



Purpose: For Discussion

Committee report

Committee	POLICY AND SCRUTINY COMMITTEE FOR CHILDREN'S SERVICES, EDUCATION AND SKILLS
Date	3 MARCH 2022
Title	ELECTIVE HOME EDUCATION
Report of / to	STEVE CROCKER, DIRECTOR OF CHILDREN'S SERVICES

EXECUTIVE SUMMARY

1. The purpose of the Elective Home Education Report is to provide an update for the Policy and Scrutiny Committee.
2. This report summarises the work undertaken by the Elective Home Education (EHE) Team. The highest ever number of children and young people were recorded as being EHE on the Isle of Wight during the academic year 2020/21, which is likely to be linked to the Covid-19 pandemic. This mirrors data provided by other local authorities. Whilst the number of home educated pupils continues to rise there is also a considerable turnover of pupils being electively home educated with a significant number choosing to return to school after a limited period.
3. At the end of December 2021 there were 478 young people registered as EHE which represents 3.1 per cent of the total school aged population aged 5-16 years (School Census May 2021). This percentage is relatively high compared to other local authorities. However, EHE data collection is very reliable on the Isle of Wight and therefore is likely to be more accurate than some other local authorities. As an island, children are less likely to cross local authority borders for their education which means that fewer children are not known to the local authority. There is also a strong tradition of home education on the Isle of Wight, supported by local EHE parental groups.
4. The number of pupils being electively home educated on the Isle of Wight remained stable from 2017 to 2020 at a time when nationally numbers were increasing. However, there was a 21 per cent increase in numbers at the end of the Autumn Term 2020 compared to December 2019. The increase between December 2020 and December 2021 was 3 per cent. These overall figures mask the considerable turbulence due to a significant number of pupils moving between EHE and schools throughout the academic year. There were 669 pupils home educated at some point

during the academic year 2020/21. This compares to 557 pupils for the academic year 2019/20.

5. Covid-19 restrictions are believed to have had an impact on both the numbers of parents choosing to home educate their child and the way the EHE Team has interacted with families. Most home visits have been replaced by telephone calls, email reports from parents and virtual meetings since March 2020. Due to the high numbers of home educated pupils currently, this pattern of contact is likely to continue.
6. Engagement with EHE families within timelines outlined in the Isle of Wight EHE Policy has been over 90 per cent in previous years, but this reduced to 80 per cent during the Autumn Term 2021. This is related to Covid-19 restrictions and the increased number of EHE pupils. This level of contact compares well to other authorities.
7. The Isle of Wight shows similar patterns to the national picture in terms of distribution across year groups; percentage open to social care; gender split; percentage with special educational needs or disabilities (SEND) and reasons for parents choosing to home educate their children.
8. The strategic partnership between the Isle of Wight Council and Hampshire County Council supports the sharing of good practice and the alignment of processes and procedures.
9. During the Academic Year 2020-21, the lack of an examination centre for external GCSE candidates on the Isle of Wight caused concern for parents. Cowes Enterprise College previously provided this facility but felt unable to continue during the Covid-19 pandemic. The local authority met with parents representing the EHE community in July 2021 and liaised with local education providers. The Hospitality Training Partnership (HTP), a local Training Provider, has agreed to be an exam centre for external candidates in the Summer Term 2022.
10. There were 80 students who attended part-time courses at the Isle of Wight College, Platform One or HTP as part of their EHE provision during the Autumn Term 2021. This provides them with an opportunity to study vocational qualifications and/or several GCSEs.

BACKGROUND

11. The DfE updated guidance for local authorities was issued in April 2019: www.gov.uk/government/publications/elective-home-education and the Isle of Wight EHE guidance for schools and parents was updated in line with this: www.iwight.com/council/OtherServices/Educating-at-Home/Elective-Home-Education-EHE
12. Whilst the national guidance around EHE was updated in April 2019, the recent Judicial Review judgement in Portsmouth, which was published at the end of November 2021, has strengthened the position of local authorities in requesting evidence of the home education provided by parents and is likely to influence future changes in relation to the EHE guidance: [Goodred v Portsmouth City Council \[2021\] EWHC 3057 \(Admin\) \(16 November 2021\) \(bailii.org\)](https://www.bailii.org/uk/ew/cas/2021/3057.html)

