

1st November 2021

Agenda Item: 14

REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND SKILLS

ELECTIVE HOME EDUCATION - UPDATE

Purpose of the Report

1. The report provides the sixth six-monthly report on electively home educated pupils to enable Committee to monitor the Council's delivery of support and discharge of statutory duty in this area.
2. The report seeks approval to continue to report to the Committee on a six-monthly basis.

Information

3. The last update report provided to this Committee was in November 2020 and this report is made following agreement of the recommendation that future reports should be aligned with the midpoint and end of the academic year in order that trends of deregistration and return to school can be more easily identified and understood. This report to Committee focusses on data available at the end of the academic year 2020-21.
4. Parents' legal rights and duties are set out in the Education Act 1996. The parent of every child of compulsory school age must ensure that he/she receives an efficient, full-time education, suitable to his/her age, ability and aptitude and any special educational needs that he/she may have, either by regular attendance at school or otherwise. A parent/carer has the legal right to withdraw a child from school by delivering notification of that fact to the school. The school then has a duty to notify the local authority and to remove the child's name from the school register. The local authority records the child as being electively home educated, and parents/carers can choose whether to engage with support offered by the local authority. From that point, a child acquires elective home educated status and the parents/carers are elective home educators. The parent/carer then becomes completely responsible for the costs, provision, management and delivery of the education of that child. There are no curricular or other requirements incumbent on elective home educators, who are free from any educational regulation.
5. All parents registered as elective home educators in Nottinghamshire are offered at a minimum a yearly intervention visit with the intention of offering support to them in continuing to fulfil their responsibilities as specified by the Education Act 1996. During the pandemic visits have been conducted in a hybrid way with the majority of interventions

taking place virtually but visits are being made in person where this is needed. Parents/carers are under no legal obligation to see anyone from the Elective Home Education team and in this case the Local Authority writes to home educators on a yearly basis to make informal enquiries about the home education provision, supported by Department for Education non-statutory guidance '*Elective home education; Departmental guidance for local authorities*', April 2019. The Local Authority fulfils its duty to ensure that all children of compulsory school age in its area are being suitably educated and to act if it appears that any child is not receiving such an education through well-established working practices, as described in the Council's Elective Home Education Policy endorsed by the Children and Young People's Committee on 13th January 2020 and approved at Policy Committee on 12th February 2020. These are generally very well received because they have been influenced by the views of electively home educating families in Nottinghamshire. Parents/carers retain the right to apply for their child to return to a mainstream school whilst they are of statutory school age and can be reconnected to the Local Authority and other services should they wish to cease elective home education, where there is evidence of a safeguarding concern or they cannot demonstrate evidence that suitable home education is being provided.

6. Following the recent agreement of three permanent Elective Home Education Professional Practitioner posts to the staffing establishment, the current service structure is a Senior Professional Practitioner and three Professional Practitioners (one post vacant), supported by a Business Support team. The line management of the service sits with the Fair Access Team Manager.
7. A team of 11 Associate Advisers are commissioned to undertake specialist education support and guidance visits to families on behalf of Nottinghamshire County Council. The Council's procurement process enables new applicants to be approved, ensuring that the team's capacity is sustainable. Associate Advisers meet termly with the Elective Home Education Senior Practitioner and Fair Access Team Manager with the purpose of ensuring that all Elective Home Education Advisers access relevant training to fulfil their role effectively, in line with the Council's policies and procedures and current legislation and guidance. Support and supervision is also available to all advisers.
8. The dashboard for elective home education (attached as **Appendix 1**) identifies groups of electively home educated children and the reasons behind the parental decision to become electively home educated as at 3rd August 2021. Information from the dashboard is used to inform decisions regarding the operation of the elective home education team and identify areas of possible concern in relation to deregistration from school to elective home education in order that they can be explored appropriately by Local Authority officers.
9. In Nottinghamshire, 1,079 children were registered as electively home educated on 3rd August 2021, an increase of 298 since 3rd August 2020, as reported on the relevant dashboard attached as **Appendix 2**. Of these 1,079 children, 767 were receiving Elective Home Education Adviser visits, while parents/carers of 312 children declined Local Authority involvement. It should be noted that there is an unknown number of parents who have always electively home educated and never enrolled their child/ren at school. These children are not recorded by the Local Authority as being in receipt of home education. The total number of children known to be electively home educated at some point during the 2020-2021 academic year was 1,475.

