

REPORT AUDIT TRAIL**CONSULTATION**

*This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments, whilst the report will not be publishable if these areas have not been completed by the named persons below. **You must liaise with and receive sign off from the relevant Cabinet Member(s).***

Name/Position	Portfolio/Ward/ Directorate	Date Sent	Date Received	Comments in para:
Councillor (Select Cabinet Member Name)	Cabinet Member for (Select Cabinet Portfolio)	Click here to enter a date.	Click here to enter a date.	
<i>Name of Strategic Director</i>	Assistant Chief Executive/ Strategic Director for (relevant directorate)	Click here to enter a date.	Click here to enter a date.	
Joshua Amwahe, Finance	Finance and Customer Services	01/04/25	03/04/25	
Michelle Scales, Legal Services	Legal Services	01/04/25	01/04/25	
Harley Longley, Human Resources	Assistant Chief Executive's Office	01/04/25	03/04/25	
<i>Name, Procurement</i>	Finance and Customer Services	Click here to enter a date.	Click here to enter a date.	
Equalities	Assistant Chief Executive's Office	Click here to enter a date.	Click here to enter a date.	
<i>Other officers below</i>		Click here to enter a date.	Click here to enter a date.	

REPORT APPROVAL TRACKING			
Equalities Your report will not be authorised for submission to Cabinet by your Strategic Director if you have not undertaken and included an initial equalities screening. All equalities analysis documents should be sent to Equality@rotherham.gov.uk for feedback prior to being included as appendices.	Initial Screening completed and included with report	YES/ (delete as appropriate)	17/12/24
	Full Assessment completed and included with report	YES/NO (delete as appropriate)	Insert date agreed
Carbon Impact Assessments Carbon Impact Assessments are to be appended to the associated cabinet reports. Carbon Impact Assessments should be sent to climate@rotherham.gov.uk for feedback prior to your report being sent to your Strategic Director for approval.	Carbon Impact Assessment completed and included with report.	YES/NO (delete as appropriate)	Insert date agreed
Background information MANDATORY: Insert headings for a few main public documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, insert hyperlinks . Do not list private documents.	Policy doc ABC Govt advice DEF Cabinet report GHI		
Appendices If appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles. List any appendices relevant to the decision being taken first with the Equality Analysis documents coming next and the Carbon Impact Assessment being listed as the last Appendix for all reports.	Appendix 1 <i>Proposed Elective Home Education Policy</i> Appendix 2 <i>Initial Equality Screening Assessment</i>		
Cabinet Member Approval You should retain an email confirming the Cabinet Member approval for your records. Strategic Directors should not authorise reports unless Cabinet Members have given sign off	YES/NO (delete as appropriate)	Click here to enter a date.	
Report Authorised by Strategic Director	YES/NO (delete as appropriate)	Click here to enter a date.	
Report Authorised for publication by Chief Executive	YES/NO (delete as appropriate)	Click here to enter a date.	

Select report type
Name of Committee

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 01 April 2025

Report Title

Approval of consultation on a revised Elective Home Education Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Nicola Curley, Strategic Director of Children and Young People's Services

Report Author(s)

Sarah Whitby, Head of Service Access to Education

Sarah.whitby@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Choose an item.

Report Summary

Consultation is planned prior to agreement of a revised Rotherham Elective Home Education (EHE) Policy. The report outlines the proposed timescales for this and seeks agreement for consultation to commence.

Recommendations

1. It is agreed that consultation regarding a revised Elective Home Education Policy can commence.

List of Appendices Included

Appendix 1 Proposed Rotherham EHE Policy

Appendix 2 Initial Equality Screening Assessment

Background Papers

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Name of Committee – Click here to enter a date.

Name of Committee – [Click here to enter a date.](#)

Council Approval Required

No

Exempt from the Press and Public

No

Insert report title here Approval of consultation on a revised Elective Home Education Policy

1. Background

- 1.1 Rotherham's Elective Home Education (EHE) Policy was last reviewed and updated in 2021. The current review is being taken as part of the specified review timeline and also with the intention of aligning policy more closely with Rotherham's way of working.
- 1.2 The current Policy is lengthy, describes internal process in depth and is therefore not future proof, and could be difficult for parents and carers to understand.

2. Key Issues

- 2.1 Rotherham's current Elective Home Education Policy is wordy, confusing and overly technical. The proposed Policy has been written with the aim of making it easier for parents and carers to understand their responsibilities and those of partners during their home education journey.
- 2.2 The relationship between the Council's Elective Home Education service and parents and carers is key to providing effective support in situations where children are electively home educated. The proposed Policy (Appendix 1) has been developed in conjunction with parents and stakeholders through a series of engagement events that have been held.
- 2.3 The Children's Wellbeing and Schools Bill outlines some key national proposals for Elective Home Education. There is no timescale attached to agreement and implementation and to wait for these risks unnecessary delay to the Policy review. The proposed changes may not in practice lead to significant change in local policy.
- 2.4 It is proposed that a formal public consultation now takes place. Legal advice has been sought regarding the proposed Policy prior to consultation taking place 15 April 2025- 26 May 2025.

Key questions that will be asked during the consultation are:

- 1. Rotherham's Elective Home Education service aims to work in a way that is aligned to the Department for Education non statutory guidance for EHE Elective home education - GOV.UK

How strongly do you agree that the proposed Rotherham EHE Policy reflects the recommendations set out in the Department for Education guidance?

- 2. Genuine and respectful partnerships between the Home Educators and the Local Authority are key in Rotherham.

How strongly do you agree that the ways of working described in the proposed Rotherham EHE Policy promote partnership working between home educators and the Local Authority?

3. EHE is respected in Rotherham as a parental choice, with successful education taking many different and diverse forms and Rotherham's EHE service does not seek to prescribe what suitable education should look like. In response to requests from a growing number of Home Educators, broad guidelines have been developed through engagement with Home Educators and other partners to aid in sharing understanding of considerations the Local Authority will make in determining whether education is felt to be suitable. These will be considered individually to each child and family and the absence of one or more will not automatically mean that education is felt to be unsuitable as they are intended to guide and support educational decisions.

How strongly do you agree that the guidelines in Section 5 describe the components that should be considered when determining suitability of education? Is there anything that is missing?

4. In situations where there is no evidence that a child is in receipt of suitable education, Rotherham's EHE service are committed to working with children and families to support next steps. It remains that a support first approach is offered, with legal intervention only being used in a small percentage of cases and where all other routes of support have been exhausted.

How strongly do you agree that the 'Situations where EHE is unsuitable' in Section 6 reflects this approach?

5. Do you have any further comments?

3. Options considered and recommended proposal

3.1 Delay review of the Policy and associated consultation pending central Government decisions, this could lead to unnecessary drift and delay

3.2 **Recommended-** Undertake consultation now regarding a revised Policy

4. Consultation on proposal

4.1 Formal consultation has not yet taken place as this is pending an Officer Delegated Decision taking place.

4.2 Informal engagement with stakeholders has been undertaken in the form of 2 drop in sessions promoted to home educators, informal feedback received from individuals who made contact but could not attend one of the session and a stakeholder event across a range of partners including Rotherham Parent Carer Forum.

5. Timetable and Accountability for Implementing this Decision

- 5.1 March 2025- DLT agreement for consultation
- April 2025- Officer decision taken
- 14 April 2025- 25 May 2025 consultation live
- June 2025- Final proposed EHE Policy to DLT
- July 2025- Final proposed EHE Policy to Improving Lives
- October 2025- Final proposed EHE Policy to cabinet for approval
- November 2025- EHE Policy launched with schools

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 There are no direct financial implications arising from the proposed EHE policy nor from the changes therein. The resources required to discharge the Council's statutory responsibilities in relation to EHE are included and form part of the resource envelope for Children & Young People Services (supplemented from the Dedicated Schools Grant).

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 Legal Services have reviewed and inputted into the proposed Elective Home Education policy.
- 7.2 The Department for Education has produced departmental guidance for Local Authorities in respect of Elective Home Education. This is non-statutory guidance but nevertheless it has been produced to assist local authorities understand their role in relation to elective home education and therefore the Council should have regard to it.
- 7.3 Section 7 of The Education Act 1996 sets out the right of a parent to home educate their child as long as this is suitable to the age, ability and aptitudes of the child, and any special educational needs they may have. The Education Act 1996 also specifies at Section 436a the duty placed upon the Local Authority to identify children in their area of statutory school age who are not registered in school and are not in receipt of suitable education and Section 437 describes the duty upon the Local Authority to act in such situations.
- 7.4 There is no statutory requirement for a Local Authority to have an Elective Home Education Policy in place, however it is recommended within the Guidance that *'each Local Authority has a written policy statement on*

elective home education which is clear, transparent and easily accessible by using different formats as necessary, is consistent with the current legal framework and preferably drawn up in consultation with local families who educate children at home so that it can reflect both the challenges and rewards of educating children in this way. It should take into account local circumstances and set out how the authority will seek to engage and communicate with parents’.

7.5 This is important to ensure that parents fully understand the responsibilities that come with home education and what is expected of them. Local authorities have the same safeguarding responsibilities for children educated at home as for other children.

7.6 In consulting upon the proposed policy, the Council is ensuring compliance with the recommendations made within the Guidance and minimising the risk of legal challenge around the policy should it then be implemented.

8. Human Resources Advice and Implications

8.1 There are no direct HR Implications linked to this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 Children and Young People who are EHE will be identified and supported in line with statutory duty.

10. Equalities and Human Rights Advice and Implications

10.1 The Council Plan theme supported by the proposal is to ensure every child is able to fulfil their potential. This is supported by taking action to ensure that children receive a suitable education.

10.2 An Initial Equalities Screening has been completed and is Appendix 2 to this report. A full Equality Impact Assessment will be completed following consultation and aligned to the proposed Policy.

11. Implications for CO2 Emissions and Climate Change

11.1 There is no direct impact for CO2 emissions. A full impact assessment will be completed following consultation and aligned to the proposed Policy.

12. Implications for Partners

12.1. A revised EHE Policy will provide clarity to all partners regarding Rotherham process

13. Risks and Mitigation

13.1 There is a risk that if the Policy is not revised it could be confusing to stakeholders.

14. Accountable Officers

Sarah Whitby, Head of Service Access to Education

Rebecca Braithwait, Principal Officer EHE and CME

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	Click here to enter a date.
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	Click here to enter a date.

Report Author: Sarah Whitby, Head of Service Access to Education

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This report is published on the Council's [website](#).

