

<b>Report To:</b>	<b>EDUCATION ATTAINMENT IMPROVEMENT BOARD</b>
<b>Date:</b>	22 October 2019
<b>Executive Member / Reporting Officer:</b>	Councillor Feeley – Executive Member for Lifelong Learning, Equalities, Culture and Heritage Tim Bowman, Assistant Director, Education
<b>Subject:</b>	<b>REVISED ELECTIVE HOME EDUCATION POLICY 2019</b>
<b>Report Summary:</b>	The report outlines for schools, parents, carers, guardians and related agencies, the policy and procedures to be observed when a parent elects to home educate their child who is of compulsory school age. The policy sets out parents’ rights to educate their child at home, together with the legal duties and responsibilities of Head teachers and Tameside Council. It also sets out the arrangements Tameside Council will make in order to carry out its legal duties.
<b>Recommendations:</b>	That the Board note the content of the report and recommend consultation to enable approval of any final version by the Council’s Executive Cabinet.
<b>Links to Sustainable Community Strategy:</b>	The report supports three elements of the Community Strategy - Prosperous, Learning and Supportive Tameside.
<b>Policy Implications:</b>	This is a new policy for the Council as this information was previously issued as guidance to schools.
<b>Financial Implications:</b> <b>(Authorised by the Section 151 Officer)</b>	There are no direct financial implications as a result of this report.
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	There is a legal requirement when introducing /reviewing any policy that appropriate consultation takes place. The Board can recommend consultation but only the Cabinet can approve policy. It is important that through the consultation process advice is taken from legal to ensure policy is legally compliant and addresses our equality duty.
<b>Risk Management:</b>	Without a policy on elective home education, the council will not be able to meet its statutory duty to make arrangements to enable it to establish the identity of children in its area who are not receiving a suitable education.
<b>Access to Information :</b>	The background papers relating to this report can be inspected by contacting Julie Waterhouse, Access Services Manager  Telephone:0161 342 2290  e-mail: julie.waterhouse@tameside.gov.uk

## **1. INTRODUCTION**

- 1.1 All parents have the right to educate their child/children at home.
- 1.2 The Education Act 1996, Section 7, specifies that it is the duty of “the parent of every child of compulsory school age shall cause him/her to receive efficient full time education suitable:
  - (i) to their age, ability and aptitude and
  - (ii) to any special educational needs they may have, either by regular attendance at school or otherwise.”
- 1.3 There are no restrictions around the length or type of education pupils receive. Education can be delivered by parents, siblings, family friends, carers, online learning, private tutors and homework clubs.
- 1.4 The purpose of this policy document is to clarify for schools, parents, carers, guardians and related agencies, the policy and procedures to be observed when a parent elects to home educate their child who is of compulsory school age. The policy sets out parents’ rights to educate their child at home, together with the legal duties and responsibilities of Head teachers and Tameside MBC. It also sets out the arrangements Tameside Council will make in order to carry out its legal duties.
- 1.5 There is further information on the numbers of children and young people who are known to be educated at home and some comparative historical information.

## **2. CONTEXT**

- 2.1 Tameside MBC believes that children are best educated in school. Notwithstanding this fact, Elective Home Education officers understand that there is no one ‘correct’ way of learning.
- 2.2 Tameside MBC has no formal powers or duty to monitor the provision of education at home. However, it does have a statutory duty (under s.436A of the Education Act 1996) to make arrangements to enable it to establish the identities, so far as it is possible to do so, of children in its area who are not receiving a suitable education. The simple fact that a child is being educated at home does not mean that he or she is not receiving a suitable full-time education. However, in order to fulfil their Section 436A duty, local authorities are entitled to make informal enquiries of parents to establish what education is being provided.
- 2.3 Education Welfare is therefore likely to make such enquiries if they become aware that parents are educating a child at home - or may be doing so. Parents are under no legal obligation to respond, to Tameside MBC however if parents do not respond, the officers are entitled to conclude that it appears that the child is not receiving a suitable education.

## **3. THE PROCESS**

- 3.1 When the Council is notified that a parent wishes to home educate their child, Education Welfare and/or Pupil Support Services will ask to see the child at home or in another location (within 10 to 15 days of being notified) as well as seeing examples of work done. Parents, they are under no legal obligation to agree to such a meeting or to produce specific evidence but parents should consider carefully the reasons for not doing so, what is in the best interests of the child, and what may be the most sensible approach. If they do not do enough to satisfy Tameside MBC about the sufficiency of education being provided at home it may have no option but to conclude that the education does not meet the S.7 requirement.