13. The law is clear, namely that education is compulsory, but school is not. EHE is a legal option where parents take responsibility for their child's education. The DfE defines EHE as "the term to describe a choice by parents to provide education for their children at home or in some other way they desire, instead of sending them to school full time". Section 7 of the Education Act 1996 provides that:
The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable:
 - To his age, ability, and aptitude, and
 - To any special educational needs, he may have, either by regular attendance at school or otherwise.
14. EHE is a form of 'education otherwise at school' although the DfE, in its EHE Guidance for local authorities states in section 9.5 'The department does not believe that it is in the interests of home educated children, parents or local authorities for there to be detailed centralised guidance on what constitutes suitability'. Local authorities should recognise that there are many approaches to educational provision, not just a school at home model. What is suitable for one child may not be for another, but all children should be involved in a learning process.
15. Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under Section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that parents are not providing a suitable education. This section states that: "If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education." The onus is on the local authority to determine if the education is suitable or not, which means that the local authority must make arrangements to find out as far as possible whether EHE children are receiving suitable full-time education.
16. Local authorities also have a duty under Section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. However, Section 175(1) does not give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.
17. New DfE guidance was issued in April 2019 replacing the 2007 guidance that was widely accepted as being not fit for purpose. However, it is anticipated that the 2019 guidance will be reviewed again following the findings of the Goodred V Portsmouth City Council Judicial Review in November 2021.
18. All arrangements are to be proportionate, sensible and allow local authorities to focus on families who are most at risk or need most support to provide a suitable education. However, for those families that do not engage, the guidance provides options, one of which includes that the local authority is entitled to conclude that education is not suitable if parents refuse to provide evidence of education. Paragraph 7.5 of the guidance makes it clear that not receiving an education can meet threshold that the child is suffering or is likely to suffer significant harm. These are major changes to the 2007 guidance.

19. The recent outcome from the Goodred V Portsmouth City Council Judicial Review is helpful as it is the first detailed consideration of the statutory regime around EHE for around 30 years and the first under Education Act 1996. In effect, as a consequence of the judgement, local authorities are entitled not to be satisfied by a report from the parent and are entitled to ask for more evidence, which may result in serving a school attendance order if nothing more is provided. The Judicial Review found that 'The fact that a parent may, for example, not teach the National Curriculum, does not absolve the parent from the practical requirement to show that the requisite education is, in fact, being received by the child and that it is suitable to his or her needs. Nor does it mean that the local authority is necessarily compelled to accept merely assertive statements by the parent. ... what may be needed in such cases could well involve a meeting with the child and/or an examination of the child's work...' (Goodred, [98-99]).
20. Following the 2019 Government consultation 'Children not in school: proposed legislation' the DfE has accepted that there should be a requirement for parents who choose to electively home educate their children to register them with the local authority: [Children not in school - GOV.UK \(www.gov.uk\)](http://www.gov.uk) This will require new legislation which is likely to be brought forward during 2022. This change in legislation would be welcomed by the majority of local authorities although it is understood that it will be controversial with some parents who choose to home educate their children.

STRATEGIC CONTEXT

21. The Isle of Wight Council Corporate Plan 2021-25 identifies the following which are relevant to Elective Home Education.

Key Activities

- Raise standards of attainment in every key stage
- Focus on raising standards of attainment for vulnerable groups such as those with special educational needs, those living in circumstances of relative poverty and those open to social care

EHE REPORT

22. The EHE Team consists of a full time Lead Officer for EHE and an EHE Administrator funded for one day per week. In response to the increasing number of EHE pupils, one agency worker has been employed for 3 days per week and an additional day funded for the EHE Administrator.
23. Over the next twelve months, work will need to be undertaken to ensure that the team is able to meet the anticipated changes in legislation/guidance and the work arising from the Goodred v Portsmouth CC Judicial Review.
24. **The Isle of Wight undertakes the following functions in relation to children who are EHE:**
 - Schools are asked to send an Exit Form to the EHE Team when a pupil becomes EHE. This provides an opportunity for any concerns to be shared.

