

# Elective Home Education (EHE) and Children Not In School (CNIS)

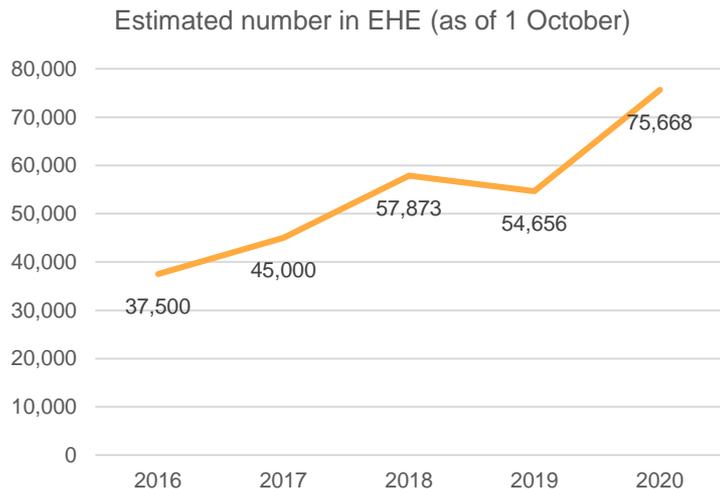
Many EHE children will have a positive learning experience. We would expect a parents' decision to home educate to be made with their child's best education at the heart of the decision. However, this is not the case for all, and EHE can mean some children are less visible to services that are there to keep them safe and supported in line with their needs.

## Background / context:

- Parents have a right to educate their children at home – see “or otherwise” within section 7 of Education Act 1996. Government is committed to this right.
- **The responsibility for children’s education rests with parents.** A child should be getting an efficient, suitable full-time education.
- Current legal system around EHE is a system for identifying and dealing with children who are not receiving an efficient suitable full-time education.
- LAs’ duties in respect of safeguarding children (set out in the Children Act 1989) apply to *all* the children in their area. A failure to provide suitable home education could constitute a safeguarding risk.
- A situation in which a child of compulsory age appears not to be receiving a suitable full-time education requires action by a LA under S175 of the Education Act 2002. In extreme cases this could result in the parent being issued with a School Attendance Order
- ADCS’s EHE annual survey 2020 recorded a total of 66,658 CYP known to be home educated across 133 responding LAs. It is therefore estimated that **75,668** CYP are educated across all 151 LAs. This represents an increase of **38% (19,510)** from 2019.

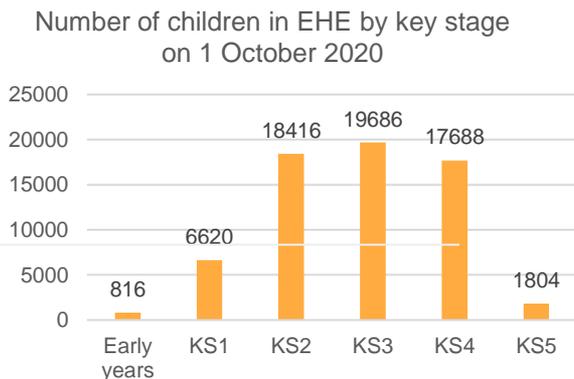
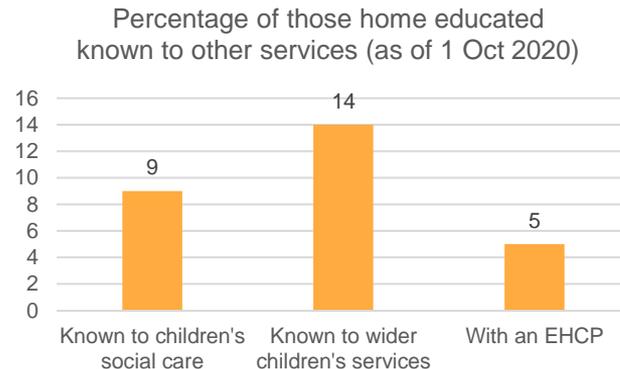
# EHE data

Significant increase in use of EHE, largely due to Covid health concerns - unclear whether this trend will continue or shrink in future.



EHE has been increasing year-on-year, but a 38% increase between 2019 and 2020 does represent a significant jump.

