



10 October 2022

Agenda Item: 5

REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND INCLUSION

ELECTIVE HOME EDUCATION

Purpose of the Report

1. This is the first report to the Children and Young People's Select Committee in respect of Elective Home Education. The report seeks to provide an update to Members in respect of the current position on Elective Home Education in Nottinghamshire and enables the Committee to monitor the Council's delivery of support and discharge of statutory duty in this area.

Information

2. 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 person with parental responsibility 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 specific curricular requirements incumbent on elective home educators as there are on schools.
3. The current Elective Home Education service structure is a Senior Professional Practitioner and three Professional Practitioners, 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 Education Advisers as needed.
4. Parents/carers of all children registered as electively home educated in Nottinghamshire are offered at a minimum a yearly contact visit with the intention of offering support to them in continuing to fulfil their responsibilities as specified by the Education Act 1996. Changes

in working practices post pandemic have led to greater choice and flexibility being offered to children and families, with some visits being made virtually and others being made in person where this is requested or needed.

5. It is the Council's 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 January 2020 and approved at Policy Committee on 12 February 2020 (attached as **Appendix 1**). 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 should they wish to cease elective home education or they cannot demonstrate that suitable home education is being provided.
6. The change to the service delivery model in September 2021, following agreement by Children and Young People's Committee in April 2021, has ensured that more timely support can be offered to children and families, particularly the most vulnerable, by three Professional Practitioner posts now embedded within the team structure. The specific focus of these posts is to ensure that parents are aware of their rights and responsibilities when making the decision to electively home educate and that this is appropriate for their child, to provide support to ensure that when children are returning to school this happens without delay and to provide an additional layer of support to children identified as the most vulnerable at the request of the Senior Practitioner or Team Manager. The posts also ensure flexibility is maintained to request specific follow up or one-off support, such as when a child requires input from other services and the parents or carers would benefit from support to ensure this happens. A team of 12 independent 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 are 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). Home educators are asked to demonstrate to the Council that their child is in receipt of suitable education, is making progress and is being prepared for adulthood. Improvements have been made within this process and information submitted is reviewed by a senior member of the Elective Home Education team who is Designated Safeguarding Lead trained and an Education Adviser with qualified teacher status in order that a holistic view can be formed about suitability.
8. When the Council cannot be satisfied that a child is in receipt of suitable education then processes have been improved to ensure that support is given from a named Professional

Practitioner to apply for school places as appropriate to the needs of the child. This worker is responsible, under the direct supervision of the Senior Professional Practitioner, for monitoring of the progress of applications and ensuring that action is requested from the Family Service in line with s437 of the Education Act 1996 so that the child is returned to education without further delay if suitable education cannot be evidenced at this point. All parents and carers with children who are missing education as Elective Home Education is not satisfactory or has been ended by the parent/carer are allocated support from a Professional Practitioner.

9. Although there is no duty incumbent on the Council at this time to provide access to formal examinations for children who are electively home educated, all members of the team maintain their knowledge of local examination centres and sources of support to advise home educators. One of the key developments underway is the development of a new Nottinghamshire elective home education webspace and this will include signposting for external examination candidates. It is envisaged that development of this will be complete by the end of the academic year 2022-23.
10. The recent developments to the Nottinghamshire model of support appear to be meeting the needs of electively home educated children and families in Nottinghamshire well. All home educators are offered a minimum of a yearly contact visit, with an additional layer of advice and support available to vulnerable children and families, working with the team around the child to ensure that progress can be made. For all children known to be electively home educated, yearly tracking of provision is well embedded within the service structure to enable the Council to fulfil its statutory duty and be satisfied that children are not missing education. The improvements in the team structure allow for more timely and effective intervention both at the point where parents indicate an intention to deregister a child from the school roll and where the Council cannot be satisfied that a child is in receipt of suitable education.
11. The Council's Elective Home Education Policy is due for review in 2023 and it is proposed that this review takes place once any movement towards national policy change is clear. There will undoubtedly be a period of reflection for all local authorities in the coming months with the introduction of the data collection for the Children Not In School register on a voluntary basis from October 2022 and any subsequent statute that follows this. Preparation for this first collection is underway in order that the Council can return the information requested in full.
12. The dashboard for elective home education (attached as **Appendix 2**) reports on children known to be electively home educated in Nottinghamshire on 24 June 2022; this was the last day of statutory schooling for year 11 and therefore the day in the academic year that the cohort was at its highest number. Comparative numbers for previous years are also taken on the last Friday in June, with the total number over the academic year taken from 1 September - 31 August. 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 on 24 June 2022

