

CHILDREN AND LIFELONG LEARNING SCRUTINY PANEL

DATE	22 nd September 2022
REPORT OF	Sally Jack, Assistant Director of Education, and Inclusion
SUBJECT	Elective Home Education
STATUS	Open

CONTRIBUTION TO OUR AIM

Elective Home Education data clearly indicates that the sustained upward trend in EHE numbers is not exclusive to NELC, and in line with statistical neighbours. NELC faces similar challenges to the national context in relation to:

- the limitations of EHE legislation
- challenge around capacity issues in relation to the frequency of the monitoring visits which can be arranged.
- a significant increase in EHE requests particularly during and post-pandemic.

The Council has developed an Outcomes Framework which sets out five high level outcomes that the Council and its partners aspire to deliver to ensure prosperity and wellbeing for residents of North East Lincolnshire. The ability for all children to receive an education suitable for 'age, ability and aptitude' regardless of whether this is within a traditional school setting, or within the home environment will contribute towards achieving these outcomes, i.e., all people in North East Lincolnshire will:

- fulfil their potential through skills and learning
- benefit from sustainable communities,
- enjoy good health and wellbeing, and
- help to grow our strong economy

EXECUTIVE SUMMARY

The Children and Lifelong Learning Scrutiny Panel have asked to monitor progress on the following issue: **Elective Home Education**. This briefing contains the information relating to the numbers of children who are electively home educated in this area for the academic year 2021-2022, the local authority's support for this cohort, and the recent duties issued by the Department for Education for the collection of data for this cohort (August 2022) to be implemented using census data in October 2022 (national register)

MATTERS FOR CONSIDERATION

We would respectfully ask that the scrutiny panel consider how resource can be attached to the recent Department for Education duties placed on local authorities to maintain a register of all electively home educated families, but without any additional resource attached to these duties.

1. BACKGROUND AND ISSUES

1.1: The 1996 Education Act (Section 7) made it explicit that education for children aged between 5 and 16 is compulsory but schooling is not. The legal duty placed on

parents is to ensure the regular attendance of their child at school or to assume full legal responsibility for their educational provision known as '*Education Otherwise*'.

1.2: DfE Guidance for EHE was drawn up in 2007 and has not been revised since despite the radical changes to the national educational landscape. The guidance emphasises that '*parents should neither be encouraged nor discouraged by schools or local authorities to electively home educate*'

1.3: Parents who elect to home educate their child are required by law to provide '*an efficient and full-time education which is suitable for their age, ability and aptitude including any special educational needs if relevant*'. Parents of children who are on roll at a special school do need to seek the agreement of the LA before the withdrawal from roll can proceed. A briefing note has been written in conjunction with the SEN team to ensure parents are aware of their responsibilities. The legal definition of '*efficient*' is that the education provided '*achieves what it sets out to achieve*'. For example, if parents provide an education which largely prepares their child to continue living within their immediate community, then this can be viewed as '*suitable*'.

1.4: Whilst the DfE Guidance refers to the desirability of a '*broad and balanced*' educational provision to prepare young people for their post 16 progression to further study, training and work, there is no requirement to follow the National Curriculum or for them to be prepared for national key stage tests or GCSE examinations. Neither is there any requirement for parents to assess their child's academic progress in similar ways to school assessment methods.

1.5: The LA only has a legal power to intervene when it is clearly evident that parents are not providing a suitable education. However, English case law does indicate that LAs are reasonably entitled to make '*informal enquiries*' to ascertain that a child is receiving a suitable education.

1.6: DfE Attendance Guidance (October 2014) explicitly states that '*EHE should not be seen as a way of avoiding the use of fixed penalty notices and prosecution for persistent absence or behaviour sanctions – including permanent exclusion - by either schools or parents.*' Schools are asked to complete an EHE referral form to indicate the reasons why a parent has opted to educate their child at home, and this is cross-referenced with the information parents share. In addition, officers closely monitor when there is a 'spike' in referrals from a particular setting to understand why parents are opting to remove their child from school.

1.7: During the 2022/23 academic year, the DfE will be collecting data regarding children who are electively home educated (EHE) and children missing education (CME) from local authorities. This information will be shared with the DfE on a termly basis at the point of school census returns. The aim is to improve the national level of understanding around EHE and CME, and to feed the findings into relevant policy areas. It is important to note that the DfE have not attached resource of funding to this additional duty placed on the LA.

