

25th April 2022**Agenda Item: 12****REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND
SKILLS****ELECTIVE HOME EDUCATION - UPDATE****Purpose of the Report**

1. The report provides the seventh 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. Committee is asked to endorse the Education White Paper "Opportunity for all: strong schools with great teachers for your child" commitment to the creation of a register of children who are not in school.

Information

2. The last update report provided to this Committee was in November 2021 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 mid-point of the Academic year 2021-22, the end of the Spring 1 half term.
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. 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.
4. 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. Commissioning

through the Dynamic Purchasing System allows the Council to draw on the expertise of Associate Advisers as and when required.

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 were conducted in a hybrid way with the majority of interventions taking place virtually. More recently, choice is being offered to children and families and visits are being made in person where this is requested or needed.
6. A change to the service delivery model in September 2021, following agreement by this Committee in April 2021, has ensured that more timely support can be offered to children and families, particularly the most vulnerable, by 3 Professional Practitioner posts now embedded within the team structure. The primary focus of these posts is to ensure that parents are aware of their rights and responsibilities when making the decision to electively home educate, to support children in returning to school where this is needed to in order that this happens without delay and to provide an additional layer of support to children identified as the most vulnerable. A team of 12 Associate Advisers continue to be commissioned to undertake specialist education support and guidance visits to families on behalf of Nottinghamshire County Council where this is identified as a need. 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.
7. 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 and further by recent case law *Goodred v Portsmouth* (2021). Improvements have been made within this process and information submitted is now reviewed by a panel comprising at least one member with Qualified Teacher Status, ensuring that decisions are not taken by one individual alone and that a holistic and individual focus is maintained. 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. This is generally very well received because it has 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 that suitable home education is being provided.
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 of 13th February 2022 and reports on the first half of the academic year. 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.

Children electively home educated at the time of reporting

9. In Nottinghamshire, 1,222 children were registered as electively home educated on 13th February 2022, an increase of 76 since February 2021. Of these 1,222 children, 857 were receiving direct support from the Elective Home Education team, while parents/carers of 365 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 as being in receipt of home education unless they are brought to the attention of the Local Authority by parents or another means.
10. There were no children on a Child Protection Plan and there were nine with 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.
11. 24 children had an Education, Health and Care Plan indicating a significant level of identified Special Educational Need. Some of these children have had an Education, Health and Care Plan issued whilst home educated due to their level of Special Educational Need.
12. Diagrams 1-3 on the dashboard at **Appendix 1** show further breakdown of the demographic of children currently electively home educated. Numbers are slightly higher in Newark, where a greater number of families choose elective home education for cultural reasons, and are lower in Rushcliffe. The split by gender shows that slightly more females than males are electively home educated and there continues to be a sustained pattern of increase in numbers to a peak in Year 11.
13. Reasons for withdrawal from school to home educate as stated by the parent or the school at the time of withdrawal are displayed in diagram 4 on the dashboard at **Appendix 1**. Educational choice remains the primary reason given, with 361 parents citing this. The number of children home educated as a result of Covid is lower than the 127 reported in the November 2021 update to Committee as many of these children have now returned to a school roll. Social, Emotional and Mental Health reasons, including Anxiety Related Non-Attendance, were reported for 227 children and joined up working continues to be undertaken with schools to support children in staying on the school roll and having access to appropriate provision where this is in their best interests. It is, however, difficult to draw meaningful conclusions when nearly a quarter 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.

14. 289 Education Adviser visits have been commissioned to electively home educated families during the period covered by this report.

New electively home educated children in the reporting period

15. 282 children have become electively home educated within the period reported by the dashboard, within this number there are slightly more females than males.
16. Data reported to Committee in October 2021 highlighted a shift in the trend as elective home education numbers in Nottinghamshire had been impacted by new intentions across all key stages in the 2020-21 academic year. Prior to this point the greatest impact was reported in Key Stage 4. The data available at the mid-point of this academic year shows that since September 2021 these has continued to be intentions across all key stages, but overall numbers are impacted by higher numbers in secondary who have remained home educated, with particular spikes in new intentions at Years 7 and 10. Parents/carers of the Year 7 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 and cultural reasons are common. In all cases the Elective Home Education team work closely with young people, their parents/ carers and schools to promote the best interests of the child. Referrals to education support services are recommended where this is appropriate. It could be hypothesised that the increased curriculum pressure faced by learners in Year 10 leads to more children becoming deregistered from the school at this point.
17. Numbers of new electively home educated children have been higher in Newark and Bassetlaw. Structured conversations are planned with schools identified as having higher movement to elective home education to better understand the reasons for this and support any change needed for systems within the area.

