

Consultation on Elective Home Education Guidance Review

A response from the Special Educational Consortium

The Special Educational Consortium (SEC) is a membership organisation that comes together to protect and promote the rights of disabled children and young people and those with special educational needs (SEN). Our membership includes the voluntary and community sector, education providers and professional associations. SEC believes that every child and young person is entitled to an education that allows them to fulfil their potential and achieve their aspirations.

SEC identifies areas of consensus across our membership and works with the Department for Education, Parliament, and other decision-makers when there are proposals for changes in policy, legislation, regulations and guidance that may affect disabled children and young people and those with SEN. Our membership includes nationally recognised experts on issues including assessment and curriculum, schools and high needs funding, workforce training, the SEN legal framework, exclusions, and alternative provision. This response therefore focuses on the aspects of the consultation that affect disabled children and young people and those with SEN.

Context

SEC respects parents and carers' right to home educate and to provide a suitable education in a way they see fit, including for those with SEN and disabilities. SEC would like to ensure this group are receiving an appropriate and suitable education, with support for their individual needs.

There is an over-representation of SEND and other vulnerable groups being home educated, and this should be looked as part of a wider trend of children falling out of mainstream school. This includes rising exclusions and a rising number of children in special schools.

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In addition, some children, including those with SEN and disabilities, are being home educated due to informal exclusions, coercion from schools to home educate, or due to schools or alternative provision being unable to meet children's needs. It is vital that home education, especially for children with SEN, should be a positive choice for parents rather than as a result of the education system not meeting their needs.

The Guidance

The intention of the proposed changes is to improve the clarity of the EHE guidance for LAs and parent/carers, including greater transparency of the process and a more collaborative approach between parties.

Parent Guidance

May we ask the guidance refers to parents and carers, not solely parents.

The general tone of the guidance respects the rights of parent/carers to home educate their child should they wish, whilst also outlining the situations where other steps prior to deciding to home educate may be helpful to support their child's education (i.e. health needs, exclusions, bullying etc). However, there is an overemphasis on the flexible nature of EHE that leaves room for uncertainty of what is expected when choosing to home educate. The guidance should contain more detail for parent/carers on what home education could look like. In answer to question 2.2 within the consultation, we feel a two-sided document for parents summarising the key points to be aware of should they wish to home educate would be of great value. We feel this should clearly lay out the expectation when choosing to home educate and the process that is followed, particularly if the child has an EHCP and would therefore require an annual review. Additionally, there are no case studies within the parent guidance. We feel parent/carers would benefit greatly from this as a way to illustrate what home education entails.

We are glad to see the reference to the SEND Code of Practice, which remains as the statutory guidance that must be followed. We would like to see further detail on how the process of EHE is reflected within the CoP, and the link between the two.

There are aspects of the guidance that remain unclear. For example, paragraph 7.4 and 7.5 has a risk of conflating EHE and EOTAS by placing them in the same paragraph. We appreciate the

intention is to ensure the difference is made apparent, however, the process of EOTAS is not detailed nor clear enough (answer to question 5.1). It would be helpful for parent/carers to be made aware of what would be deemed as 'inappropriate' and the process in which an EOTAS request is judged.

LA Guidance

The requirement for pupils with an EHCP to have an annual review is only mentioned in the parent guidance. There is a slight mention in case study 3 within the LA guidance, however this is not explicit enough in ensuring LAs follow their duty to review the educational provision when a child has an EHCP. We feel this needs to be explicitly mentioned within the LA guidance, with reference to the CoP.

The case studies within the guidance are helpful. A case study of when a parent/carer is not fulfilling their responsibilities and the steps involved in this process would be of benefit to the LA, particularly detailing the process of SAOs.

There is little mention of health and social care within the guidance. Ensuring the joint up approach between education, health and social care is a fundamental message of the Children and Families Act (2014). Health and social care representatives are not featured as key people within the guidance; it is imperative they are aware of the rights to home educate and the process required when a child has SEN or a disability. This would allow practitioners to effectively support and inform the young people that they work with, and their families.

Our concern is the guidance does not address children with more complex needs or low incidence needs, such as PMLD or sensory impairment, and how they may experience barriers to specialised support if a parent/carer chooses to home educate. There is mention of the requirement to notify the LA if the child is in a specialist setting, however SEC feel that any child with SEN or an EHCP should be included within this requirement. SEC is in favour of all children who are home educated, including those with SEN, being registered with the local authority. There should be a statutory duty for any parent or carer who electively home educates their child to register with the local authority. An effective, clear and simple registration could help ensure all children are safe, and receiving their entitlement to suitable education. This would include helping identify home educated children with SEN, so they can receive sign posting and support where necessary.

The duty for local authorities to monitor home education should be given appropriate powers, and must be adequately resourced, especially where this leads to additional support and provision. Monitoring should also not interfere with parents and carers right to provide a suitable education, including for children with SEN, in the way they see fit.

Part of the oversight provided by a LA Should include resources and methods of sharing information and providing advice on home schooling. This could include:

- Direct advice and support from LA officers about education and social matters such as the local offer, financial support for children with SEN, support and resources for children with SEN but without an EHCP
- Creating spaces in local areas for parents and children to meet and support one another
- Facilitation of effective liaison between schools and other education services with the aim of monitoring and supporting children
- Support on exam processes, including help, where appropriate, to access registered exam centres for pupils who are being home educated

In addition, effective monitoring of children with SEN who are home educated, could help ensure they are receiving their entitlement to education, and are supported to have their special educational needs met – for both children with an EHCP, and those without.

SEC feel this is vital information that should be considered within the guidance, along within wider EHE policy.

Closing comments

In order to ensure the national picture of children being educated at home is being monitored and assessed, the Department of Education needs to track trends in home education – how many children are leaving school to be home educated each year, what are their reasons for doing this? What are the trends, spikes, characteristics etc. This information needs to be analysed annually with responses to any issues of concern emerging from the data.

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