

## ELECTIVE HOME EDUCATION

To: Children and Young People's Committee

Meeting Date: 19 January 2021

From: Executive Director Children and Young People's Services: Wendi Ogle-Welbourn

Electoral division(s): All

Forward Plan ref: N/A

Key decision: No

Outcome: This report provides details on the numbers of children and young people being home educated in Cambridgeshire and highlights the characteristics of the current cohort.

Analysis also explores the levels of Elective Home Education referrals received during the Covid pandemic (Autumn Term) and provides further data on this cohort.

Reference is also made to the recent Education Committee call for evidence, and in particular the benefits of a compulsory registration system.

Recommendation: The Committee is recommended to:

- a) Note the information and data provided with the aim of highlighting any issues and concerns regarding the data, and the approach being taken in Cambridgeshire to support this cohort.
- b) Support the proposal for a compulsory Elective Home Education registration system, which will potentially be a recommendation from the recent Education Select Committees call for evidence on Elective Home Education (sections 2.4, 2.4 & 5.5)
- c) Communicate the proposal of a compulsory Elective Home Education registration system to Ministers and appropriate Cabinet Members.

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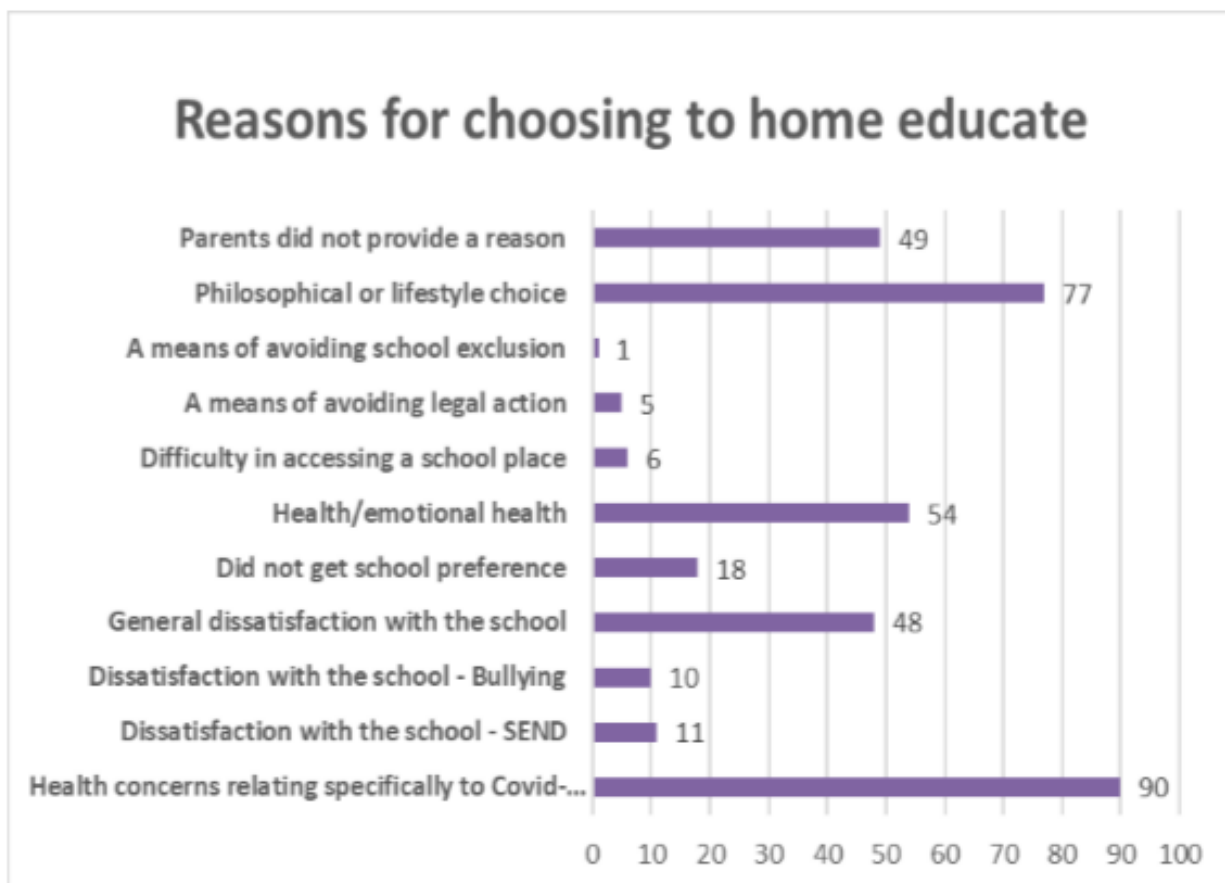
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## 1.0 Background

