

Elective Home Education: Scrutiny Report (October 2021)

1. Overview of Legislation

- 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. The Badman Report (2009) made a series of recommendations about EHE including a **requirement for parents/carers to register their child as EHE with their LA**. This and other recommendations were not implemented by the incoming coalition government in 2010. **The Children's Commissioner for England recommended that all parents should register their child/children as being EHE**. The DfE issued a national consultation document to all LAs during the Summer Term 2019 focusing on the desirability of requiring that parents should register as EHE with their LA. NELC strongly supports this recommendation and responded accordingly.
- 1.4. 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*'.
- 1.5. 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.
- 1.6. 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**.
- 1.7. 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.**'
- 1.8. In March 2013, the DfE confirmed that '*Flexi-Schooling*' can be agreed with parents at the discretion of an individual headteacher. The child remains on the school roll and the headteacher has the legal responsibility for reporting their attendance and achievement.

NELC does not have a formal monitoring role for any child who becomes '*flexi-schooled*' but does offer information and guidance to parents, schools and partner agencies. During the academic year 19-20, to date, there have been two requests for information regarding flexi-schooling; both for primary aged pupils. The Inclusion Lead provided advice and guidance around the rationale for their decision and ensured that there was both parental agreement and strict time parameters in place during this period.

- 1.9. In October 2020, the DfE issued 'Your Duties, Our Expectations', strongly recommending that the local authority, school and parents co-ordinate a meeting to ensure the best interests of the child are discussed fully before making a decision. In addition, in May 2021, the then Children's Minister, Vicky Ford issued a letter to all EHE families advising that LAs could support their children with a return to a school setting.

National Context

There has been a continued increase in the levels of interest in EHE since 2016:

- The DfE, Children's Commissioner for England and the Regional Leads have requested data for EHE referrals by schools and academy trusts
- Ofsted Single Inspection Framework for LAs and data requests
- Association of Directors of Children's Services (ADCS) issued surveys in February 2016, October 2017, 2018, 2019 and 2020 requesting statistical trend data and information from each LA. ***These are the first comprehensive national surveys in recognition that definitive EHE numbers across England and Wales are not known.***
- A major NSPCC Report (2015) highlighted safeguarding concerns through citing incidences of EHE and Serious Case Reviews
- Northamptonshire Safeguarding Children Partnership published a practice overview report in January 2020, highlighting the significant harm Child Ab endured at the hands of his parents during the period he was EHE. Northamptonshire have highlighted:

'Consideration of the national plans in regard to children who are home educated and the required resources to enable Elective Home Education to be effectively assessed and monitored is a lesson learned from this review and one which requires urgent attention if children are to be protected from the risk of significant harm.'

- The National Association of EHE professionals was launched in February 2015 with representation from all the regional termly network meetings
- Significant increase in Freedom of Information requests for data and statistical trends
- Increased levels of interest from national and regional journalists and subsequent media coverage (*Channel 4 Dispatches Investigation: 04.02.2019*).
- The Home Education (Duty of Local Authorities) Bill (2017) was introduced in June 2017 and received its second reading in November 2017.
- DfE updated guidance published in April 2019.
- Anecdotal evidence from regional partners in the Yorkshire and Humber region have shared they have seen an exponential rise in EHE numbers since the lockdown period of March 2020, and this trend has continued within the region.

2. NELC Context

The EHE data clearly indicates that the sustained upward trend in EHE numbers is not exclusive to NELC. 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 the start of the academic year

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
- hold multi-agency meetings
- use special package of care requests for supportive therapy
- refer to access pathway and EHC needs assessment requests
- access advice from our Educational Psychologists.

Actions:

- Appointed an Information, Advice & Guidance (IAG) officer to support with early intervention with initial queries from parents, schools and support officers with complex cases
- Offered telephone drop-in sessions with the EHE team
- Send termly newsletters out to the cohort, with both educational resource advice and signposting for wellbeing and mental health support
- Worked with Early Help to identify families who would benefit from a winter support grant and supermarket vouchers
- Officers support with supportive interventions for complex cases (Special Package of Care requests, transition back to school) and co-ordinating other specialist services beyond universal provision
- Offered webinars to key stakeholders including social care and health professionals and development of virtual partners group as well as schools to understand the importance of early intervention prior to a family choosing to EHE, as outlined in the DfE's 'Your Duties, Our Expectations'
- Worked with YPSS and post-16 settings to support year 11s
- Made home visits to the most vulnerable families dependent upon H&S advice

3. School Attendance Orders (SAO): to develop an agreed protocol for academies to be named on a SAO so it can proceed to Legal Services and become a Court Order. During the academic year 19-20, the procedure for two separate SAOs commenced. In both cases, it was deemed that the education was not suitable for 'age, ability and aptitude' despite a range of supportive measures being implemented and offered to the families. In case one, the student moved out of area, and in case two, the student made the decision to return to school, and subsequently, was presented at the FAP. The team work closely with families to ensure that every opportunity is given to families for them to improve their educational offer; nevertheless, families have been issued with 'notice to improve' letters if their education is deemed not suitable for 'age, ability and aptitude'.

