

Meeting of:	<b>Learning and Culture Scrutiny Committee</b>
Date of Meeting:	<b>Thursday, 06 October 2022</b>
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Elective Home Education (EHE) Update
Purpose of Report:	A further update following the Elective Home Education Update of September 2021
Report Owner:	Keeva McDermott, Inclusion Manager Martin Dacey, Lead Officer for Social Inclusion and Wellbeing
Responsible Officer:	Paula Ham, Director of Learning and Skills
Elected Member and Officer Consultation:	Morwen Hudson, Head of Standards and Provision Councillor Rhiannon Birch, Cabinet Member for Education, Arts and the Welsh Language
Policy Framework:	The recommendations of this report are within existing policy framework and a matter for Members consideration.
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• The Vale of Glamorgan (VoG) like all Local Authorities (LAs) has longstanding obligations to ensure that all children of school age receive a suitable and full-time education at school or otherwise.</li> <li>• The VoG, along with nearly all LAs in Wales, has seen significant increases in the number of parents choosing to home educate in recent years. Comparative data is limited and restricted in its use. The VoG EHE data below shows an ongoing increase over time which has subsequently continued to rise since schools fully re-opened post Covid closures in April 2021 and since last year.</li> </ul>	

January 2018	January 2019	January 2020	January 2021	January 2022
46 EHE known to the LA	76 EHE known to the LA	87 EHE known to the LA	104 EHE known to the LA	134 EHE known to the LA

- As of the date of the last report to cabinet regarding Elective Home Education in September 2021, Welsh Government published revised draft statutory guidance on EHE which made clearer the broader expectations on LAs to monitor and support the provision of EHE. Welsh Government (WG) has also published draft regulations for consultation which, if enacted, places a duty on LAs to make arrangements to establish the identities of children in their area who are not registered learners at a school and who are not receiving suitable education. In this event these pupils would be classified as Child Missing Education (CME).
- The regulations, if enacted, would lead to increased obligations upon all Welsh LAs to maintain a reasonably accurate database of all learners living in the VoG who are of school age.
- These regulations have not become law and there is no published commencement date yet advised.
- The LA understands that Welsh Government has appointed a seconded post to support the progress and implementation into law of these proposed regulations and the new Statutory Home Education Guidelines. It is hoped that the post holder will support Welsh Government in soon providing greater clarity as to how the interface between Elective Home Education and Children Missing Education will be monitored and recorded. This in turn should enable and guide how all LAs record the various categories of learner and those who are or may become CME. For instance, a learner who is purported to be EHE but with concerning home provision and thus who may come within both a wide and a narrow definition of being CME or at risk of becoming so.

## **Recommendations**

1. That Members consider the progress made in the area of EHE during the last 12 months.
2. That Scrutiny Committee (Learning and Culture) receives a further progress update report in 12 months in relation to the ongoing delivery, and further measures to raise awareness of the use and impact of EHE grants for the support of EHE learners.
3. That Scrutiny Committee (Learning and Culture), in receiving the report referred to in paragraph 2 above, are updated on the further progress as to the likely impact of any implementation of the proposed amended statutory guidance on Home Education and the proposed draft regulations which incorporate the requirement for LAs to maintain a CME database.

## **Reasons for Recommendations**

1. To enable the Council to scrutinise its legal obligations under the relevant Education legislation to ensure all learners of statutory school age receive a suitable and fulltime education either at school or otherwise.
2. To further update Scrutiny Committee as to the progress made in relation to the ongoing delivery, and further awareness raising of the use and impact of the EHE grants for the support of EHE learners.
3. To ensure that Members of the Scrutiny Committee continue to have oversight and awareness of ongoing changes to the expectations and obligations placed on the LA with regards to EHE learners and learners who may be categorised as CME. This is with a specific focus on those missing their entitlement to an education.

