

HILLINGDON'S ELECTIVE HOME EDUCATION POLICY

Cabinet Member(s)	Councillor Susan O'Brien
Cabinet Portfolio(s)	Cabinet Member for Families, Education and Wellbeing
Officer Contact(s)	Dan Kennedy, Director Planning, Environment, Education and Community Services
Papers with report	Appendix 1 – Draft Elective Home Education Policy

HEADLINES

Summary	<p>Elective Home Education (EHE) is a term used to describe a choice by parents to provide education for their children at home - or in some other way which they choose - instead of sending them to school full-time.</p> <p>The current Elective Home Education Policy was last reviewed in 2012. The purpose of the current review is to update the policy in line with the Department for Education's latest guidance and to ensure that the increase in home education provisions is taken into consideration before a final policy is approved.</p> <p>The review also reflects a more balanced approach to both safeguarding issues and the rights of parents, as well as considering several other ways to improve information and communication between the Council and EHE parents.</p> <p>Further to the Cabinet's agreement to consult on changes to the Elective Home Education policy in November 2020, the Council has completed a consultation about the proposed changes. This Cabinet report includes:</p> <ul style="list-style-type: none">• The outcome of the period of consultation with the relevant consultees.• Recommendations for implementing the new policy. <p>Cabinet is therefore asked to consider implementing the revised Elective Home Education Policy which will offer the prospect of developing the relationship with parents that home educate.</p>
Putting our Residents First	<p>This report supports the following Council objectives of: <i>Our People</i>.</p> <p>The recommended changes in the policy will help to provide continued support for our electively home educated families and</p>

	demonstrate a clear understanding on how the Council can ensure safeguarding for all children.
Financial Cost	There are no direct cost implications arising from this report.
Relevant Policy Overview Committee	Residents, Education and Environmental Services Policy Overview Committee.
Relevant Ward(s)	All

RECOMMENDATIONS

That the Cabinet:

- 1. Notes that a consultation exercise was undertaken by the Council in relation to the draft Elective Home Education Policy but that no responses were received from the consultees.**
- 2. Notes the comments made by the Residents, Education and Environmental Services Policy Overview Committee in respect of the draft Policy.**
- 3. Agrees to implement the revised Elective Home Education Policy which incorporates the comments of the Residents, Education and Environmental Services Policy Overview Committee.**

Reasons for recommendation

The aim of the review was to update the existing policy which was determined in 2012. When reviewing the Council's Elective Home Education Policy, particular attention was made to examine the balance of both safeguarding issues and the rights of parents who choose to home educate their children, and to update processes in-line with the latest guidance released by the Department for Education in April 2019.

The Elective Home Education Policy is a valuable document in supporting those parents that choose to home educate. The outcomes of the review will offer the prospect of developing the relationship with parents that home educate.

The Department for Education released a new publication for the Elective Home Education Departmental Guidance for Local authorities and Elective Home Education Departmental Guidance for Parents in April 2019.

These publications have been used to update Hillingdon's EHE policy.

Hillingdon Council has experienced a significant increase in elective home education as a direct result of Covid-19. It is vital that the Council has an Elective Home Education Policy that is current and fit for purpose.

Every child has the right to a high-quality education in a safe learning environment and Local Authorities have a duty to establish whether suitable education is being provided to protect this right.

Should the proposals in this report be agreed, Hillingdon Council can ensure that it effectively balances both safeguarding issues and the rights of parents who choose to home educate their children

Despite being well publicised, the consultation received zero responses from members of the public.

However, Hillingdon's Residents, Education & Environmental Services Policy Overview Committee provided useful feedback and the comments have been reviewed and incorporated where legally possible.

The zero response to the consultation indicates that there are no objections for updating the policy with all proposals set out in the consultation documents.

The proposed policy has been attached as appendix 1.

Alternative options considered / risk management

None. The proposals presented in this report are intended to be reasonable, clear, objective, procedurally fair and comply with all relevant legislation.

Cabinet could decide to reject or amend the proposals including (but not limited to) the following alternative options:

- a) Retain the current policy by not approving the proposed changes to Hillingdon's Elective Home Education Policy.
- b) Amend the proposals by approving partial changes to the admissions arrangement proposal, A-C.
 - A. Changes to the layout and continuity of the policy.
 - B. Proposal for dedicated Social Care involvement and support, when a child has an open referral to the social care service
 - C. Introduction of a flow chart, showing the process followed by the EHE officer once receiving notification of a family wanting to home educate their children.

Policy Overview Committee Comments

The Residents, Education and Environmental Services Policy Overview Committee met on 27 January 2021 and considered the draft policy from Cabinet.

Feedback was raised regarding the need to capture the details of children who are electively home educated that may have moved into the area and have not contacted education services.

Officers informed the Committee that an Education Safeguarding Task and Finish Group has been established by officers to enhance partnership working that will focus on any potential 'gaps' in safeguarding that can occur with EHE.

The group has been established as the Local Authority wish to strengthen process with partner agencies to ensure all parties have robust policies and procedures in place to enable them to meet their duty in relation to children who are electively home educated.

For some children being home educated or accessing other provisions may be the right decision for them and when this takes place in a suitable and safe environment this is likely to not be of concern. The aim of the task and finish group is to consider where this might not be the case. This includes children listed as being home educated but where this may not be suitable or where they may be attending unregulated educational provisions of concern as well as children who are missing from education altogether.

The Committee asked that the policy be written with gender being references as neutral instead of references to the masculine term of 'he' as per the Department for Education style. Specifically, one Committee member asked that the footnote on page 4 (below in italics) of the proposed policy was not gender sensitive and could be interpreted as legal jargon. A request for a plain definition of what a parent is would be preferred.

