



## CYP Select Committee

### Lewisham Elective Home Education

**Date:** 25<sup>th</sup> November 2021

**Key decision:** No.

**Class:** Either Part 1 or Part 2.

**Ward(s) affected:** All

**Contributors:** Ruth Griffiths, Head of Access, Inclusion and Participation  
Teresa Beale, Elective Home Education Officer

### Outline and recommendations

#### Outline

As part of its work programme the Committee has requested a report on Lewisham Elective Home Education performance indicators and outcomes. Officers produce this report annually as part of accountability and performance monitoring.

#### Recommendations

The Select Committee is asked to note the report.

## 1. Summary

This report sets out the context, legal framework and position in relation to Elective Home Education in Lewisham and aims to answer questions presented in the recommendations.

## 2. Recommendations

The Select Committee is asked to note this report.

### 3. Policy Context

#### 3.1 Guidance on Elective Home Education

Lewisham Council has 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 arrangements to enable it to establish the identities, so far as it is possible to do so, of children and young people in its area who are not receiving a suitable education.

The Department for Education (DfE) (please see guidance <sup>1</sup>) believes that although the primary responsibility for ensuring that children and young people are properly educated belongs to parents, a local authority has a moral and social obligation to ensure that a child or young person is safe and being suitably educated. If it is not clear that that is the case, the authority should act to remedy the position.

The simple fact that a child or young person is being educated at home does not mean that he or she is not receiving a suitable full-time education. However, in order to fulfil the section 436A duty, Lewisham Council is entitled to make informal enquiries of parents to establish what education is being provided.

Where necessary - because it is evident that a child or young person is simply not receiving suitable education at home and the use of school attendance powers is not achieving a change in that situation - the local authority should be ready to use its safeguarding powers as explained in this guidance. The overriding objective in these cases is to ensure that the child or young person's development is protected from significant harm.

The DfE recommends that each local authority should:

- have a written policy statement on elective home education which is clear, transparent and easily accessible, is consistent with the current legal framework and preferably drawn up in consultation with local families who educate children or young people at home;
- set aside the resources necessary to implement its policy effectively and consistently;
- consider their organisational structures for dealing with home education;
- seek to offer guidance to all known home-educating families in their area about their rights and obligations, and also provide advice on good practice and available resources for parents who request it; make it clear in all documentation that the local authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, for all children and young people living in its area; regularly review its elective home education policies so that they reflect current law and local circumstances, and are compatible with this guidance document; and
- provide clear details of their complaints procedure and deal with all complaints in a sensitive and timely manner.

Local authorities may operate voluntary registration schemes so that support can be given more readily to those who wish to receive it, and by providing more information on home educated children and young people in their locality. However, registration is currently not a legal obligation for either parents or local authorities.

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<sup>1</sup> DfE guidance:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/791527/Elective\\_home\\_education\\_guidance\\_for\\_LAV2.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAV2.0.pdf)

- 3.2 Lewisham Council follows all of these recommendations and publishes its own policy on elective home education which is available on the Lewisham website. However the local authority does not operate a voluntary registration scheme.

A proposed national register would be very useful as it would inform the EHE Team of all children or young people in Lewisham who are EHE, providing accessibility to local, regional and national trends. It would support more effective monitoring of 'suitable education provision' and assist with the safeguarding of these children and young people who may otherwise not be known to Lewisham. It would provide a clearer picture of EHE in the borough which is currently based on notifications or voluntary disclosure from families.

If the local authority feels that it has not had sufficient information about the home education being provided, or has had no information, and it appears that a child or young person is not receiving a suitable education at home, it must serve a notice (known as a s.437 (1) notice), requiring that parents satisfy the local authority that the child or young person is receiving a full-time and efficient education at home suitable to a child or young person's needs.

## **4. Background**

### **4.1 Role of the Elective Home Education Team in Lewisham**

The majority of Lewisham referrals come from schools but occasionally The EHE Team receive referrals via hospitals, NHS staff and the families themselves. The EHE Team also has an arrangement with alternative schools such as Lewisham College (14-16 provision) or The New School, Croydon where some EHE children and young people attend, whereby they share a list of children and young people from Lewisham who attend their setting.

Parents have no obligation to advise their local authority if they are home educating their child or young person. They must notify their child or young person's Headteacher if the child or young person is withdrawn from a school and schools have a legal duty to notify the local authority in which the child or young person resides. Nevertheless, some parents are keen to engage with the local authority's EHE Team and register with us as soon as they begin providing home education and so we do record children and young people who are not yet statutory school age.

In Lewisham, once the EHE Team has received notification of a child or young person becoming EHE, the EHE Team writes to the parent to inform them of EHE registration and also enclose a Parent Questionnaire, asking the parent to outline the education they intend to provide for their child or young person. The letter also includes a section for the child or young person to complete so that the local authority is able to hear their voice.

Safeguarding checks are undertaken to see if the child or young person is known to any other Children's Services. The aim is to visit the family (currently this is being done virtually due to Covid-19) within the first term to review the child or young person's education and to allow the parent to ask for advice and support if necessary.