## **1. Background**

### **1.1 Elective Home Education (EHE):**

- 1.1.1 Parents may educate their children at home providing they fulfil the requirements contained in section 7 of the Education Act 1996. *‘The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable – (a) to his age, ability and aptitude, and (b) to any special educational needs he may have, either by regular attendance at school or otherwise’.*

### **1.2 Children Missing Education (CME):**

- 1.2.1 Under section 436A and 436A (1) of the Education Act 1996, LAs have a duty to *make arrangements to identify children not receiving a suitable education*. The duty applies in relation to children of compulsory school age who are not on school roll and who are not receiving a suitable education otherwise than being in school (e.g. at home, privately or in alternative provision). “Suitable

education”, in relation to a child, means *efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.*

### **1.3 School Attendance Orders (SAOs):**

**1.3.1** Section 437 of the Education Act 1996 relating to school attendance orders, sets out (1) - *If it appears to a local 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. A parent on whom a notice has been served under subsection (1) fails to satisfy the local authority, within the period specified in the notice, that the child is receiving suitable education, and (b) in the opinion of the authority it is expedient that the child should attend school, the authority shall serve on the parent an order (referred to in this Act as a “school attendance order”), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order.*

### **1.4 Safeguarding and impact of the Children Act 2004:**

**1.4.1** Sections 25 and 28 of the Children Act 2004 *requires each local authority and its relevant agencies to work together to improve the well-being of children, by safeguarding children from harm and neglect; promoting their education, and improving their physical, mental, emotional, social and economic well-being. Children who are missing education are at risk of social exclusion and are unlikely to be able to achieve in the future without having consistent educational provision. Local authorities should approach all cases where the suitability of home education is in doubt using their powers in the Education Act 1996. They should also be ready, if a lack of suitable education appears likely to impair a child’s development, to fully exercise their safeguarding powers and duties to protect the child’s wellbeing.*

**1.5** Until March 2020, the operational duties relating to the provision of EHE were carried out on a day-to-day basis by one part time, ‘term time’ only LA officer. In 2020 the EHE service became the responsibility of the newly established Inclusion Team which forms part of the Standards and Provision service within the Education Directorate. Interim additional capacity was created and then since September 2021, two part, time term time only qualified were appointed to support the Inclusion officers’ work in supporting and assessing EHE provision. The Inclusion team offer support to the learner whether they are on roll and considering EHE, actively EHE, actively CME or returning to school on a supported and phased basis after a period of having been EHE. Further additional capacity was created by the appointment of dedicated full time administrative support to the Inclusion team in the Summer of 2020 and the establishment of the Attainment, Wellbeing and Engagement (AWE) Team to support EHE learners as well as ‘on roll’ learners. Since September 2021 the Inclusion team also has the support of WG grant funded attendance and engagement liaison officers (LEOs) in Secondary schools and these act as a bridging tier of support between school level support and Inclusion officer intervention. The LEOs are trained to support learners who risk becoming EHE through disengagement or attendance issues and also those returning to school from EHE.

- 1.6 A review of all LA EHE systems and processes was undertaken to ensure that where EHE visits are undertaken, there is a clear and objective criterion used to assess the provision and recording of this information which is shared appropriately.
- 1.7 Training on EHE and the potential overlap with CME was shared with all Inclusion team officers internally and cascaded to other teams and offered to all schools (December 2020 - February 2021) and this training offer is being re-run this Autumn term 2022.

