

<b>DECISION-MAKER:</b>	CHILDREN AND LEARNING SCRUTINY PANEL
<b>SUBJECT:</b>	ELECTIVE HOME EDUCATION
<b>DATE OF DECISION:</b>	31 MARCH 2022
<b>REPORT OF:</b>	EXECUTIVE DIRECTOR CHILDREN AND LEARNING

<b><u>CONTACT DETAILS</u></b>				
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<b>STATEMENT OF CONFIDENTIALITY</b>
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N/A
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<b>BRIEF SUMMARY</b>
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This report outlines for the Scrutiny Panel how the service's EHE (Elective Home Education) processes are informing service improvement and the associated scrutiny arrangements. It summarises the role of the EHE service and the current position for Southampton. It will do this by outlining:

- The role of the service and its remit
- The current position in Southampton
- Changes nationally
- Our response to the Ofsted feedback from 2021
- Opportunities for improvement
- Recommendations

<b>RECOMMENDATIONS:</b>
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	(i)	That the Panel note the EHE in place for Southampton Children and Learning Service.
	(ii)	That the Panel considers the recommendations relating to service improvement.

<b>REASONS FOR REPORT RECOMMENDATIONS</b>
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1.	The Scrutiny Panel has oversight of the service improvement plan of which EHE has been identified as a key focus. Therefore, to ensure effective governance of the service and its development it has been suggested the Panel are briefed as to the current position and recommended next steps.
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<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>
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2.	None
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<b>DETAIL (Including consultation carried out)</b>	
3.	<p><b>Clarifying the role of the service and its remit</b></p> <p>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. This is different to education provided by a local authority otherwise than at a school - for example, tuition for children who are too ill to attend school.</p>
4.	<p>Whilst school in itself is not compulsory, education is. The only duty the local authority has for pupils who are electively home educated is, under s.436A, to make arrangements to find out so far as possible whether home educated children are receiving suitable full-time education. As a local authority we have no formal powers or duty to monitor the provision of education at home. However, it does have a statutory duty (under s.436A of the Education Act 1996) to make informal enquiries of parents to establish what education is being provided.</p>
5.	<p>If the local authority agrees that the child is receiving a suitable education to meet the requirements of Section 7 of the Education Act, then the case will be put on annual contact, subject to any further information or required action. The local authority has no right to monitor the quality of the education on a routine basis.</p>
6.	<p><b>Current position in Southampton</b></p> <ul style="list-style-type: none"> <li>• As of 31st February 2022 we had a known EHE cohort of 408 in the city.</li> <li>• We currently have 2 FTO (Term time only) EHE Visitors who carry a caseload of up to 25 each and maintain additional to casework roles that support the service.</li> <li>• All allocations are based on known need with key priorities given to the most vulnerable cases (CiN, CP, YOS, MET).</li> <li>• We have always focussed on vulnerability and collaborative working and have never not worked as part of the professional network for CP and CIN cases. There are some fantastic examples of joint working with social care.</li> <li>• We have embedded a system whereby schools are expected to take ownership and try to engage with parents as soon as they are made aware of a potential EHE case and we will support cases where an independent support is necessary.</li> <li>• We will always investigate any unusual patterns regarding numbers of pupils going EHE in particular schools and we update all School Improvement Officers of any concerns.</li> <li>• We request reports from parents for all new cases and use these to place some children on annual contact where education is deemed suitable, releasing EHE Visitor resource to focus on vulnerability and maintaining our agreed process.</li> <li>• In Southampton, we continue to have high numbers of EHE pupils returning to school, indicating that whilst numbers may be on the increase, there is an element of 'turnover'. A number of these will be through the work from the home visitors, often ensuring that they are supported into the school and beyond.</li> <li>• We continuously review our processes and ensure there is ongoing learning from all national reports, case reviews and any judicial reviews. Our guidance</li> </ul>