- 1.1 Parents are legally responsible for ensuring that their child receives an education according to the Education Act, 1996, either by sending their child to school or educating otherwise.
- 1.2 Education is compulsory for all children from the start of the school term following their fifth birthday, to the last Friday of June in the year that they turn 16 years old. Whilst education is compulsory, school is not. Parents can choose to provide their child with a suitable education at home, and this is known as Elective Home Education (EHE). The responsibility for a child's education rests with their parents. Section 7 of the Education Act 1996 states that:
- a) 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
  - b) To any special educational needs he may have, either by attendance at school or otherwise.
- 1.3 The type of educational activity can be varied and flexible. Parents who decide to Electively Home Educate (EHE) are not required to:
- Teach the National Curriculum
  - Provide a broad and balanced education
  - Have a timetable
  - Have premises equipped to any particular standard
  - Set hours during which education will take place
  - Have any specific qualifications
  - Observe school hours, days or terms
  - Give formal lessons
  - Mark work done by their child
  - Formally assess progress or set development objectives
  - Reproduce school-type peer group socialisation

## 2. Main Issues

- 2.1 Parents in Cambridgeshire who decide to home educate are not a homogenous group, and report a wide range of reasons for home educating. However, there is an increasing trend in parents removing their child from a school roll to EHE due to dissatisfaction with schools, and a feeling that to home educate is the only option left, as evidenced in the following national summary analysis 2020 from the Association of Directors of Children Services (ADCS)



*Further local data provided in Appendix One - Analysis of Cambridgeshire Elective Home Education*

2.2 The dynamic of the EHE cohort has fundamentally changed in that the more traditional parent, whose choice to home educate is based on deeply held philosophical beliefs, and who generally take a lot of time and consideration in the education they provide, have been overtaken by those who meet one or more of the following criteria:

- They have children with complex needs
- There has been a relationship breakdown between schools, parents and children
- The family see it as a means of resolving pressures at schools

(Reference Ofsted – Research and analysing – Exploring Moving to Home education in secondary: research summary)

[Government Publications - Exploring moving to home education in secondary schools](#)

2.3 The changing dynamic of the EHE cohort means that a greater majority of parents are not making a positive decision to home educate. The current **regulatory** framework is not sufficient and the benefits of a system that requires local authority (LA) intervention before a school removes a child to be to be home educated needs to be considered to determine the preparedness of the provision, and also whether it's appropriate to advice schools to off roll.

2.4 Enhancing the relationship with the EHE community, and working collaboratively to manage issues facing this cohort is an important function of the local authority. Linked to

recommendation (b), it is the Officers' view, therefore, that a national registration system would provide a number of benefits over the current arrangements. These include ensuring that there is a full and appropriate education offer available to all children whose parents choose to educate them at home.

### 3.0 Local Authority Responsibility

- 3.1 The guidelines for local authorities on EHE was updated in 2019, strengthening some aspects of the duties to help them manage their relationships with home educating parents. The guidance aimed to clarify the balance between the right of the parent to educate their child at home and the responsibilities of the local authorities:

#### [Elective Home Education Guidance for Local Authorities](#)

***Section 6.5 of the guidance states – “The most obvious course of action is to ask parents for detailed information about the education they are providing. Parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child’s education, then it will normally be justifiable for the authority to conclude that the child does not appear to be receiving suitable education and it should not hesitate to do “***

This statement provided the opportunity for a direct link to local authorities' statutory duties in relation to children missing education investigations and for these to be incorporated into EHE processes. In Cambridgeshire this means that, whenever a parent fails to provide or provides inadequate information on the education provision a child is receiving, we investigate the case as a Child Missing Education. Where it is deemed appropriate, a parent will be issued with a School Attendance Order in order to ensure that a child receives the education to which they are entitled.

