

CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY PANEL 17 MARCH 2016

CHILDREN 'EDUCATED OTHERWISE'

Summary

1. This report gives an overview of provision for young people of compulsory school age defined as being 'educated otherwise'. This term refers to learners who are in receipt of **Alternative Provision** (including hospital or medical education), and **Elective Home Education**.
2. The report describes the current requirements for these learners and the current situation within Worcestershire.

Background

3. Until summer 2012, learners were required by law to stay in full time education until the end of Year 11 (age 16). Those who left in summer 2013 had to continue in summer 2014 or beyond until at least their 18 birthday.
4. This 'raising of the participation age' is not the same as raising of the school leaving age. Learners need to be in some form of education or training, not necessarily in school.
5. The duty to provide education for learners of compulsory age lies with parents. The 1996 Education Act states:
'The parent of every child of 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.'
6. For most learners, this means full time education at school. Some, however, follow an alternative form of education, i.e. the 'otherwise' in the 1996 Act. This may be through full time alternative Provision (previously a local authority's Pupil Referral Units), medical education where a learner is too unwell to attend school, or Elective Home Education.

Elective Home Education

7. Parents may choose to educate their children at home, rather than attending school. This is Elective Home Education.
8. The 1996 Act does not define what constitutes a full time education, so it is possible for learners educated at home to follow a more flexible pattern of learning than at school.

9. Parents educating their children at home are not required to teach the National Curriculum. They are not required to have premises equipped to any standard, to give formal lessons, or to assess work or progress.

10. Parents can choose to educate their children at home by 'de-registering', which in practice means notifying the appropriate school in writing. For a child who has never been to school, there is no process of de-registration. When a child reaches the age of five, parents have the choice of registering the child at a school or educating the child at home.

11. The legislation gives local authorities limited powers regarding home education. Authorities cannot regularly have access to learners, or to assess the ongoing quality of provision. The only exception to this relates to learners with special educational needs, where the local authority is required to provide support. They do, however, have a responsibility to identify young people in their authority who are not receiving an education.

Alternative Provision

12. Alternative Provision is covered by the following:

- education arranged by a local authority for learners who, because of exclusion, illness or other reasons, would not otherwise receive suitable education;
- education arranged by schools for learners on a fixed term exclusion, and
- learners being directed by schools to off-site provision.

13. Local authorities are responsible for arranging suitable education for permanently excluded learners and for others who, because of illness or other reasons, would not receive suitable education without such arrangements being made.

14. While full time education is not defined in law, learners in Alternative Provision should receive the same quantity of education as they would in a school. Full time can be made up of two or more part time provisions.

15. Governing bodies of schools are responsible for arranging suitable full time education from the sixth day of a fixed term exclusion.

16. A school that has been established and maintained by a local authority is called a Pupil Referral Unit. A local authority is not required to have or establish a Pupil Referral Unit, and may discharge its duties through other means. It is currently expected that any new provision is established by the opening of an Alternative Provision Academy.

17. The local authority's duty to provide a suitable education also applies where a pupil is registered at a school but cannot attend because of illness. This applies to all schools: maintained, academy, free school or independent.

In Worcestershire

18. In the West Midlands, the number of learners educated at home has increased significantly over the last five years. It has risen in all authorities but one in the region.

19. This trend is represented in Worcestershire. In 2010 there were 244 pupils educated at home. As at January 2016 this figure had risen to 362. Of these, 256 were of secondary age, 105 of primary school age.

20. The majority of parents in Worcestershire did not give a specific reason for choosing to educate their child at home. Of those who did, the largest number (35) expressed 'dissatisfaction with school environment'. The next largest number (30) gave their reason as 'philosophical'. 21 learners educated at home are registered as having a Statement of Special Educational Need or an Education Health Care Plan.

21. In Worcestershire, services for Elective Home Education have been transferred to Babcock as part of the commissioning of Learning and Achievement services. Since the transfer to Babcock, services have continued through an initial visit which, if appropriate, is followed up to address any educational concerns that arise. As at January 2016, 95% of families have agreed to a home visit by the local authority. In the remaining cases, parents have provided information about the arrangements they are making for their child using alternative methods, for example by phone or meetings with third parties.

22. The autumn 2015 school census recorded a total of 175 pupils either sole registered (i.e. in full time Alternative Provision) or dual registered (i.e. attending Alternative Provision but still registered to school). 17 of these pupils were registered at the primary providers, the remainder in secondary.

23. In line with its responsibility for providing suitable education for permanently excluded learners, there are currently 88 pupils attending Alternative Provision following a permanent exclusion. In line with its duty to provide education for learners who are unable to attend school due to medical reasons, there are at present 152 pupils currently registered with the Medical Education Team, although this number will change on a frequent basis. As with Elective Home Education, this service has transferred to Babcock as part of the commissioning of Learning and Achievement services.

24. The local authority commissions places from Alternative Providers on an annual basis. The number of places commissioned is based on historical and trend data. For 2016/17 there is to be to the allocation of commissioned places. Funding is based on demographic data that represent the school population in the area served by the provider.

25. There have been two successful applications for Alternative Provision free schools. This means that there are currently six providers in the county. These are the Beacon and Perryfields for primary, and the Forge, Newbridge, Continu Plus and Aspire for secondary. The last of these two are free schools. While this offers increased opportunities for young people, it brings funding challenges to the High Needs block from which funding is taken. The local authority is at present working with the Headteachers at the various Alternative Providers to discuss the most appropriate planning for future Alternative Provision in the county. This will have as its focus the most efficient use of resources, a reduction in permanent exclusions and the use of more preventative strategies.

Purpose of the Meeting

26. The Children and Families Overview and Scrutiny Panel is asked to:

- consider the information in the Report
- determine whether it would wish to carry out any further scrutiny, and
- agree whether it would wish to make any comments to the Cabinet Member with Responsibility for Children, Families and Communities

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Background Papers

In the opinion of the proper officer (in this case the Director of Children, Families and Communities) there are no background papers relating to the subject matter of this report:

Minutes and Agendas for all County Council meetings are available [here](#).