

ELECTIVE HOME EDUCATION BRIEFING PAPER: MARCH 2018

1. Introduction

a. Background

Education is compulsory in Wales for children between the ages of 5 and 16. However, attendance in a school is not. The primary duty to ensure a child is educated rests with parents.

The vast majority of families in Wales will choose to have their children educated through the mainstream system of education but some parents choose to educate their children *otherwise* than at school, and it is their right under the law to do so. This is known as **Elective Home Education (EHE)**.

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 a local education authority or where a local education authority provides education otherwise than at a school.

Recent research conducted on behalf of the Welsh Government has indicated that the numbers of parents choosing to home educate has increased in recent years.

The EHE community in Wales is a diverse population with families choosing to home-educate for a variety of reasons. These include:

- ideological or philosophical
- health (including emotional health and well-being)
- cultural
- religious
- bullying
- special educational provision
- language choice
- length of school journey
- awaiting a place in school of their choice
- flexibility and tailoring of approach.

b. The legal position

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 right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.’

The right to home-educate is not a fundamental one. It is conditional on parents providing their child with an ‘efficient’ and ‘suitable’ education. Parents may educate their children at home providing they fulfil the requirements of section 7 of the Education Act 1996.

The parent of every child of compulsory school age shall cause him to receive **efficient** full-time education **suitable** –

- to his age, ability and aptitude, and
- to any special educational needs he 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*'

This ruling enables parents to choose their educational approach. Home educating families do not have to follow any particular curriculum and there is no single 'right' way to educate a child at home. Some use a holistic approach, while others follow the National Curriculum quite formally and their children take GCSEs. The LA does not support or endorse any particular approach and its responsibility is to ensure that whatever style of education is provided meets the needs of each child and young person on EHE and that each individual makes progress.

Figure 1: Home education approaches

<p>Structured</p> <p>A fixed timetable or schedule with content sometimes following the national curriculum.</p> <p>Formal or focused learning makes up between three to five hours per day, with free play or child-initiated projects in the afternoon.</p> <p>Trips, groups, courses, activities and additional learning opportunities reinforce or embed the learning.</p> <p>Autonomous or child-led learning</p> <p>The learning is prompted and engaged by the learner and facilitated by the parent.</p> <p>There are several methodological or ideological approaches such as:</p> <ul style="list-style-type: none">unit or project driven'classical' – three stages of preparing the learner to then teach themselves'Charlotte Mason' – through engagement with well-written books. <p>Unschooling</p> <p>The learner is encouraged to initiate own learning through exploration and engagement with activities of their own making or sourcing.</p> <p>Parents facilitate access to opportunity but try not to guide or lead.</p>

c. LA Duties

Under **Section 436A of the Education Act 1996**, Local authorities have a statutory duty to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education:

'A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but

- (a) are not registered pupils at a school, and*
- (b) are not receiving suitable education otherwise than at a school'.*

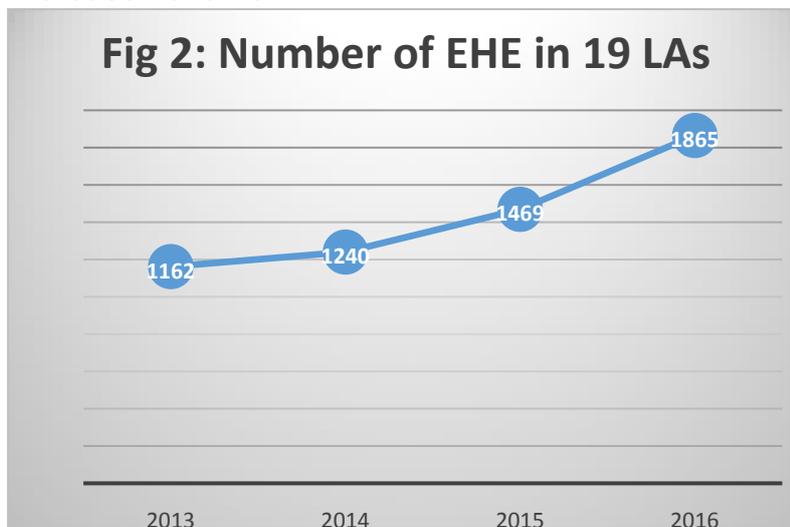
The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (for example, at home, privately, or in alternative provision).