***Section 4.2 states – “Statutory duty under s.436A of the Education Act 1996 - to make arrangements to enable the authority to establish, 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). Until a 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.***

- 3.2 However, many issues still exist in terms of the different ways that local authorities and parents interpret the meaning of the guidance. This is particularly pertinent in the approaches taken in relation to local authorities' duties in the 'assessing' of education provision and the level of expected engagement.
- 3.3 The right of a parent to EHE is a strongly defended legal right. Lobbying groups and local authorities often find themselves at odds over the lack of clear duties in relation to the routine monitoring, and the duties to ensure home education is satisfactory.
- 3.4 There is also a tension in the balancing of the right of a parent and that of the child's right to an education as proclaimed by the Universal declaration of Human Rights (Article 26).

## 4.0 EHE in the spotlight

4.1 Since 2016, The Association of Directors Children Services (ADCS) has undertaken an annual EHE survey to capture the number and characteristics of children and young people who are known to be home educated. The data have demonstrated a year-on-year national increase in EHE numbers:

[Elective Home Education Survey 2020 | ADCS](#)

4.2 In November 2017 the Children's Commissioner issued a briefing titled [Falling through the gaps in education](#). Section 2.2, Home Education, provides key points around the numbers of children being home educated in England and raises concerns regarding the lack of current oversight and monitoring.

4.3 The Office for Standards in Education's (OFSTED's) National Director Social Care, Eleanor Schooling published a briefing on the 21 December 2017 in which she highlighted the need to more effectively safeguard some children who are currently being home educated. She also raised concerns that there was an increased number of vulnerable children educated at home who were not receiving an effective education.

[Social Care Commentary - Hidden Children - The challenges of safeguarding children who are not attending school](#)

4.4 The Covid pandemic provided parents with the opportunity to experience home learning, and many reflected on the more positive aspects of educating their child at home - along with those parents expressing anxieties about the safety of the school environment. Subsequently there was a large increase in the numbers of referrals to home education nationally during the autumn term, which generated much media attention, as well as calls for a compulsory registration system.

4.5 On 30th September 2020 the Education Select Committee launched [an Inquiry into Home Education](#).

## 5.0 Conclusion

5.1 There needs to be a re-alignment of the current legal duties in relation to the monitoring of the education provision being provided by parents when they decide to home educate. This does not necessarily require a parent to follow the national curriculum – some of the best programmes that have been observed in Cambridgeshire are those where the parent adopts a 'child-led' approach, and there is no doubt about the parental commitment to their child's education. However, this is not the case for all children. Officers consider there would be real benefit, therefore, if a national quality assurance framework of expectations were to be agreed that included the opportunity to obtain the voice of the child.

The current guidance is inadequate:

***“ordinarily make(s) contact with home educated parents on at least an annual basis so that the authority may reasonably inform itself of the current suitability of the education provided. In cases where there were no previous concerns about the***

***education provided and no reason to think that has changed because the parents are continuing to go a good job, such contact would often be very brief.”***

- 5.2 Legislative change is needed to require a parent, in whatever education system their child might be accessing, to apply to the Local Authority to register their intention to home educate. From this point the Local Authority can engage the parent to determine the preparedness of the provision, and also when appropriate to advise a school to remove a child from roll.
- 5.3 Developing a collaborative approach between the parent and local authority will begin the journey to one of support and appropriate challenge in upholding the UN Convention aspirations that every child receives the education to which they are entitled.
- 5.4 A compulsory registration system will ensure that Local Authorities are aware of all families who are home educating. The Covid pandemic has created real issues for the EHE community in accessing examinations, as the children are external candidates, and therefore unable to provide assessed work. However authorities are unaware of the actual numbers of young people affected, and this limits our ability to intervene, and provide support to these young people, who are now facing huge challenges in regards to their post 16 and post 18 options.
- 5.5 A compulsory registration system will ensure that all EHE families have access to guidance and support, enabling children and young people to access preventative services. Local Authorities will also be better placed to track and identify issues, relating to the wellbeing and safeguarding of children and young people, who we are currently potentially unknown to services.
- Access to a wide range of health and wellbeing websites
  - Dissemination of immunisation letters
  - Access to safeguarding and online safety websites and individual referrals for support if requested.
  - Information about elective home education networks
  - Access to websites to support the delivery of careers education
  - Individual referrals suggested by the local authority for targeted careers guidance for some young people transitioning to post 16 opportunities
  - Support with funding for GCSE examination if current criteria met
  - Support with special educational needs including access to information, advice and guidance on assessment processes and education and health care plans and review processes
  - Access to SENDIASS (Special Educational Needs and Disability Information, Advice and Support service) - previously Parent Partnership is available for parents home educating.