	<p>and policies are reviewed annually, with any large-scale changes addressed as soon as possible.</p> <ul style="list-style-type: none"> <li>• We have also recently been able to secure access to the PPN1 data, which means we can identify pupils who previously we would have missed from our systems and any vulnerabilities for EHE pupils.</li> </ul>
7.	<p><b>National Position</b></p> <p>Currently the only national data collection on EHE is the annual ADCS survey. The November 2021 report indicated that we are broadly in line with other LAs using data from the ADCS annual survey and doing better in some areas:</p> <ul style="list-style-type: none"> <li>• Overall, most authorities had seen a large % increase since 2019/20 in the number of EHE cases at some point during year. It was reported that in 2020/2021 there has been a 34% increase whereas in Southampton we have seen a slightly different change.</li> <li>• Whilst we have seen the number of pupils who are EHE rise in Southampton, this has only been around a 5.4% increase. But what we have seen is a reduction of the number of new cases (2022 compared to 2021).</li> <li>• For pupils with EHCPS, we were one of 78% of LAs that had a percentage of 0-5%</li> <li>• For pupils currently known to social care, 95% of LAs were 0-5% which we were also</li> <li>• One of the key changes to the 2019 guidance was a recommendation that if a pupil is found to not be in receipt of a suitable education, they would be classed as CME (Children Missing Education). Only 48.8% of LA's took this position, of which we were one as it allowed us to use existing legislation to take action.</li> </ul>
8.	<p>In February 2022, the DfE released the paper, 'Children not in school. Government consultation response'. This outlined the recommendations made by local authorities through the consultation process. Southampton City Council responded to the consultation as well as contributing to a response from the South East England Home Education Officers Forum (SEEHEO).</p>
9.	<p>These recommendations have been discussed for some years, having had two readings through Parliament, but no action was taken due to Brexit and the subsequent pandemic.</p>
10.	<p>The DfE have been clear that they intend to pursue the following recommendations. All of these, we would support with the desired resources.</p> <ul style="list-style-type: none"> <li>• we intend to legislate on the proposal to place a duty on LAs to maintain a register of children not in school. The proposal here is also subject to securing the necessary resources, since this will create a new duty on LAs, and completion of the new burdens process.</li> <li>• We intend for there to be a duty imposed on proprietors of specified settings providing a substantial amount of education to EHE children or children missing education within school hours to supply data to the register.</li> <li>• We think that, subject to the availability of resources, we should include in the proposed legislation a duty on LAs to provide support to home educators if requested by the family.</li> </ul>

	<ul style="list-style-type: none"> <li>We agree to place a duty on LAs to provide support for families who educate their children at home. Our intention is to create the duty with scope for LAs to provide support as they see appropriate but could include, for instance, offering advice to home educators, examination support, or support for home education groups.</li> </ul>
11.	As stated within the paper, this intention is subject to securing the necessary resources and, since this will create a new duty on LAs, completion of the new burdens process. There is no timeline at present, but we should plan for this to be in place for September 2022.
12.	<p><b>Our response to the Ofsted feedback from 2021</b></p> <p>Following the 2019 Inspection, there was an increased focus on EHE. The feedback contained the following:</p> <p><i>‘Useful work has recently been done to develop clear strategies and procedures around elective home education, providing parents with helpful information about their roles and responsibilities. This is also enabling the local authority to be vigilant about possible concerns around unregistered schools and pupils being encouraged towards home education for their schools’ benefit rather than their own.’</i></p> <p>Following the inspection, it was clear that it was too soon to see the impact as the resource was only recently put in place.</p>
13.	<p>In May 2021, Southampton Children’s Services received a focussed visit from Ofsted and EHE was one of the key themes that was discussed. The feedback was:</p> <p><i>‘During the pandemic, the local authority experienced a small rise in the number of EHE children. Schools have continued to notify the local authority of children who are EHE, and a dedicated team identifies any support required and applies risk ratings to inform the urgency of visits. However, only a handful of children who have been identified as being of greater vulnerability have been visited by the EHE team in the last year. Managers in this service have not yet addressed and rectified this issue. As a result, the educational experiences of these children during the pandemic have not been established.’</i></p>
14.	<p>Whilst SCC put a strong challenge to some elements of the feedback, it is important to recognise that we continued to review our practice following the inspection. There were two key features that were raised by the inspector, that is alluded to in the above statement. These were:</p> <ol style="list-style-type: none"> <li>1. There was an over reliance on other professionals that they were being seen during the inspection where we could not confirm or guarantee that this was happening.</li> <li>2. There had been a very limited number of ‘home visits’ during the previous term, leading to the belief that <i>‘the educational experiences of these children during the pandemic have not been established.’</i></li> </ol>