4. NELC Policy & Procedures

- 4.1. NELC's EHE Policy was revised in January 2016, and again in September 2021 to emphasise more clearly the fundamental importance of safeguarding. It highlights how – for most children - attending school is the most effective way to achieve a rounded educational experience and minimise the risks linked to social exclusion and invisibility from professionals.
- 4.2. NELC does recognise that parents/carers have a legal right to electively home educate their child and officers seek to work in partnership with families in a positive and supportive way. Parental consent and partnership working are central at all stages of the EHE process. The policy refers to home visits and reports as education monitoring reviews rather than *inspections*. Ordinarily, in the limited time available during an individual visit, officers read a sample of the child's work which will, ideally, provide consistent evidence that a broad and balanced learning programme has been planned and achieved. Reports are completed following home visits. The format covers National Curriculum areas of learning as well as opportunities for social interaction. It includes a judgement about the suitability of the educational provision as well as offering advice and recommendations. All new EHE families are 'triaged' in accordance with information shared by the school they have left, and a range of social care checks. All families are contacted via telephone, and a monitoring call to ascertain the effectiveness of provision is made. Whilst this is not the most effective way of ascertaining whether the educational provision is suitable or not, due to capacity issues, this is currently a way of ensuring contact is at least made with families at the start of their EHE journey. Home visits are also offered for those families who the team have assessed as vulnerable.
- Unsuitable provision is challenged through discussion and recommendations for improvement. If the education remains unsuitable, a return to school is recommended as the most supportive and timely way of addressing the concerns.
- 4.3. When parents/carers withdraw their child from a school roll they are required by law to send a signed letter to the head teacher stating their intention to take full legal responsibility for their education (known as '*education otherwise*'). The school notifies the LA Admissions Team through returning Leaver's Form SA5 including the parental letter. To support the complexity of the increasing numbers which have arisen because of the Covid-19 period, schools are asked to complete an additional form, in which they can share any concerns they may have, academic profile, including SEN and attendance information. This additional form does inform the RAG process.
- 4.4. At this stage the inclusion officers contact the parents to arrange the initial monitoring call. The focus is to issue and explain information about the legal responsibilities of parents as well as to discuss how they will plan educational provision.
- 4.5. Current and accurate data on the EHE cohort is recorded on Capita at the point of the school admissions team receiving the SA5 (School Leavers Form). Where necessary, contact is made with relevant agencies such as children's social care, the previous school, and the SEN team. To support this recording and auditing process, there is close liaison with the LA Admissions Service which also has responsibility for tracking children missing from education (CME).

5. Data and Key Issues to Note

5.1. The figures below highlight the new referrals for the September-October half-term period which have dissipated after last year’s spike in numbers:

2021	30
2020	89
2019	26
2018	18
2017	23

5.2. EHE Numbers (19.10.21) *are subject to continual change*

Characteristics	Numbers
Education, Health & Care Plans	3
Primary cohort	142
Secondary cohort	77
Total EHE cohort	219
Child in Need	3
Child Protection	0
Children Looked After	0

6. What do we need to do next?

- Support Year 11 cohort with GSCE entries for 2022
- Continue to develop IAG for both key stakeholders and families themselves given that EHE families don’t have always have access to the same services as pupils in a school setting
- 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.

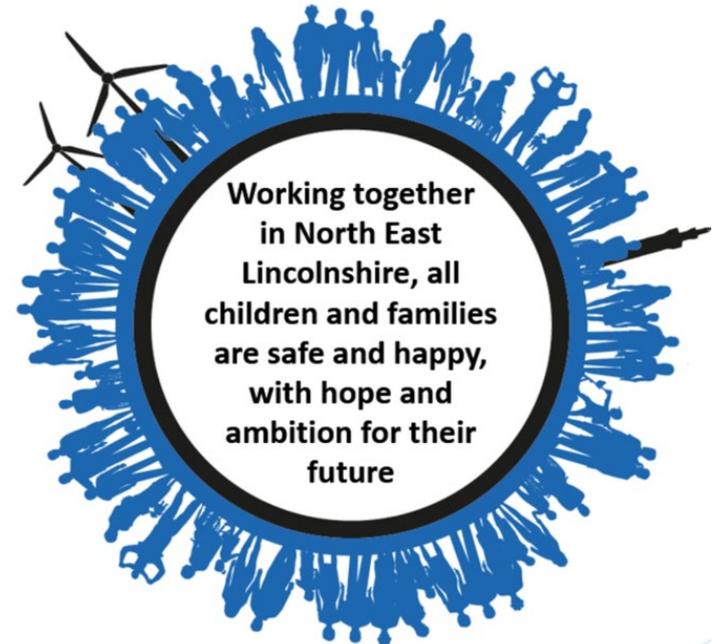
Jennifer Steel
 Head of Pupil Support (Safety and Wellbeing)
 North East Lincolnshire Council

