

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Education and Children Services Scrutiny Panel  
**DATE:** 4 February 2021

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**WARD(S):** All

### **PART I**

#### **FOR INFORMATION**

#### **BRIEFING ON THE SCOPE - ELECTIVE HOME EDUCATION**

1. **Purpose of Report**

The purpose of the report is to provide the Committee with an overview of the Elective Home Education provision in the context of the current national trends during the pandemic.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to note the report.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

3a. **Slough Joint Wellbeing Strategy Priorities**

The services described in this report and the improvements being made to them support the following priorities:

Priorities:

1. Protecting vulnerable children
3. Improving mental health and wellbeing.

3b. **Five Year Plan Outcomes**

The services described in this report and the improvements being made to them support the following outcome:

- Slough children will grow up to be happy, healthy and successful.

4. **Other Implications**

(a) **Financial**

There are no financial implications of proposed action.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
Covid-19 lockdown (Mar 2020 and Jan 2021)	Child's Access to education	Home visits; engagement with parents to assess parental educational capacity.		1) Home visits changed to virtual online meetings and assessments  2) Vulnerable children: Letters sent by the LA to engage parents and provide contact details for EHE teachers. Follow-up with calls and home visits where necessary.

Please note: Definition of Vulnerable Child—Impaired physically, intellectually, emotionally, socially and behaviourally.

- Social Workers and Family Support Workers continue supporting and signposting families to relevant support services.

- Joined up services approach - All children with EHCPs still receive joint visits with Home Education Teachers and allocated SEND Officers so children's needs continue to be assessed and reviewed.

- Human Rights Act and Other Legal Implications

There are no Human Rights Acts implications.

5. **Supporting Information**

5.1 Definition & Legislation:

5.2 DfE definition: Elective home education is a term used to describe a choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time.

5.3 In England, education is compulsory, but attending school is not. Section 7 of the Education Act 1996 states that:

- 5.4 “The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable –
- to his age, ability and aptitude, and
  - to any special educational needs he may have, either by regular attendance at school or otherwise.”
- 5.5 Some parents choose to do this by educating their children at home. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law as an education that "achieves that which it sets out to achieve", and a "suitable" education as one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".
- 5.6 Article 2 of Protocol 1 of the European Convention on Human Rights states that:
- 5.7 “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.
- 5.8 Parents choosing to Electively Home Educate their child/ren should be purely a voluntary decision and not as a result of pressure from the school. Schools should not make any attempt to encourage EHE nor should any pupil be removed from the school roll on the assumption that a child is being educated at home. Off rolling in any circumstances must not happen without the approval of the Attendance Service.

The DfE has published departmental guidance for Local Authorities/Schools and for Parents in relation to EHE. The Local Authority must discharge its responsibilities which they have under Sections 436A and 437 of The Education Act 1996.

- 5.9 It is also worth noting that parents are not legally obliged to confirm their intentions to EHE, however, the LA maintains contact as per Government Guidance.

References related to above guidance

- <https://www.legislation.gov.uk/ukpga/1996/56/section/7>
- <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/II/chapter/2>
- <https://www.gov.uk/government/publications/elective-home-education>
- <https://www.legislation.gov.uk/ukpga/1996/56/section/436A>

## 5. 10 The National Context

- In the period, October 2019 to October 2020 EHE cases have risen by 38% to an estimated total of 75,668.
- Across the South East the number was 11,521 for the same period.
- EHE children are known as “Hidden Children” as parents are not required by law to report they are home educating, it is NOT a statutory requirement, therefore

the numbers of children currently being home educated is expected to be much higher with the true numbers being unconfirmed.

- LA's have a duty to establish whether a suitable education is being provided but do not have a role in the assurance of such provision.
- Safeguarding concerns – children's welfare cannot be monitored if they are not in a formal educational setting (LA's concerned as they cannot know if the child is safe from harm or exploitation other than through routine monitoring visits).
- Health concerns, specifically, Covid-19 is the primary reason for a rapid rise in EHE cases nationally since March 2020.
- ADCS awaits the outcome of the Department for Education's *Children not in school* consultation which proposed duties on LAs to maintain a register of children who are electively home educated and to provide support to parents who educate their children at home.

#### 5.11 **Legislation to support a child back to school if EHE is unsuitable:**

5.12 Section 437 (1) A formal notice of the Education Act 1996 could be issued regarding unsuitable education provision. In due course this will lead to a school attendance order and eventually prosecution leading to a fine and/or parenting order.

#### 5.13 **Council arrangements**

5.14 The Council's Attendance Service is responsible for supporting schools and parents if parents choose to Electively Home Educate.