Current guidance says:

***One of the most significant issues for local authorities in maintaining adequate oversight is the initial identification of children who are being educated at home. There is no legal duty on parents to inform the local authority that a child is being home educated. If a child never attends school, an authority may be unaware that he or she is being home educated.***

5.6 The Education Select Committee's Home Education Inquiry, requested written and oral submissions from a wide range of stake holders to help understand the current EHE arrangements, and to establish what further interventions may be required to provide better support to home educated children. The outcome of the inquiry is as yet unknown, but it is hoped that the evidence provided by many authorities will be reflected within legislative policy change, particularly in relation to:

- A mandatory registration system
- Local Authority approval required before a school removes a child from a school roll to EHE

6. Alignment with corporate priorities

6.1 A good quality of life for everyone

We recognise the right of a parent to home educate along with the rights of a child to receive a suitable education

6.2 Thriving places for people to live

There are no significant implications for this priority.

6.3 The best start for Cambridgeshire's children

There are no significant implications for this priority.

6.4 Net zero carbon emissions for Cambridgeshire by 2050

There are no significant implications for this priority.

7. Significant Implications

7.1 Resource Implications

There are no significant implications within this category.

7.2 Procurement/Contractual/Council Contract Procedure Rules Implications

There are no significant implications within this category.

7.3 Statutory, Legal and Risk Implications

Until there is a change in the current legal framework there are no implications



#### 7.4 Equality and Diversity Implications

There are no significant implications within this category.

#### 7.5 Engagement and Communications Implications

There are no significant implications within this category

#### 7.6 Localism and Local Member Involvement

There are no significant implications within this category.

#### 7.7 Public Health Implications

There are no significant implications within this category.

Have the resource implications been cleared by Finance? No as not relevant

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement? No as not relevant

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law? Yes - The Attendance Service has a specialist Attendance Legal Manager

Have the equality and diversity implications been cleared by your Service Contact? No as not relevant

Have any engagement and communication implications been cleared by Communications? Yes/ No

Have any localism and Local Member involvement issues been cleared by your Service Contact? No as not relevant

Have any Public Health implications been cleared by Public Health? No as not relevant

### 8. Source documents

#### 8.1 [Cambridgeshire County Council Elective Home Education web page](#)

## Analysis of Cambridgeshire Elective Home Education

### Historic figures of numbers of EHE active cases recorded by academic year:

2013/2014	678
2014/2015	778
2015/2016	936
2016/2017	1150
2017/2018	1230
2018/2019	1312
2019/2020	1381

**Note:** The above clearly demonstrates the year on rise in EHE numbers - there are many reasons for this, including dissatisfaction with school. Increased local offers to the community has also elicited engagement.

### Active EHE cases during Academic Year and characteristic 2019/2020:

**Total = 1381**

Year	Number EHE
Non stat	34
1	46
2	71
3	73
4	92
5	121
6	105
7	144
8	145
9	175
10	197
11	178

**NOTE:** in line with national trends the numbers of KS4 numbers are higher than other stages. A proportion of these cases will have been home educating for some time.

### Ethnicity

Bangladeshi	2
Indian	6
Any Oth Asian background	8
Pakistani	11
Black African	2
Black Caribbean	2
Any Oth Black background	4
Chinese	3
Any Oth Mixed background	22

White and Asian	17
White and Black African	23
White & Black Caribbean	18
Info not yet obtained/Blank	553
Any other Ethnic Group	6
Refused	12
White British	789
White Irish	2
Traveller - Irish Heritage	13
Any Oth White background	93
Gypsy/Roma	159

**NOTE:** *Gypsy Roma Traveller parents register their children to home educate particularly during the secondary phase. The reasons for the high levels of EHE registration is related to cultural and pragmatic issues related to lifestyle.*

**Reasons provided by parents for electing to home educate:**

Dissatisfaction with School Environment	253
Lifestyle/Cultural/Philosophical	180
Emotional & Behavioural Difficulties	153
Bullying	151

**EHE children with an Education Health and Care Plan (EHCP):**

Male	53
Female	21

**NOTE:** *further exploration is required to analyse the discrepancies in relation to the above fig. We also need to explore the nature of the child's needs to consider if this is related to the parental decision to off roll to EHE*