However, as parents notify their local authority that they are home educating their children on a voluntary basis, not all electively home educated children will be captured within this data.

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 legally obliged to pass on any financial support to parents to assist with schooling provision for learners who are home educated.

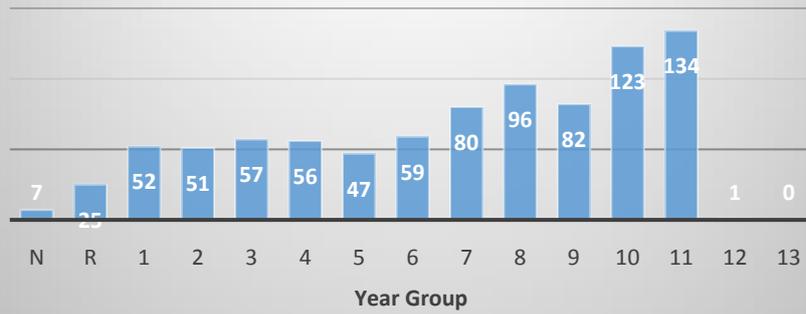
2. National Trends

- a. 2017 data is awaited imminently, so the most specific bespoke data available to us refers to 2016 (*based on research by Theresa Foster-Evans for ADEW/ICG ALN Group 12/05/2017*)
 - i. Numbers:
 1. 2,046 children were EHE across Wales
 2. Mean average of 93.0 children per LA
 3. *Range of 24 to 244 across LAs*
 4. ESTIMATED mean rate of 5.6 per 1000 across Wales
 - ii. **Number of Pupils becoming EHE is increasing rapidly: estimate of 24.4% increase 2015-16**



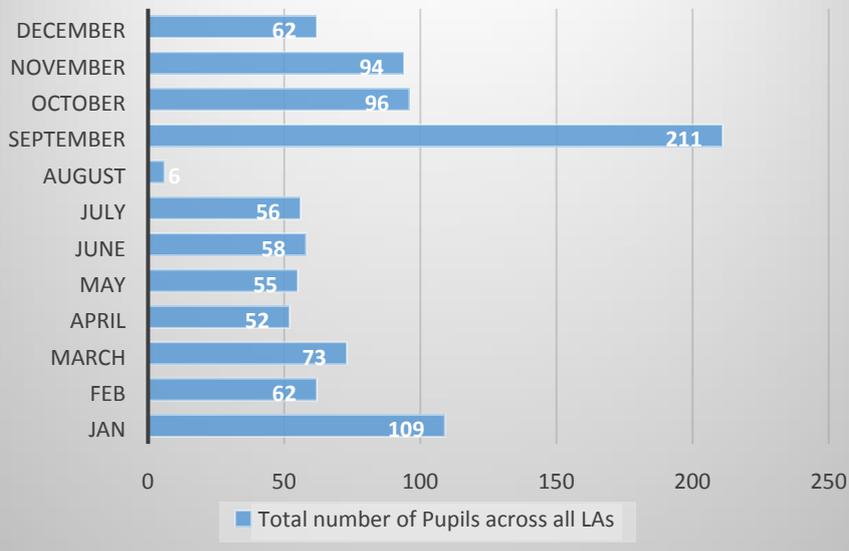
- iii. There is no significant difference in EHE rate for boys and girls
- iv. SEN: Mean of 4.9% EHE children have statements
- v. Ages / Year groups (figure 3 over)