10. In addition, a further 185 children in year 11 were known to be home educated until the end of the 2020-21 academic year. These children are not reported on the dashboard as they left statutory education on 25th June 2021.
11. Whereas data presented to Committee prior to 2020 reported that registrations were impacted most significantly by withdrawals from school in Key Stage 4, comparison of the number of children known to be electively home educated by National Curriculum Year on 3rd August 2021 shows that the increase in number continues to be impacted by new registrations in all key stages. Comparing the dashboard data for 3rd August 2020 and 3rd August 2021, a significant increase in the number of registrations can still be seen at year 10 (+53), but also at year 7 (+45) and year 8 (+43) and for primary at year 1 (+36). There does appear to have been an impact from Covid on parental confidence in transition. Work continues to be undertaken to understand the data available to support in ensuring that children have access to the most appropriate educational route.
12. The patterns of age at which children became electively home educated continue to display sustained features. There is a spike at age 5, when pupils enter primary education. The number remains fairly constant, until age 11 when children transition to secondary school. Parents/carers of this group report a number of different reasons for the decision to home educate; anxiety about the ability of a secondary setting to meet their child's Special Educational Needs, cultural reasons and not gaining a place at their preferred school for secondary.
13. In all cases the Elective Home Education team work closely with young people, their parents/ carers and schools to ensure that decisions taken are in the best interests of the child. Where it is made clear that the intention to deliver elective home education is not the result of a positive choice, but is in fact the result of a breakdown in the relationship between the family and the school, the Elective Home Education team will offer to meet with both parties to mediate a positive outcome, ensuring that the young person can continue to access learning in school. Referrals to education support services are recommended where this is appropriate.
14. Reasons for withdrawal from school to home educate as stated by the parent or the school at the time of withdrawal were:
 - 15 school phobic or refuser
 - 11 response to legal attendance proceedings or prosecution
 - 25 bullying at or around school
 - 65 dissatisfaction or conflict with school
 - 39 emotional reasons, e.g. anxiety and mental health issues
 - 386 preferred method – i.e. parental choice
 - 538 not disclosed.
15. Of these, a total of 127 parents have cited Covid as a factor in their decision to home educate and this is in keeping with the reported trend of increased registrations due to Covid nationally.
16. Comparing these figures with those of 3rd August 2020, there is an increase of 100 parents/carers who cite that elective home education is their preferred method of education and a decrease of 25 citing emotional reasons. It is, however, difficult to draw meaningful

conclusions when nearly half of the cohort have chosen not to provide a reason for their decision. Improved data collection at the point of withdrawal from school is one of the key areas being supported by the Professional Practitioners in an attempt to better understand the needs of the electively home educated cohort in Nottinghamshire.

