

Report to: People Scrutiny Committee

Date of meeting: 13 November 2023

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 the priority actions the Department completed, following the previous report in October 2022.

RECOMMENDATIONS: The Committee is recommended to:

- 1) Note the data assessment of children in East Sussex that are elective home educated for 2022-2023**
 - 2) Note the updates from the twelve-month priority actions by the EHE team from October 2022**
 - 3) Note the priority actions for the EHE team for the next twelve months.**
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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. There is no requirement on families to notify the local authority (LA) if they are electing to home educate their children.
- 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*".

2. Assessment of Current Data

2.1 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 1254 open cases within East Sussex; for 2022/2023 this number grew to 2101 (an overall increase of 67.5% since 2017/2018). The October Census 2023 data shows there were 1461 open EHE cases which is an 8.3% increase from the same month in the previous year. Children in Key Stage (KS) 3 (332) and KS 4 (226) account for the highest numbers of new EHE cases, with children in Year 10 (146) being the largest cohort of new EHE cases. The overall percentage increase in cases has started to slow as exemplified in the adjacent chart.

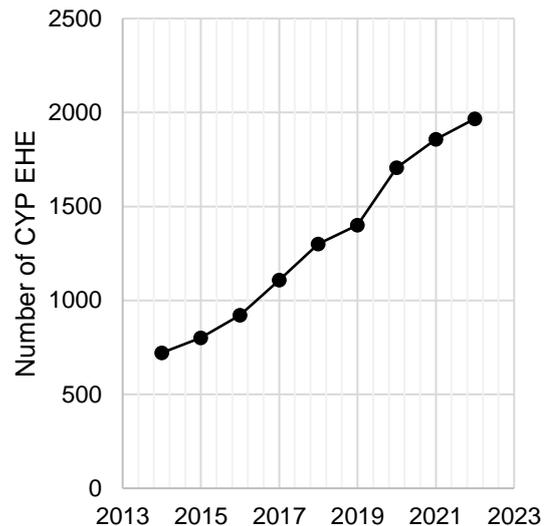


Figure 1. Active EHE Numbers by calendar year (2014 - 2022)

2.2 Currently, 49.5% of EHE families are considered vulnerable (a 0.5% increase from the previous year) and 54% (433) newly opened EHE cases across 2022-2023 were classified as Red 'RAG' indicating that newer cases are increasing in vulnerability and complexity. There were 7 cases that became EHE following permanent exclusion from school.

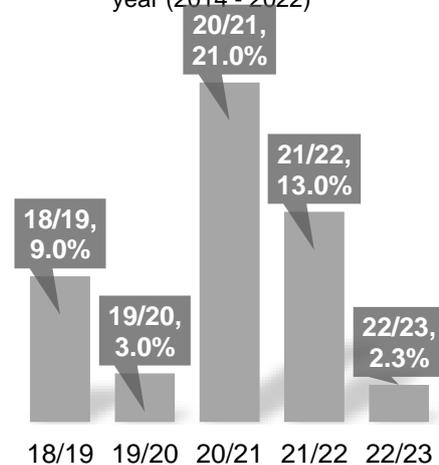


Figure 2. %age increase in EHE numbers from previous academic year.

2.3 The underlying reasons for this long-term growth in EHE numbers are complex and multi-faceted but may include one or more of the following factors:

- dissatisfaction with the school system including lack of curriculum choice and testing at Key Stage 4
- mental health concerns
- unmet Special Educational Needs and/or Disabilities (SEND)
- not being allocated school preference of choice as a reason for choosing EHE.

The EHE team 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, but we are not seeing clear evidence of this.

2.4 During 2022/2023, there were 7 EHE families with a child protection plan (a reduction of 3 from the previous year) and 68 families with a child in need plan (an increase of 423% from the previous year), which is a concerning priority for this coming year.

2.5 In total, there were 89 children with Education, Health and Care Plans (EHCP's) within this time period, an increase of 14% from the previous year. The team have reviewed and embedded robust systems to support these families.

- 2.6 A significant aspect of the team's work is in supporting the reintegration of children who are EHE back into school. During the last academic year 2022-2023, 314 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 16% on the previous year.

3. 2022-2023 Priority Actions Updates

- 3.1. 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 through the Schools Bill including:
- *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.*

In December 2022, the current government 'shelved' the Schools Bill but stated '*...it is still a priority*'. As it stands, however, there is no legislative pathway to bring the above into force and the LA's powers remain limited in this arena.

- 3.2. Six priority action areas were identified in 2022/23 for the Children's Services Department to focus on in making improvements to our current practice. These are outlined below alongside an update of the work undertaken in each one.

Priority Action 1: Update the EHE policy and parent pack considering national legal changes.

The EHE policy and parent pack have been updated to reflect the improvements to the Service offer to families. Following the shelving of the Schools Bill, there have been no legal changes to include.

Priority Action 2: Review the success of the early intervention officer pilot.

The team identified an increased number of families making enquiries about EHE due to perceived unmet needs. An Early Engagement EHE Officer was recruited in May 2023 and, although it is too soon to assess the impact of this new role, 40% of the 84 EHE enquiries received from May to August 2023 are currently still on the roll of the school (as of 1 October 2023). This role offers support and guidance for parent/guardians considering EHE and ensures all options have been considered fully before a move to EHE. Annual data collection will include key trends about families considering a move to EHE, based on vulnerabilities and key indicators of the child; current education settings; reasons for considering EHE and outcome of whether EHE has been prevented.