1.8: To ensure the decision to become electively home education is made in the best interest of the child, the EHE team:

- encourage and take into consideration the voice of the child; at times brokering meetings with parents and school staff.
- hold multi-agency meetings
- use special package of care requests for supportive therapy

- refer to a range of agencies including Early Help, the Access Pathway, and the Special Educational Needs team.
- access advice from the in-house Educational Psychology team.

2. **Actions taken during 2021-2022:**

- Increased number of home visits. (79 since September 2022)
- Appointed an EHE Inclusion Officer on a fixed-term contract, with a focus on the suitability of the education being offered.
- The Information, Advice and Guidance Officer role is now fully established to support with early intervention with initial queries from parents, schools, and support officers with complex cases.
- Continue to offer telephone drop-in sessions
- Send termly newsletters out to the cohort, with both educational resource advice and focus on wellbeing and mental health support, exploitation, and careers advice.
- Officers support with supportive interventions for complex cases (Special Package of Care requests, transition back to school) and coordinating other specialist services beyond universal provision
- Worked closely with the legal team and children's social care (School Attendance Order process initiated for those children on child protection plans).
- Officers supported several families to return to school.
- All year 11 students were offered the opportunity to sit their GCSE Maths and English at Franklin College.
- Worked closely with the Young People's Support Service to support those year 11 students with their next steps.
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3. **EHE Numbers (25.08.2022) are subject to continual change:**

Characteristics	Numbers
Education, Health & Care Plans	3
Primary cohort	101
Secondary cohort	212
Total EHE cohort	313
Child in Need	2
Child Protection	6
Children Looked After	0

4. **What do we need to do next?**

- Continue to complete home visits to all EHE children with the support of the new EHE Officer.
- Continue to work closely with social care colleagues to ensure support is offered to those children with a social worker, with the key aim of a return to school.
- Continue to work with Compass Go to identify children who require mental health and wellbeing support. This includes supporting children when returning to school, working closely with our colleagues in the School Admissions team.

- Continue to refine and embed the process for early intervention using 'Your Duties, Our Expectations' as the basis for ensuring families are contacted at the earliest possible opportunity
- Develop wider opportunities to engage with EHE families through the development of 'drop-ins', coffee mornings, as well as a continuation of the gains we made reaching out to families.
- Improve our consultation with families and young people, so we understand what they would like the EHE service to look like.

5. RISKS AND OPPORTUNITIES

5.1: Given the increasing number of families opting to electively home educate their children, capacity to conduct yearly visits to families continues to be a challenge. The appointment of an Inclusion Officer for EHE will certainly support the visits, but there are several children and families who are due a review visit.

5.2: Officers report that families and children are presenting with a range of complex needs including unmet SEND needs, early help support, and financial support.

5.3: The EHE team are working with the newly appointed Education Projects Coordinator to explore how the Holiday Activity Funding can be used to support EHE families in the borough

6. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

Given the potential vulnerability of the cohort, and the significant increase in numbers of children who are EHE in the area, it is important that families understand the enormity of the task they're undertaking. The team will work closely with the communication team to ensure that families and broader services, including schools and children's social care, have a full understanding of the implications and financial burden of opting to electively home educate.

7. FINANCIAL CONSIDERATIONS

The education senior leadership team is working with the strategic lead for school accountancy to ascertain how capacity within the EHE team could be expanded to ensure all families receive a yearly visit

8. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

If children do not receive a suitable education, or achieve the appropriate qualifications, this limits their future career and job prospects. For those children who do not mix with their peers, this can impact on their mental health, increase their likelihood of social isolation, and in turn, affect their ability to return to a mainstream school environment successfully.

9. MONITORING COMMENTS

In the opinion of the author, this report does not contain recommended changes to policy or resources (people, finance or physical assets). As a result no monitoring comments have been sought from the Council's Monitoring Officer (Chief Legal Officer), Section 151 Officer (Director of Finance) or Strategic Workforce Lead.

NO RESTRICTIONS

10. WARD IMPLICATIONS

NA

11. BACKGROUND PAPERS

[Elective home education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

12. CONTACT OFFICER(S)

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