

Wiltshire Council

Children's Select Committee

Date: 5th March 2019

Elective Home Education in Wiltshire

1. Purpose of Report

- 1.1 To provide Children's Select Committee with an overview of the current situation within Wiltshire relating to Elective Home Education. Update on report to Children's Select Committee presented in January 2018 by Lucy Townsend, Director of Families & Children's Services.

2. Background

- 2.1 Elective Home Education (EHE) offers families and carers the opportunity to provide education for the children and young people in their care independent from the Local Authority or established school provision. The law in England states that the responsibility for a child's education rests with their parents/carers and that whilst education is compulsory, attending school is not.
- 2.2 A parent/carer can elect to home educate their child at any stage of a child's educational career. Should this option be taken at the earliest stage (pre-school), then the child will never be registered on any school roll. If the option is taken at a later stage, schools are required to notify the Local Authority and remove the child's name from the school roll. This means that such children are not included in the schools' census and the authority receives no funding for their education. The Local Authority holds a register of all children who are known to be home educated – which is overseen by the Education Welfare Service (which sits in the Support and Safeguarding Service of the Families and Children's Directorate).

3. The Wiltshire Context

- 3.1 The information below is based on academic years.

i. **2015-2016 – Total Numbers**

Total number of young people known to be electively home educated.	385
Number of notices given to parents for	10 (2.6%)

unsatisfactory provision	
Number of School Attendance Orders served.	0

ii. **2016-2017 – Total Numbers**

Total number of young people known to be electively home educated.	437
Number of notices given to parents for unsatisfactory provision	16 (3.6%)
Number of School Attendance Orders served (commenced but withdrawn after parental improvement to provision)	1 (0.2%)

iii. **2017 – 2018 – Total Numbers**

Total number of young people known to be electively home educated.	619
Number of notices given to parents for unsatisfactory provision.	10 (1.6%)
Number of School Attendance Orders served.	2 (0.3%) (Both ceased as a result of parent applying for a school place and improved provision)

iv. **2018– present – Total Numbers**

Total number of young people known to be electively home educated.	596
Number of notices given to parents for unsatisfactory provision.	6 (1%)
Number of School Attendance Orders served.	1 commenced (0.17%)

3.2 Gender (2018-19 academic year to date)

Male	301	(50.5%)
Female	292	(49%)
Gender natural and transgender	3	(0.5%)

3.3 Ethnicity (2018 – 2019 academic year to date).

Gypsy/Roma	33	(5.54%)
Chinese	1	(0.17%)
White and Asian	3	(0.5%)
White and Black Caribbean	3	(0.5%)
Traveller of Irish Heritage	8	(1.35%)
White British	424	(71.14%)
Any other ethnic group	2	(0.35%)
Any other mixed background	7	(1.17%)
Any other white background	11	(1.85%)
Information not yet obtained	96	(16.11%)
Refused	8	(1.35%)

3.4 Academic Age by Year Group (2018 – 2019 academic year to date)

R	5	(0.88%)
Y1	20	(3.4%)
Y2	24	(4.01%)
Y3	39	(6.54%)
Y4	41	(6.87%)
Y5	43	(7.21%)
Y6	56	(9.39%)
Y7	47	(7.88%)
Y8	70	(11.74%)
Y9	74	(12.41%)
Y10	82	(13.75%)
Y11	95	(15.94%)

3.5 EHE List segmented by those who are SEND (*see below) 2018 – 2019 academic year to date.

Total EHE YP on the list	596
No of EHCP or Statement of SEN to be converted	64
SEN Support	129
Total SEND cases	193

Total SEND as % of the whole	32%
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4. Main Considerations for the Council

4.1 Current data shows us that the numbers of parents/carers who are Electively Home Educating their children is rising significantly and that this is a year on year trend. The Local Authority should be assured that this is not a trend particular to Wiltshire, but rather a national trend that has been recognised by the Children’s Commissioner for England in her report “Skipping School: Invisible Children. How Children Disappear from England’s Schools”, published February 2019 and attached as Annex 1.

4.2 In her report, the Children’s Commissioner for England, Anne Longfield highlights issues relating to school management and the practice of “off-rolling” pupils. Ofsted, in December 2018, defined “off-rolling” as;

‘... the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil. Off-rolling in these circumstances is a form of ‘gaming’. There are many reasons why a school might remove a pupil from the school roll, such as when a pupil moves house or a parent decides (without coercion from the school) to home-educate their child. This is not off-rolling. If a school removes a pupil from the roll due to a formal permanent exclusion and follows the proper processes, this is not off-rolling.’

