

13th January 2020**Agenda Item: 7****REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND
SKILLS****REVISED CHILDREN MISSING EDUCATION STRATEGY AND ELECTIVE
HOME EDUCATION POLICY****Purpose of the Report**

1. This report asks the Committee, following public consultation, to recommend a revised Nottinghamshire Children Missing Education Strategy, attached as **Appendix 1**, and a revised Elective Home Education Policy, attached as **Appendix 2**, to Policy Committee for approval.

Information**Children Missing Education Strategy**

2. Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise. This duty only relates to children of compulsory school age (5 – 16 years). Local authorities are expected to have robust policies and procedures in place to enable them to meet their duty in relation to these children, including ensuring that there are effective tracking and enquiry systems in place, and a named person to whom schools and other agencies can make referrals about children who are missing education. The County Council's Children Missing Education (CME) Strategy describes how the Local Authority discharges this duty.
3. The CME process focuses on known children and young people who are not accessing their full educational entitlement as a result of failing to secure a school place, facing permanent exclusion from school, refusing or being prevented from attending their school place, on a school roll but accessing less than their full educational entitlement, those unable to access full time education due to their mental or physical health needs, those who are in unsuitable elective home education, as well as any child or young person known to other local authority services without a school place or refusing to attend school.
4. The County Council's Children Missing Education Policy has been revised to reflect changes to internal systems within Nottinghamshire County Council and the DfE Children Missing Education: Statutory Guidance for Local Authorities September 2016, The Timpson

Review of School Exclusion published May 2019 and the DfE Alternative Provision Market Analysis Research Report published October 2018, all available at <https://www.gov.uk> .

5. The proposed strategy also contains an updated CME action plan for Nottinghamshire County Council for 2019-20.
6. Nottinghamshire County Council consulted on a revised Children Missing Education Strategy between 16 October 2019 and 20 November 2019.
7. The consultation was available for the full period on the Council's website and information about where to access the consultation was sent to:
 - all community and voluntary controlled schools in Nottinghamshire
 - all own admission authority schools in Nottinghamshire
 - chairs of governing bodies of Nottinghamshire schools
 - all neighbouring local authorities
 - diocesan representatives
 - county and borough councillors
 - parish councils
 - registered early years providers within Nottinghamshire.
8. The consultation was also promoted via the Council's social media accounts. Consultees were invited to respond online, by emailing or by writing to the County Council. All responses received by 20 November 2019 were considered.
9. The consultation asked six questions about the proposed Nottinghamshire Children Missing Education Strategy and sought responses from consultees regarding their level of agreement with the proposed strategy and the effectiveness in supporting the Local Authority to discharge its legal duty.
10. The number of responses to the consultation were as follows:
 - 10 online
11. A summary of the consultation is presented in **Appendix 3**, with an analysis of responses. A redacted version of all the comments made by respondents is available as a background paper.

Elective Home Education Policy

12. Parents have the right under Section 7 of the Education Act 1996 to take the decision to educate their children at home. This is known as elective home education and is distinct from home tuition that may be provided by a school, academy or the Local Authority if a pupil has health related needs.
13. The County Council has in place an Elective Home Education Policy that outlines the level of support the Local Authority provides to Electively Home Educating parents, the specification of criteria applied by the Local Authority to determine suitability and the actions that will be taken if education is deemed to be unsuitable.

14. The Nottinghamshire Elective Home Education Policy has been revised to reflect the publication of DfE updated non-statutory guidance Elective home education; Departmental guidance for local authorities, April 2019 and Elective home education: Departmental guidance for parents, April 2019, both available at <https://www.gov.uk>
15. Nottinghamshire County Council consulted on a revised Elective Home Education Policy between 16 October 2019 and 20 November 2019.
16. The consultation was available for the full period on the Council's website and information about where to access the consultation was sent to:
 - all community and voluntary controlled schools in Nottinghamshire
 - all own admission authority schools in Nottinghamshire
 - chairs of governing bodies of Nottinghamshire schools
 - all neighbouring local authorities
 - diocesan representatives
 - county and borough councillors
 - parish councils
 - registered early years providers within Nottinghamshire.
17. The consultation was also promoted via the Council's social media accounts. Consultees were invited to respond online, by emailing or by writing to the County Council. All responses received by 20 November 2019 were considered.
18. The consultation asked seven questions about the proposed Nottinghamshire Elective Home Education Policy and sought responses from consultees regarding their level of agreement with the proposed policy and the effectiveness in supporting the Local Authority to discharge its duties in relation to Elective Home Education.
19. The proposed amendments and additions to the Policy resulting from the consultation are summarised as follows:
 - a). The wording of paragraph 4.9 has been amended to reflect the duty as described in Section 436A of the Education Act 1996
 - b). Reference has now been made at paragraph 7.2 to the Local Authority's duty to comply with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.
20. The number of responses to the consultation were as follows:
 - 30 online
 - 1 email
21. A summary of the consultation is presented in **Appendix 4**, with an analysis of responses. A redacted version of all the comments made by respondents is available as a background paper.

Other Options Considered

22. The existing Children Missing Education Strategy (2014) remains in place. This references outdated guidance and contains inaccurate information regarding the structure and operation of Council services working within this area.
23. The existing Elective Home Education Policy (2015) remains in place. This does not make reference to the 2019 DfE guidance or any recommendations contained within it.

Reason/s for Recommendation/s

24. To ensure that Nottinghamshire's CME Strategy and EHE Policy are fit for purpose and reference the most recent DfE guidance.

Statutory and Policy Implications

25. 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

26. There are no financial implications arising from the report.

Implications for Service Users

27. Nottinghamshire County Council's Children Missing Education Strategy and Elective Home Education Policy are agreed following public consultation and ensure fairness and equity for all service users.

RECOMMENDATION/S

That:

- 1) the revised Children Missing Education Strategy, attached as **Appendix 1**, be recommended to Policy Committee for approval
- 2) the revised Elective Home Education Policy, attached as **Appendix 2**, be recommended to Policy Committee for approval.

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Constitutional Comments (LW 12/12/19)

28. Children & Young People's Committee is the appropriate body to consider the content of the report.

Financial Comments (SAS 17/12/19)

29. 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

<http://www.legislation.gov.uk/ukpga/1996/56/contents>

Children Missing Education: Statutory Guidance for Local Authorities September 2016

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf

The Timpson Review of School Exclusion May 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf

DFE Alternative Provision Market Analysis Research Report October 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752548/Alternative_Provision_Market_Analysis.pdf

Elective home education; Departmental guidance for local authorities, April 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf

Elective home education: Departmental guidance for parents, April 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791528/EHE_guidance_for_parentsafterconsultationv2.2.pdf

Consultation documents available on the consultation database at

<https://consult.nottinghamshire.gov.uk/children-and-families-services/nottinghamshirecmestrategyurvey>

<https://consult.nottinghamshire.gov.uk/children-and-families-services/elective-home-education-policy-review>

Equalities Impact Assessments

Redacted version of comments made by respondents to the online consultation

Electoral Division(s) and Member(s) Affected

All.

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