

Report to Cabinet

12 January 2022

Subject:	Recommendations of the Scrutiny Review of Elective Home Education
Cabinet Member:	Cabinet Member for Children and Education, Councillor Karen Simms
Director:	Michael Jarrett Director of Children and Education
Key Decision:	No
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1 Recommendations

1.1 That, the Cabinet consider the following recommendations from the Children's Services and Education Scrutiny Board in respect of the Elective Home Education Working Group:

- (a) The Elective Home Education (EHE) resource pack be reviewed and edited to make it more accessible to parents;
- (b) The EHE website be refreshed to provide information, guides and links to other information and links to EHE forums for advice and support;
- (c) To identify resource and support within the Council to facilitate the refresh;



- (d) That additional spaces and facilities be identified for EHE groups to meet and carry out activities, and that competitive rates for use of those facilities be negotiated for EHE group use;
- (e) That the Council develop a mechanism for resources to be shared for EHE, such as a hub for books or other educational material to be kept;
- (f) That youth social networks, such as 'Just Youth', be promoted on the EHE website for users to find out what's on in Sandwell for young people and to encourage engagement;
- (g) To raise awareness of the Special Educational Needs (SEN) and Education and Health Care Plans (EHCP) support available and access for children;
- (h) That the Cabinet Member for Children and Education and the Director of Children's Services, on behalf of the Council, be requested to write to the Secretary of State for Education, Nadhim Zahawi and to the Parliamentary Select Committee Inquiry of Home Education, to register this Council's findings from the EHE review which highlights the need for regulation and resources for Elective Home Education; and to endorse a letter from the Association of EHE Professionals which asks whether consideration is being given to strengthening the legislation to provide further safeguards for children who are EHE.

1.2 That, in connection with 1.1 above, a further report be submitted to the Children's Services and Education Scrutiny Board, within 2 months' time, on the decision of Cabinet.


2 Reasons for Recommendations

2.1 The Children's Services and Education Scrutiny Board requested regular update reports relating to the work of the Elective Home Education Scrutiny Working Group. A progress update was presented to the Children's Services and Education Scrutiny Board on 11 January 2021. Since then, the Elective Home Education Scrutiny Working Group has carried out a review of the current arrangements and support for EHE in Sandwell.



- 2.2 The findings and recommendations are based on evidence gathered in Sandwell between October 2020 and February 2021, relating to the Sandwell EHE offer and a report dated 21 June 2021 was prepared.
- 2.3 The findings reflect wider national concerns that the Association Directors of Children's Services (ADCS) and Association of Elective Home Education Professionals (AEHEP) have made to the Government relating to the need to strengthen the legislation, to provide further safeguards for children who are EHE and the need to provide funding to local authorities work with EHE children through Designated School Grant (DSG).
- 2.4 The Cabinet is requested to consider the recommendations and determine what action it wishes to take. In accordance with the Localism Act 2011, the Cabinet is requested to respond to the recommendations of the scrutiny board within two months, setting out any approved recommendations and how they will be implemented. Progress against these recommendations will be monitored by the Children and Education Scrutiny Board.

3 How does this deliver objectives of the Corporate Plan?

	<p>Best start in life for children and young people Every child and young person whether educated in a school setting or at home deserves to have access to high quality support and resources to support their education. The report seeks to develop current practices and enhance the offer provided.</p>
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4 Context and Key Issues

- 4.1 An update report was previously submitted to the CSE Scrutiny Board on 11 January 2021.
- 4.2 Appendix 3 to this report (ADCS notifications October 2020) the ADCS continues to raise EHE issues and concerns with the Government contributing to the ongoing conversation both locally and nationally, recent press releases have highlighted the continued considerations around EHE. There continues to be concerns around those with SEND becoming EHE with a continued increase for those with an Education Health and Care Plan. There is also a concern following the ADCS



survey finding that 9% of pupils presently EHE being known to Children's Social Care.

The ADCS had raised a number of points with government which it regarded as needing greater consideration:

- No definition of a 'suitable education'. School Attendance Order (SAO) processes are slow, expensive and a blunt instrument and may not be necessary if there was a definition of, and framework against, which to judge a 'suitable education'
- Potential confusion amongst parents/carers about access to a school's remote education offer and EHE
- Lack of oversight of vulnerable children – LA has no power nor a right to see the child being home educated
- Most common reason cited (pre Covid-19) by parents for requesting EHE is dissatisfaction with school.

A response to the 2021 ADCS survey was submitted during the October (2021) half term break. National data based on the latest submissions from local authorities is not due to be published until late November / early December 2021.

The latest ADCS survey confirms that the government is considering a statutory duty on LAs to provide support to EHE families including an annual visit. The DFE is aware that LAs may require additional staff / resources.