### **5.1 Lewisham Elective Home Education numbers**

The number of children and young people registered in Lewisham as being provided with EHE can change from day to day as children and young people are withdrawn from or return to school, move in or out of the borough.

This year has been particularly challenging due to the increase in numbers as the Covid-19 virus cases continued to rise and national lockdowns were put in place. There was a large

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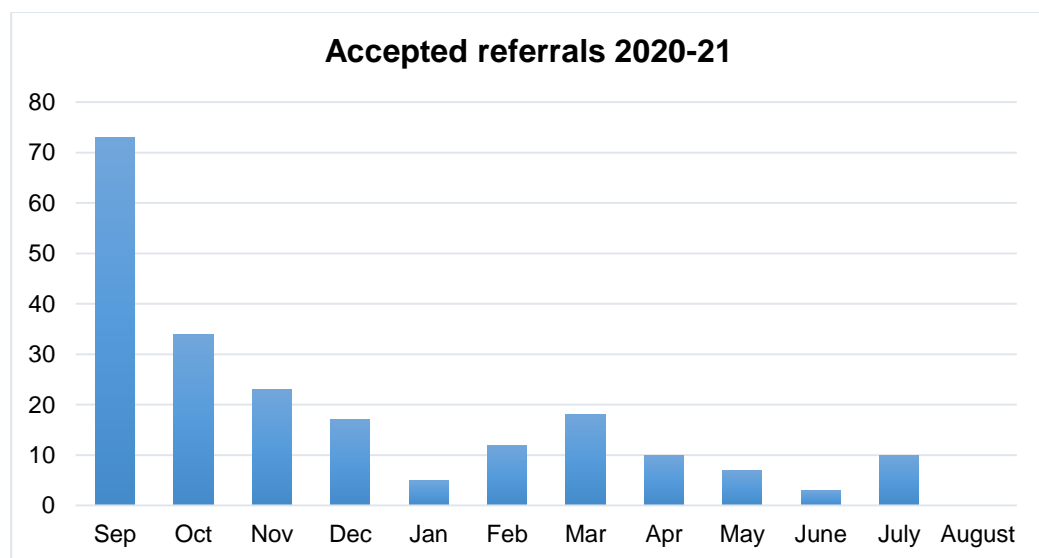
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rise in figures in September 2020 when schools reopened following a national lockdown, and parents were anxious about their children coming into contact with the virus at school, especially if the child or a family member who might be clinically (extremely) vulnerable. These numbers are beginning to decrease now schools have reopened and there is a vaccination programme in place.

This rise in EHE numbers was a national issue, rather than just a local matter. Therefore, at the end of the academic year 2020-21, there were:

- 411 children and young people on the list, which was 47 more than at the end of last academic year.
- During the year, 490 children and young people were registered EHE at some point.
- There were a further 87 children and young people whose parents and/or schools contacted the EHE Team with a view to declaring them EHE.
- Altogether, the EHE Team managed cases for a total of 577 children and young people in 2020-21.



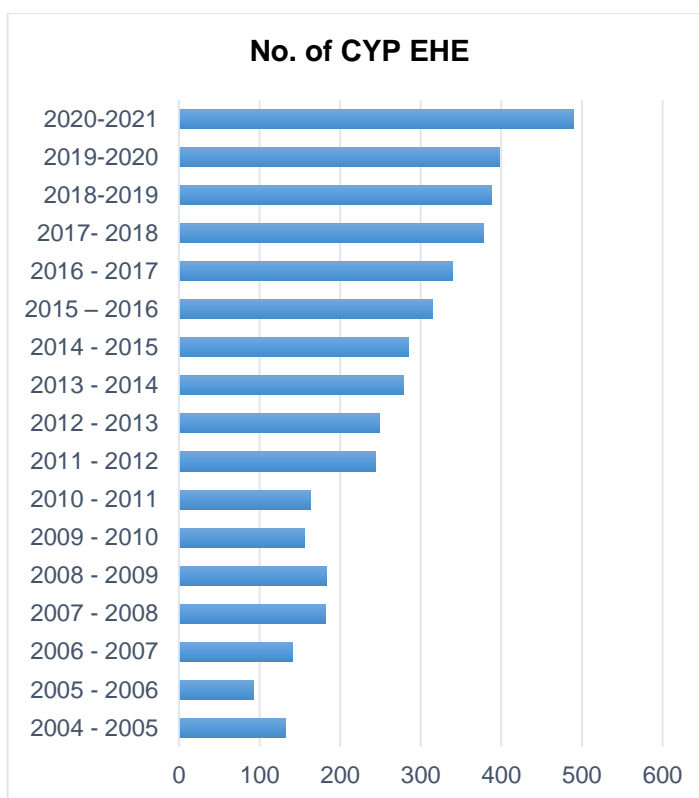
- 5.2 This shows an increase in numbers over time. Other local authorities have reported to the South East England Home Education Officers' forum (SEEHEO) that their numbers are also increasing. The Service believes that Lewisham has achieved some success in resolving potential cases before the children and young people are withdrawn (see also **Potentials** and **complex cases and Children's Social Care** below).

