

Report to: People Scrutiny Committee

Date of meeting: 17 November 2022

By: Director of Children's Services

Title: Elective Home Education (EHE) in East Sussex

Purpose: The Committee has expressed an interest in undertaking a scrutiny review of Elective Home Education (EHE). This report will update the Committee on work the Department undertakes in this area and recent national developments impacting the response to EHE to support consideration of how and whether to progress with a scrutiny review.

RECOMMENDATIONS: The Committee is recommended to:

1) note the work of the EHE team in meeting statutory requirements of the Local Authority (LA) in respect to children who are Electively Home Educated.

2) note the outcome of the recent Audit into the work of this team.

3) determine whether to progress to scoping a scrutiny review of this area.

1 Background

1.1 The responsibility for a child's education rests with their parents and parents have a right to educate their children at home if they so choose.

1.2 The legal framework expects that parents must '*ensure that their child receives an efficient, full-time education suitable to their age, ability and aptitude, to any special educational needs, either by regular attendance at school or otherwise*'. The law also states that '*Parents are not required to engage with a member of the local authority, teach the National Curriculum, provide a broad and balanced education or give formal lessons or mark work*'. Thus, the framework within which the local authority can work with families around Elective Home Education (EHE) is limited. The framework governing schools around EHE is clear and states, "*Schools must not advocate elective home education*".

1.3 The number of children who are EHE has risen consistently over the last 5 years, both nationally and locally, across all year groups and school type. During the academic year 2017/18, there were 1233 open cases within East Sussex; for 2021/2022 this number grew to 1936 (an overall increase of 57%). The October 2022 data shows there were 1349 open EHE cases which is a 9% increase from the previous year. In September, at the start of the new academic year there were 1338 open EHE cases which was an increase of 6.5% from the previous year.

1.4 Currently 49% of EHE families are considered vulnerable and the reasons for this long-term growth are complex and involve factors such as dissatisfaction with the school system including lack of curriculum choice and testing at Key Stage 4. Parents also cite mental health, unmet special educational needs (SEN), and school preference as a reason for choosing EHE. We have not encountered an example of a school putting pressure on a family to opt for EHE as an alternative to exclusion; it is possible that poor relationships with a school may have led to a decision by a family of course but we are not seeing evidence of this.

1.5 During 2021/2022, 11 EHE families with a child protection plan (CP plan) and 13 families with a child in need plan (CIN plan) were supported by the EHE team whose role it was to ensure robust processes and procedures were in place to determine suitability of education. Due to the

historic work in this area by the team, there has been a reduction from the previous academic year where there were 15 CP plans and 32 CIN plans across the total EHE population.

1.6 The average length of time EHE cases are open with CIN and CP plans has reduced from 26 months to 6 months in the past 2 years. In total there were 78 children with Education, Health and Care Plans (EHCP's) within this time period. The team have created robust systems with social care to ensure good joint working for children with CP and CIN plans. This includes:

- quarterly meetings with all key leads in social care to update and address issues and case specific issues;
- production of a training video for new social workers;
- offering training to schools to set out expectations that they explore and try to address reasons for parents looking at EHE. This has reduced the number of children becoming EHE with plans at the point of off-rolling; and
- meetings with all Area Group Secondary Heads to share EHE data and discuss actions and next steps that can be taken by schools and with support of the local authority to reduce EHE numbers.

All these factors combined have resulted in more children and young people returning to school. The net number of children educated at home continues to rise, however.

1.7 A significant aspect of the team's work is in supporting the reintegration of children who are EHE back to school. During the last academic year 2021-2022, 271 EHE children were reintegrated to their mainstream school following a period of EHE either voluntary or through a school attendance order; this represents an increase of 87% on the previous year.

1.8 In December 2021, case law change was the subject of the High Court's consideration in *Goodred v Portsmouth City Council*. The law now gives local authorities the legal basis to request evidence from parents of a suitable home education without a cause for concern.

1.9 On the 3 February 2022 the Department for Education (DFE) published results for its 'Children Not in School' consultation, within which Government stipulated its intention to legislate the following four duties:

- *A duty on LAs to maintain a register of children of compulsory school age who are not registered at school, including flexi-schooling arrangements.*
- *A legal duty on parents to provide information to a register. It will also include securing resources to implement this.*
- *Place a duty on unregistered settings to register children access settings for the majority of a child's week.*
- *A duty on local authorities to provide support to EHE families where this has been requested.*

1.10 These duties were expected to be legislated for in the Schools Bill. In October 2022, the above legal change was postponed whilst the Government sought to include the expansion of grammar schools to the Bill proposal. Following recent changes in Government, we understand that the Schools Bill has been dropped for want of Parliamentary time/priority.

2 Supporting Information

Compliance Activities

2.1 In June 2022, an internal audit was undertaken of EHE systems and processes by Orbis. The audit's final opinion was that '*substantial assurance*' is provided in respect to Elective Home Education. The report concluded that robust, structured approaches to systems and processes in all areas of the service are applied and that regular reviews take place.

2.2 In May 2022, a Pan Sussex EHE Safeguarding Audit with West and East Sussex and Brighton and Hove Council was conducted by the East Sussex Safeguarding Children's Partnership (ESSPP). The audit concluded that the East Sussex EHE team provided good management oversight, timely intervention, meticulous record keeping and clear multi-agency involvement including joint visits with other agencies including social care, schools, Police, Sussex Partnership Foundation Trust (SPFT) and SWIFT Specialist Services.

