



17 March 2025

Agenda Item: 6

**REPORT OF THE CABINET MEMBER, EDUCATION AND SPECIAL
EDUCATIONAL NEEDS AND DISABILITIES**

ELECTIVE HOME EDUCATION

Purpose of the Report

1. This is the second report to the Children and Families Select Committee in respect of Elective Home Education. The report seeks to provide a progress report to Members in respect of the current position on Elective Home Education in Nottinghamshire and to enable the Committee to monitor the Council's delivery of support and discharge of our statutory duty in this area.

Information

2. Parents and carers' legal rights and duties are set out in the Education Act 1996. The parent of every child of compulsory school age must ensure that they receive an efficient, full-time education, suitable to his/her age, ability and aptitude and any special educational needs that they 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.
3. The Council has a well-established process to record known children as being electively home educated and provide support to those families. Parents and carers/carers can choose whether to engage with support offered by the local authority. At the point of a child being electively home educated, parents and carers/carers are elective home educators and are completely responsible for the costs, provision, management and delivery of education for that child. There are no specific curricular requirements incumbent on elective home educators as there are on schools.
4. Parents and carers of all children recorded as electively home educated in Nottinghamshire are offered at a minimum, a yearly intervention visit, supporting them in continuing to fulfil their responsibilities as specified by the Education Act 1996. There is flexibility in how this takes place, and visits can be made virtually or 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 Elective Home Education Policy (attached as **Appendix 1A**). This policy was reviewed in 2024 and takes account of recent case law *Goodred v Portsmouth City Council (2021)*.

6. Parents and 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.

Staffing structure

7. The current Elective Home Education service structure comprises of a Senior Professional Practitioner and 3 Professional Practitioners, all supported by a business support team. The line management of the service sits with the Fair Access Team Manager.
8. The three Professional Practitioner posts introduced in 2021 are now fully embedded within the team structure with specific focus to:
 - ensure that parents and carers are aware of their rights and responsibilities when making the decision to electively home educate and that this is appropriate for their child;
 - provide support to ensure that when children are returning to school this happens without delay;
 - provide an additional layer of support to children identified as the most vulnerable and share this with Senior Practitioner or Team Manager for discussion and actions;
 - ensure flexibility is maintained to request specific follow up or one-off support, such as when a child requires input from other services or when parents and carers/carers would benefit from additional support.
9. Commissioning through the Dynamic Purchasing System also allows the Council to draw on the expertise of Associate Education Advisers as needed, currently there 17 Associate Education Advisers available to support the team. These advisers undertake specialist education support and guidance visits to families 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.
10. Associate Advisers meet annually with the Fair Access Team Manager and Elective Home Education team to ensure they have received relevant training to enable their duties to be carried out in line with current legislation and the Council's policies and procedures. Communication and training information is also available via a dedicated Adviser SharePoint site and a new termly newsletter is being rolled out in Spring 2025.

The Nottinghamshire Model

11. Parents and carers are under no legal obligation to see anyone from the Elective Home Education team, and in these situations the Local Authority writes annually to make informal enquiries about their home education provision. 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. Information submitted is reviewed by a senior member of the Elective Home Education team (who is Designated Safeguarding

Lead trained) alongside an Education Adviser with qualified teacher status. This supports a holistic view to be formed about suitability.

12. The Elective Home Education Policy 2024-2028 (attached as **Appendix 1A**) and the EHE Best Practice document (attached as **Appendix 1B**) outline the processes undertaken by the Elective Home Education Team and where appropriate, referral to other agencies, such as The Family Service in line with s437 of the Education Act 1996. This supports the safeguarding of the child, monitoring of education provision and enables the Council to fulfil its statutory duty and be satisfied that children are not missing education.
13. 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. A key development has been the establishment of a new Nottinghamshire elective home education webspace, which includes signposting for external examination candidates. This is subject to ongoing review to ensure information is accurate and up to date.

Data and analysis

14. The dashboard for elective home education (attached as **Appendix 2**) reports on children known to be electively home educated in Nottinghamshire on 28 June 2024; 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. 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.
15. In Nottinghamshire, 1,663 children were recorded as electively home educated on 28 June 2024, an increase of 266 since 30 June 2023:
 - 863 were receiving direct support from the Elective Home Education team
 - 774 parents and carers declined Local Authority involvement.
16. The five-year data on the dashboard demonstrates the yearly increase in numbers of children known to be electively home educated in Nottinghamshire. The BBC reported in June 2024 that elective home education requests have increased nationally with the East Midlands showing a rise of 7%. However, the picture across Nottinghamshire is well above this level showing a rise of 19.4% from the previous academic year. Data indicates that numbers of children who are electively home educated in Nottinghamshire continue to rise throughout secondary peaking in year 10, with numbers then decreasing slightly at year 11. This pattern is similar to that of the previous 2 academic years.
17. Reasons for electively home educating vary:
 - 37% (609) state ideological and philosophical reasons
 - 33% (552) state mental health/anxiety

18. Of those known to be electively home educated in Nottinghamshire on 28 June 2024:
- 63 children had an Education, Health and Care Plan (EHCP) some of whom had an EHCP issued whilst being home educated and others had deregistered from school whilst awaiting a specialist setting;
 - 2 children were on a Child Protection Plan
 - 5 children were on a Child in Need Plan.
19. For these children, a named member of the Elective Home Education team is responsible for closer monitoring and reviewing the suitability of elective home education provision, under the supervision of the Senior Practitioner. Practitioners work collaboratively with Children's Social Care colleagues 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.