**Sources of referrals:**

Admissions	23
CME	107
CREDS	14
Attendance Officer	145
Other CFA Service	15
Other Local Authority	53
Parent/Carer	222
School	806
Social Care	6
Student Assessment	9

**NOTE:** *A high proportion of EHE referrals come from schools as would be expected. However there are a variety of other referral sources including investigations by Local Authority Officers as part of school attendance and children missing from education activities*

**The destination of cases closed to EHE:**

**341 Cases were closed during the academic year of 2019- 2020**

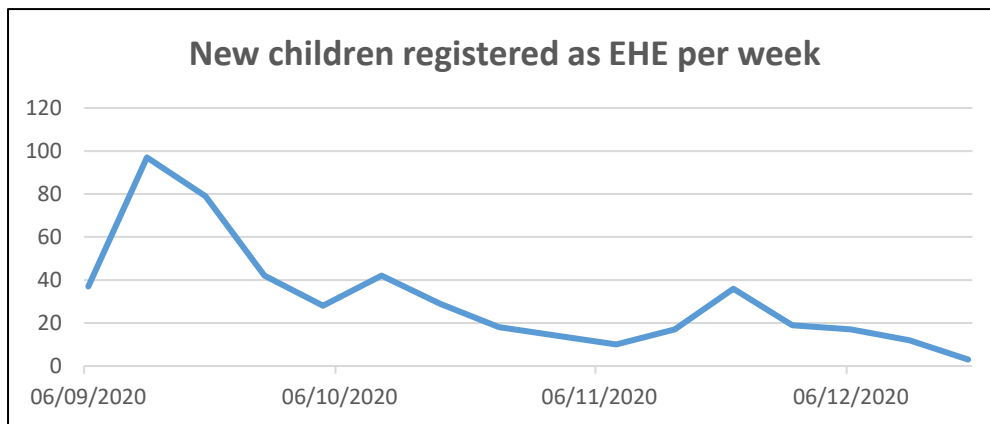
Alternative Provision	6
Children Missing Education	24
Emigrated/Abroad	10
Moved out of county	26
No longer of school age	152
On Roll Independent School- Cambs	8
On Roll Other Local Authority	36
On Roll Within Own LA	231

**NOTE:** *short- term home education is a rising issue as evidenced above in the final figure of 231. This number represents children and young people off rolled to EHE but then to return to the school system. Many will have valid reasons for doing this - the advantage of a local authority conversation before off rolling, will provide an opportunity to explore the parent decision and to offer appropriate guidance and support if required.*

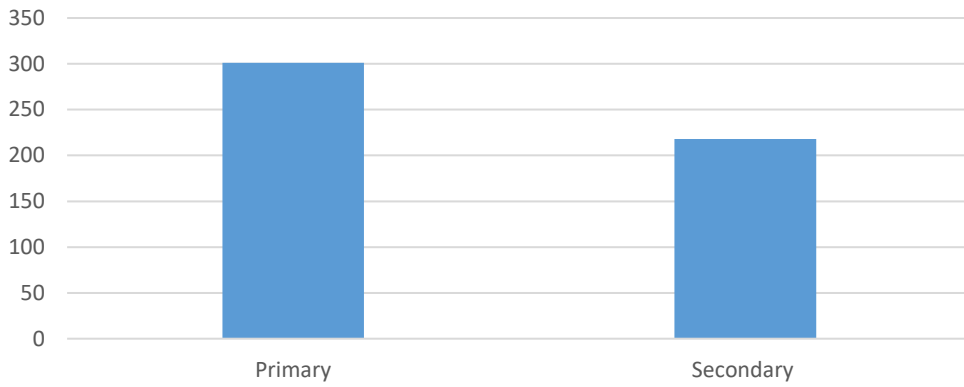
**EHE Autumn Term 2020 Data – Opened and Closed**