Use of Data

2.3 The team are developing the use of data sets through the Children's Services Department central database (EYES) which will identify trend data and patterns as to the reasons for the increased numbers. These new data sets will provide the team with targeted information to affect change moving forward.

2.4 The team have identified high numbers of EHE children in Year 1 and Year 7 which is linked to families not securing a school placement of choice at transition. This trend has been repeated from previous years.

2.5 Data is also used to identify schools with disproportionately high levels of requests for EHE which are followed up with a strategic discussion with the school by service managers.

Training for Schools

2.6 The EHE service have developed and offered EHE training to all secondary schools as a follow up to meetings with senior school leaders to discuss school specific EHE trend data. The training has currently been delivered to four schools and is effective in developing a shared understanding of the vulnerabilities of EHE.

2.7 The five schools with higher levels of EHE have been targeted in the next phase of training. This information and bespoke offer has also been shared with the Secondary Board held in June 2022 and the Area Group meetings in term 6.

2.8 As part of a task and finish group across last academic year, a revised EHE school off-rolling process has also been agreed by schools. This aims to further reduce the number of families choosing to off-roll their children. Through this process, strong links have been established with schools and there is a shared ambition across East Sussex to reduce the number of children who are EHE where parents are not able to provide a suitable education.

Service Development

2.9 A total of 8 staff oversee the work around EHE within East Sussex. As a result, in the increase in demand on the service, an additional Senior EHE Support and Advice officer were employed in December 2021. In November 2022, further resources were agreed to support the service; this includes funding for an additional EHE Officer post, which will reduce caseloads and increase the number of home visits available to vulnerable families. Given high levels of demand, pressures remain on the service and Children's Services senior management team will continue to monitor. The priority to is to ensure that children are safe from harm.

2.10 In addition to the statutory offer, further funding was agreed to employ a full-time early engagement EHE officer. This role will triage county-wide families considering EHE enquires, offer advice and guidance to families, schools and professionals, and attend any in-school meetings with schools and parents to support school resolution, where appropriate. The role will also be instrumental for developing a pilot project to target families considering EHE within the Eastbourne and Hailsham area and will focus on children who have identified SEND and or attendance needs. The role will be able to facilitate time-limited school based additional support from the LA.

Engagement Activities

2.11 Whilst the law places significant limitations on the LA, the service undertake a range of activities to engage with EHE families so that we can maintain some contact with families who are otherwise out of the education system. These activities include:

- A monthly drop-in service in Heathfield and St Leonards (and from January this will also be available in Eastbourne and Peacehaven). This gives families an opportunity to bring evidence of a suitable education to be assessed, and to give advice and guidance to families considering EHE so that these can be picked up early and potential issues with schools resolved before children are removed from roll.

- The team produce a quarterly EHE newsletter which includes signposting to various services, including those such as CLASS+ who may be able to improve engagement with families with a view to securing a return to school.
- A full time Youth Employability Service EHE Advisor is now in place to work proactively with all Year 11 EHE CYP (where parental consent is provided) to reduce levels of young people Not in Education, Employment or Training (NEET) Post 16.

Keeping Children Safe

2.12 Ensuring that CYP who are EHE are safe from harm is a significant priority for the service. To do this, we assess the level of vulnerability against a criteria of red and green, using information from the off rolling form, EYES (our internal database) and also including any social care updates. The following cases listed will be ragged as red:

- Children with an EHCP;
- current CIN or CP plan;
- Education Support, Behaviour and Attendance Services (ESBAS) involvement at the point of off rolling;
- at risk of exploitation;
- where schools have raised a concern on the off-rolling form.

2.13 These cases are offered an initial home visit and a follow up visit at 3 months. Currently 49% of cases are considered red ragged. 'Green' cases can be changed at any point with additional information and families can request a home visit or can meet the team at a monthly drop in at 4 locations or through a virtual meeting.

2.14 Additionally, quarterly meetings are held with key leads in each social care team (Single Point of Access, Multi Agency Safeguarding Hub, Youth Support Team, Duty Assessment Team and Under 19s) to share intelligence and raise concerns where appropriate. This has improved communication, information sharing and knowledge of EHE through training and there is now specific EHE training for professionals within social care (including a training video and presentation). Services within social care have a link EHE individual that our service can directly share information and communicate with.

3. Conclusion and reasons for recommendations

3.1 This report highlights the current restrictions of EHE law, the expansion in numbers of EHE families within East Sussex who are choosing to EHE and how East Sussex meets its statutory responsibilities through the EHE team. The report also recognises the increasing levels of demand and the additional resources that have been required to maintain service delivery.

3.2 In addition to that set out above, the EHE Service has set out some priorities for the next twelve months to further improve service delivery:

- To create a service level agreement with East Sussex further education colleges offering EHE children part-time 14yrs-16yrs courses to safeguard children, considering recent rapid case reviews recommendations.
- Create pathways to inform wider teams and professionals of their responsibilities to EHE.
- Following the recommendations of the Orbis Internal Audit, to write a separate EHE safeguarding policy.
- Explore additional methods of gaining child voice, as a forum or during visits.
- Review the success of the early intervention officer pilot.
- Update the EHE policy and parent pack considering national legal changes.

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