- Checks are made when a child becomes home educated and a record made of whether they are open to Social Care or the Education & Inclusion Service. On review of the information available, decisions are made in relation to each case, e.g., visiting frequency may be increased.
- The EHE Team receive MASH referrals when they are made, respond to these, provide information to support Child and Family Assessments and attend Child Protection Conferences, Core Group Meetings, Child in Need Meetings and Early Help Meetings.
- Half-termly meetings are held between the local authority's Service Manager for Operations (Social Care), Education & Inclusion Manager (Education) and Lead Officer for EHE to discuss young people who are most vulnerable.
- The EHE Team liaises with the NHS and School Nurse Team to ensure that vaccinations and other health checks and referrals available to school pupils are also available for home educated children.
- Guidance is regularly shared with schools and other professionals.
- When a child with an Education, Health and Care Plan (EHCP) becomes EHE, contact is made with the LA's SEND Team, the EHCP is amended to reflect their EHE status and an annual EHCP Review is held.
- Any child with a special educational need or disability is given information about the Local Offer during the initial EHE Review or at the EHCP Annual Review.
- In March each year, the EHE Team writes to Year 11 EHE students with information regarding post-16 education and training options. An Intended Destination Form is included and any returned are shared with Island Futures who provide careers education and guidance to young people on the Isle of Wight. The names and contact details of Year 11 EHE students are shared, with their permission, so that Island Futures can follow up post-16.
- Families are offered an initial visit (within 3 months of becoming EHE), and then annual contact if the home education provided appears suitable. Based on all the information known, children with vulnerabilities are prioritised for initial visits and contacted more frequently.
- When a young person becomes EHE, parents are sent an introductory pack that includes links to the IoW EHE Policy, useful learning resources and information on how to access the Island Futures Team, the School Nurse Team and local EHE support groups.
- Parents are asked to return a form providing up to date contact details and an outline of how they plan to home educate their child.
- When a home education review is carried out, this is written up and a copy sent to parents along with any recommendations. If the home education provided does not appear suitable or there is insufficient evidence to show that it is suitable, parents will be informed and given advice and time to improve the

home education or provide additional evidence. If necessary, the local authority will pursue a School Attendance Order.

- The Elective Home Education Team works to support families and professionals with the process of admission to a school where families have expressed an interest and needed support or where the local authority has recommended the pupil returns to school.

Total Number of pupils registered as Electively Home Educated

Table 1

Academic Year	Number	% NOR
2019/20	374	2.9%
2020/21	471	3.1%
Autumn Term 2020	464	3.1%
Autumn Term 2021	478	3.1%

% = NOR: number of EHE children expressed as a percentage of total number of children aged 5-16 years in Isle of Wight schools or registered as EHE.

25. At the end of December 2021 there were 478 young people registered as EHE, including 80 in Years 10 or 11 attending part-time courses at the Isle of Wight College, Platform One Music College and the Hospitality Training Partnership (HTP), as part of their home education provision.
26. 478 pupils represent 3.1 per cent of the total school age population on the Isle of Wight. There was an increase of 24 per cent between the Summer Term 2020 and the end of the Autumn Term 2020, which was largely due to concerns around Covid-19. However, there was only a small increase of 1.5% between the Summer Term 2021 and the end of the Autumn Term 2021.
27. There was considerable movement in and out of schools during the Autumn Term 2021, although the pattern has changed since this time last year. During the Autumn Term 2021, 106 pupils became home educated (compared to 159 during the Autumn Term 2020) and 99 pupils left home education (compared to 38 during the Autumn Term 2020). This pattern suggests that the significant impact of Covid-19 on EHE numbers is beginning to subside, but it is too early to tell if this will continue throughout the academic year.
28. There has been a significant increase (161%) in the number of leavers compared to this time last year which may be an indication that parents are starting to return their children to school following easing of Covid-19 restrictions and the roll out of the vaccination, leading to less anxiety.