Fig 3: Total Number of Pupils in Each Year Group Becoming EHE 2016



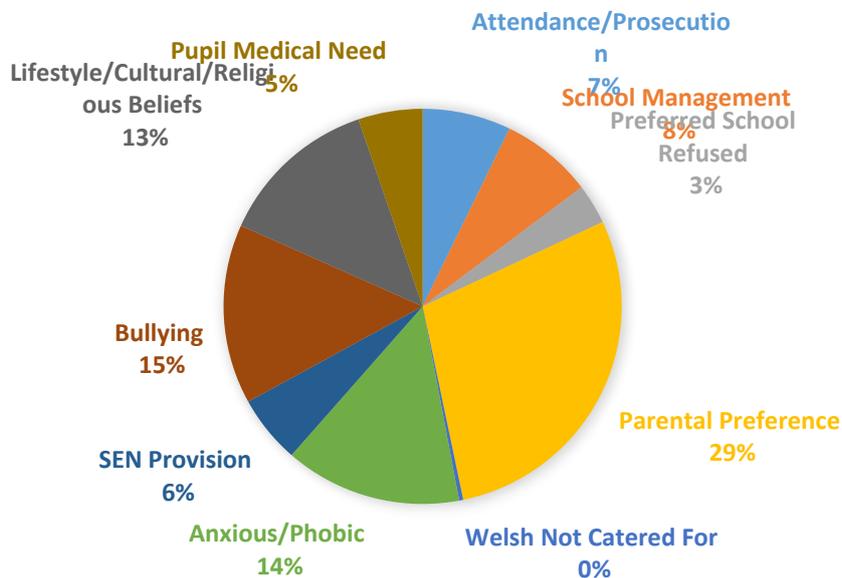
vi. Month Pupil became EHE (Figure 4)

Fig 4: Month Pupil Became EHE (2016)



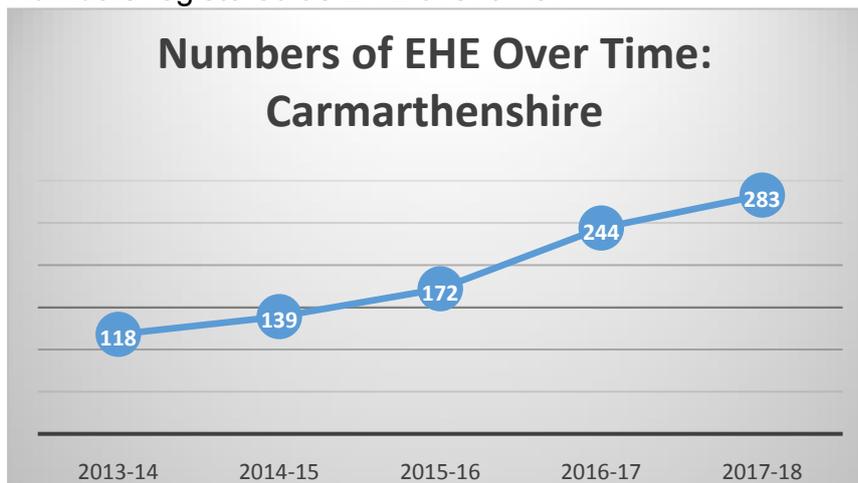
vii. Reasons cited for EHE

FIG. 5: REASONS GIVEN FOR EHE



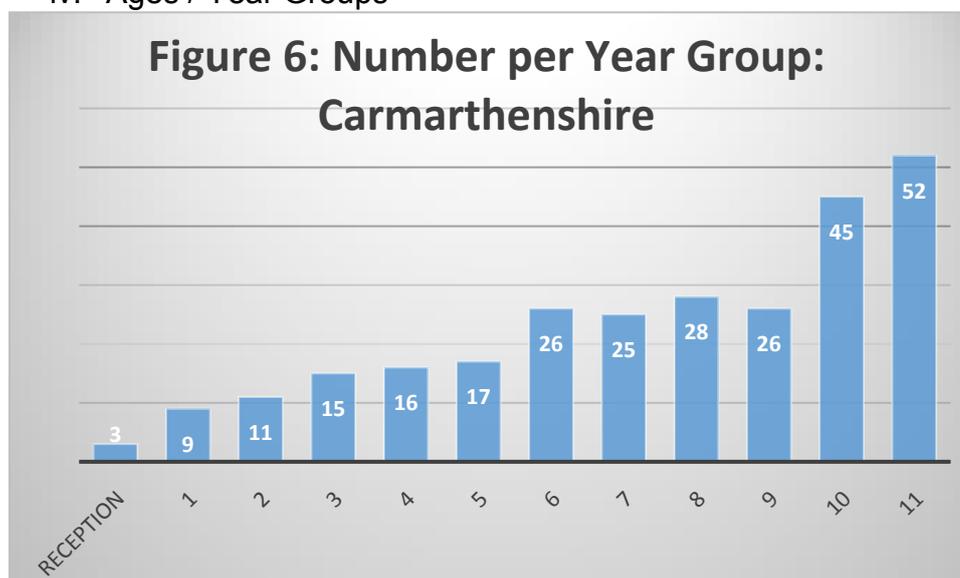
b. **County Trends.** Carmarthenshire data closely mirrors national trends:

i. Numbers registered as EHE over time:



Note: 2017/18 figures represent, broadly:

- 1% of the school population in Carmarthenshire
- Account for circa 13.38 % of the National figure (considered highest numerical in Wales)
- Rate of 10/1000 is above the average mean rate of 5.5/1000 for Wales but not the highest figure in Wales
- ii. Gender – no significant difference whatsoever
- iii. SEN – 3% are stated, lower than the national average
- iv. Ages / Year Groups

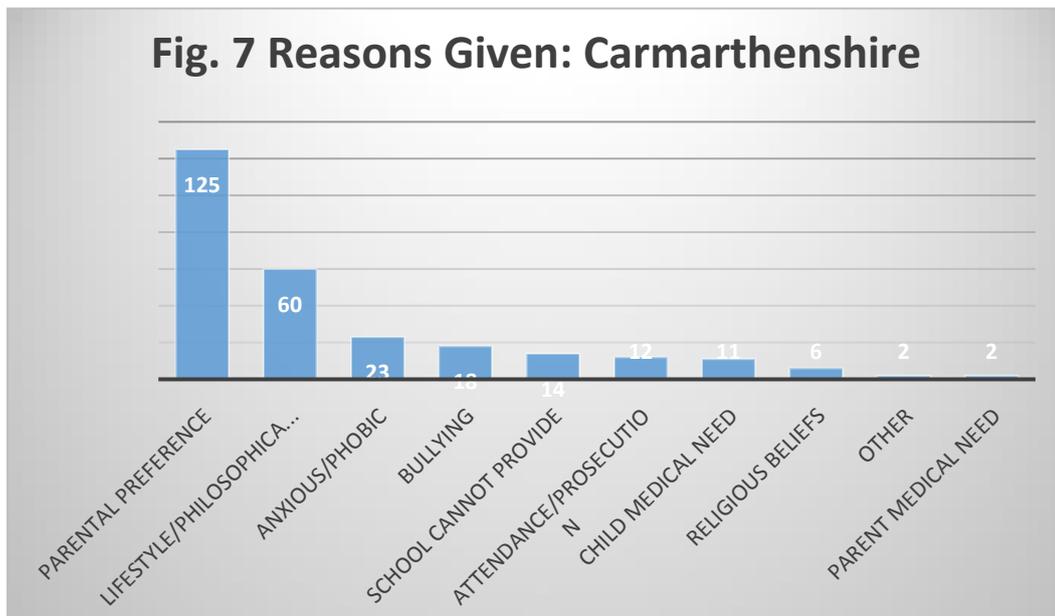


KS4: 97
KS3: 79
KS2: 74
FP: 23

Note: 52 have de-registered since September 2017

- v. Month de-registered – reflect national trends
- vi. Reasons given for EHE (over)

Fig. 7 Reasons Given: Carmarthenshire



3. Short History

- a. National: Information pertaining to EHE was referenced in chapter six of the guidance issued in 2006 (National Assembly for Wales Circular No: 47/2006, *Inclusion and pupil support*). This was replaced by non-statutory guidance 202/2016, issued in January 2017.

Kirsty Williams, Cabinet Secretary for Education, stated in the Senedd on January 30th, 2018, that *'it is fair to say that home education legislation in Wales is one of the most light touch in Europe'*. This was a precursor to announcing exercising the requirement, under current legislation, for LAs to establish a database to assist in identifying children not receiving suitable education. She also mentioned that health boards, independent schools and possible statutory guidance can be deployed to assist with maintaining the database. Whilst advocating a more robust system, her commitment to the agenda and to supporting home educating families was reiterated in the statement; *'I am committed to strengthening the support available to home educators, and, to that end, we are developing a package of educational support. This package will include making Hwb available to home-educated children, additional learning needs support, help with exam registration, and exploring options for home-educating families to learn Welsh and a clear offer of support from Careers Wales...I fully respect the choice of parents to home educate their children, and nothing that I'm considering or proposing will change that. I have no doubt that the vast, vast majority of home-educating parents choose to do so for valid reasons, and that, in some cases, it may well be the very best choice for the child, but I also believe that the Government has a moral duty to ensure that all children receive a suitable education, and an expectation that local authorities will act on their legal duties to intervene when children are not receiving a suitable education or may be experiencing neglect.*

Activity in this area of provision has intensified, as testified by increasing momentum and activity via the WG EHE Education Stakeholder Working Group of which Carmarthenshire County Council are attendees.