**TOTAL numbers of open cases in the Autumn Term 2020 = 1500**

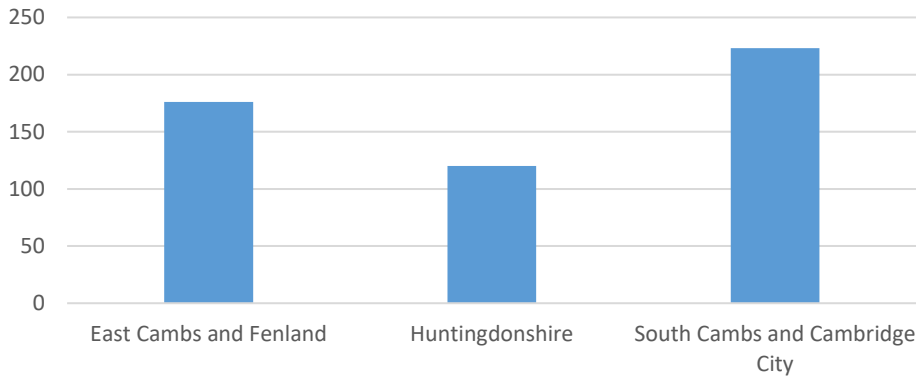
**TOTAL number of new referrals in the Autumn term 2020 = 518**



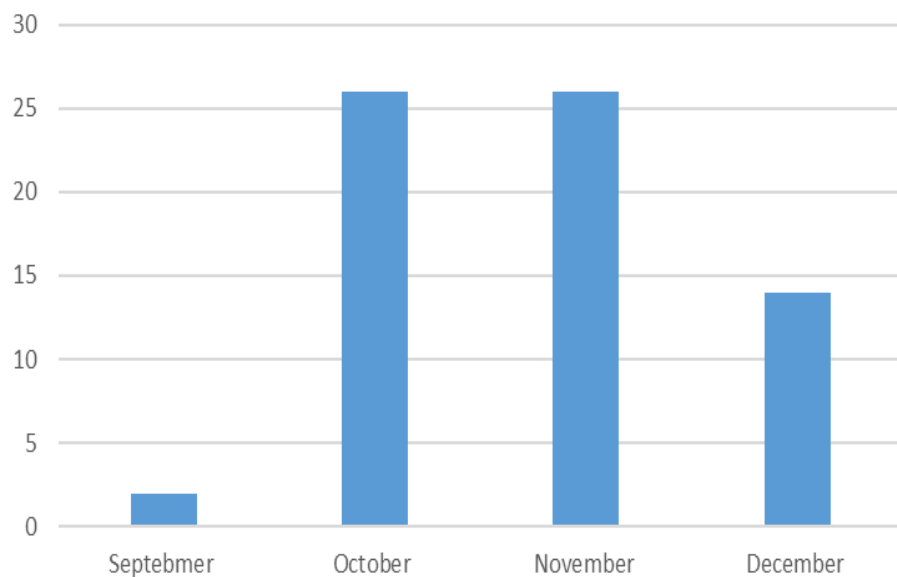
### Newly Registered EHE by School Type



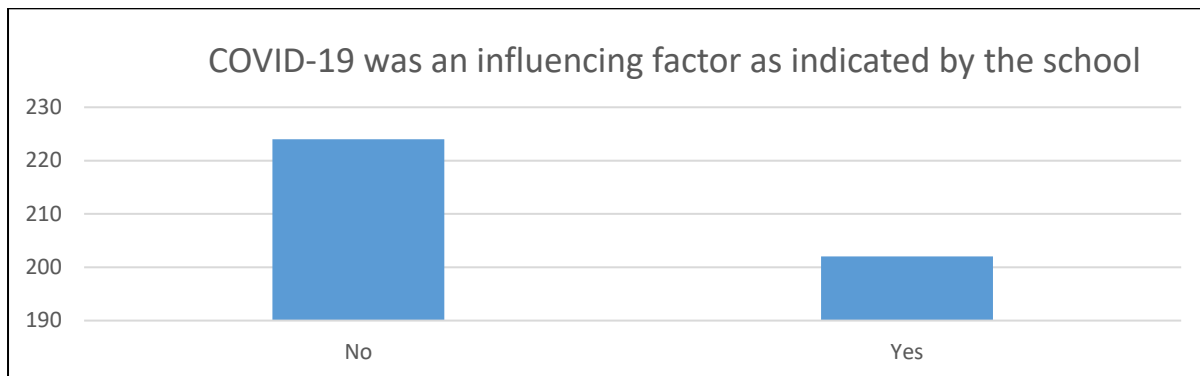
### New children registered as EHE per Area



### Number of EHE closed by Month



**NOTE:** the EHE cohort is in constant shift with referrals into the EHE cohort but equally a movement back into the school system CME immigration etc.



**NOTE:** we are still awaiting the influencing factor as indicated by the parent. I would be suggesting Covid as an influencing factor will be higher than above