4.3 The Elective Home Education Working Group

- 4.4 The rising numbers of EHE over the last 5 academic years in Sandwell prompted the Cabinet Member for Best Start in Life to ask the Scrutiny Board to take a closer look at the situation. The Elective Home Education (EHE) Working Group formed in November 2020.



- 4.5 The review aimed to gather evidence to understand about education outside the school system and the 'have, needs and wants' for EHE support in Sandwell:
- To understand the current numbers and consider whether support for Elective Home Education in Sandwell is sufficient.
 - To capture parents and young people's perspective on education at home.
 - To consider the attainment levels, and further education and employment trends for children educated at home.
 - To raise awareness of the limitations placed on the LA and bring findings to the attention of the Secretary of State for Education.
- 4.6 The Membership of the Working Group was Councillors Preece (Chair), Z Hussain, McVittie, Millar and Shackleton.
- 4.7 Evidence gathering took place between December 2020 and March 2021 provides a snap shot of the EHE picture nationally and in Sandwell:
- 08.10.2020 – Discussion and scope
 - 09.11.2020 – Research, data, EHE case studies, draft surveys
 - 25.11.2020 - Focus group with Parents, children and EHE advisory teachers
 - 02.12.2020 – Survey feedback, focus group feedback, detailed data analysis and costs
 - 27.01.2020 – Update report, emerging themes and findings
 - 10.03.2020 – Comparator data, alternative provision/ safeguarding case study and findings summary
- 4.8 The Working Group had reported progress to Scrutiny Board on three occasions and the DfE Senior case lead attending two of the Board meetings. It was important to monitor the National picture and emerging information during the review.
- 4.9 The Evidence Base as confirmed by Governance
See Appendix 1
- 4.10 Nationally concerns were raised about the rising numbers in EHE. This was highlighted in the Association of Directors of Childrens Services



(ADCS) Elective Home Education Survey 2020 which captured the number and characteristics of children and young people who were known to be home educated.

The survey also aimed to understand the reasons behind a family's decision to electively home educate, how LAs across the country were supporting these families, and how any available resources were being deployed in this area.

Sandwell's increase in EHE was higher than the 38% National average. As at 30th October 2020, Sandwell had received 220 new EHE referrals (including 90 citing Covid as the primary reason) representing an increase of 49% in comparison with the previous academic year.

- 4.11 The Working Group requested a Sandwell survey to find out more about why families were choosing EHE as an alternative to school and why there was a rise in numbers. The survey was distributed to all home educating families registered in Sandwell, which represented 561 young people as at October 2020.
- 4.12 Parents and children were invited to fill in separate surveys. The survey response rate was low, however analysis of the feedback from 15 adult surveys and 19 children surveys completed was very positive about EHE support in Sandwell and provided some useful comments.
- 4.13 The working group reviewed evidence that Ofsted had reprimanded a council after discovering potential off-rolling of children in care, the number of pupils educated at home had increased by more than 20 per cent. Ofsted analysis had found that nine of the ten children's services visits conducted since September mentioned a rise in the number of children being home-educated, Ofsted recognised many councils had effective processes in place to track such changes.
- 4.14 The Working Group welcomed that Sandwell processes were working very well and since September 2020, Ofsted has been carrying out assurance visits to local authorities to consider if they are making the best decisions for children in care during the pandemic. There had been eleven satisfactory visits to Sandwell schools by mid-November.
- 4.15 The working group gathered and considered evidence including case studies, analysis from EHE surveys, feedback from a focus group with



parents, children and EHE advisory teachers, the cost of home education in Sandwell and how EHE was funded.

4.16 The Focus Group with parents, children and advisory EHE teachers was held virtually. From the evidence gathered the working group has identified that Sandwell EHE support was 'strong' and that parents value the commitment and passion of the advisory teachers.

4.17 Key messages raised by the focus group in relation to wants and needs:

- The cost of home education – consider funding for EHE support (Note: Parents are responsible for direct costs)
- Issues about EHCP, identifying issues earlier and access to support if the child was not in a school setting;
- Free spaces to use for EHE group activities, mutual spaces;
- Resource library / bank for EHE parents to share their books and educational materials;
- Safeguarding: parents protecting their own child from school bullies and safeguarding children who were not in school.

4.18 There were several matters highlighted for consideration by the Scrutiny Board which may improve the Council Offer and that could be investigated quite quickly as actions.

- That additional spaces and facilities be identified for EHE groups to meet and carry out activities, and that competitive rates for use of those facilities be negotiated for EHE group use;
- That the Council develop a mechanism for resources to be shared for EHE, such as a hub for books or other educational material to be kept;
- That youth social networks, such as 'Just Youth', be promoted on the EHE website for users to find out what's on in Sandwell for young people and to encourage engagement;
- To raise awareness of the SEN and EHCP support available and access for children.

