

**30<sup>th</sup> November 2020**

**Agenda Item: 9**

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

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

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

1. The report provides the fifth 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. This report was due to be presented to Committee in June but was delayed due to Covid-19. The reporting period since the previous update, presented on 16<sup>th</sup> December 2019, is therefore 10 months.
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. 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 (LA) and to remove the child's name from the school register. The local authority registers the child as EHE, and parents/carers can choose whether to engage with support offered by the LA. 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.
5. All parents registered as elective home educators in Nottinghamshire are offered at a minimum yearly EHE adviser visits with the intention of offering support to home educators in continuing to fulfil their responsibilities as specified by the Education Act 1996. During the current pandemic visits are being conducted virtually unless a specific need for a face to face visit is identified. 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. 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 well-established working practices, as described in the Council's Elective Home Education Policy endorsed by the Children and Young People's Committee on 13<sup>th</sup> January 2020 and approved at Policy Committee on 12<sup>th</sup> February 2020. These are generally very well received because they have 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 LA and other services should they wish to cease elective home education, where there is evidence of a safeguarding concern or education is deemed to be unsuitable.

6. The EHE team of associate advisers now stands at 15 advisers. The Council's procurement process enables new applicants to be approved, ensuring that the team's capacity is sustainable. The Council's EHE associate adviser team meets termly with the EHE Senior Practitioner and Fair Access Team 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; this training includes and prioritises safeguarding. Support and supervision is also available to all advisers.
7. In Nottinghamshire, 898 children were registered as EHE on 22<sup>nd</sup> October 2020, an increase of 81 since 31<sup>st</sup> October 2019. Of these 898 children, 633 were receiving EHE adviser visits, while parents/carers of 265 children refused 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 on a school roll. These children are not registered with the LA.
8. 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 22<sup>nd</sup> October 2020. Information from the dashboard is used to inform decisions regarding the operation of the EHE team and identify areas of possible concern in relation to EHE registrations in order that they can be explored appropriately by LA officers.
9. In stark contrast to previous EHE update reports to this Committee, it can be seen from the data below that the increase in EHE registrations is impacted more significantly by an increase in primary registrations of 52, representing an increase of 21%, as opposed to secondary registrations totalling 29, representing a 5.3% increase.

<b>Registered EHE pupils: October 2019 – October 2020</b>				
<b>Secondary school</b>		<b>Oct 2019</b>	<b>Oct 2020</b>	<b>difference</b>
Key Stage 4	<b>Y11</b>	181	162	<b>-19</b>
KS4	<b>Y10</b>	120	154	<b>+34</b>
<i>Total KS4</i>		<i>301</i>	<i>316</i>	<b>+15</b>
KS3	<b>Y9</b>	121	118	<b>-3</b>
KS3	<b>Y8</b>	81	92	<b>+11</b>
KS3	<b>Y7</b>	64	70	<b>+6</b>
<i>Total KS3</i>		<i>266</i>	<i>280</i>	<b>+14</b>
<i>Total secondary</i>		<i>567</i>	<i>596</i>	<b>+29</b>
<b>Primary school</b>				
KS2	<b>Y6</b>	50	59	<b>+9</b>

<b>Registered EHE pupils: October 2019 – October 2020</b>				
KS2	<b>Y5</b>	45	63	<b>+18</b>
KS2	<b>Y4</b>	52	54	<b>+2</b>
KS2	<b>Y3</b>	45	55	<b>+10</b>
<i>Total KS2</i>		192	231	<b>+39</b>
KS1	<b>Y2</b>	38	36	<b>-2</b>
KS1	<b>Y1</b>	17	32	<b>+15</b>
FS2	<b>YR</b>	3	3	<b>0</b>
<i>Total KS1/FS2</i>		58	71	<b>+13</b>
<i>Total primary</i>		250	302	<b>+52</b>
<i>Total primary + secondary</i>		817	898	<b>81</b>

10. There has been a noticeable increase in formal requests for EHE during the period 1<sup>st</sup> August 2020 to 30<sup>th</sup> September 2020 compared with the same time period for 2019, as summarised below:

<b>Time period</b>	<b>Formal EHE requests made</b>		
	<b>2019</b>	<b>2020</b>	<b>% increase</b>
1 August - 31 August	8	14	75
1 September - 30 September	94	223	137
Total between 1 August - 30 September	102	237	132

11. The sharp rise in EHE requests recorded at the start of the Autumn term and the shift in pattern to a higher rise in registrations in the primary phase can be linked directly to the timing of the current Covid-19 pandemic. A similar increase in requests and registrations is being reported by several LAs. Many families are reporting the reason for choosing EHE as anxiety regarding the pandemic and, more worryingly, a number report it as a temporary measure pending a future return to school. In these situations, children are facing a disrupted learning journey as parents/ carers who see home education as a short-term solution may, following a period of learning away from a school environment, face difficulties re-enrolling their child at a school of choice in the future if that school is over subscribed. Work is being undertaken to more accurately capture data to assess the true impact of the pandemic on EHE registrations and this will be available at the next update provided to the Committee. In response to the rise in referrals the EHE process has been streamlined to increase capacity and ensure services can be delivered within the agreed budget and the adviser team has been briefed on appropriate responses to parents/ carers considering EHE at this time.
12. If the current pattern of registrations continues then it is anticipated that the figure for children home educated in Nottinghamshire could reach 1,000 by the end of the Autumn term. Short term this creates pressure on the efficient operation of the EHE team in responding to an unusual volume of deregistrations from school and informal parental enquiries. It follows that children being registered in the primary phase will either remain EHE throughout their school career or require a return to school at a point whilst they are of statutory school age. Long term it is possible that this will lead to additional pressure on the EHE team, as the number of registrations carried forward from year to year remains

high, or pressure on the School Admission and Fair Access Teams as an increased number of children require a school place through the In-Year process.

13. The patterns of age at which children become EHE display sustained features. There is a spike at age 5/6 years, and numbers then dip and there is a steady increase through the primary phase. Registrations by age spike again at age 11 years, as children enter secondary phase, with a continued rise in registrations to age 15 years (Year 11). It remains a concern that over a third of Nottinghamshire's EHE registrations (316) are for children in Key Stage 4 as many of these children do not access nationally recognised qualifications in the same way as children registered at a school, increasing the risk of them becoming Not in Education, Employment or Training (NEET) post 16. EHE advisers were briefed in October 2020 on the importance of supporting parents/carers to understand timelines involved in the examination process and where and how children registered as EHE can sit exams.
14. In response to the concerning rise in EHE withdrawals 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 the reasons for electing to home educate are thoroughly discussed. All information provided to schools and parents has been updated in light of the current pandemic to provide additional key information.
15. Of the 898 children registered EHE in Nottinghamshire on 22<sup>nd</sup> October 2020, slightly more were female than male. 665 EHE children were White British and 63 were of Gypsy, Roma or Traveller ethnicity, with the remainder being either from other ethnic groups or unknown. 5 children were on a Child Protection Plan and 22 had Child in Need status. There is one Looked After Child reflected on the EHE dashboard and this is a child who was adopted following a period of LAC. For these children the Senior Practitioner for EHE is responsible for closer monitoring and review of the suitability of their EHE provision. 11 children had an Education, Health and Care Plan (EHCP) indicating a significant level of identified Special Educational Need (SEN).
16. Reasons for withdrawal from school to home educate as stated by the parent or the school at the time of withdrawal were:
  - 15 - school phobic or refuser
  - 12 - response to legal attendance proceedings or prosecution
  - 35 - bullying at or around school
  - 51 - dissatisfaction or conflict with school
  - 342 - unknown reasons
  - 57 - emotional reasons, e.g. anxiety and mental health issues
  - 386 - preferred method – i.e. parental choice.
17. In light of reported EHE registrations as a result of the current pandemic, work is being undertaken to capture data for withdrawals directly related to Covid-19 and this will be available to the Committee in the next update report.
18. The number of registrations for secondary age students rises by age, reaching a peak of 162 students registered in Year 11 during the period 31<sup>st</sup> October 2019 to 22<sup>nd</sup> October 2020. Parents or carers of children withdrawn particularly 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, with 'bullying' and associated low attendance and behavioural issues less often cited. Safeguarding concerns, often within a family or social context of domestic violence, addiction, adult mental health needs and sexualised behaviour, are more prominent as children advance through their early and mid-teens. Young people displaying signs 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 years. Where there is evidence that schools 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 schools to ensure that such children are not unlawfully removed from roll.