Total new EHE pupils registered during Autumn Term 2021

Table 2

Date	Number (% change)
Autumn Term 2018	94 (7% ▼)
Autumn Term 2019	93 (1% ▼)
Autumn Term 2020	159 (71% ▲)
Autumn Term 2021	106 (33% ▼)

Cases registered by year group with percentage change from Summer 2021

Table 3

Year	Autumn 2020	Summer 2021	Autumn 2021	Change % ▲/▼
R*	0	21	5	76.2% ▼
1	20	24	19	20.8% ▼
2	32	35	30	14.3% ▼
3	31	28	26	7.1% ▼
4	27	30	28	6.7% ▼
5	36	47	31	34.0% ▼
6	33	39	39	No change
7	32	40	35	12.5% ▼
8	43	48	34	29.2% ▼
9	64	77	58	24.7% ▼
10	67	82	86	4.9% ▲
11	79	86	87	1.2% ▲
Total	464	557**	478	

* Pupils are not registered as EHE until they reach statutory school age unless they have siblings who are registered as home educated or concerns are raised by other agencies.

** Includes Year 11 pupils removed from roll at the end of June 2021

NB: The relatively small numbers involved can lead to large percentage changes

EHE cases by sector including percentage of NOR

Table 4

Academic Year	Primary		Secondary	
2017/18	159	1.7%	289	3.9%
2018/19	147	1.6%	301	4.1%
2019/20	158	1.8%	298	4.7%
2020/21	224	2.3%	333	4.9%
Autumn Term 2020	179	2.1%	285	4.2%
Autumn Term 2021	178	1.9%	300	4.5%

% = NOR: number of EHE children expressed as a percentage of total number of children aged 5-16 years in Isle of Wight schools or registered as EHE.

Gender: all cases currently registered as EHE

Table 5

Gender	Summer 2021	Autumn 2021
Female	49%	49%
Male	51%	51%
Total	557	478

SEND Involvement: all cases currently registered as EHE

Table 6

SEND Involvement	Autumn 2020	Summer 2021	Autumn 2021
SEN support	82 (17.7%)	90 (16.2%)	70 (14.6%)
EHCP	27 (5.8%)	30 (5.4%)	28 (5.9%)
SEN Total	109 (23.5%)	120 (21.5%)	98 (20.5%)
No SEND	276 (59.5%)	328 (58.9%)	343 (71.8%)
Not Known	79 (17.0%)	109 (19.6%)	37 (7.7%)
Total EHE	464	557	478

29. At the end of the Autumn Term 2021, 14.6 per cent of EHE pupils were listed as SEN Support compared to 13.6 per cent of the school population (aged 5-16) on the Isle of Wight (July 2021).
30. At the end of the Autumn Term 2021, 5.9 per cent of EHE pupils had an EHCP compared to 4.9 percent of the school population (aged 5-16) on the Isle of Wight (July 2021).
31. Parents of EHE children can make an application for an EHCP and information and support are provided by the EHE Team during this process.

Social Care involvement - current cases registered EHE

Table 7

Known to Social Care	Autumn 2020	Summer 2021	Autumn 2021
Prior 12 months (excluding numbers below)	15 (3.2%)	43 (7.7%)	27 (5.6%)
Social Care Involvement	Autumn 2020	Summer 2021	Autumn 2021
Total Social Care (Child Protection, Child in Need & Early Help Plans)	20 (4.3%)	15 (2.7%)	19 (4.0%)
Total EHE cohort	464	557	478

32. 4.0% of EHE pupils were open to Social Care at the end of the Autumn Term 2021 compared to 4.8% of the school population (aged 5-16) on the Isle of Wight (July 2020).

Engagement with families

Table 8

Type of contact	Autumn Term 2020	Autumn Term 2021
Advisory visits or online meetings	0	4
Visits by EHE Officer which are written up as reports	9	33
Written/e-mail EHE reports received	33	53
Telephone reports recorded	73	38
Virtual meetings by EHE Officer which are written up as reports	5	4
Annual EHCP reviews/ SEND meetings/ admissions meetings attended by EHE Officer (online)	3	4
CIN/ EH/ CPCs/ CG meetings attended by EHE Officer (online)	5	19
Joint visits with Social Worker or Education & Inclusion Officer	0	8
Total	128	163

33. As a result of the Covid-19 restrictions, most home visits have been replaced by telephone calls, e-mail reports from parents and virtual meetings. This has significantly changed the nature of the interaction with families, but overall, parents have engaged well with this.
34. In addition to the contacts recorded above, there continues to be a large number of telephone calls and email exchanges with families which are not included in the figures as they do not immediately lead to an EHE report. New families generally require an additional level of support. There has also been an increasing number of telephone calls and email enquiries from parents considering EHE, which require an immediate response.

