

16<sup>th</sup> December 2019

Agenda Item: 11

## **REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND SKILLS**

### **ELECTIVE HOME EDUCATION - UPDATE**

#### **Purpose of the Report**

1. The report provides the fourth six-monthly report on electively home educated (EHE) pupils to enable Committee to monitor trends in numbers and reasons for elective home education.
2. The report seeks approval to continue to report to the Committee on a six-monthly basis.

#### **Information**

3. 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.
4. A parent/carer has the legal right to withdraw a child from school by delivering written notification of that fact to the school. The school then has a duty to notify the local authority (LA) and to remove the child's name from the school register. The local authority registers the child as EHE. Once registered, parents/carers can choose whether or not to engage with the LA.
5. On 6<sup>th</sup> November 2019, 666 (of the 817 children in Nottinghamshire registered as EHE) were receiving EHE adviser visits, while parents/carers of 151 children refused Local Authority involvement.
6. 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 and management and delivery of the education of that child, while the LA ceases involvement. There are no curricular or other requirements incumbent on elective home educators, who are free from any educational regulation.
7. All parents registered as elective home educators in Nottinghamshire are offered regular EHE adviser visits and are able to be reconnected to the LA and other services should they wish to cease elective home education, or where there is evidence of a safeguarding

concern or education is deemed to be unsuitable. If no engagement is chosen, parents/carers are under no legal obligation to see an EHE adviser, to allow their educational provision to be monitored or to provide written reports of their provision. They are free from any regulation.

8. The LA 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 these well-established working practices. These are generally very well received because they have been influenced by the views of electively home educating families in Nottinghamshire.
9. It should be noted that there is an unknown number of parents who have always electively home educated and never enrolled their child/ren on a school roll. These children are not registered with the LA.
10. The Council's EHE associate adviser team meets termly with the EHE Programme Manager. The purpose of this meeting is to ensure that all EHE 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.
11. The EHE team of associate advisers now stands at 17 advisers. The Council's procurement process enables new applicants to be approved which ensures that the team's capacity is sustainable.
12. The dashboard for EHE (attached to this report as **Appendix 1**) identifies groups of electively home educated children and the reasons behind the parental decision to become EHE as at 6<sup>th</sup> November 2019. The EHE Programme Manager uses the dashboard to inform discussions and decisions taken by a Local Authority multi-agency panel, the Vulnerable Children in Education Commissioning Panel (VCEC). This group ensures rapid action is taken by appropriate services to return these vulnerable children to a suitable education as quickly as possible.
13. In Nottinghamshire, 817 children were registered as EHE on 6<sup>th</sup> November 2019, an increase of 134 since 2<sup>nd</sup> October 2018. It is now expected that by June 2020, before Year 11 students leave the cohort, the EHE population may reach 1,000, based on previous patterns of registration.
14. Of the 817 children registered EHE in Nottinghamshire on 6<sup>th</sup> November 2019, slightly more were female than male. 248 were of primary school age and 569 were of secondary school age. Of the secondary age pupils, 303 were in Years 10 & 11.
15. The increase in number of EHE pupils from October 2018 to November 2019 is overwhelmingly derived from a rise in secondary school withdrawals, particularly in Year 11:

<b>Registered EHE pupils: Oct. 2019 – Nov 2019</b>				
<b>Secondary school</b>		<b>Oct 2018</b>	<b>Nov 2019</b>	<b>difference</b>
Key Stage 4	<b>Y11</b>	106	183	<b>+77</b>
KS4	<b>Y10</b>	119	120	<b>+1</b>

<b>Registered EHE pupils: Oct. 2019 – Nov 2019</b>				
<i>Total KS4</i>		225	301	<b>+78</b>
KS3	<b>Y9</b>	89	120	<b>+31</b>
KS3	<b>Y8</b>	89	82	<b>-7</b>
KS3	<b>Y7</b>	61	64	<b>+3</b>
<i>Total KS3</i>		239	266	<b>+27</b>
<i>Total secondary</i>		464	567	<b>+105</b>
<b>Primary school</b>				
KS2	<b>Y6</b>	49	51	<b>+2</b>
KS2	<b>Y5</b>	39	45	<b>+6</b>
KS2	<b>Y4</b>	35	50	<b>+15</b>
KS2	<b>Y3</b>	38	44	<b>+6</b>
<i>Total KS2</i>		161	192	<b>+29</b>
KS1	<b>Y2</b>	34	39	<b>+5</b>
KS1	<b>Y1</b>	23	16	<b>-7</b>
FS2	<b>YR</b>	1	3	<b>+2</b>
<i>Total KS1/FS2</i>		58	58	<b>0</b>
<i>Total primary</i>		219	250	<b>+29</b>
<i>Total primary + secondary</i>		683	817	<b>+134</b>