19. In response to the patterns of registration described above, specific training is provided to the EHE adviser team from the Tackling Emerging Threats to Children team, in addition to the statutory safeguarding training and specialist knowledge already available within the team.
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. Progress and attendance on these courses is monitored by the Senior Practitioner for EHE in conjunction with the relevant staff from each college. It is usually the case that when these courses are not successful for students the EHE is then felt to be unsuitable and many return to education with a package of alternative provision provided through the LA's Educated Otherwise Than At School (EOTAS) arrangements.
21. Most EHE students go on to further education, training and/or employment and those students who are known to have no post-16 destination are referred to the NEET Team.
22. Nationally, EHE is a high-profile issue and there is widespread concern 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 a previous report to Committee on 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 revised EHE Policy was endorsed by the Children and Young People's Committee on 13<sup>th</sup> January 2020 and approved by Policy Committee on 12<sup>th</sup> February 2020, and this reflects the April 2019 guidance and makes clear Nottinghamshire's approach to working with parents/ carers who choose to home educate.

23. The Council's EHE process is regularly reviewed, considering updates to national guidance and practice learning. Changes to process have been implemented in light of the recommendations of two child safeguarding practice reviews published in May 2020 and September 2020, where the children at the centre of the review had been known either historically or currently to Nottinghamshire's EHE team. Specifically, information is gathered about children where parents/ carers see EHE as a temporary solution pending gaining a place at a specific school. Training has been provided to advisers to be alert in these situations and to give realistic advice and guidance in order to support decisions being made in order to further safeguard the wellbeing of the children impacted. Schools are crucially now required to provide on the initial information more specific detail about safeguarding concerns they may hold that have not met threshold for intervention from Children's Social Care. In cases where it becomes apparent that information has been omitted this is followed up and challenged by LA officers. Advice is given to parents who register as home educators to notify their GP and any other Health Professionals involved with their child and the EHE initial visit and recording form has been further amended to reflect strengths and needs relating to children's' wellbeing as well as educational progress. Although there is no legal basis on which the EHE team can insist on seeing a child, children's views are always sought as a central part of the EHE process and where contact is refused by parents/ carers this is recorded and raised as a concern.
24. Through a period that has seen increased restrictions and altered ways of working the EHE team has continued to offer a service to families in Nottinghamshire. EHE Adviser reports in the financial year 2020/2021 to date (1<sup>st</sup> April to 22<sup>nd</sup> October 2020) show that there have been 312 adviser visits to children registered as EHE. 193 of these visits had a satisfactory outcome with EHE being deemed suitable. In 22 cases, the education was deemed to be unsuitable, requiring LA action and a return to school through the Fair Access Protocol. Due to the closure of schools as a result of the Covid-19 pandemic intervention visits and meetings with school have not taken place as they would usually have done, however, these have been requested since September where it has become apparent that deregistration from school may not be in the best interests of the child. In addition, associate advisers attended a total of 62 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 Education, Health and Care Plan, and meetings to facilitate a return to school for vulnerable children.
25. In line with DfE guidance 'Elective home education; Departmental guidance for local authorities', April 2019, 246 informal enquiries about the provision of home education were made in July 2020 to parents/carers who were not in receipt of adviser visits at that time. The initial request was followed up where information was not provided. On 1<sup>st</sup> October 2020 43 reports remained outstanding and work has started with the Council's Family Service to review the individual circumstances of these children and consider enforcement proceedings in cases where it is judged that a return to school is needed as no evidence has been provided of a suitable education.
26. On 22<sup>nd</sup> October 2020, there were 445 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. On the same date, 26 Nottinghamshire students who had previously been registered as electively home educated were having provision made through the Council's Educated Otherwise Than At School arrangements.

