

Home Education and SEN <http://edyourself.org/homeedsenoc2014.pdf>

The Government doesn't require LAs to report on the number of home educated children or keep track of how many home educated children have statements, and there is nothing in the law which says the statement must be changed to specify home education.

However, I asked local authorities in England about this last year and according to my research, around 1,000 home educated children and young people across the country have a statement of special educational needs¹.

If we compare the known percentage of more broadly-defined SEN for school children², it is likely that there could be 4,000 home educated children and young people with some form of SEN but without a statement.

Although the Government doesn't require LAs to return figures for the number of home educated children, Ofsted is now asking LAs about numbers,³ and I also put in regular Freedom of Information requests myself⁴

The last time I compiled national numbers in 2013 there were just over 20,000 home educated children known to local authorities⁵. (I anticipate publishing updated home education numbers by Christmas 2014.)

Some parents turn to home education when they have been unable to get their child's needs met in the school system. Other families decide when their children are very young that school is unlikely to meet their needs. In addition, parents of children with special needs may also have philosophical or religious reasons for home educating. Children with special educational needs have an equal right to be educated at home. Small scale research indicates that a significant number of autistic children are home educated⁶.

There is no nationally agreed process for how local authorities should deal with home educating families where children have a statement of SEN. When I did my national survey in 2013 I found a very wide variation⁷.

Common themes in local authority policies are: parents are deemed to have opted out; the LA believes it has a monitoring role; parents have to convince the LA that they are able to home educate; parents need permission; or the LA insists on a trial period before allowing the child to be home educated.⁸

Anecdotal evidence suggests that where children with a statement were receiving support while attending school, there is no longer any access to therapeutic services once a child becomes home educated.

If families are very lucky, the LA will still let them have access to services such as speech and language therapy, but in many cases either it hadn't really begun by the time the children are taken out of school, or else it stops immediately the children aren't on roll any more.

1 <http://edyourself.org/articles/2013foissenandlocationehe.php>

2 <http://ehe-sen.org.uk/#statistics>

3 <http://edyourself.org/articles/socialservices.php#ofstedupdate>

4 <http://edyourself.org/research/>

5 <http://edyourself.org/articles/latotalnumber.php>

6 <http://www.tandfonline.com/doi/abs/10.1080/13603110802504135>

7 <http://edyourself.org/articles/2013foissenandlocationehe.php>

8 <http://ehe-sen.org.uk/senquotes.php>

Parents know it is risky to be seen as too demanding, because the local authority can react by saying that asking for help proves that the parents are failing. Taking a case to tribunal can cost thousands of pounds and the tribunal judge may share the LA's view that if parents can't manage without the LA, then the child should be in school.

Under the current system, when parents want to take a child with a statement of SEN out of school for home education - known as "deregistration" - all they need to do is write to the school and ask for the child's name to be taken off the school roll. There is no requirement for parents to ask permission or to prove that they will be able to home educate.⁹

The one exception is if the child is a registered pupil at a special school, when the parent will require consent from the local authority before the child's name can be removed from the school roll.¹⁰ Some local authorities will ask for further information before agreeing that the child's name can be removed.

The law on special needs changed at the beginning of September 2014. In many areas it seems parents of children with statements don't have a clear idea of what is supposed to happen now that the law has changed. Some parents are apparently under the impression that the arrangement will be for the statement to automatically change into a new EHC plan at the next Annual Review, but this is by no means the case¹¹.

The new law on special needs does not affect the law on deregistration. In other words, the position for a child with an EHCP will be the same as now for a child with a statement. It should be noted though that the new SEND code of practice explicitly says that the law does not provide for a "trial period" of home education¹², which was something I recommended to the Department for Education¹³

DfE Guidance on managing transition to the new SEN system was rushed out at the end of August, and came into force on September 1st. The only transfers which HAVE to be done from statements to EHC plans before September 2015 are for young people about to move on at 16.¹⁴

Moreover, the LA can't simply 'switch' children from statements to plans. To transfer a child or young person from a statement of SEN to an EHC plan, a local authority must undertake a 'transfer review' which must involve an EHC needs assessment.¹⁵

At the end of September 2014 Jane McConnell at Ipsea said that the main questions to their helpline are about FE college and requesting an EHCP; transition from statement to EHCP; schools withdrawing support; transport changes; and new timelines. The hot issue is apparently no EHC needs assessment at transition.

The new SEN Code envisages two different types of "home education" One option - set out in 10.32 of the new SEN Code - is where parents take responsibility for making provision, with no help from the LA, which is what home educators would usually understand as "home education". The other possibility - set out in 10.31 of the new SEN Code - is where the local authority takes

9 <http://edyourself.org/articles/deregistration.php>

10 <http://edyourself.org/articles/deregistration.php#specialschool>

11 <http://edyourself.org/articles/newcode.php#statguide>

12 <http://edyourself.org/articles/newcode.php#ehe>

13 <http://edyourself.org/articles/newcode.php#consultresponse2013>

14 <http://edyourself.org/articles/newcode.php#statguide>

15 <http://edyourself.org/articles/SENDregs.php>

primary responsibility for arranging and funding the provision.¹⁶ There will be the right to request a personal budget and direct payments, although LAs are under no obligation to agree.¹⁷

Now that the law has changed this is what I think families need to know, whether they are home educating at the moment or just thinking about it:

- Who deals with home education at the council
- Details of local home education groups
- What local services are available to home educating families (eg any local schools where young people can sit exams as a private candidate, particularly where special arrangements are required¹⁸)
- What must parents do if they have a child in school whom they want to home educate, where the child has a statement of SEN
- What is the process for the annual review of the statement (eg will the local authority want the family to deal with the SEN department and the home education department separately or will the two work together)
- How long will statements last before they are changed over
- Who will the family be dealing with when the statement is transferred to an EHCP and who can the family ask about the process
- How can a home educated child (or young person 16+) get an Education Health and Care Plan if there are no teachers or other education professionals currently involved with the family
- Under the old law, statements for home educated young people just stopped at 16 and very few home educated young people were given any information about Learning Disabilities Assessments for college. However, under the new law, the Education Health and Care Plan will carry on beyond age 16 and may assist young people to attend college with the right amount of support. How will families be informed about post-16 SEN support?

This information could be included in the Local Offer. I have made a web page with links to Local Offers throughout the country.¹⁹

Fiona Nicholson
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<http://edyourself.org/>

<http://ehe-sen.org.uk/>

<http://snafu2.org.uk/>

fiona@edyourself.org

¹⁶ <http://edyourself.org/articles/newcode.php#ehacomment>

¹⁷ <http://snafu2.org.uk/>

¹⁸ <http://ehe-sen.org.uk/exams.php>

¹⁹ <http://edyourself.org/articles/localoffer.php>