Elective Home Education

October 2021



One Vision





NELC Context

- Following the lockdown period in March 2020, there was a significant rise in EHE numbers, with a large majority of parents citing Covid-19 as their primary reason for wishing to become EHE. Numbers have reduced for this year.

SEPTEMBER-OCTOBER REFERRALS

- 2021: 30
- 2020: 89
- 2019: 26
- 2018: 18



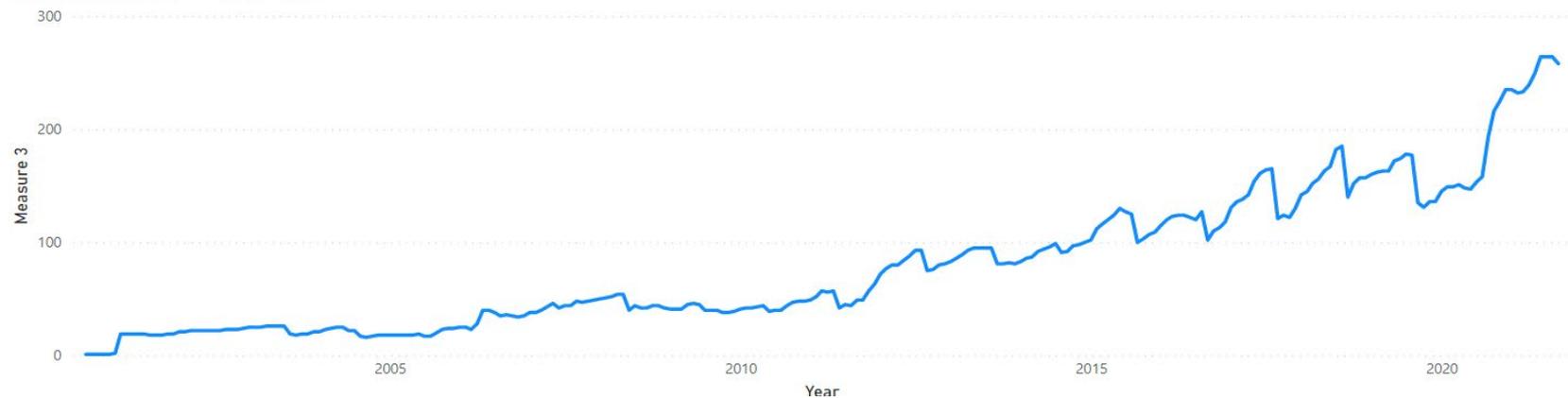
Current EHE cohort:



As of 20.10.21:

- **EHE pupils: 219 (Secondary 142. Primary 77)**
- Sibling groups: 20
- CiN: 3(No CP or CLA)

EHE Referral Numbers Over Time





Internal process:

- 'Cooling off' template offered to schools
- Team support initial leaflet, letter or email, explaining the enormity of the EHE responsibility, and listing support agencies
- Vicky Ford's letter sent out to families, highlighting both responsibilities and support offered to return to school
- 'Your Duties, Our Expectations' shared with primary and secondary heads; officers support with co-ordinating meetings and contacting families at the point of interest
- School safeguarding leads also contacted in some circumstances
- Internal safeguarding checks completed via Liquid Logic and families RAG'd rated according; contact prioritised through Team meeting





Inclusion Team support:

- IAG for families considering EHE
- Admissions applications and appeals
- EHCAR applications
- Early Help Assessments
- Access Pathway Referrals
- Fair Access Protocol
- Educational Psychology supervision
- Termly newsletter (images attached)
- YPSS / The Learning Shop
- Signpost to SENDIAS, YMM, Compass Go, School Nursing Team, Kooth
- Adolescent Lifestyle Survey 2021

ELECTIVE HOME EDUCATION NEWSLETTER – OCTOBER 2021

Hi, I hope you had a nice summer. My name is Grace and I am the EHE Information, Advice and Guidance Officer working with the education team at North East Lincolnshire Council.

As part of the EHE team, I am here to provide advice and guidance on what home education entails, support services (for example mental health support) and offer advice should you decide to apply to mainstream school. This newsletter is packed full of information for you. If there is anything you would like to see in future newsletters, please get in touch.