5.15 Home Education Teachers commissioned by the LA assess the suitability of education in place by conducting home visits; door steps and alternative public places such as libraries and since the pandemic have provided virtual visits.

5.16 Local authorities and schools should work together to ensure that every child has access to their legal right to a full-time, efficient and suitable education. This applies to children who are receipt of home education. Once a parent formally notifies the school that they wish to withdraw their child from the school roll for the purpose of EHE, it is expected that schools undertake the following prior to a referral to the LA Attendance Service;

I. Ensure that the parents' decision to EHE their child is purely a voluntary decision.

II. Obtain written notification from the parent of their intention to EHE their child.

III. Discuss the reason the parent has chosen to EHE their child.

IV. Discuss and address any concerns that the parent has with the school / dissatisfaction with the system if this is being used as a reason for withdrawing from the school roll.

V. Ensure that the parent is clear on what their responsibility is when they opt for EHE.

**VI.** The following should be shared with the parent; Ensure that the parent understands that, in accordance with Section 7 of The Education Act 1996, they have the responsibility to ensure that their child receives “efficient, full time education suitable to;

**a.** His/her age, ability and aptitude and to any special educational needs he/she may have either by regular attendance at school or otherwise

**b.** Parents must be prepared to assume full financial responsibility, including bearing the cost of any public examinations

**c.** Parents have the right to apply for a school place at any time should they subsequently decide that EHE is not as successful as they wish it to be, however in accordance with SBC’s Fair Access Protocol, children removed from the school roll for the purpose of EHE that wish to return to the school system will be expected to return to the school that they left.

5.17 Parents should be made aware of this when considering EHE as a temporary measure for example; in respect of COVID or whilst they are awaiting a school place of preference. Parents are expected to assume full responsibility for their child’s education with immediate effect.

5.18 In such instances parents should be advised to contact the Admissions Service or complete a new Admissions Application online (available from the SBC website).

#### 5.19 **Delivery of EHE**

5.20 The delivery of EHE is part contracted to The Specialist Education Trust (Littledown School) who provide a home education monitoring service (2 experienced qualified teachers) for all pupils who are educated at home.

5.21 The home education advisory teachers conduct home visits to assess the suitability of education in place. This extends to annual monitoring and details are shared with the Attendance Service to ensure tracking and recording of cases.

5.23 Once the Local Authority receives notification of EHE, they [LA]:

- Check across all databases in relation to the child’s status i.e. known to social care/early help (where this is the case the relevant case worker will be notified)
- Make contact with the parent to confirm their intentions to EHE and establish their reasons for doing so
- Notify the parents of their legal responsibilities
- Once it has been ascertained that the child will be purposely home educated the Attendance Service will;
  - Notify the **Home Education Advisory Teachers (HEAT)** at Littledown School of the case who will then arrange an initial visit with parents in approx. 6

weeks time and thereafter annually to establish the child is being suitably educated at home.

- A report written by the teachers which outlines the education in place is shared with the Attendance Service. The education is monitored annually thereafter.
- The reports are assessed and RAG rated. Cases of concern rated as inadequate are prioritised for further action, whereby parents are contacted for further advice, and guidance. Where there are safeguarding issues the team will refer any concerns to the Front Door within the Slough Children's Service Trust.
- If there is non engagement from parents where it appears that a suitable education is not being provided despite additional support or attempts to engage, further action may be taken as per The Education Act 1996. This action may include additional visits, support and / or enforcement against the parent (School Attendance Order).
- For cases where there are no concerns, the LA will inform the school once the investigation has been completed and the school can remove the child from roll. For more complex cases the LA will request the school keep the child on roll for approximately 4-6 weeks whilst the school/LA/parent discussions achieve an appropriate outcome.

#### **5.24 Monitoring and tracking Pupils for EHE**

5.25 The Attendance Service (Elective Home Education Officer) monitors, tracks and records each of the EHE cases and provides relevant data to inform the local status.

#### **5.26 Multi-agency working**

- EHE / CME (children missing education) Trust Panel Meetings meet monthly to provide a view of the support that is available from different agencies for the child.
- This facilitates discussions on how processes including referrals to Social Care can be focused on at least conducting a Children and Family Assessment.
- Social Workers and Family Support Workers continue supporting and signposting families to relevant support services.
- Joined-up services approach - All children with EHCPs still receive joint visits with Home Education Teachers and allocated SEND Officers so children's needs continue to be assessed and reviewed.

