

# Is your local HE group in danger of being defined as an Independent Educational Institution (England & Wales)



Subsequent to changes to English and Welsh law on what is meant by an educational institution during 2008 (effective in 2010) some local home education groups came very close to being defined as Independent Educational Institutions (IEIs).

The issue is dealt with under the Education and skills act 2008 (England and Wales) s. 92 which defined an Independent educational institution as being

- (a) an independent school, or
- (b) an institution other than an independent school which—
  - (i) provides part-time education for one or more persons of compulsory school age (“part-time students”) whether or not it also provides full-time education for any person, and
  - (ii) would be an independent school but for the fact that the education provided for the part-time student or students is part-time rather than full-time.

Part time education is defined as being education provided for at least:

- (a) 12.5 hours a week, for at least 28 weeks, during an academic year at the end of which the person is under the age of 12, or
- (b) 15 hours a week, for at least 28 weeks, during an academic year at the end of which the person is aged 15 or over,

which does not amount to full-time education.

An academic year is ends on the 31<sup>st</sup> of August. There are also provisions in the act for this section to be varied by the secretary of state by issuing regulations to that effect.

Home education groups must ensure they do not breach these regulations as to do so could mean they are acting illegally. When scheduling activities organisers should consider the following points.

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Time spent socialising would not count when calculating the hours of educational provision, neither would activities such as visits where a local group simply facilitated families to take advantage of group discounts and were not providing education itself. So such activities as group swims and visits to national trust properties would therefore be unlikely to count, providing the group didn't provide swimming lessons or a history tutor (for example) for the visit.

Consideration should also be given to the numbers of weeks of study undertaken. A local group providing part time tuition for less than 28 weeks would also not be a IEI.