

23 April 2018**Agenda Item: 4****REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND
SKILLS****ELECTIVE HOME EDUCATION - UPDATE****Purpose of the Report**

1. The purpose of this report is to provide the Committee with the first 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 outlines the current legal position, the Council's procedures with regard to elective home education and provides details on the numbers of Nottinghamshire children who are home educated, as well as the reasons for this.
3. The report also seeks the approval of Committee to continue to report on a six monthly basis and for a letter to be sent to the Secretary of State for Education outlining its concerns about the increasing numbers of children and young people being withdrawn from mainstream education to be home educated.

Information

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.
5. 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. On 6th February 2018, 598 (of the 619 registered as EHE) were receiving adviser visits, while parents/carers of only 21 children refused Local Authority involvement.
6. From that point, a child acquires elective home educated status (EHE) 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 LA and other services should they wish to stop elective home education, or where there is evidence of a safeguarding concern or education is deemed to be unsuitable by the EHE adviser. If no engagement is chosen, parents/carers are under no legal obligation to see an EHE adviser, allow their educational provision to be monitored or to provide written reports of their provision. They are free from any regulation.
8. LAs are required by the Education Act 1996 to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but are not registered pupils at a school and are not receiving suitable education otherwise than at a school. Department for Education 2013 EHE Guidelines advise that LAs should do this informally by asking parents for further information about the education they are providing. Parents are under no duty to respond to such enquiries, but the guidelines state that it would be sensible for them to do so. Where LAs have evidence that a child is not receiving a suitable education they are required to intervene by serving a notice in writing on the parent requiring him/her to satisfy them, within the period specified in the notice, that the child is receiving such education.
9. Nottinghamshire LA seeks to adopt a partnership approach to working with parents who are home educating their children to support them to ensure that their children enjoy their learning and achieve their full potential in a safe environment, which promotes a healthy lifestyle. The LA therefore recommends that parents take up the offer of adviser visits, which provide support on a one-to-one basis each year, including the sharing of good practice and signposting to resources and additional information, as well as facilitating networking with other home educating families.
10. The LA has a team of experienced Elective Home Education advisers to work with individual families. Advisers work in a sensitive manner and strive to engage parents and children in positive dialogue from the outset. The adviser considers with the parent whether the provision is suitable and a written report is sent to parents. This states whether the LA has any concerns about the education provision, specifies what these are and gives the parent an opportunity to address these concerns. Where concerns have been raised, the adviser returns within three to six months to determine whether or not to reevaluate the suitability of education.
11. If provision is considered suitable, an annual cycle of review will be established. Alternatively parents may be asked to submit annual written reports as evidence of their suitable home education. If parents exercise their right not to meet with a LA adviser, the EHE programme manager will ask parents to provide information on their child's education. If the provision is considered suitable, an annual cycle of review is established.
12. If provision is deemed unsuitable the LA moves the child to the Children Missing Education register and asks the parent to apply for a school place, providing support where necessary. In some cases, where a child has particularly complex needs, the LA supports the parent to identify and access suitable education other than at school.

13. Elective home education advisers, alongside all members of the community, have a responsibility to safeguard and promote the welfare of children and young people. This means: protecting children from maltreatment; preventing impairment of children's health and development; ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and enabling children to have optimum life chances. Children's Social Care is the lead agency in this area of work and Elective Home Education advisers must refer children to this service if they have any concern that children are at risk. Parents will be informed if such a referral is to be made.
14. If at any time a parent/carer wishes to return a child to school full-time, the school Admissions Team will be able to advise on how to go about this. The normal admissions procedure will apply and will be subject to a place being available in the appropriate year group at the school of preference.
15. 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.
16. 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.
17. Nationally 118 LAs recorded a total of 35,487 children and young people known to be electively home schooled in their localities on school census day, Thursday 5 October 2017. 92% of respondents to the Elective Home Education Survey, October 2017, carried out by the Association of Directors of Children's Services (ADCS), reported year-on-year increases in the number of children and young people being home schooled nationally.
18. In Nottinghamshire 523 children were registered as EHE in September 2017, an increase of 164 since September 2014. On 6th February 2018, there were 619 EHE children registered as EHE with the Council. It is expected that by June 2018, before Year 11 students leave the cohort, the EHE population may reach the low 700s, based on previous patterns of registration.
19. In the majority of cases, the elective home education provided is 'suitable' and the children and young people are safe. There is, however, a small but growing number of cases where the education provided is deemed unsuitable and/or there is a potential safeguarding risk. The Elective Home Education team has raised concerns about the latter group, having identified a significant number of pupils over the last two years who have been withdrawn from school for a range of inappropriate reasons. These are: persistent low attendance; unmet social, emotional or mental health needs; unmet needs as a consequence of Autistic Spectrum Disorders (ASD) or Attention Deficit Hyperactivity Disorder (ADHD); unresolved bullying; professional referral of safeguarding concerns; sexualised behaviours in children at risk of Child Sexual Exploitation or issues in the family, such as domestic violence, addiction, adult mental health needs. Where the Council is aware that children have become EHE for inappropriate reasons, officers seek to ensure that they are readmitted to the school they previously attended.

