

**17 June 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 third 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 requests that a response be made to the current Elective Home Education consultation by the Department for Education, due by 24 June 2019, stating that Nottinghamshire County Council is seeking:
  - compulsory registration of all Elective Home Education learners;
  - Local Authority power to inspect provision to ensure that it is of a sufficiently high quality;
  - full budget provision by the Department for Education to Nottinghamshire County Council to ensure full costs of the Elective Home Education monitoring processes are covered.
3. The report seeks approval to continue to report to the Committee on a six-monthly basis.

#### **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.

6. On 1<sup>st</sup> May 2019, 654 (of the 842 children in Nottinghamshire registered as EHE) were receiving EHE adviser visits, while parents/carers of 188 children refused Local Authority involvement.
7. 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.
8. 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 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.
9. 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. The details of these arrangements were included in the report to Committee on EHE on 23<sup>rd</sup> April 2018.
10. 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.
11. 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. At the last meeting, on 7<sup>th</sup> May, a member of the EHE parent/carer community in Nottinghamshire attended in order to continue establishing effective links between the EHE community and the advisers providing support to home educating families. This will be a standard agenda item at each termly meeting as it will ensure regular opportunities for consultation and feedback, which it is hoped will benefit EHE learners.
12. The EHE team of associate advisers now stands at 15 advisers. The Council's procurement process enables new applicants to be approved which ensures that the team's capacity is sustainable.
13. The dashboard for EHE (**Appendix 1**) 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.

14. In Nottinghamshire, 842 children were registered as EHE on 1<sup>st</sup> May 2019, an increase of 162 since 2<sup>nd</sup> October 2018. It is now expected that by June 2019, before Year 11 students leave the cohort, the EHE population may reach 900, based on previous patterns of registration.
15. Of the 842 children registered EHE in Nottinghamshire on 1<sup>st</sup> May 2019, numbers were virtually equally divided between male and female. 266 were of primary school age and 575 were of secondary school age. Of the secondary age pupils, 279 were in Years 10 & 11.
16. The increase in number of EHE pupils from October 2018 to May 2019 is overwhelmingly derived from a rise in secondary school withdrawals:

<b>Registered EHE pupils: October 2018 – May 2019</b>				
<b>Secondary school</b>		<b>Oct 2018</b>	<b>May 2019</b>	<b>difference</b>
Key Stage 4	<b>Y11</b>	106	124	<b>+18</b>
KS4	<b>Y10</b>	119	155	<b>+36</b>
<i>Total KS4</i>		<i>225</i>	<i>279</i>	<i>+54</i>
KS3	<b>Y9</b>	89	111	<b>+22</b>
KS3	<b>Y8</b>	89	108	<b>+19</b>
KS3	<b>Y7</b>	61	77	<b>+16</b>
<i>Total KS3</i>		<i>239</i>	<i>296</i>	<i>+57</i>
<i>Total secondary</i>		<i>464</i>	<i>575</i>	<i>+111</i>
<b>Primary school</b>				
KS2	<b>Y6</b>	49	57	<b>+8</b>
KS2	<b>Y5</b>	39	43	<b>+4</b>
KS2	<b>Y4</b>	35	40	<b>+5</b>
KS2	<b>Y3</b>	38	50	<b>+12</b>
<i>Total KS2</i>		<i>161</i>	<i>190</i>	<i>+29</i>
KS1	<b>Y2</b>	34	35	<b>+1</b>
KS1	<b>Y1</b>	23	33	<b>+10</b>
FS2	<b>YR</b>	1	8	<b>+7</b>
<i>Total KS1/FS2</i>		<i>58</i>	<i>76</i>	<i>+18</i>
<i>Total primary</i>		<i>219</i>	<i>266</i>	<i>+47</i>
<i>Total primary + secondary</i>		<i>683</i>	<i>841</i>	<i>+158</i>

*[Total numbers adjusted to reflect LA involvement]*

17. The patterns of age at which children became EHE continue to display sustained features. There is a spike at age 5, when pupils enter primary education. Of the primary age children, 41 became EHE by age 5/6. 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.
18. Much higher spikes occur from age 11, as children enter secondary phase, with 77 children registered as EHE in the Year 7 cohort of 2018/19. These peaks tend to increase with age,

with 155 students in Year 10 and 124 students in Year 11 electively home educated on 1<sup>st</sup> May 2019.

19. On 1<sup>st</sup> May 606 EHE children were White British and 60 were of Gypsy, Roma or Traveller ethnicity, with the remainder being either from other ethnic groups or unknown. 4 children were on a Child Protection Plan and 10 had Children In Need status. 33 children had an Education Health and Care Plan (EHCP) indicating a significant level of identified Special Educational Need (SEN).
20. Reasons for withdrawal from school to home educate as stated by the parent or the school at the time of withdrawal were:
  - 17 - school phobic or refuser
  - 18 - response to legal attendance proceedings or prosecution
  - 48 - bullying at or around school
  - 65 - dissatisfaction or conflict with school
  - 281 - unknown reasons
  - 108 - emotional reasons, e.g. anxiety and mental health issues
  - 305 - preferred method – i.e. parental choice.
21. The number of children recorded as withdrawn from school by 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 8 and 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. 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 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 lawfully removed from roll.
22. A final impetus towards EHE appears in the final year of secondary education, during Years 10 & 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, Mansfield and Worksop of part-time, pre-16 courses for home educated students.
23. All Year 11 EHE students who 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.

