

**CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE
7 APRIL 2025**

ELECTIVE HOME EDUCATION

SUMMARY REPORT

Purpose of the Report

1. To provide the committee with an overview on elective education processes in Darlington and current demand levels.

Summary

2. Parents have a legal right to choose to electively home educate their child and the local authority has certain duties regarding the monitoring of education being provided and enforcement action where it is judged a suitable education is not being provided.

Recommendation

3. It is recommended that :-
 - (a) The committee notes the Council's legal duties and current arrangements.
 - (b) The committee notes the proposed new duties outlined in the Children's Wellbeing and Schools Bill.

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Background Papers

No background papers were used in the preparation of this report.

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Council Plan	Education supports the commitments for children and young people-supporting the best start in life, realising potential and raising aspirations.
Addressing inequalities	Effective monitoring of elective home education supports children ensuring that they can receive access to high quality educational provision and outcomes.
Tackling Climate Change	The effective delivery of education provision will support the council's Climate Change priorities.
Efficient and effective use of resources	The efficient monitoring of education the commitments in the council's Safety Valve Agreement to ensure efficient use of the Designated School Grant High Needs Block.
Health and Wellbeing	Health lifestyles of children and young people is a key component of effective education provision
S17 Crime and Disorder	There are no specific elements of the strategy which address crime and disorder.
Wards Affected	All wards are affected.
Groups Affected	Children, young people families and key stakeholders.
Budget and Policy Framework	The Education Act 1996
Key Decision	Not applicable
Urgent Decision	Not applicable
Impact on Looked After Children and Care Leavers	The effective delivery of education will positively benefit looked after children and care leavers.

MAIN REPORT

Information and Analysis

Background

4. The responsibility for a child's education rests with their parents and parents have a right to educate their children at home if they so choose.
5. The legal framework expects that parents must 'ensure that their child receives an efficient, full-time education suitable to their age, ability and aptitude, to any special educational needs, either by regular attendance at school or otherwise'. The law also states that 'Parents are not required to engage with a member of the local authority, teach the National Curriculum, provide a broad and balanced education or give formal lessons or mark work'. Thus, the framework within which the local authority can work with families around Elective Home Education (EHE) is limited. The framework governing schools around EHE is clear and states, "Schools must not advocate elective home education".
6. The number of children who are EHE has risen consistently over the last five years, both

nationally and locally, across all year groups and school type. Darlington’s profile has risen at a higher rate than regional and national average. Latest Department for Education published data is outlined below:

Number of EHE pupils	2021/22	2022/23	2023/24
England	116,300	126,100	153,300
North East	3890	4520	5920
Darlington	250	330	390

Current Oversight and Support

7. The Council currently has an Elective Home Education Adviser, a former primary school teacher. Annual visits to all families is the preferred approach.
8. Whilst the law places significant limitations on the LA, the service undertake a range of activities to engage with EHE families so that we can maintain some contact with families who are otherwise out of the education system. **Appendix A** outlines the current Darlington guidance and **Appendix B** outlines the current process.
9. Ensuring that CYP who are EHE are safe from harm is a significant priority for the service. To do this, we assess the level of vulnerability against a criteria of red and green, using information from the off-rolling form, EYES (our internal database) and also including any social care updates.

Children’s Wellbeing and Schools Bill

10. The government’s new schools bill proposes a number of new duties onto local authorities relating to elective home education including:
 - (a) All councils must have ‘children not in school’ registers, with a duty to support parents on their registers. Children in scope are those not registered at a school or receiving some of their education outside of school (i.e. flexi-schooling and unregistered alternative provision). Schools will have to check with Councils if children being withdrawn are in these categories. Out-of-school education providers must also provide details, and can be fined if not.
 - (b) Some parents will need Council consent to home education their child. It will apply to those with children subject to protection orders, on a protection plan or at a special school under arrangements made by the local authority. LAs can also compel home-educated children on protection orders to attend school.
 - (c) School attendance orders will be standardised nationally, with Councils compelled to check whether the home-learning environment for a child is suitable when making such orders. Parents would also face prosecution if they don’t comply.