## **2. Key Issues for Consideration**

- 2.1 The number of learners recorded as EHE in the VoG rose from 104 in January 2021 to 134 in January 2022. EHE continues to rise across Wales. Parental preference is the key driver, but other factors are recorded and scrutinised to support school improvement and inclusion. The EHE grant offer is unlikely to be a determining factor in parents initially choosing to EHE, but may be a factor in increasing the number of EHE learners who are willing to be known to and engage with the LA. The WG grant awarded to LAs for EHE learners is a nominal sum per learner of £160 per financial year. The money awarded to schools by WG does not follow the learner to the LA if they de register nor does it follow to the parent. The value of support received by any learner under the WG EHE grant depends on the number of applicants that year, their age and priority according to criteria such as being Year 11 equivalent and the NEET prevention agenda or any identified vulnerability factors.
- 2.2 As of January 2022, the number of EHE learners visited or seen on a virtual home visit within the last 12 months had risen significantly to 81% compared to 30 % in January 2021. This demonstrates the impact of increased capacity within the inclusion team to support EHE (funded by WG grant), the increased focus of the LA upon monitoring and support of EHE, and the increased willingness of parents of EHE learners to engage with the LA to agree to either face to face or online virtual EHE visits. If it appears to the LA that the education does not meet the required legal threshold then the LA adheres to WG guidance on EHE and supports the parent to attain this level within a reasonable timescale. Where this is not possible the LA will initially encourage parent to consider a return to school. If this appears to be in the learner's best interests and if there is no consensus on this and also no improvement in the EHE provision, then the LA will consider the learner to be CME. For any CME learner steps would be taken to consider if an SAO were needed or if other multi agency input was more appropriate, such as involvement of health colleagues or other professionals.
- 2.3 The remaining 19% of learners were either seen or engaged with visits after the data deadline, submitted satisfactory written reports within the timescale, or have since been supported to return to school. No EHE learners were compelled to return to schools under School Attendance Orders (SAOs) in this period and there are no ongoing SAO matters for EHE. If the initial information supplied by a parent is insufficient at any point, then LA will, and does, ask for further

information to enable it to be satisfied that the learner is receiving suitable education and is not CME and therefore issue of SAO proceedings is not required.

- 2.4** One of the reasons for increased engagement with the LA may be due to it being a requirement to access the EHE grant offer. Only EHE learners who have engaged with the LA sufficiently to enable it to determine that the quality of EHE provision meets the legal threshold and that the learner is not CME may access the grant funding. The LA has no powers, either under the Education Act or under WG EHE guidance, to compel an EHE learner to be seen nor to accept a virtual or face to face home visit and so increased voluntary uptake of virtual or home visits is a positive outcome and trend.
- 2.5** Following the introduction of the WG EHE grant allocation in April 2020, a revised and enhanced EHE offer was shared to all EHE learners in December 2020 and again revised for July 2021. This offer includes access to funded exams, funded online resources and programmes and physical materials.
- 2.6** The grant allocation has been used to support EHE learners by:
- providing access to tuition through the medium of the English and Welsh language,
  - ensuring teacher assessed grades for GCSEs could be ascertained,
  - reimbursing the costs of external exam provider fees,
  - offering free weekly swimming sessions for all EHE learners,
  - funding Amelia Trust Farm sessions for learners aged 5-11,
  - providing free family passes for Amelia Farm Trust,
  - funding car park passes for Cosmeston and Porthkerry Country Park,
  - funding accounts for Basic Key Skills in English and Maths via BKSB,
  - providing access to Duke of Edinburgh (DoE) Bronze Award,
  - providing reimbursement for swimming lessons,
  - the loaning of Information Technology (IT) equipment, and
  - providing access to one day courses in vocational topics such as Health and Safety, First Aid and Food Hygiene and online subscriptions for cross curricular resources.
- 2.7** The number of learners taking up the EHE grant offer is rising: 41 learners accessed some form of support in the first year of the offer equating to 31.5 % of the EHE learners, and in the last year this rose to 78 learners equating to 56% of the known EHE learners.
- 2.8** The EHE offer supports the prevention of learners becoming not in employment education or training (NEET) by facilitating support sessions for EHE learners entered for exams to ensure exam readiness.
- 2.9** In the past academic year 4 learners attended GCSE sessions, 4 learners attended Duke of Edinburgh sessions and 7 learners in key stage 4 were supported with

entries for GCSE and iGCSEs (online and home study which leads to exam only GCSEs without the need for being on roll or doing coursework).

- 2.10** This academic year 6 out of 14 year 11 learners (42%) sat iGCSEs (supported by the grant) and another 3 children sat iGCSEs but declined support. 64% of EHE year 11 accessed exams this year that the LA is aware of.
- 2.11** Ongoing and future key areas of focus will be supporting the needs of EHE learners with identified Additional Learning Needs (ALN). We will liaise with colleagues in the Additional Learning Needs Team (ALN) to support and engage with parents where there are requests to support or identify such needs and ensure that these are adequately provided for under the terms of the Additional Learning Needs and Educational Tribunal (Wales) Act (ALNET).