24. In response to the concerning rise in EHE withdrawals from secondary schools, officers are arranging to establish a headteacher working party to which Nottinghamshire secondary headteachers will be invited to consider this issue and ways in which the rate of withdrawal can be slowed down. Actions are already being taken to require headteachers to provide 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.
25. Nationally, following consultation on elective home education in 2018, to which NCC contributed, the DfE has published updated non-statutory guidance for local authorities and for parents (April 2019). Significant points emphasised include:
- LAs should *'offer support and advice based on the individual family's motivations ... and suggesting potential alternatives to home education ... to reduce the number of children who receive unsuitable education at home*
  - Parents should demonstrate that the education provided is suitable and address such issues as progression expected and achieved. *'It should not be simply a statement of intent about what is to be provided'*, which does not enable authorities to reach a conclusion about the quality of what is being offered
  - The safeguarding section has been expanded to pinpoint the relationship of authorities' safeguarding responsibilities to home educating families.....an unsuitable education can also impair a child's intellectual, social or behavioural development and therefore child protection duties need to be considered.
26. The DfE has also responded to the 2018 'call for evidence' on the registration of home educated children. The Government's response to the call for evidence concluded that:
- there is a strong case for consulting on proposals for the registration by local authorities of children who are not attending a mainstream school
  - the Government is not proceeding with any proposals relating to increased powers for local authorities in the monitoring and assessment of education provided to children at home
  - there is a good case for consulting on possible legislation relating to support for families involved in home education.

The current consultation (until 24 June) is seeking views on the practical ways in which the system will operate, which will be put in place through legislation, and on the likely costs.

27. An Ofsted research programme: 'Moving to home education from secondary school', initiated in March is examining 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. The programme also seeks the views of officers

responsible for EHE. Nottinghamshire was selected to take part in this project and on 8<sup>th</sup> May two HMIs met with the Council's EHE Programme Manager, senior leaders from four secondary schools and conducted telephone interviews with home educating parents/carers. This programme will report early in 2020 when it is expected that Ofsted will make recommendations to government.

28. Currently the Council does not hold quantified data on the academic outcomes and career pathways for EHE children post-16 or later. This is a critical area that would justify further investigation, since information on the outcomes for home educated children might have a significant influence on future decisions to withdraw from school made by parents and carers. Approaches are being made to the Education Department of Nottingham University, for the commissioning of a piece of quantitative research into the academic outcomes achieved, and the employment secured by young people who have been electively home educated.
29. EHE adviser visits and reports in the financial year 2018/19 show that there were 998 adviser visits to children registered as EHE. In 70 of these, the education was deemed to be unsuitable, requiring LA intervention and a return to school. 553 adviser visits deemed education to be suitable. A further 77 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.
30. Where EHE is deemed unsuitable children and young people are supported back into education through the Nottinghamshire Fair Access Protocol which makes specific reference to this vulnerable group.
31. At the start of May 2019, there were 437 Nottinghamshire students, aged between 5 and 16 years, on roll at a school or in alternative provision, 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**

32. 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**

33. 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**

34. 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**

35. The increasing number of electively home educated children means that the budget to monitor the suitability of the education and to enable the LA to fulfil its statutory safeguarding duty is under considerable pressure. The budget for 2019-20 is £77,000 and it is forecast to overspend by £175,000 which will be a significant challenge to contain within the overall Education, Learning & Skills divisional budget.

## **RECOMMENDATION/S**

That the Committee:

- 1) considers whether there are any further actions required in relation to the information contained in the report.
- 2) requests a further six-monthly report on Elective Home Education.
- 3) requests that the response to the current Elective Home Education consultation by the Department for Education, due by 24 June 2019, states that Nottinghamshire County Council is seeking:
  - compulsory registration of all Elective Home Education learners;
  - Local Authority power to inspect provision to ensure that it is of a sufficiently high quality;
  - full budget provision by the Department for Education to Nottinghamshire County Council to ensure full costs of the Elective Home Education monitoring processes are covered.

**Marion Clay**  
**Service Director, Education, Learning and Skills**

**For any enquiries about this report please contact:**

Linda Foster  
Group Manager, Support to Schools Service  
T: 0115 9772032  
E: [linda.foster@nottscc.gov.uk](mailto:linda.foster@nottscc.gov.uk)

## **Constitutional Comments (EP 04/06/19)**

36. The Children and Young People's Committee is the appropriate body to consider the content of the report. If Committee resolves that any actions are required, it must be satisfied that such actions are within the Committee's terms of reference.

## **Financial Comments (SAS 06/06/19)**

37. The increasing number of electively home educated children means that the budget to monitor the suitability of the education and to enable the LA to fulfil its statutory safeguarding duty is under considerable pressure. The budget for 2019-20 is £77,000 and it is forecast to overspend by £175,000 which will be a significant challenge to contain within the overall Education, Learning & Skills divisional budget of £5.847m. If the service is to achieve a balanced budget in-year savings will need to be made. The service will need a longer term plan to address the shortfall on a permanent basis.

## **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 Policy Committee on 7<sup>th</sup> May 2014

Elective Home Education update – reports to Children and Young People’s Committee on 23<sup>rd</sup> April and 17<sup>th</sup> December 2018

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

All.

C1250