As you're probably aware, the number of people who are vaccinated across England is on the rise, meaning we are one step closer to 'normality'. As the risk is lowering, we appreciate you may be considering applying for school. In which case, we can help with the school admissions process.

We are offering telephone drop in sessions for any parent or carer who wishes to discuss any queries they have regarding applying to mainstream education. These drop in sessions will take place on the dates and times below.

Tuesday 5th October 10am-12pm (Bm) 01472 328997
Wednesday 6th October 12pm-2pm (Bm) 01472 328993
Thursday 7th October 9am-11am (Yk) 01472 328271
Tuesday 12th October 10am-12pm (Bm) 01472 328997
Wednesday 13th October 12pm-2pm (Bm) 01472 328993
Thursday 14th October 9am-11am (Yk) 01472 328271

If you would like to speak to the team, please feel free to email us on EHE.Team@nelincs.gov.uk. We look forward to speaking to you.

Jenni, Vicki, Emma and Grace

Compass Go – mental health support

Compass Go works with children, young people and families in North East Lincolnshire providing support and advice relating to emotional and mental health wellbeing.

Compass Go work on a 1:1 basis offering Cognitive Behavioural Therapy intervention to young people aged 13+ with mild to moderate emotional and mental health wellbeing needs. The service is made up of Education Mental Health Practitioners and Supervising Practitioners from a range of health and education backgrounds.

Compass Go accept self referrals both from Parent/Carer and Child/Young Person. To refer, please call the duty line on **01472 494250** to discuss suitability with a Duty Worker (Monday – Thursday 9am until 5pm, Friday 9am until 4:30pm).

Compass Go have provided links below to their Compass Go youtube channel and Compass Go podcast which discuss mental wellbeing topics and provide useful advice. Please see the Compass Go's September newsletter attached.

<https://anchor.fm/justtalkmentalhealth21>
<https://www.youtube.com/watch?v=QD9P8R8w68E&list=PLv1oSMmeR8wPAMN5h2c0vYtN148A4Vw>

We have also attached Compass Go's September newsletter for you to read.



TEAM MEMBER OF THE MONTH

Hi, my name is Nikki! I take great delight in working with children and young people, helping them to overcome challenges or difficulties. I have 12 years previous experience working with children and young people in schools as a school counsellor. When I am not at work, I enjoy walking my Boxer Dog, Darcey, I love to travel to interesting places and discover new foods.

GET IN TOUCH

01472 494250
 NELINCSMHS@Compass-uk.org
<https://www.compass-uk.org/services/north-east>

SUMMER 2021

We have had a busy Summer delivering our offer while making a positive impact within the community.

Compass Go... Weekly Podcasts on emotional wellbeing

Our Let's talk about mental health... podcasts discuss mental wellbeing topics and include questions and advice provided by young people from the local area.

Episode 1... Let's talk about... emotional wellbeing
Episode 2... Let's talk about... anxiety
Episode 3... Let's talk about... negative automatic thoughts
Episode 4... Let's talk about... self-esteem
Episode 5... Let's talk about... Low mood
Episode 6... Let's talk about... Transitions

Please search Spotify or Anchor to listen to! We would love teachers and parents to have a listen too!

Compass GO... Wellbeing calendar

We have worked closely with the children and young people in our area to create the Compass Go... Wellbeing calendar this can be accessed via the

Beach Day

On 27th August went to Cleethorpes beach and met with the local families, children and young people. We spent time building sandcastles, playing rounders and showing families our local treasure hunt activity that is popular with local businesses.

Community Event

On Saturday 17th August Fay and Rachel attended the West Marsh Community Fair at the local community centre. It was an outdoor event on a baking hot day. There was a DJ and bouncy castle for the children, the atmosphere was energetic and positive.





How did we respond to the rise in numbers:

- Appointed an IAG officer to support with early intervention with initial queries from parents, schools and support officers with complex cases
- Offered telephone drop-in sessions with the EHE team
- Send termly newsletters out to the cohort, with both educational resource advice and signposting for wellbeing and mental health support
- Worked with Early Help to identify families who would benefit from a winter support grant and supermarket vouchers
- Officers support with supportive interventions for complex cases (Special Package of Care requests, transition back to school) and co-ordinating other specialist services beyond universal provision
- Offered webinars to key stakeholders including social care and health professionals and development of virtual partners group as well as schools to understand the importance of early intervention prior to a family choosing to EHE, as outlined in the DfE's 'Your Duties, Our Expectations'
- Worked with YPSS and post-16 settings to support year 11s
- Made home visits to the most vulnerable families dependent upon H&S advice





What do we need to do next:

- Support Year 11 cohort with GCSE entries for 2022
- Continue to develop IAG for both key stakeholders and families themselves that EHE families don't have always have access to the same services as pupils in a school setting
- 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.