4.19 The DfE Senior Case Lead for this area provided an update on the Education Committee Inquiry. The parliamentary policy team had indicated it would welcome Sandwell Council's EHE Working Group evidence to help inform the national picture, especially as the views of children, families, and advisory teachers were being gathered and there



may be opportunity for representatives from Sandwell to re-engage with Westminster and the All Party Parliamentary process as previously attended by the Service Manager in his capacity as a member of the Association of EHE Professionals.

4.20 The Working Group had planned a second focus group with head teachers and teachers to further explore the support and advice in schools for pupils and parents and to establish if bullying was an issue, what measures were taken to prevent and protect against bullying. The timing of the review impacted on the capacity of the teaching staff who were providing remote learning during school closures. This activity can be carried out post Covid and when more is known from the parliamentary Inquiry of Home Education.

4.21 Evidence Summary

A table of evidence is included as appendix 1 to the report
The table contains a summary of the information and data gathered during the review.

1. EHE Notification Trends
2. New EHE by area since April 2020
3. EHE wards/ towns
4. EHE Summary - Additional HMI information since April 2020
5. Active EHE in the period
6. EHE Equality characteristics
7. Survey Parents and children
8. DfE
9. LA Comparison data
10. Association of Directors of Children's Services and Education
11. Estimated cost of EHE in Sandwell
12. Funding streams
13. Safeguarding
14. Off rolling / backdoor exclusions
15. SEND / EHCP
16. EHE Support
17. Parent School discussions
18. Bullying
19. College
20. Case Studies



4.22 Consultation

The working group have conducted two surveys to consult with Parents and children who are educated at home.

4.23 Alternative Options

The purpose of the review is to consider current support for Elective Home Education and if it meets the needs of young people and parents, findings will inform if the Council should consider alternative options.



4.24 Conclusions

The Working Group agreed that an initial response report should be prepared for submission to the Children's Services and Education Scrutiny Board on 21 June 2021. The report would summarise the process and findings of the work group in order to make recommendations to Cabinet. However, the CSE Scrutiny Board meeting did not take place.

4.25 The report would focus on the improvements the Council could consider making quite quickly and highlight the need to pause the review to allow time for the numbers of EHE children to stabilise post Covid. There was also a need to wait for the government's response to the Select Committee Inquiry on Home Education later this year.

4.26 The EHE Working Group has identified areas where the Council can start to consider making improvements to its current working practices to better support EHE families in Sandwell. These identified areas have been included in the EHE team's delivery plan for the 2021/22 academic year. After only 1 term of the current academic year, it is too soon to report on the progress made to date.

4.27 The EHE Working Group consider that the current regulations are insufficient, in respect of EHE children's welfare and safety, and in terms of checking progress on educational attainment. It is recognised that many EHE families are happy with their independence from regulation, however the Council has a duty to safeguard children and the working group feel strongly that Government must strengthen regulation to safeguard all children.

4.28 The Association of EHE Professionals (AEHEP) has recently written a letter to Government asking whether consideration is being given to strengthening the legislation to provide further safeguards for children who are EHE (Appendix 2).

The working group welcome the letter and highlight that it reflects their findings highlighting the need for regulation and resources for EHE.

The working group agreed to ask Cabinet to send a letter to the Secretary of State for Education, Gavin Williamson and the Home Education Inquiry select committee to endorse the comments of the



letter and indicate that the findings of the EHE Working Group reflect the AEHEP comments at a local level.

4.29 It was agreed that the Scrutiny Board would consider the Cabinet response, the EHE Trends and the outcomes of the parliamentary Education Committee Inquiry on Home Education in Autumn 2021.

4.30 Please see appendix 4 for summary update report - November 2021.

5 Implications

Resources:	There continues to be increasing demands on the EHE service due to increasing numbers of children being educated at home.
Legal and Governance:	There is a statutory requirement to ensure that all children in Sandwell receive efficient full-time education appropriate to their age, aptitude and special educational needs
Risk:	Scrutiny will consider risk implications, including any safeguarding measures
Equality:	Scrutiny will consider implications for equality (all aspects and characteristics) including how the Equality Duty is being met
Health and Wellbeing:	Good education and attainment levels increase the wellbeing of children and young people and contributes to them having the best possible start in life.
Social Value	Sandwell is more likely to enhance the future employability of children who have been electively home educated by ensuring that sufficient resources are in place to adequately support the EHE community in fulfilling their responsibility to provide a suitable education for all EHE children and young people.



6. Appendices

Appendix 1 – summary of evidence table (prepared by Governance)

Appendix 2 – AEHEP letter to Government re EHE

Appendix 3 – ADCS Notifications (November 2020)

Appendix 4 - Summary update report - November 2021.

Appendix 5 - Strengthening Home Education: Government Response to the Committee's Third Report

7. Background Papers

Children's Services and Education Scrutiny Board [20 July 2020](#)

Children's Services and Education Scrutiny Board [16 November 2020](#)

Children's Services and Education Scrutiny Board [11 January 2021](#)

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