17. Of the 1,079 children registered as electively home educated in Nottinghamshire on 3rd August 2021, slightly more were female than male. 71% of electively home educated children were White British, 6% were of Gypsy, Roma or Traveller ethnicity and 6% Other ethnic groups. The remainder are unknown as parents/carers chose not to provide this information.
18. No children were on a Child Protection Plan and 16 had Child in Need status. For these children the Senior Practitioner for Elective Home Education is responsible for close monitoring and review of the suitability of their elective home education provision. Work has been undertaken to improve communication with Children's Social Care teams and review the support offered to children during periods of elective home education, which would only be supported for children on a Child Protection Plan if a joint decision was made that this was in the best interests of the child(ren) and would provide a safe and suitable education environment.
19. 20 children had an Education, Health and Care Plan indicating a significant level of identified Special Educational Need. This number compares with 15 on the same date the previous year. There are a number of children who have had an Education, Health and Care Plan issued whilst home educated, due to their significant level of Special Educational Need.
20. The level of need of some children and young people who are electively home educated in Nottinghamshire remains a concern. In the 2020-21 academic year there were 20 cases where continuation of home education was not felt to be appropriate and it was necessary to make provision via the Council's Educated Otherwise Than at School arrangements as a reintegration to mainstream provision was not possible.
21. During the course of the academic year 2020-21 162 children returned to school from elective home education. 82 of these children were primary age and 80 secondary age. In a number of these cases extensive transition planning and support was required and this is a role that will be undertaken moving forward by the Professional Practitioners now in post to ensure that for children who are returning to school this transition can be smooth and successful.
22. The changes to service delivery since 1st September 2021, namely utilising the elective home education budget in a different way through the addition of three new permanent posts to the team structure, enables closer working with children and families at the point where consideration is being given to elective home education to ensure that decisions are being made in the best interests of the child(ren) involved. Although this report focusses on data collated on 3rd August 2021, Members will be assured to know that the impact of this service change is being seen already and in seven cases since 1st September 2021, intervention by the Professional Practitioners has meant that children have appropriately remained on school roll with support from other Council teams in place where needed. The current move to Mosaic of all recording in relation to elective home education will allow for swifter sharing of information where needed across Council teams and ensure that

vulnerable children who are electively home educated can be safeguarded in a timely and joined up way.

23. Systems and processes have been reviewed to ensure swift action is taken in cases where the Local Authority is not confident that suitable education is being provided. Work is being undertaken by the Professional Practitioners to support positive engagement with families to ensure that a suitable educational route is identified. Where there are barriers to this there is an agreed process for referral to the Council's Family Service to consider whether a school attendance enforcement pathway is appropriate.
24. Further service developments planned include the creation of a public website for home educated young people and their families, offering education guidance and health and wellbeing support, including signposting to other avenues of support. As part of this work and the wider work of the Elective Home Education team, a young person and parent/carer engagement group is being established to ensure that the views of service users are considered effectively in decisions taken about delivery of the service.
25. Attendance at the regional home education forum continues and concerns about the rising number of children being electively home educated are escalated through this group to the Association of Elective Home Education Professionals. The recent Parliamentary Call For Evidence, to which Nottinghamshire County Council contributed, and associated report published in July 2021 '*Strengthening Home Education*', made recommendations for a statutory register, a set of clear criteria against which the suitability of education can be assessed and the ability to see children who are electively home educated.

Other Options Considered

26. The Council remains statutorily responsible for ensuring that all children and young people of statutory school age access full-time education. The Elective Home Education Policy approved by the Policy Committee on 12th February 2020 continues to be implemented to ensure this responsibility is met. No other options have been considered.

Reason/s for Recommendation/s

27. Members will wish to be assured that the Council's statutory duty under s436a Education Act 1996 to make arrangements to identify children not receiving education continues to be fulfilled.

Statutory and Policy Implications

28. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

29. There are no financial implications as a result of this report.

RECOMMENDATION/S

1) That the Committee requests a further six-monthly report on elective home education.

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Constitutional Comments (KK 07/10/21)

30. The proposal in this report is within the remit of the Children and Young People's Committee.

Financial Comments (MDN 07/10/21)

31. The 2021/22 Local Authority budget for the Elective Home Education service is £251,814 and will be sufficient to cover the cost of the service and the service delivery revision that has been implemented as a result of the increase in registrations.

32. There are no financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Education Act 1996, Published
<https://www.legislation.gov.uk/ukpga/1996/56/contents>

[Revised Children Missing Education Strategy and Elective Home Education Policy – report to Policy Committee on 12th February 2020](#)

Elective home education; Departmental guidance for local authorities, April 2019, Published
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf

Strengthening Home Education, July 2021
<https://publications.parliament.uk/pa/cm5802/cmselect/cmeduc/84/8402.htm>

Electoral Division(s) and Member(s) Affected

All.

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