- b. County – This service sat in Home Tuition under the Inclusion section within DEC. From 2013 onwards, it was becoming apparent that EHE was a growing phenomenon in Carmarthenshire, meriting the attention of a designated officer, assigned and working part-time (0.6). As a result, and over the intervening years, more robust systems of data collection, monitoring and support have been put in

place. Currently, the Service is being subsumed into the Curriculum and Wellbeing division, so that a re-aligned strategic focus can be applied to this area, coupled with more dynamic operational delivery, catering to emerging trends.

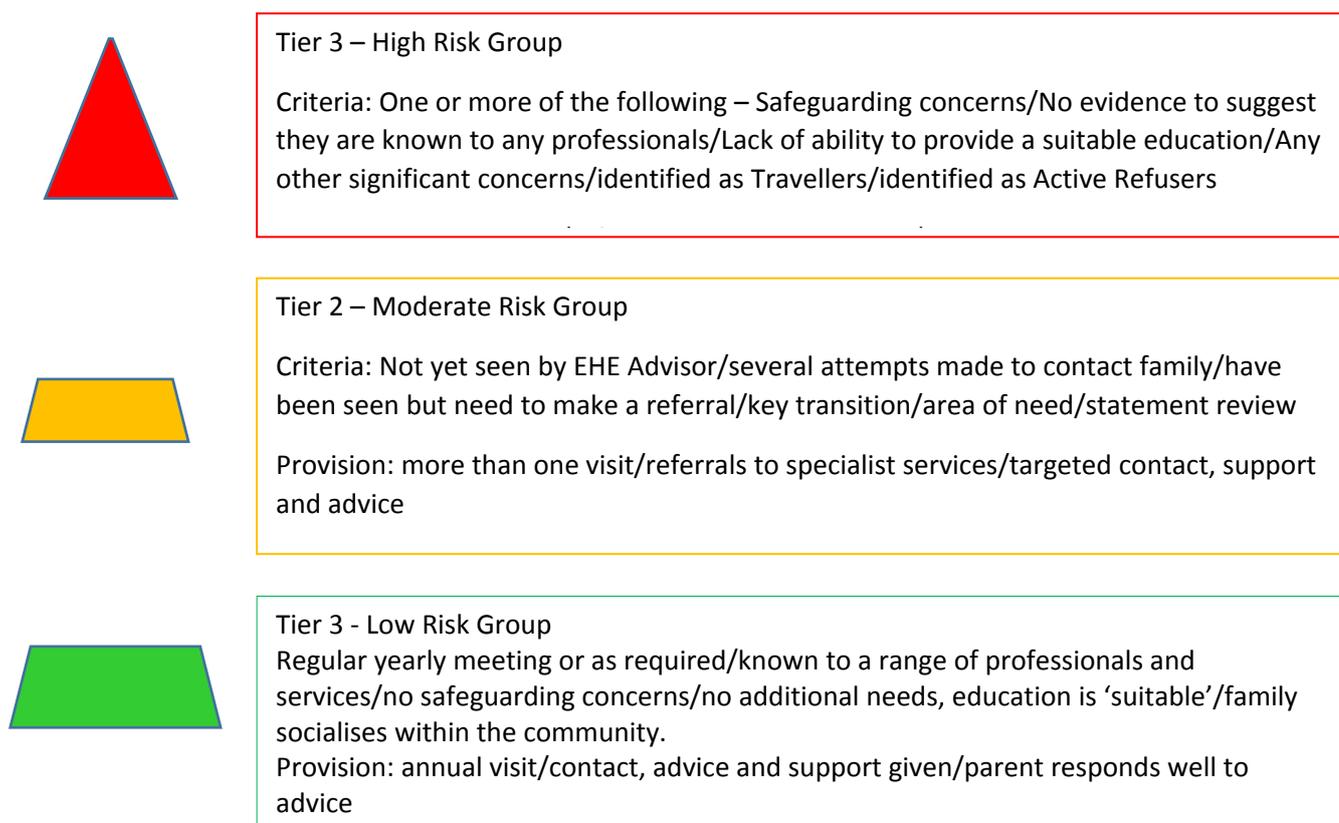
The data outlined above alludes that Carmarthenshire has a not insubstantial home educating community, which can be attributed to lifestyle choices and improving methods of identifying families who home educate. Our approach is to provide as much support as current resources permit, with a stress on formulating positive relationships with home educators and their children. Parents request a wide range of support on a number of diverse topics e.g.:

- Writing a reference for a college placement
- Advice on claiming child benefit
- Advising school/parents about flexi-schooling
- Applying for a school place
- Meeting with school to discuss transition
- Meeting with young person to resolve personal issues about school
- Information about Welsh lessons/looking for a Welsh tutor
- Supporting children on Child Protection register

i. Recent Service developments include:

1. Developing a **Caseload Management model**, based on risk – in terms of safeguarding considerations and whether a suitable education or otherwise is considered to be in place and provided:

Figure 8: Caseload Management System: Carmarthenshire

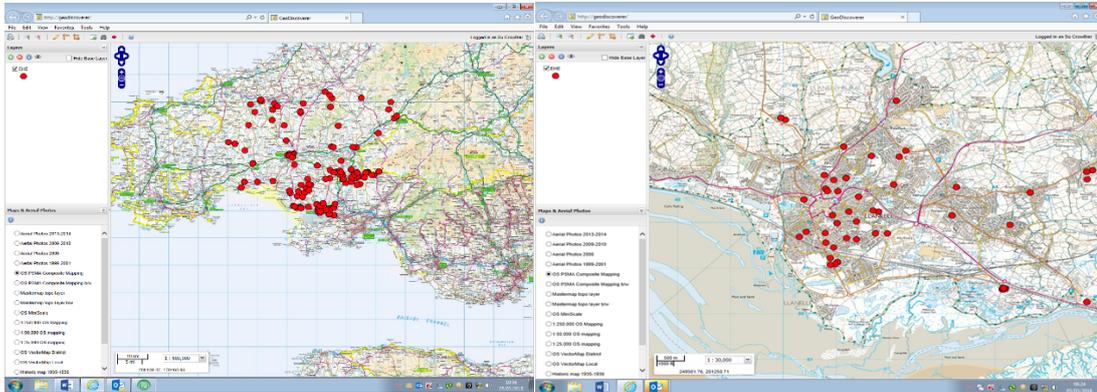


Notes:

- The data capture has its limitations and certainly not all EHE families believed to be in existence are recorded.
- Of known contacts:
 - o 87% are Active Engagers
 - o 13% considered Active Refusers

- Currently there are:
 - Families in tier 3: 7 (2.5%)
 - Families in tier 2: 103 (36.4%)
 - Families in tier 1: 173 (61.1%)

2. The **Geo Discovery Tool** is adopted and aiding the identification, and distribution of, EHE families within the county (**Fig. 10 below**). This is helpful to spot trends and interpret needs in various parts of the country:



3. **Safeguarding:** The Dylan Seabridge case raised questions about whether existing safeguarding mechanisms are sufficient for children who are home educated. In February 2017 the National Independent Safeguarding Board (NISB) commissioned Cascade, Children’s Social Care Research and Development Centre, at Cardiff University to explore the possible risks in relation to safeguarding, health and well-being of children and young people who are educated at home. This report is being considered to further augment our safeguarding procedures.

4. **Data Management** is being developed, including amendments to the Exit form to include ALN, reasons numbered according to the WG requirements and for FOIA and PLASC; introduce one-page profiles; risk assessment; reporting of child returning to school;

4. Plans for future service developments

i. **Strategic** – EHE strategy in Carmarthenshire for the future will be governed by:

1. The United Nations Convention on the Rights of the Child (UNCRC)
2. The Well Being Of Future Generations Act 2015
3. National guidance – both current and proposed
4. Further developments from the National Stakeholder Group
5. Further refinements determined by the approach evolving in the Curriculum and Wellbeing Division, based on the interplay between inclusion, equity, wellbeing and excellence in curricular provision

ii. Draft Programme of developments (over):