27. Members have consistently raised concerns about the lack of legislation around EHE and have repeatedly raised these concerns with the relevant Secretary of State for Education over the recent past. At this time, the Government has requested a 'Call for Evidence' which was submitted on 6<sup>th</sup> November 2020. A specific line of enquiry was around whether a statutory register of EHE pupils should be created and maintained by local authorities. In addition, the call for evidence requested views around inspection of EHE provision and the subsequent inspection of local authority oversight. The Council's submission strongly supported these proposals also stating that local authorities would require to be funded appropriately for these additional statutory duties.
28. On 22<sup>nd</sup> May 2018, the Chairman of the Children and Young People's Committee wrote to the then Secretary of State for Education Damian Hinds raising concerns about the lack of regulation and legislation around EHE which was replied to by Lord Agnew (17<sup>th</sup> June 2018) who suggested that the Government needed to better understand why parents were opting for EHE. On 19<sup>th</sup> February 2020, the Chairman of Nottinghamshire's Children and Young People's Committee wrote to Nottinghamshire's MPs raising concerns about the lack of regulation within EHE, formally requesting support for the mandatory registration of all EHE families.
29. Following a Practice Review the chair of the Strategic Leadership Group for the NSCP, Corporate Director, Colin Pettigrew, formally wrote to the Department for Education (DfE) on 17<sup>th</sup> September 2020 to raise concerns around the lack of regulation within Elective Home Education and requested a review of the national guidance to ensure a sharper focus on the safeguarding of children. A response was received from the DfE on 29<sup>th</sup> October 2020 stating that the DfE was continuing to review EHE through discussions across government with a view of identifying areas for improvement.
30. In addition, the Council has contributed to a further call for evidence by the Association of Directors of Children's Services. This focussed mainly on the impact of the Pandemic but also confirmed a need for national legislation, registration and inspection of EHE provision. This was submitted on 2<sup>nd</sup> November 2020.

### **Other Options Considered**

31. 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 approved by the Policy Committee on 12<sup>th</sup> February 2020 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**

32. Members will wish to be assured that the Council's statutory duty to ensure that all children and young people of statutory school age are in receipt of full-time education is being fulfilled.

## **Statutory and Policy Implications**

33. 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**

34. The 2020/21 LA budget for EHE is £251,810 and will be sufficient to cover the cost of the service with the service delivery revision that has been implemented as a result of the unexpected increase in registrations.

## **RECOMMENDATION/S**

- 1) That the Committee requests a further six-monthly report on Elective Home Education and that future updates are made in April and October in order that the updates cover the period of the first half and entire academic year.

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

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## **Constitutional Comments (ELP 13/11/20)**

35. The report falls within the remit of Children and Young People's Committee by virtue of its terms of reference.

## **Financial Comments (SAS 16/11/20)**

36. The 2020/21 LA budget for EHE is £251,810 and will be sufficient to cover the cost of the service with the service delivery revision that has been implemented as a result of the unexpected increase in registrations.
37. 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.

Serious case review: Child C: a 14 year old boy, Published  
<https://library.nspcc.org.uk/HeritageScripts/Hapi.dll/search2?searchTerm0=C8291>

Nottinghamshire Safeguarding Children Partnership Local Child Safeguarding Practice Review, Child RN19, Published  
<https://www.nottinghamshire.gov.uk/media/2896597/ncsprn19.pdf>

Education Act 1996, Published  
<https://www.legislation.gov.uk/ukpga/1996/56/contents>

Nottinghamshire County Council's Elective Home Education Policy, February 2020

Nottinghamshire County Council's Children Missing Education Strategy, 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](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 update – report to Children and Young People's Committee on 16th December 2019](#)

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

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

All.

C1412