Priority Action 3: To create a service level agreement with East Sussex further education (FE) colleges offering EHE children part-time 14yrs-16yrs courses to safeguard children, considering recent rapid case reviews recommendations.

Formalised termly meetings with FE Colleges 14-16 provisions have been embedded to share attendance data and safeguarding information for EHE children and young people accessing these courses. The EHE service supported Standards and Learning Effectiveness Service Safeguarding with safeguarding audits of the key FE College 14-16 provisions in East Sussex. Currently, a Data Protection Impact Assessment is being undertaken to allow for a data sharing and service level agreement to be co-produced with FE colleges, which they are supportive of.

Priority Action 4: Create pathways to inform wider teams and professionals of their responsibilities to EHE.

The Education PIP target 3.5 includes an outcome measure to understand the underlying reasons for EHE and to reduce the number of EHE's from schools. This target will be achieved through the development of EHE data reporting systems and monthly analysis to identify key trends to share with the Educational Division, social care services and schools. The EHE service also now reports to the Department for Education (DfE) for the EHE/Children Missing Education (CME) census returns (three times a year). As the team have identified a significant increase in children with Child in Need (CIN) plans within 2022-2023, they have established an ongoing training schedule for professionals within social care, health and educational services to identify vulnerabilities of EHE children, explain the legal framework of EHE and facilitate information sharing and communication. Training sessions were provided to Child and Adolescent Mental Health Service, NHS Safeguarding team, Education Support Behaviour and Attendance Service (ESBAS), Admissions, Youth Support teams, U19s and 9 Secondary schools. An article was published in the Family Focus E-Bulletin (April 2023).

Priority Action 5: Following the recommendations of the Orbis Internal Audit, to write a separate EHE safeguarding policy.

The draft policy has now been written and a training video for staff is currently being created.

Priority Action 6: Explore additional methods of gaining child voice, as a forum or during visits.

The team have researched a variety of child voice tools used nationally and are currently carrying out a range of pilots to ascertain child voice tools for a variety of ages and aptitudes whilst adhering to legal and safeguarding frameworks.

4. 2023-2024 Priority Actions

- 4.1 During July 2023, East Sussex Safeguarding Partnership conducted an audit of systems and processes within CME. They concluded a close working relationship and good systems for joint working between the CME and EHE teams. The Safeguarding Partnership are writing to the DfE to highlight the national safeguarding concerns for children who are within the CME processes. The EHE service has contributed to the revised East Sussex Neglect matrix. This Pan-Sussex working party, coordinated by East Sussex Safeguarding Children Partnership (ESSCP), identified the need for the vulnerabilities of EHE children to be considered within the context of the child developmental neglect framework. This is due to be published November 2023.

4.2 As part of our ongoing plan of work in this important area, the CSD have identified eight priority action areas for the current academic year. These are set out below:

Priority Action 1: To work collaboratively to design robust joint safeguarding procedures for children moving to CME from EHE (EHE and CME teams).

Priority Action 2: To enhance the monthly EHE Drop-In sessions which have been embedded across 4 locations in East Sussex, offering 'resource swaps', effective signposting and participation from other professional services. This will include IRock, Fire service, Amaze, School Health team, Foodbank and CLASS+.

Priority Action 3: To define and establish a suitable EHE child voice tool following a series of pilots.

Priority Action 4: To further develop and embed the 3 monthly publication of the EHE Newsletter to include updates from the child voice tool and include information sharing of activities, resources, events and effective signposting (e.g., Youth Employability Service, work experience, cost of living crisis). The EHE Newsletter shares examples of children and young people's work and top tips from families in every edition. The East Sussex Facebook page 'Information for Families' is included as further signposting for EHE families.

Priority Action 5: To complete the Service Level Agreement process with FE colleges.

Priority Action 6: To meet three times per year with the Ofsted Unregistered Schools team inspector to share intelligence regarding potential unregistered settings. HOPE Sussex has been a case that has been inspected but was not found to meet criteria.

Priority Action 7: To create EHE bite-size continuing professional development (CPD) sessions from November 2023 for social care colleagues.

Priority Action 8: To investigate the rise in new EHE cases following permanent exclusion and to work with Education Division colleagues to find solutions to minimise increased risk in this area.

5. Conclusion and reasons for recommendations

5.1 This report highlights the ongoing restrictions of EHE law following the removal of the Schools Bill from the parliamentary timetable. It shares the team's priority, through the Education Division PIP, to train a range of Children's Services professionals to understand the potential vulnerabilities of EHE and to inform them of their roles and responsibilities to find solutions to barriers to learning within schools.

5.2 The report describes the rise in new vulnerable cases linked to permanent exclusion (PEX) and CIN plans; a strategy to find solutions and the establishment of a new early engagement officer to work with schools and families to consider all solutions to their child's barriers to learning before committing to EHE. EHE numbers continue to rise, and the team are committed to working with a wide range of teams within Children's Service to reduce this increase, where this is not appropriate for individual children.

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