

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

REPORT OF THE EXECUTIVE DIRECTOR (PEOPLE) TO CABINET

REVISION TO THE BOROUGH'S ELECTIVE HOME EDUCATION POLICY

1.0 PURPOSE OF REPORT

- 1.1 To inform Cabinet of arrangements for ensuring the tracking, oversight and wellbeing of children of compulsory school age who are not receiving their principal education in a mainstream school or academy and whose parents elect to educate them at home.

2.0 RECOMMENDATION

- 2.1 That Cabinet notes the introduction of the revised policy on Elective Home Education within the Borough, following the publication of revised non-statutory guidance by the Department for Education (DfE) and that the revised policy will be the subject of regular review by the Barnsley Alliance for Learning.

3.0 INTRODUCTION

- 3.1 DfE guidance issued in April 2019, is the first update since 2007. It outlines the duties and powers of the Local Authority (LA), aiming to support LA's in moving to a position where they have oversight of all children who are electively home educated. It also aims to support LA's to understand their existing powers to intervene if they identify that a child is not receiving a suitable education. Every child should receive a suitable education in a safe and appropriate setting whether at home or at school.
- 3.2 The updated policy (*Please see Appendix*) is aimed at early year's settings, schools and academies alongside a Parent Guide to Elective Home Education (EHE). As well as taking into account the new DfE guidance, the changes made to the local policy have been informed by the knowledge of Barnsley's working practices, data and information held on the population of children on the current Elective Home Education register and the findings from the consultation undertaken with parents of the current Elective Home Education cohort of families. There are currently 382 children and young people on the Elective Home Education register in Barnsley.
- 3.3 Overview of the update made to the policy and supporting guidance
- 3.4 Due to the approach taken in Barnsley, the DfE guidance and the subsequent revised policy reflects local practice and supports the Local Authority to fulfil its obligations. The policy outlines that Elective Home Education is a choice made by parents to provide education at home or through some other way they choose

instead of their children attending full time school; the DfE guidance has not made any changes to the definition of EHE however there are changes which include flexi schooling either through schools and academies or college. Barnsley's policy has been changed to include this as, has the guide to Barnsley College and examination information.

- 3.5 The policy outlines the reasons why parents may choose home education and encourages parents to speak to the child's school/academy or the LA before making the final decision. It sets out the responsibilities of the LA including the advice and guidance it provides to parents who have chosen to or are choosing to home educate. It outlines the duty of the LA to track, monitor and safeguard children, ensuring they are placed on the EHE register and that education is assessed annually. It also sets out how the LA aims to work in partnership with parents in order to ensure all children in Barnsley receive the best possible education, as well as providing clarity on how the situation will be managed if the education is deemed as not being suitable.
- 3.6 The policy and the guidance for parents clarifies that EHE is an option available to parents of children with SEND, however, they must seek the permission of the LA if the child's education provision is in a specialist setting. The LA must also make arrangements to review annually any existing EHCP (Education, Health and Care Plan) and provide parents with a pathway to request an assessment for an EHCP.
- 3.7 The policy and the supporting guidance encourages parents to take into account the views of their child in relation to EHE, making it clear that the EHE Advisor will aim to build working relationships with parents and seek to speak to the child about the education that is taking place, in order to capture their views.
- 3.8 It outlines that safeguarding is everyone's responsibility and all professionals who come into contact with children, young people and their families, have a duty to follow Barnsley's Safeguarding procedures. The policy explains that children who are looked after can be educated at home, however, this is the decision of the LA as corporate parent.

4.0 PROPOSAL AND JUSTIFICATION

- 4.1 The revision to the Borough's policy for elective home education has emerged due to the publication of revised non-statutory guidance which updates and clarifies the role and responsibilities of local authorities in relation to children of compulsory school age and whose principal education does not take place in a mainstream school or academy. This is in line with local practice and facilitates the Local Authority to support families and ensure children and young people receive a suitable education.
- 4.2 The proposed revisions will ensure the Local Authority is in a good position to achieve compliance with any new duty arising through the revised DfE Guidance,

including the provision of support to families who are educating their children at home, following a request by the family.

5.0 CONSIDERATION OF ALTERNATIVE APPROACHES

5.1 Such consideration would not be feasible in this instance as the purpose of introducing the revised EHE policy is to ensure the Council's compliance with revised non-statutory guidance and to avoid any risk of potential challenge or litigation which could arise, in individual cases, if the Council fails to discharge its responsibilities under such guidance.