#### **5.27 The local position**

5.28 The below table illustrates the increases in children being home educated over the past 4 years in line with national trends. In January 2021 the service had seen a rise of 59% from last years total figures:

Academic year	Total EHE cases	% growth from previous yr.
2020/21 (as of 5.1.2021)	289	59%
2019/20	184	12%
2018/19	165	20%
2017/18	138	11%

Source: Covid DfE portal report (5.1.2021)

- As of 5.1.2021 locally there was a rise of 59% of EHE cases as compared to EHE cases from 2019/2020 (184 Vs 289).
- Nationally, there are 6-10% of EHE children who have an EHCP in place, compared with 3% in Slough.
- Nationally there are 6% of EHE cases previously and currently known to Social care, compared with 29% of cases in Slough.
- Nationally there are 15.8% of children previously and currently known to wider Services (e.g., Early Help), compared with 17% across Slough.
- Currently in Slough 2.5% (7 children) of the total EHE cases are not engaging with Attendance Service which was recognised by Ofsted in the October Focussed Visit as being a low number.
- There are currently 2 children in Slough on flexi-schooling (part-time timetable).

#### 5.29 **Reasons for EHE:**

#### 5.30 The 3 main themes provided include:

- 93 Family Reasons in Slough (this includes reasons related to Covid-19, e.g. fear of sending child to school, vulnerable family member in particular where families live in multi-generation households)
- 59 Reasons not established
- 27 Parental choice
- Covid 19 has had a significant impact on EHE numbers which were already on the increase.
- Slough Context-Family reasons (subsumed Covid 19 Reasons e.g. ill vulnerable family members).
- EHE traditionally used by parents waiting for a preferred school (as of Sept 2020 current Admissions/Fair Access practices prevent this, either on school roll or EHE – EHE is not allowed to be used as a waiting ground for preferred choice of school to be made available).
- Use of Fair Access Panel – to provide school place once moving back to formal education in school.
- A good number of EHE children are removed from school due to disputes manifested in behavioural difficulties.
- Increased awareness that EHE has been used for masking safeguarding issues by parents.
- EHE has also been known to be used as a stepping stone if bullying/school based issues such as behavioural concerns, following exclusions, mental health if the school does not support the child and the parent feels the child is unsafe.

- Covid related practices: virtual zoom meetings, door step visits for most vulnerable children, letters to engage parents who are not responsive to calls, follow up with home visits, closer work with other agencies to ensure welfare and safeguarding arrangements are in place.

### 5.31 **Challenges:**

- Local Authority execution of maintaining an oversight of the provision of children's suitable education in safe environments is compromised by the lack of a strong legal framework.
- Nationally there are capacity pressures as a result of the rapid increases in EHE caseloads.
- Children not able to attend tutoring sessions or take exams.
- No teacher assessments can be conducted as some schools might be illegal.
- Correspondence or online resources can be expensive.
- Children leave EHE without qualifications.
- Destinations not tracked.
- Vulnerable children with social, emotional and mental health difficulties fail to reintegrate back into school.
- No access to formalised work experience.
- Children might be at risk of criminal exploitation or other associated activities.

### 5.32 **Areas for Development (service aspirations)**

- Further integrate EHE work across services such as Fair Access, Admissions, CME and embed across the early help offer.
- Admissions and Fair Access Protocols to be further developed with Attendance / EHE work.
- EHE numbers have increased compared to last year and the majority are registered with the home education service with the exception 2.5% (7 children) who do not engage and there is not a formal mechanism legally for reviewing the standard of education and ensuring safeguarding concerns are addressed.
- Legal framework and practice for non engaging parents or where EHE is rated as inadequate to be further developed in Slough.
- Government to formalise as statutory requirement to register EHE with LA and framework developed to safeguard children within EHE.
- Develop regional networking to align practices across the south east.
- Yr. 11 EHE cases - arrangement of examination centres with Further Education Centres and Haybrook College for children and young people.
- Flexi Schooling-an option but contentious.

## 6. **Comments of Other Committees**

None

## 7. **Conclusion**

- Attendance Service has developed good processes and mechanisms in monitoring and assessing EHE – confirmed during the Ofsted Focused Visit, October 2020.
- Further local development work needs to embed processes with other services to ensure deeper interagency collaboration.
- Legal processes require further development to support children not receiving a suitable education at home (national and local priority).
- Collaborative work with other regional authorities to develop best share practices

## 8. **Background Papers**

The Association of Directors of Children's Services Ltd: ADCS EHE report 2020

Sept 2020 Slough School Referrals to the LA –Information Document V5 (Internal Document: Attendance Service)