- 3.2 Tameside MBC understands that, in the early stages, parent's plans may not be detailed and they may not be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision. Parents may want to ask the local authority for advice and support. A reasonable timescale should be agreed for parents to demonstrate that all aspects of the provision is in place, but this does not mean that there can be any significant break between the end of formal schooling and the provision of good education at home.
- 3.3 Tameside Officers contact parents within 14 days to arrange an initial visit, a further visit will be made by the Pupil Support Service within the following 12 weeks. Once Tameside MBC is satisfied that the child is receiving a suitable education, further yearly visits will be arranged by telephone, email, or letter. The purpose of the visits is to assess the level of education being provided and to offer advice and support and to signpost families to other agencies if necessary. The Local Authority's Elective Home Education officers are available to provide more frequent support if required.
- 3.4 If Tameside MBC decides it has not had sufficient information about the home education being provided, or has had no information, and it appears to the authority that the child is not receiving a suitable education at home, it must serve a notice (known as a S.437 (1) notice), requiring the parents to satisfy the authority that the child is receiving a full-time and efficient education at home that is suitable to the child's needs. Again, it would be sensible for parents to respond to such a notice if they receive one; parents will have at least 15 days to respond so that they have time to gather suitable material that they may wish to supply.
- 3.5 The local authority must consider the response, if any, which parents make to the notice, in order to decide whether the child is receiving an education which meets the responsibilities under S.7, taking account of any evidence the parents have provided and any other information it has about the education the child is receiving. . If parents make no response at all, then the local authority is entitled to conclude that the child is not receiving a suitable education.
- 3.6 If parents fail to satisfy Tameside MBC that their child is receiving a suitable education, and the local authority considers that it is appropriate that he or she should attend school, then the local authority has a legal obligation to serve on parents a school attendance order (SAO). This will name a specific school and require parents to register their child at that school. There are provisions in the Education Act 1996 (sections 438-441).

#### **4. OFSTED**

- 4.1 Ofsted conducts periodic inspections of local authorities and this includes the way in which they carry out duties in relation to vulnerable children. Although home educated children are not intrinsically 'vulnerable', such reviews will include children missing education and therefore cover the work of the authority on those children who are being educated at home (or may be educated at home). Reports of local authority inspections are available on the Ofsted section of the gov.uk website.
- 4.2 Ofsted has no role in the oversight of education received by individual children who are educated at home.
- 4.3 The Ofsted inspection that was carried out in in Tameside in 2019 reported that:

*"EHE - children are seen and supported appropriately, there are stringent tracking procedures in place and TMBC are aware who those young people are."*

## 5. NUMBER OF ELECTIVELY HOME EDUCATED PUPILS IN TAMESIDE

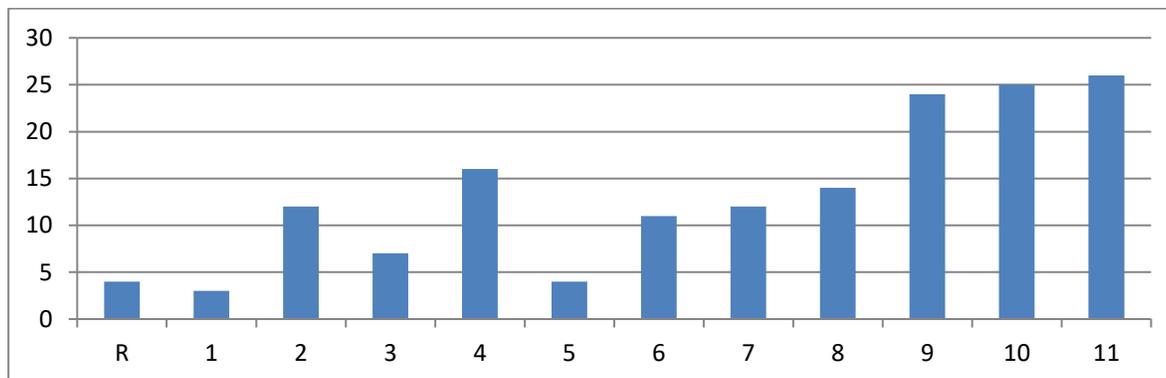
5.1 The elective home education figures have steadily increased over the last few years this is in line with national data. Following a BBC Freedom of Information request to all local authorities the increase represented an increase of around 40% since 2014/2015.

5.2 There is currently no requirement for home educated children to be registered. As a result the LA figures at any given time are likely to be underestimated.

The table below shows the increase of pupils that are now electively home educated in Tameside

Year	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
Number	54	55	51	66	71	94	149	214	184	256

The table below gives a breakdown by year group of pupils in school for 2018/19



Number of pupils returning back to school from home education

Year	2015/16	2016/17	2017/18	2018/19
Number	20	37	44	41

## 6. RECOMMENDATIONS

6.1 As set out at the front of the report.