

APPENDIX 4

CONSULTATION SUMMARY AND ANALYSIS OF RESPONSES

ELECTIVE HOME EDUCATION POLICY

Qu 1. In what capacity are you responding to the consultation?

A total of 31 responses were received to the public consultation:

- 11 parents
- 2 school governors
- 6 local authority employees
- 2 school heads
- 4 school staff
- 1 parish councillor
- 1 parish clerk on behalf of council
- 1 Home educator from another LA
- 1 EHE Professional from another LA
- 1 Trust staff
- 1 Nottingham College staff

Qu 2. Nottinghamshire County Council is committed to working in partnership with parents who choose to electively home educate their children. How strongly do you agree or disagree that the proposed Nottinghamshire Elective Home Education Policy reflects this commitment?

70% of respondents were in agreement, with 13.33% neither agreeing nor disagreeing and 16.67% in disagreement. It was commented that the proposed policy made it clear that EHE is a legal choice for parents, and that whilst there is no duty to monitor routinely, the LA has to take action when it believes that the education is unsuitable. A small number of parents who responded felt that the policy was biased against home education and two expressed concern about how Advisers would judge the suitability of the elective home education programme.

The proposed Nottinghamshire EHE Policy makes it clear that the principle of working in partnership with parents who choose to home educate underpins the entire policy. The local authority respects the legal right of parents to choose Elective Home Education for their child and recognises that that it works well when it is a positive informed and dedicated choice. However, it also acknowledges that there is evidence that not all children who are educated at home are in receipt of suitable education. Nottinghamshire County Council's aim, as stated in the policy, is to ensure that there are clear and consistent procedures in place for working in partnership with parents who choose to Electively Home Educate their children whilst also discharging its duties in relation to the education of all children living within Nottinghamshire

Qu 3. The proposed policy has been specifically updated to reflect the April 2019 Guidance Issued by the DfE in relation to Elective Home Education. How strongly do you agree or disagree that the proposed Nottinghamshire Elective Home Education Policy reflects the advice contained within this guidance?

Again 70% of respondents agreed with the statement, with 20% neither agreeing nor disagreeing. 6.67% disagreed and one respondent was unsure. Four respondents also made comments, three of whom broadly accepted that the policy did reflect the guidance. However, one felt that the policy was selective regarding the areas of guidance it had chosen to emphasise, and two felt that in some areas, the policy (and indeed the DfE Guidance) went beyond what was required in law.

The proposed Nottinghamshire Elective Home Education Policy is informed by the 2019 Guidance document provided by the EHE, which is quoted throughout the document.

Qu 4. The proposed policy aims to be clear on the process for voluntary registration, visits and determination of suitability. How strongly do you agree or disagree that the proposed Nottinghamshire Elective Home Education Policy offers clarity and transparency regarding this process?

76.67% of respondents were in agreement, with 6.67% neither agreeing nor disagreeing. 16.67% disagreed. A few respondents felt that more clarity may be needed in the determination of “suitability” although this is made clearer in the Guidance document which Nottinghamshire has produced for parents who choose to electively home educate their children. This document is referenced in the text of the proposed policy.

The proposed Nottinghamshire Elective Home Education Policy explains that Nottinghamshire operates a voluntary registration scheme which parents are encouraged to join, as this provides access to support, guidance and advice from Elective Home Education Advisers. In most cases Advisers will be satisfied that education is suitable and will continue to offer support and advice if needed. If the Adviser is concerned about the suitability of the education provision, the proposed policy explains that the local authority will initially work to address the situation informally although, in line with the DfE Guidance (2019), and with Section 437(1) of the Education Act 1996, if the parent fails to satisfy the local authority after a specified period of time that the child is receiving a suitable education, either by attendance at school or otherwise, then the local authority will take action to address this.

Qu 5. Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, as far as it is possible to do so, of the children in their area who are not receiving a suitable education. How strongly do you agree or disagree that the proposed Nottinghamshire Elective Home Education Policy enables the Local Authority to undertake this legal duty?

60% of respondents agreed with this and 20% neither agreed nor disagreed. 4 respondents were not in agreement and the remainder did not know. Some respondents commented that the local authority may find it difficult to establish the identities of children in their area not receiving a suitable education as registration is not compulsory. Two others also commented that children attending school may not be receiving a suitable education either.

One respondent recommended that the policy should also reflect the local authority’s duty to comply with the Data Protection Act and GDPR and one queried the wording of paragraph 4.9. In the light of these comments, amendments have been made to the Policy.

The proposed Nottinghamshire Elective Home Education Policy makes its statutory duty in respect of the identification of children who are not receiving a suitable education clear in Section 6. The proposed policy also states that it will make “appropriate enquiries to this end in respect of children who are electively home educated”. The proposed policy also explains that schools and academies are required to inform the local authority of all deletions from their admissions register and the grounds on which the child’s name has been removed. Where elective home education is reported as the reason the local authority will register the child and offer a visit from an Elective Home Education Adviser who will in due course make an assessment of the suitability or otherwise of the education being provided. If

parents decline a visit from an Adviser and do not provide other evidence of a suitable education, Nottinghamshire will request further information from the parent. If this is not forthcoming, then the policy makes it clear that Nottinghamshire would be justified in concluding that the child may not be receiving a suitable education and in taking appropriate action to address this.

Qu 6. Under section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that the parents are not providing a suitable education.

How strongly do you agree or disagree that the proposed Nottinghamshire Elective Home Education Policy adequately describes the steps that shall be taken if it appears that a suitable education is not being provided?

70% of respondents were in agreement with this with 13.33% neither agreeing nor disagreeing. 16.67% did not agree. One respondent felt that greater clarity was needed in terms of how suitability is determined, and one would have preferred more information on how parents might address perceived gaps in provision. Another felt that the local authority's statutory powers under Section 436A of the Education Act 1996 should be emphasised more to ensure parents are aware. Once again, the point was made that not all children who are home educated are known to the local authority as there is no legal requirement to register.

The proposed Nottinghamshire Elective Home Education Policy outlines in Section 7 the steps which will be taken if it appears that a suitable education is not being provided. Appendix A of the proposed Policy document also provides a visual representation of the Nottinghamshire process, included actions to be taken if education is not deemed to be suitable. The means by which suitability is determined in Nottinghamshire is outlined in Nottinghamshire County Council's Guidance to Parents which is referenced in the proposed policy.

Qu 7. Do you have any further comments regarding the proposed policy or are there any changes you feel need to be made to it?

A total of 11 people made additional comments on the proposed policy. Several of them made reference to the difficulties in identifying children not in receipt of a suitable education when registration is not mandatory. A few parents felt that the tone of the policy needed to be changed to reflect a commitment to establishing positive relationships with home educating parents. Another raised the issue of information sharing and again reference was made to schools not always providing a suitable education for some children.

A significant majority of respondents expressed agreement with the proposed policy. A few minor amendments detailed in the committee report have been made in response to the consultation and it is therefore recommended that the Nottinghamshire Elective Home Education Policy, consulted upon and included in the Committee Report as Appendix 2, be accepted