The term "parent", unless the context otherwise requires, in relation to a child or young person, includes any person - (a) who is not a parent of his but who has parental responsibility for him, or (b) who has care of him, except that in [section 499(8), Education Act 1996] it only includes such a person if he is an individual.

Feedback on the new flow chart was positive but small amendments were sought from the Committee. These amendments were to the section where the Headteacher following discussions with the parent/guardian completes a notification form and submits it to the Local Authority. It was discussed that a change could be made to include 'Headteacher/Senior Leader/Designated Safeguarding Lead. This change will allow parents the opportunity to have discussions with alternative school officers if it is not deemed appropriate for a discussion with a Headteacher.

It was also noted that the flow chart should consider that not everybody comes into EHE via the route of removal from a school roll. Instead, families may move into the area from abroad etc. which should be captured in the flow chart. Officers have amended the flowchart to capture alternative starting points.

The Committee asked that the introduction section of the policy should incorporate useful guidance and contact information for families considering the decision to home educate their children. This information has now been referenced in the policy at the start of the process when parents are considering the idea to allow an informed decision to be made.

SUPPORTING INFORMATION

Background

The purpose of the Elective Home Education policy is to clearly set out the Council's responsibilities and involvement with families that choose to provide elective home education for their children.

There is no legislation that deals with home education as a specific approach. However, Section 7 of the Education Act 1996 provides that:

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.

Elective home education is a form of 'education otherwise than at school' and this piece of legislation is the basis for the obligations of parents. It is also the starting point for local authorities' involvement.

The review by officers considered the following areas:

- A. Changes to the layout and continuity of the policy.
 - B. Proposal for dedicated Social Care involvement and support, when a child has an open referral to their service.
 - C. Introduction of a flow chart, showing the process followed by the EHE officer once receiving notification of a family wanting to home educate their children.
1. Cabinet agreed in November 2020 for the proposed changes to the Elective Home Education Policy to be subject to consultation for a six week period. The consultation targeted parents/guardians who the Council are aware of as providing elective home education for their child/children, seeking their views on the changes to the policy. There are no statutory guidelines to determine the timescale of the consultation however the process was designed to allow sufficient time for the EHE community to respond.
 2. In summary, the proposals were:
 - Proposal A - Layout of the policy - To remove repetitive sentences and ensure that the policy is clear, effective, parent focused and to avoid misinterpretation.
 - Proposal B- To provide information on dedicated social care involvement and support, when a child has an open referral to their service - The amended policy will include the School Placement and Admissions team process to follow when safeguarding concerns are raised regarding a child who is receiving elective home education.
 - Proposal C - Introduction of a flowchart - To include a flowchart in the policy of the proposed procedure. This will provide clear guidance/steps that will be taken by the Local Authority when a parent makes the decision that they would like to provide elective home education for their child and cease their attendance in a school setting.

An inclusive consultation programme has subsequently been delivered, including the following elements:

- Known EHE families were written to at the beginning of the consultation period giving information on the consultation and how to respond.
 - Families who subscribe to Hillingdon's termly newsletter were reminded of the consultation and deadline in December. This information remained available on Hillingdon's dedicated EHE webpage throughout December.
 - All Hillingdon schools were notified and encouraged to respond.
3. The consultation was widely advertised to Hillingdon's known EHE community with 388 parents/carers written to. This had the potential to receive significant responses given the higher number of families contacted. Given the null response and the high number of potential consultees it is assumed that there is consensus to implement the proposals.

Financial Implications

There are no direct financial implications arising from the recommendations set out in this report.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

The proposals set out ensure that the policy is clear, effective, parent focused and misinterpretation cannot be made.

Consultation carried out or required

The proposal was consulted on for six weeks from 16 November to 27 December 2020. There are no statutory guidelines to determine the timescale of the consultation. Sufficient time was allowed for the EHE community to respond.

The consultation targeted parents/guardians who the council are aware of as providing elective home education for their child/children, seeking their views on the changes to the policy.

The draft policy was also presented to the Residents,' Education and Environmental Services Policy Overview Committee in January 2021 and feedback has been incorporated into the final version of the proposed policy.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed the report and concur with the Financial Implications set out above, noting that there are no financial implications arising from the report recommendations.

Legal

The Department for Education issued guidance for local authorities in relation to elective home education in April 2019. The status of the guidance is that it is non-statutory which means that it does not have the force of law as such. Nevertheless, it is a helpful and informative document which sets out good practice and principles which it is in the interests of the Council to follow.

The Council carried out a six-week consultation exercise in relation to the draft Elective Home Education Policy but as is indicated in the body of the report, no responses were received from the consultees. In the circumstances, it is lawful for Cabinet to agree to implement the Policy.

The Residents, Education and Environmental Services Policy Overview Committee was given an opportunity to comment on the draft Policy and its comments have been incorporated into the final version of the Policy.

There are no other legal implications arising from the report.

Comments from other relevant service areas

In line with Public Sector Equality Duties officers have taken due regard to this duty in the context of revising its Elective Home Education Policy. It was not deemed necessary to complete an equality impact assessment as there are no material changes that impact on equality.

In the absence of any comments/responses from residents to the consultation exercise there were no responses to analyse.

This proposed policy has been written in conjunction with the Head of Safeguarding for Hillingdon Council.

BACKGROUND PAPERS

The Department for Education released a new Publication of the Elective Home Education Departmental Guidance for Local authorities and Elective Home Education Departmental Guidance for Parents in April 2019. [A link is available here](#) or upon request to Democratic Services.

November 2020 Cabinet report: [Hillingdon's Elective Home Education Policy](#)  PDF 113 KB