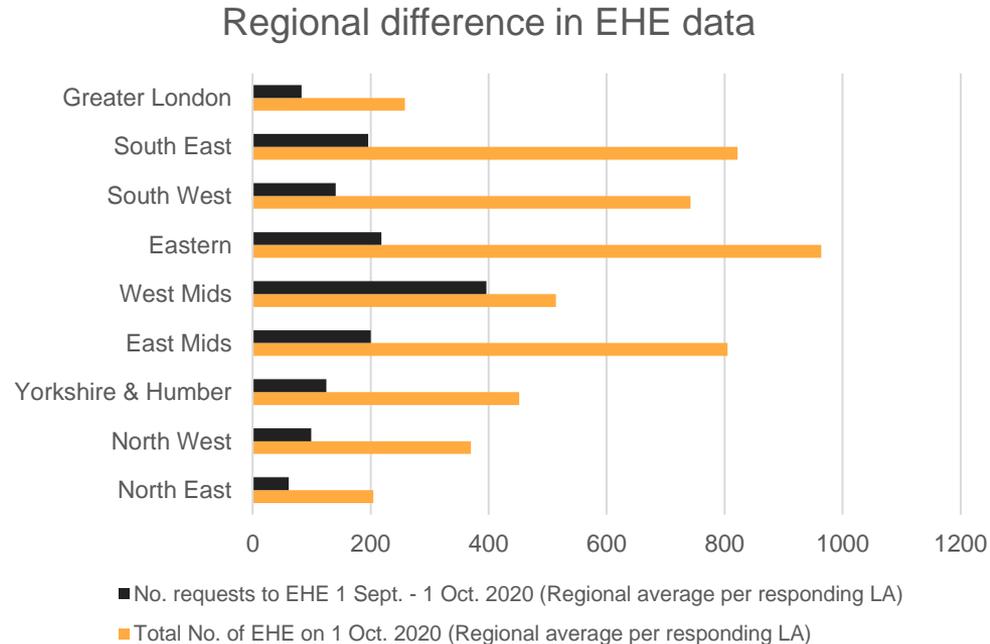
In 2019/20, LAs reported the most common reason for choosing EHE cited by parents was due to 'health concerns relating specifically to Covid' (90). Parents also cited 'philosophical and lifestyle choice' (77) and 'health/ emotional health' (54) as common reasons for EHE.



Largest absolute increase in EHE at KS2 (6,427 more) and at KS3 (4,750 more) compared to 2019.

# EHE data - regional

Regional variation in EHE numbers with majority seeing an increase of EHE requests in September 2020.



We cannot overlook the rising numbers of EHE. It's important for EHE to be ultimately be done for the best education of the child.

# Children Not In School (CNIS) Consultation

Committed to publishing the response in the coming months

- In April 2019 we launched a consultation on proposals for a CNIS register, and support for home-educating families. Specifically:
  - a duty on LAs to keep a register of all children of compulsory school age who are not registered pupils at a state or registered independent school/Non-Maintained Special Schools, showing where they are receiving education, whether at home and/or in some other settings;
  - a duty on parents of children to supply information for such a register;
  - a duty on proprietors of various defined settings to supply information on relevant children; and
  - a duty on local authorities to provide support to home educating families.
- Consultation closed on 24 June 2019 with nearly 5,000 responses, which have been considered.
- Gov't remains committed to a registration system for CNIS. A system would improve LA data on children who are EHE, help LAs undertake their existing duties, and help safeguard all children who are in scope.
- Furthermore, a form of registration system should help identify and address CME as well as illegal schools.

Government are committed to a registration system. Further details to be outlined in CNIS consultation response.

# EHE guidance

Government EHE guidance reiterates good practice. Namely that: EHE is done for the best education of the child; LAs, schools and parents work together when considering EHE – encouraging the coordination of a meeting prior to parents making a final decision; and parents are clear in how to get their children back into school should they wish.

- In April 2019 we published revised guidance for LAs and parents on current arrangements for the oversight of EHE. The revised guidance to LAs was strengthened. It sets out the steps that the LA can take where it is not satisfied that the education provided by parents is suitable, including the point at which the LA's safeguarding powers become engaged.
- This guidance will be updated in due course.
- Government EHE guidance and communications for LAs, schools and parents continue to reiterate EHE good practice and make clear necessary processes. This has included:
  - An open letter from Baroness Berridge and Minister Ford to parents/carers of children who have recently decided to undertake EHE. This was shared via LAs in May 2021 alongside a supplementary reiteration of EHE guidance for LAs. The letter is intended to be used in LA engagement with parents to highlight the important considerations when it comes to EHE.
  - Published advice for parents considering EHE via the '**Education in the media**' blog and shared supplementary information with LAs in October '20.
  - Advice on EHE has been included in DfE's operational guidance for schools and the 'what parents need to know' guidance, as well as in the DfE Covid-19 daily email (which went out to 100,000+ education/CSC professionals).

## Other points of note

- ESC inquiry into Home Education. Call for evidence closed but oral evidence ongoing.
- Judicial Review – Portsmouth LA vs EHE parent. Potential impact on future guidance/policy.
- Children 'off-rolled' into EHE is a concern for the DfE and partners. Ofsted continue to look for any evidence of this.