

In the absence of Counsel's written legal opinion and the time constraints in providing the Schools Forum with the supporting paperwork in advance its next meeting, Legal Services has accordingly prepared this note.

I can confirm that Children's Services sought internal legal advice in 2018, regarding the mechanics to recharge Elective Home Education. Unfortunately, the two Legal Officers who dealt with this matter have subsequently left the employment of Torbay Council and I have not been able to locate the written advice to this effect, believing therefore that the advice given, was oral.

I can also confirm that Rachel Williams on behalf of Children's Services, requested written confirmation on this point which was sought from external Counsel and provided on 24 January 2022. This advice was subsequently provided to the Schools Forum on 10 March 2022. The advice confirmed that there was a mechanism to be able to re-charge and I understand that the Schools Forum felt that this advice did not cover 2018, asking whether the mechanics to recharge, were available in 2018. I can further confirm that during a Teams meeting held with Counsel on Wednesday 27 April (Rachael Williams, Dan Hamer and myself took part), Counsel provided oral advice that there was a mechanism to re-charge for Elective Home Education in 2018.



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