6.0 IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

6.1 The revised policy provides assurance that the LA will track and monitor all children who are being electively home educated by their families, wherever they may be living in the Borough, in order to ensure that their educational needs are satisfactorily met and they are safeguarded from any potential harm.

7.0 FINANCIAL IMPLICATIONS

7.1 The current cost to the Local Authority in maintaining a register of EHE children and to assess the suitability of the education provided via a EHE Advisor (Qualified Teacher Status) equates to £55,000. Costs will be closely monitored in line with any future changes in demand due to any increase or decrease in the number of children being electively home educated.

7.2 There are no other financial implications for this report.

8.0 EMPLOYEE IMPLICATIONS

8.1 In the event that, following a review, any increased demand from families for support and the monitoring and tracking of EHE children cannot be met through existing employee resources, a further, delegated decision report will be produced in consultation with the Service Director (Business Improvement, Human Resources and Communications) and Service Director (Finance) which will set out a proposal.

9.0 LEGAL IMPLICATIONS

9.1 There are no legal implications emerging through consideration of this report other than to note the Local Authority's role and responsibilities under the revised, non-statutory guidance from the DfE.

10.0 CUSTOMER AND DIGITAL IMPLICATIONS

10.1 There are no specific implications for accessing the range of Council's functions or online transactions arising through this report.

11.0 COMMUNICATIONS IMPLICATIONS

11.1 The Local Authority will be contacting all schools, academies and settings to inform them of the revised policy.

12.0 CONSULTATIONS

- 12.1 As part of the introduction of the revised policy, a consultation was conducted with the current cohort of families who have elected to educate their children at home on the potential impact and the feedback generated has been taken into consideration within the development of the policy.

13.0 THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 13.1 The revised EHE policy will support our policy priorities of, firstly, enabling the education needs of such children are met, thereby enabling them to be successful in learning and work and, secondly, ensuring children are kept safe from any potential harm, through formal tracking and monitoring.
- 13.2 Currently, there is no legal means of measuring against a corporate or Directorate level performance indicator concerning the level of attainment of EHE children at each Key Stage of the National Curriculum. However, the revised policy will help towards ensuring more EHE children are able to take examinations and achieve their potential.

14.0 PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

- 14.1 The revised policy will enable the Local Authority to monitor and keep track of any EHE children with protected characteristics as defined in the Equality Act (2010) in order to ensure any specific education needs are met and, at the same time, to prevent any potential risk of harm.

15.0 TACKLING THE IMPACT OF POVERTY

- 15.1 In the revised non-statutory guidance, the DfE notes that many children, whose parents elect to educate at home, receive a good standard of education. The new policy will aim to ensure that more children, of compulsory school age who do not receive their principal education in a mainstream school or academy, are able to achieve their potential and, thereby access skills and employment opportunities which will enable them to make a decent living and help build human capital in our communities.

16.0 TACKLING HEALTH INEQUALITIES

- 16.1 Similarly, the tracking and monitoring of EHE children and the provision of support to families, upon request, will ensure the Local Authority is more able to identify and provide early help to any children whose health and wellbeing may potentially be adversely affected by such arrangements.

17.0 REDUCTION OF CRIME AND DISORDER

- 17.1 There are no specific implications for tackling crime, disorder or anti-social behaviour emerging through consideration of this report.

18. RISK MANAGEMENT ISSUES

18.1 Any risk(s) concerning compliance with the revised policy and DfE guidance will be managed and mitigated via the regular review of the Business Unit 1 operational risk register.

19.0 HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

19.1 There are no implications for the health and safety of the public or employees or for the resilience of the Borough to a major or serious incident, emerging through the report.

20.0 COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

20.1 The revised policy is compatible with the Articles and Protocols of the Convention and the rights of the child.

21.0 CONSERVATION OF BIODIVERSITY

21.1 There are no implications for the local environment or for the conservation of biodiversity within the report.

22.0 GLOSSARY

22.1 None, applicable.

23.0 LIST OF APPENDICES

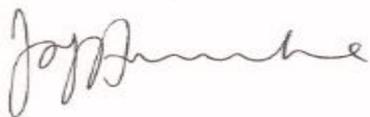
23.1 Appendix 1: Elective Home Education Policy (Revised September 2019)

24.0 BACKGROUND PAPERS

24.1 If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Report author: Nina Sleight (Service Director: Education, Early Start and Prevention)

Financial Implications/Consultation



Joshua Amahwe (12 Sept 2019)

(To be signed by senior Financial Services officer where there are no financial implications)