13. In Nottinghamshire, 1,370 children were recorded as electively home educated on 24 June 2022, an increase of 164 since 25 June 2021. Of these 1,370 children, 929 were receiving direct support from the Elective Home Education team, while parents/carers of 439 children declined Local Authority involvement. When a child is deregistered from school to be home educated the school must notify the Council and this child is then recorded as such, it should however 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. Every effort is made to identify these children by working in collaboration with other agencies and scrutiny of data at first admission to school and this number is therefore thought to be low in comparison to the children known to the Council. The Schools Bill, introduced to Parliament in May 2022, proposes measures to support the existing duties of a local authority to try to identify those children not in school and ensure they are receiving an efficient and suitable education. The first voluntary Children Not In School collection will take place in October 2022 and the way that data is currently collated and recorded means the Council is well placed to respond to this.
14. The five-year data on the dashboard demonstrates the yearly increase in numbers of children known to be electively home educated in Nottinghamshire. This same increase is reported nationally in the Association of Directors of Children's Services (ACDS) Elective Home Education Survey 2021, with the cumulative increase in the number of children and young people being electively home educated across the academic year in 2020/21 compared with 2019/20 in Nottinghamshire of 30% sitting slightly below the estimated national figure of 34% reported within this survey. The introduction of the Professional Practitioner posts to the service has enabled early conversations to be held with parents/carers who are considering home education and to work with them to find solutions if this decision does not appear to be well informed or in the best interests of the children concerned.
15. Numbers of children who are electively home educated in Nottinghamshire continue to rise throughout secondary to a peak in year 10, with numbers then decreasing slightly at year 11. This is a shift from data presented in previous years, and it could be suggested that the service is working more effectively with families and schools to support alternative outcomes for children towards the end of Key Stage 4 as an alternative to de-registration from school.
16. The change to the service structure has enabled much more effective gathering of information at the start of each family's home education journey and, as such, it is possible to include more accurate reporting within this dashboard regarding the reasons that parents/carers are choosing to educate their children at home. It can be seen that a third (453) of parents/carers who choose to electively home educate in Nottinghamshire do so for philosophical reasons. Anxiety related non-attendance (178 children) and mental health (153 children) are cited by parents as being the next two primary reasons for home educating and again this is consistent across other local authorities, as reported in the ADCS Elective Home Education Survey 2021 where respondents commonly noted the prevalence of anxiety and mental health issues experienced by children and young people during the pandemic as influencing parental decisions to home educate. The Wellbeing for

Education Return project and the NottAlone website, both of which the Council collaborated on, were developed in response to this emerging need. In Nottinghamshire there is an ongoing commitment to joined up working with schools and other services to support children in staying on the school roll and having access to appropriate provision where this is in their best interests. Training is regularly accessed by all team members to enable them to offer appropriate support when young people are experiencing social, emotional and mental health difficulties and the current development of a new Nottinghamshire Elective Home Education webspace will offer the opportunity to signpost young people and their families to the right services at the right time.

17. Additional analysis of parental reasons for deregistration from school has been undertaken for Ashfield, Bassetlaw and Newark to understand why decisions are being made and appropriately target support, as these areas have the highest number of children who are electively home educated within the County. Philosophical reasons remain the most significant factor in parental decisions to electively home educate in all three areas. Of the children known to be electively home educated in Newark on 24 June 2022, religious or cultural reasons were cited in 70 cases, and this is understood in the context of Gypsy, Roma and Traveller families home educating their children in line with their cultural beliefs. Although primarily area based, the three Professional Practitioners work together to ensure support can be offered when needed and this means that where numbers are higher in a particular area, or a family has a particular set of needs, then this can be supported in a timely manner by a Practitioner with the most appropriate knowledge and expertise. Within the adviser team there is a commissioned Gypsy, Roma, Traveller specialist adviser who can offer specific support and advice to this community.
18. Of the children known to be electively home educated in Nottinghamshire on 24 June 2022, 25 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, whilst in other cases parents have chosen to deregister them from school. Seven of these children reside within the Ashfield District. The Special Educational Needs and Disabilities locality working boards provide a forum to monitor and track trends in relation to children with Special Educational Needs and Disabilities who are electively home educated.
19. Of the children known to be electively home educated in Nottinghamshire on 24 June 2022, there were three children on a Child Protection Plan and four children on a Child in Need Plan. For these children a named member of the Elective Home Education team is responsible for closer monitoring and review of the suitability of their elective home education provision, under the supervision of the Senior Practitioner. Where children are on a Child Protection Plan, collaborative working between Elective Home Education and Children's Social Care colleagues is undertaken to ensure that steps are taken to return children to school without delay where this is necessary to ensure they are appropriately safeguarded and/or educated. The move of all recording in relation to Elective Home Education to Mosaic has allowed for greater communication and information sharing between key services and more timely support to children, young people and their families where needed.
20. For 34 children, collaborative working between the family and school, facilitated by a Professional Practitioner, has ensured that children have been able to remain on a school