Therefore, it applies where a school removes a child from roll and where practice has not necessarily been ethical or within the legal grounds for deletion from school roll. For example, parents/carers feel pressurised to opt for EHE rather than have their child excluded or placed in alternative educational provision. Ms Longfield also makes reference to parents/carers who do not feel that their children’s specific educational needs are being met within mainstream school environments. It is proposed that later this year all Local Authorities will be approached for data relating to pupils who have been removed from roll for the purposes of EHE and from which schools and this data will be published. Ofsted are examining the practice of “off-rolling” during routine school inspections and are using published data to provide challenge to schools where there are higher percentages of children removed from roll for EHE.

4.3 In Wiltshire, work is currently being undertaken to survey all parents/carers who are known to be Electively Home Educating and we will use the data to analyse the reasons for parents/carers withdrawing their child/ren from school and choosing EHE (this will be completed by the end of March 2019). In the past we have accepted that this is a parental choice and have not collected information relating to the specifics

of what leads a parent to make that decision. We do know that for some families, particularly those from the Travelling Communities, EHE is a lifestyle choice at the completion of primary stage education and children from these communities less often transition to secondary provision. It is anticipated that the outcome of this work will enable Wiltshire Council to have a better understanding of why the EHE numbers are growing and to provide support and challenge to schools who have larger numbers of children being withdrawn for the purposes of EHE.

- 4.4 Where children are not in receipt of satisfactory EHE provision or where parents/carers change their mind and want their child/ren back on roll at a school, Wiltshire Council has an agreement with schools which participate in the In Year Fair Access Panel (IYFAP). This protocol provides that if a home educating parent applies for a school place, or the Local Authority wishes to pursue a School Attendance Order where provision is unsatisfactory, the last school that the child attended will reinstate them to roll (providing that there has not been a transition from Primary to Secondary education during the period of EHE). This has been used successfully in Wiltshire and goes some way to mitigating the risk of schools “off-rolling” some pupils. In the academic year 2017-2018, 5 children in Wiltshire were raised at IYFAP either by parental application for a school place or by Education Welfare Officer referral where education provision was deemed unsatisfactory. All children were reinstated to school roll – some were provided with alternative provision or managed moves to another school.
- 4.5 Where it has been identified that schools may have “off-rolled” pupils, schools will be challenged by Education Welfare Officers and the matter escalated if there is reason to believe that the school has not acted in the best interests of the child and will not reinstate the child to roll.

5. Safeguarding Considerations

- 5.1 The law states that a parent must ensure that their child receives a suitable and efficient education that ‘primarily equips a child for life within the community of which he/she is a member’. There are no legal definitions of these terms and under current legislation the Local Authority has no statutory duty or powers to monitor home education provision or to visit or see the child.
- 5.2 Where the Local Authority is not satisfied that a child is receiving a suitable education – that is to say that there is no evidence of education taking place, then a parent can be asked to provide evidence of the provision being made. They do not have to comply with any request for information and recourse would be to refer to the MASH on grounds of safeguarding or to commence a School Attendance Order requiring the child to be placed on the roll of a school.
- 5.3 In Wiltshire there are semi-specialist Education Welfare Officers who are responsible for oversight of EHE. Currently, this establishment is 1.4 FTE,

s shared between 4 officers, 2 of whom work term-time only (taken into account in the stated FTE). The establishment has not increased despite rising EHE numbers.

- 5.4 The Children's Commissioners report highlights that on average, a full-time home education officer (in Wiltshire an Education Welfare Officer) has 295 home educated children on their caseload and Local Authorities are reporting that resource to manage this is inadequate. The current Wiltshire establishment of 1.4 FTE, EHE officers managing 596 children indicates that EHE caseloads are higher in Wiltshire than the national average.
- 5.5 Information from the last full academic year (2017-2018) tells us that in Wiltshire of the 619 children known to be home educated;
 - i. 38 were open to officers within the Support and Safeguarding Teams
 - ii. 116 had had contact with Families and Children's Services at some point prior to the beginning of that academic year
- 5.6 Education Welfare Officers are currently located within the Support and Safeguarding Teams and this has allowed for improved communication and information sharing with Social Workers and Family Key Workers who are involved with EHE families. Joint work is undertaken to support families to ensure that education provision is suitable or to re-engage with schooling.
- 5.7 The Children's Commissioner's report also highlights that 6 children in the UK have died in the last 10 years and that being home educated and off the radar of services was a contributory factor. Ms Longfield has made a number of recommendations in her report that directly relate to safeguarding of EHE children and whilst those are yet to be adopted or implemented by parliament and statute, Wiltshire's current EHE processes put the authority in a good position to adjust to any future changes. Wiltshire already establishes contact with families known to be home educating and in the majority of cases families are willing to engage with officers to confirm their education provision. There are currently 4 families who have exercised their right to have no contact from the Local Authority. Those children are not known to Support and Safeguarding teams and there have been no welfare concerns raised either by professionals or members of the public. Visits to families should be offered within 12 weeks of families commencing EHE and thereafter on an annual basis. Where concerns about education provision are noted, visiting frequency will be increased. Data analysis is currently being undertaken to establish whether this target is being achieved (to be completed by the end of March 2019).