Figure 9: Outline Development Plan for EHE in Carmarthenshire

Action	By When?	By Who?
Staffing: <ul style="list-style-type: none"> Confirm interim arrangements with designated staff member Move to place role on a more permanent footing, framed within the wider Inclusion Department – scope out and agree remodelled Job profile for EHE officer Move to appointment 	4.3.18 May 2018	AR RW/EW/AR/AM
Safeguarding <ul style="list-style-type: none"> Formally adopt Draft CYSUR Safeguarding Protocol on an interim basis and plan for refinements Take an internal steer on the viability of the protocol for longer term adoption Initiate action emanating from the protocol 	End 5.2018	DMT SS/RC
Caseload Management <ul style="list-style-type: none"> Develop and implement models for managing workload Consolidate advice to parents immediately following de-registration 	September 2017	AR/EW/SC
Guidance to Schools <ul style="list-style-type: none"> Issue interim advice and reminders to schools Issue firmer, updated and more comprehensive guidance to schools (pending updated vision) 	December 2017 April 2018	AR/DMT
Further Develop the vision for the Service in Carmarthenshire <ul style="list-style-type: none"> Evaluate existing EHE arrangements in Carmarthenshire Formulate practical responses to existing Welsh Government Guidance Incorporate the recommendations of the National Working Group Complete data analysis 	Ongoing 2018	AR/DMT
Training <ul style="list-style-type: none"> Adopt National training plan suggestions and consider capacity required for successful delivery to officers, school leaders and practitioners 	Rolling programme	AR/EW/RW

Green type: Already achieved

iii. Operational: Issues being actively considered at present include:

- Monitoring – developing a one page profile to capture visits, which are age appropriate
- Consider ways to signpost Welsh lessons to EHE pupils
- Ongoing work to assign an exam centre for EHE pupils
- Facilitate access to specialist training for EHE community – e.g. rights of child
- Consider access to GCSE Maths, English and Welsh
- Consider access to essential skills qualifications
- Investigate how to further curb and circumvent year 10/11 de-registrations

5. Conclusions

As a Department, the education of pupils in our schools and special settings is our number one priority. That said, and notwithstanding funding issues and the lack of statutory guidance, the Local Authority is mindful of its obligations to the home educating community. We engage proactively in developing the policy landscape on a national scale and wish to work constructively and conscientiously with the home educating community in Carmarthenshire. We will continue to offer advice to those who require, or are receptive to, our support. The next few years will be an interesting time for this agenda and we look forward to making further concrete progress, in harmony with the national steer for EHE, and in partnership with school-age parents in all our communities.

**Adran Addysg A Phlant****Llywodraethu a Chynhwysiad**Adeilad 2, Parc Dewi Sant, Heol Ffynnon Job,
Caerfyrddin, Sir Gaerfyrddin. SA31 3HB**Department for Education and Children
Governance and Inclusion**Building 2, St David's Park, Jobs Well Road,
Carmarthen, Carmarthenshire. SA31 3HB**School Exit Form (Elective Home Education)**

Pupil Details		
Forename:	Surname:	
Preferred name:	Date of Birth:	
Gender:	Home Address:	
School Name: ALN? Yes or No Details:		
Year:	Postcode:	
Admission Date:	Leaving Date:	
Reason/s for deregistration:		
Ethnicity:	Home Language/s:	Religion:
Parent/Carers Details		
Name:	Name:	
Relationship:	Relationship:	
Parental Responsibility: Y / N	Parental Responsibility: Y / N	
Address:	Address:	
Postcode:	Postcode:	
Home Tel:	Home Tel:	
Mobile:	Mobile:	
Work Tel:	Work Tel:	
Email:	Email:	

SAFEGUARDING

Does the school hold any welfare or safeguarding concerns regarding the child? Yes / No

If yes, have these concerns been referred to Social Care? Yes / No

N.B. As the child will no longer be within a school community, please consider whether any concerns held warrant Social Care involvement and refer if appropriate. (If you are unsure whether a referral is appropriate, you should seek a 'no-names' consultation with the child's local Social Care team or the school's locality social worker).

If any such concerns exist, please give details below, together with dates of any referrals made and advice given.

Are parents aware of your concerns? Yes / No / N/A

I have received written confirmation (copy attached) that the pupil below will be receiving elective home education from (date) and I have removed the pupil from my roll.

Signed:

(Head teacher)

Date: