

EHE Legal Advice Decision – School Forum 10th March

Please find attached the legal advice around recharging for EHE students. I can only apologise for the delay but, acting on the advice of the Head of Legal Services, we have sought confirmation that the position is still as it was during the 2018/19 consultation. This is for the following reasons:

1. We were advised that we needed to complete due diligence due to the timeframe that had passed.
2. The colleagues who gave the original advice no longer work in the Authority and we no longer have that expertise in house.
3. There has been a period of 4 years between the original advice and the new assessment.

The main findings of the advice are:

1. Schools Forum is not acting ultra vires in making decisions around schools funding, including recharging, on behalf of all schools.
2. The charging for services is lawful and allowed within guidance.
3. The charging for specific education psychology assessments is not in line with the guidance.

With the above in mind I would like to propose that Schools Forum make the following decisions:

1. In line with the advice, Schools Forum recognises that the local authority will continue to charge as per the amended decision of 2021 in that it will charge for specific activity to support a named child who moves to Elective Home Education for the remainder of the academic year in which they move to EHE.
2. This will not include any charging for Educational Psychology services associated with these children whilst EHE.
3. The Local Authority will return funding (£1,648) to schools where there has been a specific charge for EP services.

Best wishes

Dan Hamer

Head of Vulnerable Pupils