by the LA officer responsible for this area of work.

DETAILED REPORT ATTACHED

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report.

Signed: **J. Aeron Rees** Head of Curriculum and Wellbeing

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	YES	YES	YES	NONE

POLICY, CRIME & DISORDER AND EQUALITIES

A review of Carmarthenshire's policies is timely, in lieu of: recent Welsh Government guidance WG guidance (202/2016 – January 2017). In addition, the Cabinet Secretary announced on 30th January 2018 her '*intention to assist local authorities in meeting their existing duties to identify children not receiving a suitable education. [Cabinet Secretary] intend(s) to consult on using existing powers found in section 29 of the Children Act 2004 to require local authorities to establish a database to assist them in identifying children not receiving suitable education. The consultation will also consider which partners will be able to provide the most complete database, such as local health boards.*'

In addition, a policy review is also pertinent following more recent proactivity by The WG Home Education Stakeholder Working Group, which is attended by Carmarthenshire officers.

LEGAL

Parents have a right to educate their children at home providing that they fulfil the requirements of **Section 7 of the Education Act 1996**. This places a duty on the parents of every child of compulsory school age to cause him or her to receive **efficient full-time education suitable to their age, ability and aptitude, and to any special educational needs that they may have**, either by regular attendance at school or otherwise.

In guidance 'suitable' education has been defined as: '*... meaning efficient fulltime education suitable to their age, ability and aptitude and to any special educational needs they may have.*' A further legal definition is provided by English case law, which determines that [suitable education] "*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*" (*R v Secretary of State for Education and Science, ex parte Talmud Torah Machzkei Hadass School Trust, 12 April 1985*).

An efficient education is considered as one which: '*Achieves what it sets out to achieve*'.

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 a suitable education...or 'may be experiencing neglect'.

FINANCE

There is no legal duty for local authorities to provide financial support to EHE families or networks. If a child is not registered with a school, then the local authority does not receive any funding for that child and is therefore not currently legally obliged to pass on any financial support to parents to assist with schooling provision for learners who are home educated.

ICT

A number of data management systems are used to harvest information, all of which serve different purposes. The systems need to be harmonised going forward.

RISK MANAGEMENT

Safeguarding is a consideration for the LA in this area of service delivery. We are currently working under the parameters of the draft CYSUR protocol. This protocol needs to be formally adopted and we seek to further clarify processes for reporting safeguarding by developing one page profiles for risk assessments on property.

Multi-agency input is being refined – systems to ensure schools are promptly advising officers of any de-registrations whilst ensuring the prompt completion of exit forms are being pursued;

We also cross-check with the Care First, and health systems whenever possible – which helps with building up a risk profile of individual cases.

Lone working policy and guidance for staff is important – the EHE advisor recently attended training in this area and has taken a number of actions to consolidate practice.

STAFFING IMPLICATIONS

The local authority has a monitoring role but does not currently attract any dedicated funding to provide this. With an increasing number of EHE learners in Carmarthenshire, it has been identified to consolidate the role of an officer to undertake and further develop this role. At present a part-time home tutor/qualified teacher undertakes this work.

There is a staffing-related issue where, with increasing requests for time to administer data capture, recording and FOIA requests, a Systems Officer from the ALN team is called upon to attend to demands. This impinges increasingly on this officer's time, which needs to be resolved as the situation puts pressure on other services.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signer: J. Aeron Rees Head of Curriculum and Wellbeing

1. Local Member(s) – N/A
2. Community / Town Council – N/A
3. Relevant Partners – N/A
4. Staff Side Representatives and other Organisations – N/A

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW:

Title of Document	File Ref No. / Locations that the papers are available for public inspection
Elective home education guidance: Non statutory guidance for local authorities (202/2016) (January 2017)	http://gov.wales/topics/educationandskills/schoolshome/pupilsupport/elective-home-education-guidance/?lang=en http://gov.wales/docs/dcells/publications/160106-ehe-guidance-cy.pdf
Statement by the Cabinet Secretary for Education: Securing the Right to a Suitable Education for All (30.1.18)	http://record.assembly.wales/Plenary/4901?lang=en-GB#A10000068
An evidence based review of the risks to children and young people who are educated at home (commissioned by The National Independent Safeguarding Board – October 2017)	http://safeguardingboard.wales/2017/11/16/home-education-children-report/