roll with appropriate support in place following an intention by parents to electively home educate. In almost all these cases parents had made the decision to home educate without full knowledge of their rights and responsibilities and remaining on the school roll was agreed to be in the best interests of the children concerned.

Children for whom Elective Home Education ended in the academic year 2021-22

21. 130 children returned to school in the academic year 2021-22 as a result of a parental application. For 21 of these children the Council could not be satisfied they were in receipt of a suitable education, parents of the remaining 109 children made a choice to return their child to school. The greatest number of children returning by district was in Newark and by National Curriculum Year were year 8. Several parents who cited Covid as their primary reason for home educating have subsequently chosen for their children to return to school.
22. For 60 children in the academic year 2021-22 the Council would not be satisfied they were in receipt of suitable education as parents/carers had submitted no demonstration of learning or the information available did not indicate that these children were in receipt of suitable education. In these cases, parents/carers were required to apply for a school place or demonstrate suitable learning; if neither action was taken then statutory duty in line with s437 Education Act was discharged with a referral to the Family Service to progress this. In 21 cases parents returned children to school as a result of an application and these children are reported upon as above. In 16 cases enforcement action is ongoing and this has been possible because of improved ways of working between the Elective Home Education team and the Family Service over the past 12 months. The Council's statutory duty has been affirmed by the High Court judgement in the case of Goodred v Portsmouth (2021) and a commitment has been made by the Elective Home Education team to ensure that timely action is taken in cases where children are believed to be missing education. Education Otherwise Than At School provision was made for four children as they had a significant level of need that indicated that a return to mainstream school may not have been appropriate and one of these children now has an Education, Health and Care Plan following assessment. The greatest number of children for whom the Council could not be satisfied were by District in the Newark area and by age range in Key Stage 3 with the greatest numbers in years 8 and 9.

Elective Home Education in other Authorities

23. The way that statutory duties are discharged and support in relation to Elective Home Education is given varies widely across authorities. In the ADCS Elective Home Education Survey 2021, 113 local authorities reported on their budget spend with a range from £5,000 - £350,000, with 43% of responding local authorities reporting an in-year overspend in their budget. The current budget for elective home education in Nottinghamshire is £251,814. It should be noted that the average cohort reported by responding authorities on the collection data was 534; Nottinghamshire reported nearly double this number.
24. There is variance in the structure of teams between local authorities, with some authorities having a dedicated team, some services operating within a wider context and other authorities reporting they have had to draw in support for Elective Home Education from other teams and services due to increasing demand on the service. It appears from the ADCS Elective Home Education Survey 2021 that most of the local authorities responding

offered direct interactions with children and families in the form of meetings, telephone calls and video calls.

Reason/s for Recommendation/s

25. The current Nottinghamshire model of working is effective in meeting local need and supporting the best interests of children and families when parents have chosen to educate their children at home. It is aligned with current thinking for elective home education, as outlined in the Children not in School Government consultation response (February 2022) and the Children not in School: Schools Bill (May 2022).

RECOMMENDATION

- 1) That Select Committee considers whether the current Elective Home Education policy and practice is sufficient and whether they would wish to influence future policy development in the area of elective home education through pre-decision scrutiny.

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Constitutional Comments (KK 09/09/22)

26. The proposal in this report falls within the terms of reference of the Children and Young People's Select Committee.

Financial Comments (MDN 13/09/22)

27. The 2022/23 Local Authority budget for the Elective Home Education service is £251,814 and will be sufficient to cover the cost of the service.

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 \(legislation.gov.uk\)](#)

Nottinghamshire County Council Elective Home Education Policy [Nottinghamshire County Council](#)

[ADCS EHE Survey 2021 Report FINAL.pdf](#)

[Elective home education: departmental guidance for local authorities \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

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

[Children not in school - consultation response .pdf](#)

[Children not in School - Schools Bill Factsheet \(publishing.service.gov.uk\)](#)

Electoral Division(s) and Member(s) Affected

All.