Children for whom elective home education has ended within the reporting period

18. Elective home education has ended for 130 children in the first half of the 2021-22 academic year, again with the trend of slightly more females than males within this cohort.
19. There is a broad split across all year groups, with the highest number (20) being in Year 10. Reports from some of these parents are that they are finding home education more challenging to deliver at this point and wish for their child to return to school in order to be able to gain formal qualifications. The difficulty that some parents have experienced in sourcing external examination centres over the past two years may have contributed to this.
20. The highest number of children for whom elective home education has ended are resident in Ashfield and Mansfield. Data will continue to be analysed over the course of the school year to establish any trends and support needed within the area.
21. For children where elective home education has ended, the outcomes are summarised in diagram 11 in the dashboard at **Appendix 1**. The timely return of children to school has been supported by the revisions to the service structure because the Professional

Practitioners are able to engage quickly with families and provide necessary advice, guidance and challenge through this process. The collaborative work they undertake with schools and families ensures that any return to school is appropriately planned and supported.

22. 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. Where parents/ carers do not take action to apply for a school place following support from a Professional Practitioner on this, there is an agreed process for monitoring this child through the Council's Children Out of School process and for referral to the Council's Family Service to consider whether a school attendance enforcement pathway is appropriate. This ensures that children do not become missing from education.

Five-year data

23. Five-year data continues to show rising numbers of children electively home educated year on year, this is also the case nationally.
24. The increase in the number of children known to be electively home educated at some point during the 2021-2022 academic year to 1,605 has been explained in previous reporting in the context of more children becoming home educated during this period as a direct response to the Coronavirus pandemic. The November 2021 Association for Directors of Children's Services survey referenced the high level of 'churn' within the national electively home educated population over the 2020-21 academic year, resulting in children having further educational disruption. The number of children electively home educated at some point during the 2021-22 academic year will be available in reporting after August 2022 and will require detailed analysis to better understand whether this is a continued trend.

Service developments

25. Further service developments underway 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.
26. 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 Government response in February 2021 to the Children Not in School consultation that was undertaken in 2019 proposes a number of changes:
 - a duty on Local Authorities to maintain a register of children not registered at specific types of school
 - a duty on parents of these children to register their child with the Local Authority
 - a duty on proprietors of defined settings to supply information about relevant children in the scope of the register
 - a duty on Local Authorities to provide support to parents who educate children at home.

Further details regarding proposed changes to the legislative framework and any subsequent implementation of proposals will be shared with Members when they are available.

27. This report has been prepared as the Government's White Paper, "Opportunity for all: strong schools with great teachers for your child" was published on 28th March and updated on 29th March 2022. The White Paper aims to create a stronger and fairer school system with a proposal around increased Local Authority powers in relation to school admissions. Chapter 2 of the Paper focusses on delivering high standards of curriculum, behaviour and attendance with suggested legislation to establish a register of children not in school. Members of the Children & Young People's Committee have long requested of Government the introduction of an 'EHE Register' of some kind to be coordinated at local level. The White Paper goes further and also suggests new statutory expectations on local authority attendance services; the Paper outlines an expectation that schools, regardless of their governance, and local authorities work closely to re-engage children who are "severely absent" from school.

Other Options Considered

28. 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

29. 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

30. 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

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

RECOMMENDATION/S

That the Committee:

- 1) considers whether there are any actions it requires in relation to the information contained in the report.
- 2) endorses the Education White Paper “Opportunity for all: strong schools with great teachers for your child” commitment to the creation of a register of children who are not in school.

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Constitutional Comments (EKH 29/03/22)

32. The report is appropriate to be considered by the Children and Young People’s Committee.

Financial Comments (MDN 07/10/21)

33. 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.
34. 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

Goodred v Portsmouth City Council (2021)
[Goodred v Portsmouth City Council | \[2021\] EWHC 3057 \(Admin\) | England and Wales High Court \(Administrative Court\) | Judgment | Law | CaseMine](#)

[Elective Home Education update report to Children and Young People's Committee on 1st November 2021](#)

Government response to the Children Not in School Consultation, February 2022
[Children not in school - consultation response \(publishing.service.gov.uk\)](#)

Electoral Division(s) and Member(s) Affected

All.

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