*[Total numbers adjusted to reflect LA involvement]*

16. The patterns of age at which children become EHE display sustained features. There is a spike at age 5/6, and numbers then rise gradually through the primary phase. Higher spikes occur from age 11, as children enter secondary phase, with 64 children registered as EHE in the Year 7 cohort of 2019/20. These peaks tend to increase with age, with 120 students in Year 9, 120 students in Year 10 and 183 students in Year 11 electively home educated on 6<sup>th</sup> November 2019. These numbers are likely to increase over the course of the academic year.
17. On 6<sup>th</sup> November 2019, 588 EHE children were White British and 57 were of Gypsy, Roma or Traveller ethnicity, with the remainder being either from other ethnic groups or unknown. 2 children were on a Child Protection Plan and 18 had Children In Need status. 20 children had an Education, Health and Care Plan (EHCP) indicating a significant level of identified Special Educational Need (SEN).
18. Reasons for withdrawal from school to home educate as stated by the parent or the school at the time of withdrawal were:
  - 13 - school phobic or refuser
  - 18 - response to legal attendance proceedings or prosecution
  - 39 - bullying at or around school
  - 57 - dissatisfaction or conflict with school
  - 293 - unknown reasons
  - 87 - emotional reasons, e.g. anxiety and mental health issues
  - 310 - preferred method – i.e. parental choice.
19. The number of children recorded as withdrawn from school by the beginning Year 7, i.e. the first year of secondary school, continues to exceed those registered as EHE for each of Years 1, 2 and 3. The secondary school number rises considerably during Years 7 and

8 with a very significant increase this year in Year 9. Parents or carers of children withdrawn in Years 7, 8 and 9 often report 'lack of understanding' of a school in meeting their child's Special Educational Needs as the reason for EHE. Many of these children are diagnosed with Autism Spectrum Disorder. Anxiety and mental health issues are increasingly described as factors in the decision to EHE, and 'bullying' and associated low attendance and behavioural issues are often mentioned. Safeguarding concerns, often within a family or social context of domestic violence, addiction, adult mental health needs and sexualised behaviour, are prominent as children advance through their early and mid-teens. Young people displaying symptoms of disengagement from an academic, as opposed to a vocational, education sometimes refuse to attend school. A large proportion of secondary aged EHE children will not return to school if they are withdrawn after the age of 12. There is evidence that some secondary academies encourage or persuade parents/carers, unlawfully, to remove a child to home educate. This is challenged by the EHE team, whenever the team becomes aware. In such circumstances, senior officers intervene directly with academies to ensure that such children are not unlawfully removed from roll.

20. A final impetus towards EHE appears in the final years of secondary education. Here, as well as the causal factors above, an academic, GCSE-based curriculum is often described by parents/carers and young people themselves as too 'hard', 'rigorous' and 'demanding' as the final intensity of the exam year is reached. Anxiety and other mental health issues also appear to be key factors here. Elective home education is sometimes chosen as a solution and some parents then take up the offer from FE colleges in Nottingham, Mansfield and Worksop of part-time, pre-16 courses for home educated students.
21. Most EHE students go on to further education, training and/or employment and those students who have no post-16 destination are referred to the NEET (Not in Education, Employment or Training) Team within the Family Service.
22. In response to the concerning rise in EHE withdrawals, from secondary schools in particular, headteachers are now required to provide more detailed information on children leaving a school roll, with the expectation that a meeting with parents and the student will have taken place, at which reasons for the choice of EHE are thoroughly discussed.
23. Nationally, EHE is a high-profile issue and there are widespread concerns about the rapid rise in the numbers of children being home educated, schools off rolling children unlawfully, the potential and actual safeguarding risks to these children and young people and the quality of the education being provided. The DfE published updated non-statutory guidance for local authorities and for parents (April 2019) as detailed in the previous report to Committee dated 17<sup>th</sup> June 2019. As a result of this, the EHE Team has revised some of its processes to ensure a more rapid follow up where concerns exist about the suitability of EHE, and to require a more detailed response from parents who refuse adviser visits regarding the programmes of education they are providing. A new EHE Policy is currently out for consultation which will reflect some of these changes.
24. The Ofsted research study: 'Moving to home education from secondary school' was published in October 2019 and is available as a background paper. The report examined the transition from a secondary school roll to home education by sampling pupils', parents'/carers' and secondary school leaders' experiences of and opinions on this process across the East Midlands. The programme also sought the views of officers

responsible for EHE. Nottinghamshire was selected to take part in this project and HMIs met with the Council's EHE Programme Manager and senior leaders from four Nottinghamshire secondary schools and conducted telephone interviews with a number of home educating parents/carers.