20. The EHE team works closely in partnership with: schools; Council services, including the Integrated Children's Disability Service; Schools and Families Specialist Services; Educational Psychology Service; Children's Social Care; the Family Service; Health Related Education Team; Fair Access and Admissions; NHS professionals; Further Education colleges; alternative provision providers; and in association with the Nottinghamshire Safeguarding Children Board to reduce the number of children with complex needs being withdrawn from school for inappropriate reasons.
21. A dashboard for EHE (**Appendix 1**) has been established, which identifies groups of electively home educated children and the reasons behind the parental decision to become EHE. 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.
22. Of the 619 children registered EHE in Nottinghamshire on 6th February 2018, numbers were virtually equally divided between male and female. 196 were of primary school age and 423 were of secondary school age. Of the secondary age pupils, 203 were age 14 plus.
23. The age at which children became EHE shows that there is a small spike at age 5, when pupils enter primary education. Of the 196 primary age children, 27 became EHE at age 5. This number remains fairly constant in each year group, until just before transition into secondary school, i.e. Year 5/Year 6. Parents/carers of this group often report 'inability' of school to meet their child's Special Educational Needs, with autism frequently cited as a common factor in the decision to EHE. Primary schools will almost always work very effectively with parents, agencies and the EHE team to secure an appropriate solution for the child during this phase. A significant proportion of primary aged EHE children will return to school at some point before age 12.
24. Much higher spikes occur from age 11, as children enter secondary phase, with 57 children registered as EHE from the Year 7 cohort of 2017/18. These peaks tend to increase with age, with 66 students from year 10 and 103 students from year 11 being electively home educated on 6th February 2018.
25. 439 were White British and 50 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 5 had Children In Need status. 30 children had an Education Health and Care Plan (EHCP) indicating a significant level of identified Special Educational Need (SEN)
26. Reasons for withdrawal from school to home educate as stated by the parent or the school at the time of withdrawal were:
 - 12 - school phobic or refuser
 - 14 - response to legal attendance proceedings or prosecution
 - 30 - bullying at or around school
 - 46 - dissatisfaction or conflict with school

- 51 - unknown reasons
- 134 - emotional reasons, e.g. anxiety and mental health issues
- 332 - preferred method – i.e. parental choice.

27. Approximately twice the number of children are recorded as withdrawn from school by Year 7, i.e. the first year of secondary school, compared with those registered as EHE for each of Years 1, 2 and 3. This number rises considerably during Years 8 and 9. Parents or carers of children withdrawn in Year 7 often report 'lack of understanding' of school in meeting their child's Special Educational Needs as the reason for EHE. Autism (by this stage usually diagnosed) is frequently quoted as a major contributor; 'bullying' and associated low attendance and behavioural issues are often mentioned; while 'anxiety' and mental health conditions are increasingly described as influential. Safeguarding concerns, often within a family or social context of domestic violence, addiction, adult mental health needs and sexualised behaviour are prominent at this stage. 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 some evidence that 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 lawfully removed from roll.
28. A final impetus towards EHE appears in the final year of secondary education, during Year 11, where numbers have been consistently the highest in the total cohort for several years. 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. Elective home education is sometimes chosen as a solution and some parents then take up the offer from FE colleges in Nottingham and Worksop of part-time, pre-16 courses for home educated students.
29. It can be noted that all Year 11 EHE students that engage with EHE advisers are offered a summer term meeting to discuss and identify Post 16 provision to ensure continuity of provision at Year 12. Those EHE students who have no Post 16 destination are referred to the NEET (Not in Education, Employment or Training) Team within the Family Service.
30. EHE adviser visits and reports in the financial year 2017/18 to date (1st April 2017 – 6th February 2018) show that there were 440 adviser visits to children registered as EHE. In 81 of these, the education was deemed to be unsuitable, requiring LA intervention and a return to school. 359 adviser visits deemed education to be suitable. A further 110 adviser visits were made to clarify reasons for withdrawal from school, prior to possible registration of child(ren) as EHE or remaining in a school provision.
31. At the start of February 2018, there were 356 Nottinghamshire students, aged between 5 and 16 years, on roll at a school or alternative provision, who had at some point previously been registered as electively home educated.
32. Work in conjunction with the Council's IT team is underway to enable the EHE dashboard data to identify, in greater detail, the Special Educational Needs and Education Health Care Plan status of EHE pupils per year group, the mobility of home educated children,

moving from school to EHE or vice versa per year group, and the destinations of EHE children returning to school or post-16.

33. The EHE team is undertaking work to establish regular communications with local home educating groups in the County, facilitating feedback in both directions on EHE processes and issues and enabling home educating parents to be consulted on the Council's EHE policy and practice.

Other Options Considered

34. 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

35. 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

36. 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

37. 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 2017/18 and 2018/19. In the 2017/2018 financial year the subsidy required was £70,000.

RECOMMENDATION/S

That the Committee:

- 1) requests a further six monthly report on Elective Home Education.
- 2) requests a letter be sent to the Secretary of State for Education outlining its concerns about the increasing numbers of children and young people being withdrawn from mainstream education to be home educated.

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Constitutional Comments (LM 27/03/18)

38. The Children and Young People's Committee is the appropriate body to consider the contents of the report.

Financial Comments (SH 04/04/18)

39. The financial implications of the report are contained within paragraph 37 above.

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.

Children Missing Education Strategy – report to Children and Young People's Committee on 24 April 2014

Children Missing Education Strategy – report to Policy Committee on 7 May 2014.

Electoral Division(s) and Member(s) Affected

All.

C1089