15.	<p>Following this, we undertook a full review into the issues being raised. Our responses were as follows:</p> <ol style="list-style-type: none"> <li>1. It was acknowledged that whilst we could evidence that this did happen in nearly all cases through our audits, it was not part of our routine processes. This was immediately put in place and our processes were changed to ensure that any professional involved with the pupil was recorded within the case notes by the home visitors.</li> <li>2. Whilst we acknowledge there has been limited home visits ‘in person’ because of the pandemic, we were keen to reflect that oversight had been maintained. <ul style="list-style-type: none"> <li>• We had continued to maintain our statutory duties through a variety of methods other than solely in person visits.</li> <li>• Where possible, ongoing phone and video contacts with vulnerable families continued throughout the pandemic.</li> <li>• Since September 2020, the team had attended ICPC’s for 5 different families, Core Group meetings for 12 families, CiN meetings for 14 families, 13 Admission meetings with schools, 9 TAF meetings, 5 Strategy meetings and over 350 phone/video contacts.</li> </ul> </li> </ol> <p>Aside from our position regarding the feedback, we returned to a ‘normal’ level of visits shortly after the lockdown period and have maintained this since.</p>
16.	<p><b>Opportunities for Improvement</b></p> <p>Whilst we believe our processes are robust and appropriate, there are of course further improvements the service and authority can make. There continues to be an increase in EHE cases within the city and this will have an impact on our availability to cover our statutory duties. Areas for improvement have been identified as:</p> <ol style="list-style-type: none"> <li>1. <b>Legal</b> – Currently the service has no legal support to enable the service to carry out those cases that require further statutory enforcement. <p><b>RISK:</b> Without the required support from Legal Services, there is a risk that many vulnerable cases will continue to be unresolved, and the LA will not be following its statutory duty to the welfare and education of the pupils. This will also hamper the ability for caseloads to progress and create a drift in cases where we know pupils are not in receipt of appropriate education.</p> </li> <li>2. <b>Non-Casework Pupils</b> – The DfE guidance states that: <p><i>‘the general duties of local authorities in relation to safeguarding are the same for all children, however they are educated. This includes children educated at home as well as those attending school.’</i></p> <p>As we have no more right to assume a safeguarding risk because a child is being home educated, there will be pupils who we have no information about or any known risks that are currently EHE. The guidance states that it is through the remit of establishing section 7 concerns, that will enable local authorities to reduce risk.</p> <p><b>RISK:</b> The risk is that without increasing the ability to make more substantial contact with families in establishing section 7 is met, there will be pupils where we do not have evidence that they are in receipt of a suitable education.</p> </li> </ol>

	<p>3. <b>New Cases</b> – Currently the service prioritises known risk as a way of identifying new cases. It is necessary to continue this way of working, but currently we have no capacity to address new cases coming into EHE and reduce cases being worked with early on.</p> <p><b>RISK:</b> Our focus continues to be need rather than volume and we believe this is the right thing to do. The risk is that without additional capacity or a wholesale change of focus, there will be pupils who are EHE that we continue to not have evidence regarding their education. The further risk is that without putting a large focus on new cases, the risk is that new cases may not be picked up or allocated for some time.</p> <p>4. <b>Initial contact/annual contact</b> – The expectation of the DfE is that the local authority has all their children in an annual contact process as a minimum. We have not fully achieved this due to our level of need and therefore capacity. However, as with most authorities, for those pupils who are not allocated a home visitor, we have systems in place to make informal enquiries for all cases to aid us in establishing whether section 7 has been met. But as there is no requirement for parents to engage with us on this, and capacity will be focussed on those with vulnerability, there will be a significant number of cases that remain unallocated or to be followed up.</p> <p><b>RISK</b> – Without being able to follow up on our informal enquiries, the risk is that we do not establish suitable education or identify where their situation could present harm. One concern is that whilst increasing our reach to establish the education position is right, in doing so without the investment of additional case holders, we run the risk that we have identified an issue but without the resource to do anything about it.</p> <p>5. <b>Supporting the professional network</b> - For all cases with pupils who have been deemed vulnerable (CiN, CP, YOS, MET, Early Help) we have rightly prioritised these for a home visit. We have previously deemed it necessary to continue to support the professional network, even if section 7 has been assessed as suitable. This commitment is morally justifiable but could restrict the number of allocated cases being worked on at any one time.</p> <p><b>RISK</b> – If our home visitors remain involved within the professional’s network, and continue to support vulnerable pupils, this will restrict the number of cases being worked on.</p>
17.	<p><b>Recommendations</b></p> <ul style="list-style-type: none"> <li>• Identify ongoing legal resource to support those cases that need swift legal advice to pursue through the statutory routes.</li> <li>• Increase the number of EHE Home Visitors. It is through the section 7 duty and an increase in capacity within the home visitors that we will be able to maintain our focus on need, whilst increasing the number of pupils we work with. With an additional focus on new cases.</li> <li>• Increase capacity to focus on those pupils on annual contact, oversight of data collection and triaging cases before being allocated to a home visitor.</li> </ul>

	<ul style="list-style-type: none"> <li>Reduce the length of time case workers spend supporting the professional network once our statutory responsibility has been met. This will free up additional caseload capacity and reduce the length of case involvement.</li> </ul>
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
18.	This will require additional staff resource that will be put forward through a business case in March 2022.
<b><u>Property/Other</u></b>	
19.	None at this stage
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
20.	S.111 Local Government Act 1972
<b><u>Other Legal Implications:</u></b>	
21.	Potential additional responsibilities following the White paper around Children not in school and a change in legislation for EHE families and SCC.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
22.	N/A
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
23.	The Policy framework will not change; however, our reach and increased volume of cases will have a significant impact and may require a review of policies and procedures for September 2022.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	January 2022 - Published EHE Monthly Report
<b>Documents in Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out?	<b>No</b>
<b>Data Protection Impact Assessment</b>	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?	<b>No</b>
<b>Other Background Documents</b>	

<b>Other Background documents available for inspection at:</b>		
	<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	None	