

Notes from Home Education APPG on Special Educational Needs March 1st 2016, Fiona Nicholson March 4th 2016

Abbreviations in the Notes

EHE = elective home education

SEN = Special Educational Needs

GS = Graham Stuart

SM = Stuart Miller

SB = Stephen Bishop

AW = Andrew Wye

DH = Dave Harvey

PS = Penny Stephen

KB - Karen Beaton

FN = Fiona Nicholson

EHCP = Education Health and Care Plan [replacing Statements of Special Educational Needs]

AEHEP = Association of Elective Home Education Professionals

The Chair Graham Stuart introduced the event saying the subject had proved very popular and that a wide range of local authorities were present as well as Ipsea and home educating parents. Each speaker was then given 5 minutes before the discussion was opened up to the floor.

The first speaker was **Stuart Miller, Deputy Director SEN at the Department for Education**. SM is seeing through the reforms put in place after the Children and Families Act became law. SM says he is in "listening/monitoring/responding" mode and wants a feeling for issues around the home education aspects of the Code of Practice. The Department receives very few messages about home education and SEN

The next speaker was **Stephen Bishop from the Independent Schools and Boarding team at the Department for Education** who also has responsibility for home education. He receives complaints from home educators about local authorities and from LAs about home education. It is a question of balance. The Department is conscious of VERY STRONG FEELINGS about current arrangement.

The third speaker was **Andrew Wye from the Funding Policy Unit at the Department for Education** which seeks to secure funding from the Treasury for schools and education and decides how to give it to local authorities. AW also has a role in SEN and Alternative Provision funding as well as policy around the funding implications for home education. AW says a couple of years ago there were issues around flexischooling funding and Further Education funding for home educated 14-16s. AW doesn't get any queries related to home education.

The fourth speaker was **David Harvey, Area Strategic Manager Alternative Provision Hampshire** who is also on the **AEHEP committee**. In Hampshire, SEN is in a different area from home education. It is a large shire county. 60 children in Hampshire are currently home educated with a statement or EHCP which is 6% of the total EHE. [In 2013 it was reported on FOI to be less than 5 EHE with statement <http://edyourself.org/hampshiresenfoi.pdf>] DH said proud of relationships, working with schools and parents.

If a child with an EHCP is in school and parents wants to home educate, they must notify the school and the school then notifies DH's team. There is automatic deregistration. Parents are offered consultancy. If in special school the process is the same and although permission is required there have been no refusals so far. If an EHE parent wants an EHCP it is the same process as for a child in

school and the family is given a named contact. EHE with no EHCP who were on School Action Plus don't get any support. For the conversion to an EHCP from a Statement, parents are invited to a meeting, parents do "Our Story". DH is not aware of any complaints.

8 children in Hampshire have Personal Budgets for education. It must be an efficient use of resources and only for exceptional circumstances or extreme medical needs (case studies available) The key is relationships, and if a child or young person can't be placed easily in a school then a Direct Payment may be offered, for example where the alternative would be a huge distance for the child to travel or go to residential school. It won't happen if a school can meet the child's needs. The SEN Team say it takes up a lot of time to set this up and is resource-heavy. [SEE APPENDIX ON DIRECT PAYMENTS AND PERSONAL BUDGETS AT END OF THESE NOTES]

The fifth speaker was **Penny Stephen, Senior Education Adviser for Vulnerable Groups in Hounslow, also on the AEHEP committee.** Hounslow process similar to Hampshire. If a young person has an EHCP or statement and is in mainstream school, the EHE team contacts the SEN team to find out what the child needs. PS works with the SEN team if a special school is involved. Since 2010 funding has only increased in line with numbers so it is a struggle.

It is difficult to consider Personal Budgets when the money isn't there even for special schools.

Hounslow has good communications with parents. PS provided examples of of 2 complex cases with additional needs beyond purely "educational" needs. PS will work with social care and the SEN team to get an EHCP if necessary. PS can easily get a referral to social care because in a small authority they literally sit right next to each other which makes a big difference. They work with parents till parents feel the child is ready for school. [In 2013 Hounslow reported on FOI 2 EHE children with a statement <http://edyourself.org/hounslowsenfoi.pdf>]

The last speaker was **Karen Beaton, County Behaviour and Attendance Manager in Cambridgeshire.** Graham Stuart noted that this isn't a home education friendly job title and that home educators are rightly sensitive about such things but Cambridgeshire has been doing good work <https://edyourself.wordpress.com/2015/09/14/graham-stuart-mp-praises-cambridgeshire-home-education-department/>

KB says 3 years in post and has worked on relationships and changed the council's approach. They don't assess provision or make visits but nurture a relationship about cooperation and exchange of information. Meet regularly with the home education community and had recent meeting specifically about SEND. Still only a few EHCPs in Cambridgeshire.

A child with a statement of SEN is treated in the same way as other EHE referrals. If a school notifies, KB will look at the case, see what services are needed, and will broker appropriate support from within the LA. KB wants to increase awareness by having workshops with home educators.

More young people are coming into the system who are below the threshold for SEN support eg with behavioural issues in school. KB will work to get support for parents from local services. [In 2013 Cambridgeshire reported 21 EHE with statement <http://edyourself.org/cambridgeshiresenfoi.pdf>]

GS: someone came to surgery, boy of 15 who is autistic, just moved into the area, no education put in place till October and then just 1 3/4 hours tutoring per week. The council couldn't find him a place in school. Could this happen in **YOUR** area? [PLEASE SEE BACKGROUND INFORMATION AT THE END OF THESE NOTES RE "HARD TO PLACE CHILDREN", FAIR ACCESS PROTOCOL, SCHOOL ADMISSIONS AND APPEALS CODE, + THE WORK OF THE

OFFICE OF THE SCHOOLS ADJUDICATOR]

Local authorities made the following points:

- Barriers to getting a school place in Year 11. Schools make excuses
- There is a process with 15 days to consult, but schools will refuse on the 15th day then it starts again.
- Schools are full. There are also new arrivals who may have SEN. Pressure on schools to take these children.
- In one London LA, all schools bar one have signed up to a Memorandum of Understanding to offer place to ANY child resident in borough (not just Looked After Child] There is an Integration Panel which meets every week, and alternative Provision support may be commissioned. Schools have to take pupils within 5 days. Heads work with them.
- Y11 case where boy went to relatives in another LA after being withdrawn from school, applied for school, but 15 days for each school to consider it, so 3 schools = 3 x 15 days, add holidays in as well. Only 9 weeks left in Y11 before leaving
- Distinction between home tuition by LA and home education. Parents are confused about whether or not they will get support
- Resistance by schools. If a child is moving into the area, even if school is full, it can go over number. Supposed to be best interests of child. If school wants to refuse it doesn't have to quantify why. Then it has to go to the next Fair Access Panel meeting but it's not straightforward. The code is loose around timescales, it could be 3-6 weeks before the next Fair Access Panel. Relations with schools are crucial, and can all change if new head eg excluding lots of pupils, then they see the fallout from that
- After 15 days the LA can provide home tuition and there are recommendations on minimum level
- Need distinction between home educating no choice and EHE. Some parents are pushed into home education and don't realise there is a legal requirement for LA to provide, children CAN get alternative provision arranged by LA, not just couple of hours a week

GS noted the influence on schools of performance data and Ofsted. Should we have a limit or deadline for parent seeking school place, seeing it can take a year. In the NHS there are deadlines in how long you have to wait for something.

FN: not clear about the transfer from a statement to an EHCP. Where a child has statement, when do they lose the statement in the conversion process? If there is a transfer review meeting and then 2 months later parents are told that the LA isn't going to issue an EHCP, did the statement stop as soon as the transfer review process started or at the point when the LA said they weren't going to issue an EHCP, and what would parents actually be arguing against: the statement being ceased or the plan not being started? <https://edyourself.wordpress.com/2015/10/28/timescales-for-transferring-statement-to-ehc-plan/>

SM,DfE: statement has legal force until EHCP is in place. Once the transfer process has begun parents can't appeal the statement [including appeal cease maintain statement] because now in new system. In case described, LAs can review statement or Plan at any time including the Annual Review and decide to discontinue if not necessary to maintain.

Ipsea: result of the process is no need for LA to issue a Plan, statement in place till EHCP is issued or till time limit for appeal ends. (8 weeks?) If the LA holds a review meeting and at end says the child doesn't need statement, therefore not proceeding to issue a Plan, need notification of refusal to issue a Plan, that's what you are appealing.

FN: The argument was about education working well at home, the LA was saying that's why there was no need for a Plan [ie not imminently going into setting such as college]

SM,DfE: the fact of home education cannot be grounds for ceasing. Only cease (or not make in first place) if child wouldn't need the level of support in school/college. If the child needed to go to school they would need the plan.

Parent: our son with complex needs had transfer review meeting before Christmas but just been told that since young person is happy in home education, there is no need for an EHCP. Can that be right?

SM, DfE: should have been told of right to appeal. Home education is not grounds for ceasing a statement

Parent: what about children with SEN & dyslexia who need access arrangements for exams. In the past it was easier. Puts schools off. [<http://edyourself.org/articles/exams.php> <http://ehe-sen.org.uk/exams.php>]

SM, DfE: will take this back

LA: this is one reason why schools want pupils to have EHCPs to make it easier to get access arrangements in exams.

SM, DfE: agree. Also issues with invigilation. Will speak to colleagues in Qualifications.

Parent: child has severe dyslexia, can read but not write. Don't qualify for EHCP though.

LA: JCQ [Joint Council for Qualifications <http://www.jcq.org.uk/exams-office/access-arrangements-and-special-consideration>] is very school-centred and hasn't taken EHE into consideration. For school pupils teachers are gathering information over time, but it's not possible for EHE to do this.

GS: as a MINIMUM wants LAs to provide reasonable access to exams for home educators.

LA: put requirement on schools not on local authorities! We have no control over schools!

Parent: What if child doesn't have EHCP. Whole thing is around schools, otherwise parents have to pay for private assessment. New to the process but seems impossible to him. Not chosen EHE, forced on them. No other way to get evidence other than in school. NOT just exams but for everything.

SM, DfE: parents shouldn't have to pay

Parent: money should be attached to parent not to school. The state is failing children. It's a Human Rights issue. Talking to some politicians who are sympathetic.

Parent: 1 of her children is now grown up and is a public speaker about autism. One took Open University courses starting age 12 while home educated, only needed medical letter to be able to sit exams at home, and is now doing GCSEs with a precedent for special arrangements. Tried to do part time GCSEs at college but couldn't get transport funded because no EHCP (since not needed while home educated) Advice is: get an EHCP early. And hang on to it. It will be useful later.

LAs: academies can be challenging to work with, no power over academies. Local offer is about access to exams. Drip drip effect.

GS: it's ironic that parents are asked to break through the system but surely LAs could just open a hall and hire invigilators?

LA: problem is not to do with location but with bureaucracy <http://www.jcq.org.uk/exams-office/general-regulations>

Parent: consultation at the moment on the Pupil Registration Regulations which could be a chance to look at deregistration from special school. [<http://edyourself.org/articles/pupilregconsult.php>] Lancashire is good but elsewhere hearing from parents who have a battle on their hands, being asked to prove they are able to home educate before being allowed to start, asked for programmes and what provision they have put in place, parents can't afford to buy lots of resources only to be told they aren't allowed to home educate, cases of parents waiting up to 2 years.

SM, DfE: Code of Practice says deregistration from special school not lengthy or complex. <http://edyourself.org/articles/newcode.php#ehe> It's about the LA assuring itself provision is suitable.

Parent: why different for special schools though?
<http://edyourself.org/articles/deregistration.php#specialschool>

SM, DfE: to be in special school, needs are more complex

LA: would only refuse special school deregistration if child/young person was on Child Protection Plan, not otherwise.

Parent: knows of cases where no CP issues but deregistration from special is blocked

SM, DfE: Department has a team with a monitoring role, responsive, they want to hear about cases, DfE will investigate, professional team of advisors are sent out. Please tell him.

Parent: child happens to be at special school but could have gone to mainstream (ie same child but much harder to take out of one setting than the other)

LA: Our SEN team asks to see the family, we haven't refused deregistration or asked for resources. Just want to chat about the parents' plans. Only ones not agreed were when parents really wanted a different school from the one allocated and said they would home educate for the interim, that's not true home education. It would only take a week to talk to the family. Child would attend school during that time.

LA: the process is different in large shire county as opposed to small unitary authority. Still struggling over SEN/EHE joined up working as to which department in the LA calls the review, should it be SEN or EHE when a child is home educated? Also question over the status of EHE report from the LA EHE advisor which may not be accepted by SEN. Who makes the final judgement?

SM, DfE: LA decides which team. Department can't prescribe internal arrangements. Advise talking to other LAs and see what they do.

LA: we have protocol for EHE and SEN. Lack of clarity about removal from roll of special school. Should the child continue attending school? When can the child come out? From the point the

parent says EHE then the child comes out in our authority. Remains on roll but not attending. Authorised absence. <http://edyourself.org/articles/deregistration.php#specialschool>

SM, DfE: Government won't prescribe on this

LA: we have named casework officer organises the SEN EHE reviews, this works well

GS: what about AEHEP? Is AEHEP doing anything about this? Is it something you can look at, make it more consistent, given the Government is reluctant to intervene?

LA: we have been talking to the Association of Directors of Children's Services [ADCS] who have been investigating home education. Everyone wants to achieve good practice.

GS: Directors of Children's Services are scared of the responsibility and see EHE as odd

LA: Difference of opinion amongst local authorities in AEHEP over special school deregistration. Difficult to compromise.

LA: any guide needs to be DfE working with them, not written in isolation

GS has to leave· Lord Lucas takes over chair and discussion continues

Parent1: trend to home education because schools fail to meet needs, but as soon as you say you are going to home educate, especially if SEN, there's a referral to social services.

Parent2: knows of adoptive family, school failing the children but as soon as parent mentioned home education, referred to social services

Parent3: happened to their family. Referred to social care as soon as children were EHE.

SB, DfE: always clear that EHE isn't a safeguarding issue in itself

Parent: social workers are ignorant of EHE.

LA: speaks to social workers regularly. Some are great, some not

LA: shocking that DfE doesn't talk to schools. They need to! Social workers are always changing.

LA: developing new e-learning course around limits of responsibility for EHE and safeguarding after other agencies have made referrals. The Local Safeguarding Children Board will implement it

LA: on the whole good in our LA although 1 radicalisation case and 1 admitted to hospital not having been seen by the EHE team. Need to make people aware of limitations of EHE team role because team get professionals saying need to go and check the curriculum, this is a source of dispute with colleagues in other areas about what the parameters are.

LA: has A4 sheet of EHE information for professionals. It can help.

Lord Lucas: so, what's missing, why don't people know? EHE guidance is out there, you can google it.

LA: it's about training. Schools don't come across EHE. It's a very small area with a low profile. Headteachers don't have the information at their fingertips.

SB, DfE: guidance is not user friendly for someone who wants a quick reference with just the headline point

LA: [agrees] especially around SEN, they might not even look at the EHE part

SM, DfE: we have Guides to the Code of Practice for different audiences. Could this be done with home education, summarise main points in brief document for professionals

LA: recently delivered training to councillors who have differing views. Social workers are all different teams. Gaps in knowledge, need training to fill.

LA: concerns about large increase in low level non-EHE treated the same, where they are just avoiding penalty fines and not interested in education full stop. Sheer numbers are worrying. Doubled in 4 years. Thousand currently. We don't monitor or assess, but how do we react to the rise?

LA: schools are offrolling vulnerable children, seen 5 letters prepared by same school for parents, pressure on schools from Ofsted regarding challenging learners in schools

Ipsa: informal exclusions eg can you come and pick the child up

LA: call it proper name, illegal rather than informal!

LA: our new policy, if there is a record of exclusions or early help involved, we must insist on a visit, it is hard to get balance.

Ipsa: how do you pick up on your illegal exclusions?

LA: our schools not always informing the LA about deregistration of vulnerable children, so after a time they can take them off the roll and not tell us.

FN: they are changing the Pupil Registration Regulations so they will have to tell you in future.

LA: had agreement to collect reasons for EHE. 1. lots of autism. 2 to avoid prosecution. ASD where provision not in place. Parent has no choice. Parents don't want to EHE. Enquiry into reasons may help. But there could be different perceptions eg parent says bullying but school says...

LA: reasons may not helpful, what if parent has mental health problem

LA: promised to put this question from parent: why no money for EHE? Special school would cost £1000s, so saving lots of cash.

AW, DfE: Decision for LA. if LAs says school best but parent chooses, the authority can support but there can be nothing. It is ONLY when the EHCP says the vehicle of education is home education [that the LA must fund] The LA has every right to support but no duty to support. And of course parents' provision doesn't have to meet provision in the Plan.

LA: is that why the LA is identifying everything required but then the Plan says parents have chosen EHE. SEN want EHE officers to assess against the plan.

Parent: parents think they are coming along to standard reviews, but it turns out to be the transfer

and parents are presented with a plan, everything is out of date, no reports, not redone, not in Code of Practice. Parents aren't aware that they can insist on having reports done.

SM, DfE: think that IS in Code

LA: always send letters 2 weeks before the transfer review meeting

SM, DfE: DfE wants to hear about bad practice, in process of gathering evidence.

Ipsa: seeing these issues over assessment process across the board, it's wrong, there MUST be a needs assessment.

Parent: parents in school get information from schools about EHCP transfer but if EHE there's no information to help them

Lord Lucas: 3.30, end meeting

Background Information

Children and Families Act 2014, Statements, and Education Health and Care Plans

The law on special educational needs in England changed in 2014. There is a section in the code specifically about home education which you can read here

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

The "old" system of statements of special needs will run in tandem with the new system until April 2018. I have written about the transfer here <http://ehe-sen.org.uk/> The question of transferring statements to Plans came up at the meeting. I have blogged about it here

<https://edyourself.wordpress.com/2015/10/28/timescales-for-transferring-statement-to-ehc-plan/>

Advice for EHCP

STATUTORY INSTRUMENTS 2014 No. 1530 EDUCATION

The Special Educational Needs and Disability Regulations 2014

http://www.legislation.gov.uk/uksi/2014/1530/pdfs/uksi_20141530_en.pdf

(6) (4) The local authority must not seek any of the advice referred to in paragraphs (1)(b) to (h) if such advice has previously been provided for any purpose and the person providing that advice, the local authority and the child's parent or the young person are satisfied that it is sufficient for the purposes of an EHC needs assessment.

Special educational needs and disability code of practice: 0 to 25 years page 155

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

9.47 The local authority should consider with the child's parent or the young person and the parties listed under paragraph 9.49 the range of advice required to enable a full EHC needs assessment to take place. The principle underpinning this is 'tell us once', avoiding the child's parent or the young person having to provide the same information multiple times. The child's parent or the young person should be supported to understand the range of assessments available so they can take an informed decision about whether existing advice is satisfactory. The local authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the local authority and the child's parent or the young person are all satisfied that it is sufficient for the assessment process. In making this decision, the local authority and the person providing the advice should ensure the advice remains current.

Home Education SEN Numbers by Local Authority

Local authorities vary enormously in size, in the number of home educated children across the board, in the absolute number of home educated children with a statement or EHCP, and also in the number of home educated children with a statement or EHCP relative to the total number of home educated children. In 2013 I found the percentage of children with a statement ranged between 0% and 20%, averaging at around 5%. Detailed information about all LAs can be found here <http://edyourself.org/articles/2013foissenandlocationehe.php> (look for LA (alphabetical) + senfoi.pdf)

“Hard to Place” Children

Graham Stuart gave an example in his constituency where it took months to find a school place for a 15 year old boy on the autistic spectrum, and while the boy was out of school he was offered less than 2 hours a week home tuition.

He said it gave an insight into the failings of the state and asked the councils present if they thought something similar could happen in their area and how exactly it could come about.

This led to a discussion about hard to place children, exclusions (legal and illegal), resistant schools, the challenge for schools with Ofsted, and local authorities not having control over academies.

Various people mentioned "panels" in their area which reviewed cases of children needing a school place, and schools having "**15 days**" to decide whether or not to admit a child, with schools waiting till the 15th day to say no.

If anyone would like to know more about this, then a useful starting point is the OSA's annual report <https://www.gov.uk/government/publications/osa-annual-report> which explains how a local authority can exert influence over a school to admit a child outside the normal admissions round.

You should also be able to find a document online called "**Fair Access Protocol**" for school admissions in your area.

The process is different where a child has a statement or EHCP which names a school, since in this case the named school **MUST** admit the child. (As an aside, for children returning voluntarily to school from home education there is a question mark for me over what happens where the statement or Plan has been modified to remove the name of a school or where the old school was left on but is no longer applicable or desirable.)

Outside the normal admissions round, the law permits schools under certain circumstances to refuse a child even where the school has spare places. Where the school does refuse to admit a child, it must refer itself under the local authority Fair Access Protocol. The school can't be made to take the child until all the other schools in the area have said no.

This can take a while. The OSA says *"a few local authorities report occasional difficulties in securing the in-year admission of such children through the fair access protocol, with schools sometimes pleading a lack of appropriate facilities, resources, or teaching expertise. Although such difficulties are usually overcome through patient negotiation, the resulting delay prevents timely access to the provision the children need."*

After all the other schools have said no, the local authority is able to issue what is called a **direction**. However the school has a right of appeal against the direction and is granted **15 days** before it has to say yes or no. Valid grounds for appeal include where admitting the child would prejudice the provision of efficient education or not be an efficient use of resources, ie whether the admission would be prejudicial to the school or other children.

The OSA says *"it remains a concern that some of the appeals amounted to little more than not wanting to admit the child rather than there being any valid reason for the appeal"*

LAs don't have power of direction over academies.

The **School Admissions Code** can be found here

<https://www.gov.uk/government/publications/school-admissions-code--2> Page 30 onwards deals with **Fair Access Protocol** which is triggered when a parent of an eligible child has not secured a place under in-year admission procedures. It should be read alongside the **School Admission Appeals Code** <https://www.gov.uk/government/publications/school-admissions-appeals-code> (again, look for **Fair Access Protocol** page 18-19)

Personal Budgets and Direct Payments

Funding for home-based provision came up a couple of times during the meeting. Home educated children with an Education Health and Care Plan won't get a Personal Budget if the local authority believes that the child's needs **COULD** be met in school and that parents have **DECIDED** to educate at home ("**elective home education**") as per 10.32 SEND Code ("*parents have made their own arrangements under section 7 of the Education Act 1996*").

A Personal Budget in relation to an Education Health and Care Plan is an amount of money which is available to secure the provision specified in the EHCP. The **ONLY** way for a Personal Budget to translate into Direct Payments for the family to spend on EHCP provision is where the local authority is "satisfied" firstly that the DPs will not have an adverse impact on other services, **AND** secondly that using DPs is an efficient use of the LA's resources. I have more information here about Direct Payments for an Education Personal Budget including a case study + a spreadsheet [NEW] with Personal Budget information for around half the LAs in England.
<http://edyourself.org/articles/SENDPs.php>

APPENDIX 1

Further Education Q & A from the Department for Education Funding Policy Unit, not covered in the meeting

Q

Can the LA insist that a college convenes and holds EHCP reviews without the LA providing extra resources for the college to do this, and if the LA isn't allowed to do this, what can the college do about it?

A

LAs can request (but not require) that the early years setting, further education college or other post-16 institution convene and hold the (review) meeting on their behalf. There may be a requirement on the post-16 institution to do so as part of the contractual arrangements agreed when the LA commissioned and funded the placement. (C 9.174 of the Code). Where the college do not agree to hold the review meeting, the LA can make alternative arrangements for the review meeting, such as holding it in their offices, or another mutually convenient venue. The college must co-operate with the review process.

Q

Can DfE confirm whether the EFA 16 to 19 Bursary Fund of up to £1200 a year per young person in one of the defined vulnerable groups and the discretionary bursaries award to meet individual needs e.g. transport, meals and books etc.. will be opened up to pre-16 EHE students? If so, are they planning to update the guidelines to reflect this?

A

There are no plans to change the guidelines to extend bursaries to any pre-16 pupils. Overall bursary eligibility mirrors 16 to 19 funding eligibility. There is some discretion for institutions to award a bursary to pre-16 EHE students in exceptional circumstances, but a strong case would have to be made that would satisfy college auditors. The guide for students aged 14-16 who are directly enrolled in colleges states:

'Students aged under 16: Institutions can generally only pay bursaries to students aged 16 or older. However, in exceptional circumstances institutions may use their discretion to pay bursaries to younger students. For example, where a student is following an accelerated programme they may receive a bursary. This does not apply to 14 to 16 year olds attending college as part of their Key Stage 4 programme.'

Q

Are there any plans to allow Colleges to access band 5 funding (540 hours plus) for EHE students – many EHE pre-16 students are studying 540 hours but Colleges are only able to claim band 4 funding? – A typical College week is about 3 days for a pre-16 EHE student - therefore leaving time for them to still be Home Educated on the days they are not in College

A

There is nothing in the EFA's published guidance that says that colleges cannot claim more than band 4 funding for a pre-16 EHE student undertaking a 540+ hour programme.

Further Reading

<http://edyourself.org/articles/14-16collegeFAQ.php>

<http://edyourself.org/articles/WolfReport.php>

APPENDIX 2, NOTES PROVIDED TO GUESTS BEFORE MEETING Home Education APPG: Home Educating Children With Special Educational Needs

Roundtable discussion chaired by Graham Stuart MP with Stuart Miller, Deputy Director SEN at the Department for Education, Stephen Bishop DfE Independent Schools and Boarding, and Andrew Wye, DfE Funding

Confirmed guests include Hounslow Senior Education Adviser for Vulnerable Groups; Area Strategic Manager Alternative Provision Hampshire; Cambridgeshire CC County Behaviour and Attendance Manager; Lancashire CC School Attendance Lead; Lancashire SEND Team Manager – Compliance, Commissioning and Provision; Ipsea; and Tymes Trust.

**Tuesday March 1st
2.00 - 3.30
Room A
1 Parliament Street
Westminster**

SEN is a minority group in home education and home education is a minority group within special needs. Home educated children with special needs tend to be categorised primarily as "special needs" rather than "home educated" with families being treated in a completely different way from other home educators.

Since relatively few home educated children with special needs actually have a statement or an EHCP, we anticipate that there will be questions about how to access funding for these children.

Local authorities in England currently know of around 32,000 home educated children.

In early 2013 we established via FOI that approximately a thousand home educated children had a statement of SEN.

We are asking LAs to bring current home education statement/EHCP numbers to the meeting

The percentage of home educated children who have a statement of SEN varied among local authorities between zero and 20%, averaging at around 5%.

28% were primary age
68% were secondary age
14% had moderate learning difficulties
6% had physical disabilities
14% had speech communication and language needs
32% were on the autistic spectrum
11% had severe or complex learning difficulties
20% had previously been educated in a special school
34% had begun home education during the past year
42% had been home educated for more than 2 years
17% had been home educated for more than 5 years
18% had ceased to be home educated in the previous year and went into school

Parents have asked us to make the following points

- My home education is monitored and inspected and they ask me a lot of questions about how my child is performing academically
- The council expects me to do the same job as a school and they go through the statement line by line for evidence.
- They constantly ask us about our family life; it feels very intrusive
- Parents aren't treated with respect
- My local authority says that by home educating we have opted out but I'm saying we don't have a choice
- I know another family who get a tutor so I don't understand why we can't have one
- Why do the Pupil Registration Regulations still say that the LA's consent is required before a pupil's name can be deleted from the roll of a special school? This brings no benefit to the children whatsoever!
- I had to submit detailed information about resources, plans, timetables etc before I was allowed to take my son out of his special school.
- The council said I couldn't take my son out of special school until "the panel" approved my home education request
- We asked for funding for our child's therapies in home education. It went to tribunal and the LA switched to a named a special school on the statement at the last minute so that they could prove to the tribunal that my child's needs could be met in a school. My child was then deemed to be a registered pupil where "consent" is required for home education - even though we were ALREADY home educating - and we received letters telling us we would be prosecuted
- My council just says there's no money for home educated children
- We asked for the statement to be ceased because there was no point having it since we weren't getting any support but the LA refused.
- The LA is trying to take my daughter's statement away because they said she is doing well in home education. I'm angry because she would need the statement if she went into school, in fact she would definitely need to be in a special school.
- We are going through the transition from a statement to an EHCP at the moment. The council hasn't offered to do any new assessments and when I asked about it they said there wasn't any need, even though everything on the statement is really out of date.
- We were mid-way through the EHCP assessment when we decided it just wasn't possible for our daughter to remain in school. The council said the EHCP would be halted because they only did them for school and we could always get one later.
- My child has been diagnosed with post traumatic stress disorder following school issues.
- After 2 unhappy years, which ended with my child breaking down, unable to cope with work, lots of panic attacks and anxiety we decided school was unable to provide the support needed
- 15 months after leaving a terrible special school which failed to support her emotional and sensory needs, she is still terrified to go near the school and finds it difficult to go in any other school
- I want funding because it is not my choice to home educate. I am interested in a personal budget for home-based education. Do I have to prove that school is impossible and how can I do this if my child has never been to school?
- My daughter could manage part-time at school (flexischool) but not full time. When the school insisted on full time, we had to take her out altogether.