25. The study's main findings were as follows:
- special educational needs and/or medical, behavioural or other wellbeing needs were the main reasons for moves to home education at secondary school level, according to children and parents. In many cases there is a perceived lack of appropriate support for these children
  - the length of time for considering a move to home education was sometimes very short – as little as one day in some instances. Schools and LAs were rarely informed in advance so there is little opportunity to work together to help parents and children to make a fully informed and positive choice about home education
  - home education can be a last resort for some families when relationships have broken down between schools and children or parents
  - parents can move children to home education to avoid pressures at school such as the threat of permanent exclusion or prosecution for non-attendance. This is a complex issue sometimes involving schools “off-rolling” or applying pressure on parents to remove their child. In some cases, it involves “neglectful parenting”.
26. There is a recommendation that schools and LAs should develop clear processes for working together once a parent's intention to home educate is known. Encouragingly, Ofsted have committed, where evidence of off-rolling is found, to report on this, which is “likely to lead to judging leadership and management as ‘inadequate’”. Ofsted also plan to “explore a methodology that, where movement into home schooling is high, enables inspectors to take the views of parents who have moved into home education into their inspection evidence.”
27. Nottinghamshire's EHE Team recently approached the Education Department of Nottingham University with a view to commissioning a piece of quantitative research into academic and employment outcomes for young people who have been electively home educated. The University is interested in developing this and in submitting a funding bid to the Economic and Social Research Council. The total cost of the project is estimated to be in the region of £500,000 to £600,000. The University is now in the process of developing a draft research project proposal. The research team is expected to involve 1 or 2 EHE advisers and other key Council and partner agencies alongside University researchers and will study a representative cohort of Key Stage 4 EHE students over 1 or 2 years. It will also involve previous cohorts of ex- EHE learners aged 18 to 19 years to identify the outcomes and impact of decisions made whilst being home educated.
28. EHE Adviser reports in the financial year 2019/2020 to date (1<sup>st</sup> April 2019 to 6<sup>th</sup> November 2019) show that there have been 422 adviser visits to children registered as EHE. 386 of these visits had a satisfactory outcome with EHE being deemed suitable. In 37 cases, the education was deemed to be unsuitable, requiring LA action and a return to school through the Fair Access Protocol. A further 24 visits were made to clarify reasons for withdrawal from school prior to EHE registration. Some of these intervention visits resulted in a return to school. In addition, associate advisers attended a total of 86 meetings. These include Child Protection and Children in Need meetings, meetings with the Integrated Children's

Disability Service for young people being assessed for an EHCP and meetings to facilitate a return to school for vulnerable children.

29. At the start of November 2019, there were 498 Nottinghamshire students, aged between 5 and 16 years, on roll at a school who had at some point previously been registered as electively home educated. (This figure does not account for those pupils who made multiple movements between EHE and school status).

### **Other Options Considered**

30. The Council remains statutorily responsible for ensuring that all children and young people of statutory school age access full time education. Therefore, the Children Missing Education Strategy endorsed by the Children and Young People's Committee on 23 April 2014 and Policy Committee on 7 May 2014 continues to be implemented to ensure that every school aged child should be on a school roll, with the exception of those who are electively home educated. No other options have been considered.

### **Reason/s for Recommendation/s**

31. Members will wish to be assured that the Council's statutory duty to provide full-time education for all children and young people of statutory school age is being fulfilled.

### **Statutory and Policy Implications**

32. 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**

33. It should be noted that the increasing number of electively home educated children means that the budget required to monitor the suitability of the education and to enable the LA to fulfil its statutory safeguarding duty is increasing. The £77,000 LA budget will be subsidised from the School Improvement grant in 2019/20. It is forecast that the requirement from the School Improvement grant for 2019/20 will be £173,000.
34. A budget pressure of £175,000 has been requested as part of the 2020/21 budget setting process. If agreed, the LA budget for 2020/21 will be sufficient to cover the cost of the service.

### **RECOMMENDATION/S**

- 1) That the Committee requests a further six-monthly report on Elective Home Education.

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### **Constitutional Comments (SS 04/12/19)**

35. The Children and Young People's Committee is the correct committee to consider this report.

### **Financial Comments (SAS 05/12/19)**

36. The increasing number of electively home educated children means that the budget to monitor the suitability of the education and to enable the Local Authority to fulfil its statutory safeguarding duty is under considerable pressure. The budget for 2019-20 is £77,000 and this will be subsidised from the School Improvement grant by £173,000.
37. A budget pressure of £175,000 has been requested as part of the 2020/21 budget setting process.

### **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.

Ofsted research study: 'Moving to home education from secondary school' published October 2019

<https://www.gov.uk/government/publications/exploring-moving-to-home-education-in-secondary-schools>

[Children Missing Education Strategy – report to Policy Committee on 7th May 2014](#)

[Elective Home Education update – report to Children and Young People's Committee on 17th June 2019.](#)

### **Electoral Division(s) and Member(s) Affected**

All.

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