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The Well-being of Future Generations (Wales) Act 2015 (“the 2015 Act”) requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2** The revised EHE offer is explicit in the ways we work alongside Health and Careers Wales to ensure all EHE learners are able to access health and careers support and services. The AWE team offers assessment and support to enable EHE learners to meet the EHE legal threshold if this can be done in a reasonable timescale that leads to self-sustaining improvements in the parental provision. The EHE teachers will also be offering support and EHE support sessions from September 2021. This aligns with the need to support learning, employment and sustainable economic growth.
- 3.3** The role of the LA with EHE is to enable the raising of overall standards of achievement for all learners whether on school roll or not. This report recognises the importance of schools collaborating closely with families, the local community and a range of agencies to ensure specific support for EHE learners in order to improve the support for, and standards of achievement of EHE learners, and also to ensure that EHE learners are able to access all support to which they are entitled.
- 3.4** We work collaboratively with internal and external partners including agencies, education and training providers, Careers Wales and Welsh Government, to help meet the Well-being objective.

## **4. Climate Change and Nature Implications**

- 4.1** There are no noted implications save that the EHE grant offer supports access to VoG open spaces such as Cosmeston and Porthkerry and also makes use of the Amelia Trust Farm provision.

## **5. Resources and Legal Considerations**

### **Financial**

- 5.1** The Inclusion team is core funded as a result of it being responsible for a range of long standing LA legal obligations including those relating to school attendance and the regulation of child employment and performance. The only additional funding available is the new WG grant funding for EHE which amounts to the sum of £50,000 for supporting EHE existing obligations of the LA, as well as Covid impacted increases in EHE and a per head learner amount. The inclusion team has also been able to offset (on a temporary basis) some of its core funding costs against the Covid Relief fund from WG due to it being able to evidence the increased workload resulting from the rise in EHE and increasing need to try to support learners in EHE and seeking to return to formal schooling or seeking to be supported to stay in schooling with appropriate measures in place to reduce any Covid related concerns.
- 5.2** Due to improvements in the way LA manages specialist provision for learners (via the Social, Emotional, Mental Health Panel (SEMHP)), the LA has been able to realign some of its resources to create an internally managed team to support the changes in learner attendance, well-being and engagement exacerbated by the implication of the restrictions arising from the Covid pandemic.
- 5.3** The AWE team is funded from the Inclusion budget and has led to the creation of a team which can react to changes which require greater flexibility than most external alternative providers can provide. AWE team officers have for instance provided support to home educated learners (EHE provision), learners missing education (CME remit), child employment business visits (CIEE remit) and non-attending and disengaged school learners (EWS remit). This flexible way of working supports the changing Covid scenario and the wide remit of the Inclusion team overall.
- 5.4** The Inclusion team will also oversee and manage the WG EHE pupil grant allocation which for this year is £17,696 based on a nominal per learner amount of £160.

### **Employment**

- 5.5** The Inclusion team has recruited additional officers to the AWE team on temporary contracts and via temporary agency sourced arrangements (currently 3 Learning Support Assistants and one part time teacher). WG EHE grant funding

has enabled the recruitment of two EHE specialist teachers (one at 0.4 and one at 0.6 of a full-time equivalent contract) to enable the delivery of the increase in EHE support and responsibilities required to ensure the LA meets its legal obligations under the Education Act and also, in due course, the ALNET Act as well as ensuring suitable and beneficial use of the EHE WG grant allocation.

- 5.6** The Inclusion team restructure has created a more tiered team to enable internal career progression opportunities in the future and one member of the team has already benefitted from this opportunity. This tiered structure should support the retention of officers within the Vale over time.
- 5.7** The Vale of Glamorgan's Inclusion team are seeking to appoint additional officer capacity with the ability to enable the AWE team to deliver support to learners and families in the medium of Welsh.

### **Legal (Including Equalities)**

- 5.8** The legal implications arising from this report are as set out elsewhere in this report.

## **6. Background Papers**

None.