6. Public Health Implications

- 6.1 Children who are Electively Home Educated miss out on statutory health services provided in schools, including immunisation programmes. The Local Authority will share information with Health Providers, as long as parents have not opted out of doing so, and will assist with liaising with families regarding immunisation programmes and other health related information that would routinely be shared via school settings.

7. Progress on 2017-2018 Service Priorities

- 7.1 To improve data management through the implementation of the new case management system – removing four legacy databases.

Update: Partially achieved. Liquid Logic system is now implemented for Children's Services. The education module of this (EYES) is due to be implemented in March 2019 this year.

- 7.2 To ensure the ethnicity of those who are EHE is routinely captured.

Update: There has been progress in this area. There are fewer children whose ethnicity is unknown (96 compared with 368 at this time last year). Work to improve this figure is continuing.

- 7.3 To review the overall work and role of the Education Welfare Service set within the new Support and Safeguarding Service.

Update: The full review of Education Welfare Service remains in progress and is now forming part of the RESET programme with considerations as to how this service works across Directorate's including School Effectiveness.

- 7.4 To set up a new performance framework

Update: A fuller set of Practice standards are being developed for the Education Welfare Service which will support EHE EWOs to be consistent in their work with EHE families and allow for robust monitoring of cases where concern has been identified.

EHE Policy and Guidance for Parents has been revised and reissued.

8. Service Priorities 2018-2019

- 8.1 Our business priorities going forward during the 2018-2019 academic year within the Support and Safeguarding Service for Elective Home Education are as follows:-

- i. To ensure that all relevant case related information is transferred to the new case management system when it is implemented later this year
- ii. To complete work to establish reasons for parents opting for EHE and to use that information to provide support and challenge to schools and families
- iii. To monitor where children are being removed from the roll of schools and where high numbers of children are leaving particular schools analyse the data robustly and where appropriate challenge schools
- iv. To implement a protocol of challenge and escalation where schools are not prepared to engage with the Local Authority in matters of perceived “off-rolling”
- v. To complete Practice Standards document and ensure compliance with national and local expectations
- vi. To monitor the EHE numbers and review resource accordingly to ensure compliance with Practice Standards
- vii. To continue to develop and improve capture of data to measure performance and comparison with national picture.

9. Business Analysis Matrix

Public Health Considerations	Monitoring children and parents/carers’ application of Home Education Regulations generally contributes to the health and welfare of young people and their families. Information will be shared with Health Providers (unless parents/carers choose to opt out of this) in order that EHE children do not miss out on statutory health services (e.g. immunisation programmes) that are routinely available to children registered in schools.
Procurement and implications	Review of the Education Welfare Service is in progress and will be further considered as part of the RESET programme.
Equalities impact	Parents/carers have a right to home educate their children regardless of race, gender, ethnicity and sexual orientation etc. Current data in regard to ethnicity indicates that figures are in line with the county

	demographic with the exception of children from Travelling communities who may not progress to secondary phase education. This is commensurate with the national picture for travelling families.
Financial considerations	Education Welfare Service delivery is set within the agreed Local Authority financial allocation. Increased numbers of EHE families mean that resource to support is being reviewed to ensure we can continue to meet demand and ensure robustness of response.
Legal Implications	Select Committee are asked to note the statutory duty of the Local Authority to ensure that all children are in receipt of a suitable education and the role of the Local Authority in ensuring that this is the case for EHE children

10. Conclusions

- 10.1 Select Committee is asked to note this report and the role of Wiltshire Council in monitoring Elective Home Education; requesting an annual update.

Lucy Townsend
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15.02.19

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

(Either 'None' or specify the documents relied upon)

None.

Note – we are now legally obliged to publish background papers. Please email any such background papers along with your report, clearly labelled as being background papers.

Appendices

Appendix 1 – Children’s Commissioner Report.