Reasons for EHE decision - new cases in Autumn 2021

Table 9

	Autumn 2020	Autumn 2021
Reason	Number	Number
Attendance	2	6
Behaviour/exclusion risk	8	5
Bullying	4	0
Covid-19 concerns	38	9
Cultural / Philosophical / Religious	20	8
Emotional/physical health	31	39
Not yet identified	30	24
Other	13	2
Preferred school not available	9	10
SEND	4	3
Total	159	106

35. In 2020, Covid-19 was added as a reason for choosing EHE. Parents refer to their decision in a variety of ways: shielding family members; anxiety re catching the virus; feeling that home schooling during Lockdown was a positive experience for the family (including benefiting children with high levels of anxiety/SEND); not being confident how schools manage Covid-19 restrictions.
36. Post-lockdown, some parents have reported that their child/ren have increased levels of anxiety which has made the return to school challenging. Where Covid-19 has not been identified as the primary reason for choosing home education, it is likely to be a complicating factor.
37. Currently, for more than half of all pupils registered as EHE, where a reason has been identified, the decision was a reaction to a problem, not an active lifestyle choice.

CONSULTATION

38. The purpose of this paper is for discussion only.

FINANCIAL / BUDGET IMPLICATIONS

39. The increase in the numbers of parents choosing to EHE has had a financial implication. To cope with the significant increase in home educated pupils last academic year, additional administration was arranged, 0.2 FTE on a temporary basis. An additional EHE officer (0.6 FTE) was also appointed to ensure all EHE students are engaged.

40. Currently, EHE numbers remain high and over the next twelve months, work will need to be undertaken to ensure that the team is able to meet the expected changes in legislation/guidance and the work arising from the Goodred v Portsmouth CC Judicial Review.

CARBON EMISSIONS

41. The team is mindful of the Council's Carbon Management Plan and the requirement to participate in the CRC Energy Efficiency Scheme. Microsoft TEAMS meetings are held, however the need for face-to-face meetings is high on the agenda, especially around vulnerable children, and families. Agile working arrangements are used by staff, including home working.

LEGAL IMPLICATIONS

42. There are no legal implications, as the processes and policies have not changed.

EQUALITY AND DIVERSITY

43. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

PROPERTY IMPLICATIONS

44. There are no property implications arising from the recommendation.

OPTIONS

45. The committee to note the contents of the report.

RISK MANAGEMENT

46. As a consequence of Covid-19 and the increasing numbers of EHE the previously identified risk that the proportion of families being contacted will reduce has happened. This risk has been minimised by the temporary employment of home visitors and additional administrative support. This decision will continue to be reviewed once we know whether the increase in EHE numbers is sustained or whether significant numbers of children return to school. The EHE team prioritises all children known to social services, SEN or generally considered vulnerable to minimise safeguarding risks.

RECOMMENDATION

47. The committee to note the contents of the report.

BACKGROUND PAPERS

48. The DfE updated guidance for local authorities April 2019:
www.gov.uk/government/publications/elective-home-education

The Isle of Wight EHE website:

www.iwight.com/council/OtherServices/Educating-at-Home/Elective-Home-Education-EHE

Judicial Review re Portsmouth Council:

[Goodred v Portsmouth City Council \[2021\] EWHC 3057 \(Admin\) \(16 November 2021\)](http://www.bailii.org/uk/ew/cases/ewhc/cv/2021/3057.html)
([bailii.org](http://www.bailii.org))

Children not in school: proposed legislation:

[Children not in school - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/consultations/children-not-in-school) It is anticipated that this will require new legislation which is likely to be brought forward during

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