Children for whom Elective Home Education ended in the academic year 2023-24

20. During the academic year 2023-24, the local authority could not be satisfied of suitable education for 141 children. This was due to either no demonstration of learning, a limited demonstration of learning that did not cover a full-time educational entitlement or an unsuitable visit by an Education Adviser. In these cases, parents and carers/carers were required to apply for a school place - supported by a professional practitioner; or demonstrate suitable learning. If provision remained unsuitable and/or no school place had been secured the Council's statutory duty, in line with s437 Education Act, was discharged with a referral to the Family Service. This resulted in 25 children being referred for a school attendance order.
21. A number of children (120) returned to mainstream school during the 2023-2024 academic year. The districts with the highest number of returners were Ashfield and Mansfield, with Rushcliffe having the lowest number. This highest proportion of returners was within the secondary phase (peaking at year 10).

Impact of Children's Wellbeing and Schools Bill

22. The Children's Wellbeing and Schools Bill, in its current form, suggests additional statutory duties for local authorities. Whilst the proposals outlined in the Bill are welcomed and the current team structure and processes are established, the changes to legislative framework in respect of 'children not in school registers', and the additional duties on local authorities regarding 'consent to withdraw a child from school' would increase the workload across a team already working to maximum capacity. The number of children and young people accessing learning through Elective Home Education has doubled since the current funding levels for the team were agreed and this will need to be reviewed. It is unclear at this stage whether there will be any central funding from Government for any additional mandatory requirements placed on local authorities as a result of the Bill being passed.
23. A comprehensive record of known children that are electively educated at home is already in place and would form the basis of any compulsory new register for children out of school. However, greater capacity would be needed if the compulsory register increased demand for more parental support and oversight. In addition, there is an unknown number of parents and carers 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 and carers or by another means. The proposed Bill places mandatory requirements on parents and carers for their child to be registered with the local authority when not in school.

24. The current budget for elective home education in Nottinghamshire is £308,114 which covers the 3 x professional practitioners and the Senior Professional practitioner salaries with oncosts as well as business support hours and all associated adviser costs. Increases in cohort numbers has led to changes in the work of the team so that the budget can meet need.
25. The impact of the increase in numbers has resulted in face-to-face adviser visits being prioritised for those young people with EHCPs, those are open to Social Care or those known to be vulnerable. The panel process to review the demonstrations of learning has also changed whereby the face-to-face meeting has ceased and advisers complete a template for processing. In doing so, additional children can be reviewed at each panel. Additional panels have also been added during the school holiday periods. The continuing increase of electively home educated children will require additional finance if this level of oversight is to be maintained.
26. The Council's current Elective Home Education Policy was most recently reviewed in June 2024 by the Children and Families Select Committee. It is proposed that a further review takes place once more information is known about the implementation of the Children's Wellbeing and School's Bill and any changes to associated legislation and regulations.

RECOMMENDATION

That the Children and Families Select Committee:

- 1) notes the rise in electively home educated children since the last report to Select Committee.
- 2) considers and comments on delivery of support and discharge of the Council's statutory duties in this around Elective Home Education.
- 3) considers and comments on the extent to which Nottinghamshire's Elective Home Education Team is sufficiently prepared to implement any changes in light of the forthcoming Children's Wellbeing and Schools Bill.

Councillor Ben Bradley
Cabinet Member, Education and Special Educational Needs & Disabilities

For any enquiries about this report please contact:

Linda Smith
Team Manager, Fair Access
T: 0115 9773946
E: linda.smith2@nottscc.gov.uk

Constitutional Comments (KK 04/03/25)

27. The proposals in this report are within the remit of the Children and Families Select Committee.

Financial Comments (SS 06/03/25)

28. The budget for to run the Elective Home Education service is £308,114. This is the cost of 3 Professional Practitioners, 1 Senior Practitioner plus the cost of advisers. The increase in cost for extra posts can be quantified when it is identified exactly what extra staff will be required.

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 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

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

[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's Wellbeing and Schools Bill 2024-25 - House of Commons Library](#)

[Move to home schooling biggest since Covid - BBC News](#)

Electoral Division(s) and Member(s) Affected

All.

CFS0038