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Academic year	No. of CYP EHE
2004 - 2005	132
2005 - 2006	92
2006 - 2007	141
2007 - 2008	182
2008 - 2009	183
2009 - 2010	156
2010 - 2011	163
2011 - 2012	244
2012 - 2013	249
2013 - 2014	279
2014 - 2015	285
2015 - 2016	314
2016 - 2017	340
2017- 2018	378
2018-2019	388
2019-2020	398
2020-2021	490



### 5.3 Reasons for Elective Home Education

The government document *Elective Home Education: Guidelines for Local Authorities* (2007) provides the following list of reasons why parents' home educate:

Reasons for EHE	
Distance or access to a local school	8
Religious or cultural beliefs	2
Dissatisfaction with the system	22
Bullying	11
As a short term intervention for a particular reason	5
A child's unwillingness or inability to go to school	8
Special educational needs	3
Parents' desire for a closer relationship with their children	5
Covid-19	34
Other	275
Never attended school	36
<b>Total</b>	<b>409</b>

The DfE provides the descriptors for reasons behind an EHE decision and 'Covid-19' was added in 2020. The option of 'other' is unhelpful but anecdotally we know that most parents make the decision to home educate based on a range of factors.

Anxiety and mental health issues are often cited and this is an increasing issue on a national level rather than just locally. Before the child or young person is off rolled from the school they are attending, the EHE Team ask the school to ensure referrals are made to services

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such as CAHMS or Children’s Social Care if necessary. The EHE Team also encourage the parents to seek help and advice from their GP. One of the checks the EHE Team does when a child or young person is referred is with the Attendance Service, and if known to them, this is often an early indicator that the child or young person is not able to access education due to possible mental health. The EHE Team asks the school and the Attendance Service what interventions are put in place to support the child or young person, and in the majority of cases, much work has already been done to support the child or young person to stay in school, such as reduced timetables and ‘time out’ rooms for the children and young people to go to. However these interventions are not always successful and the parents then choose EHE as an alternative.

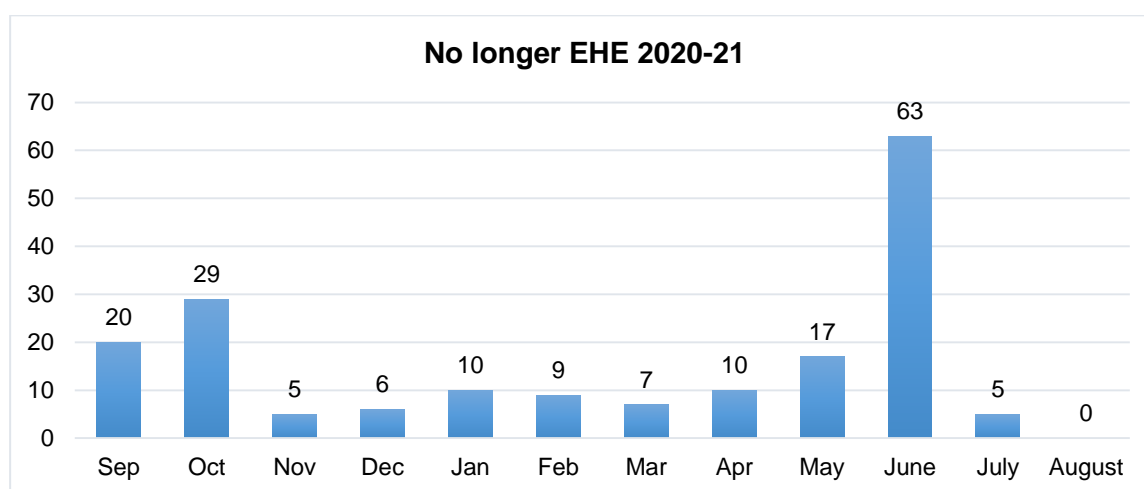
If a family feel that the child or young person has needs which has made mainstream education difficult to access, the EHE Team signposts these families to support services such as Special Educational Needs and Disabilities Information Advice and Support Service (SENDIASS) and encourage the parents to complete an EHCP self-referral form for the SEN Team to assess. The EHE Team will also discuss with the school what support they had put in place before the family chose EHE as an alternative to ensure schools are doing everything they can to support the child or young person.

Lewisham’s protocols actively discourage parents from using EHE as a short term intervention since experience suggests that very little education takes place in such circumstances. The EHE Team will work with the families, schools and other agencies to find a more appropriate solution.

#### 5.4 No longer Elective Home Education

The Lewisham policy of visiting families soon after notification of EHE has paid dividends in returning children and young people to school as soon as possible where the decision was not a parent’s genuine wish but was used as a last resort. There is effective partnership working with the Admissions Team and other local authority teams to support the children and young people back into appropriate provision.

The numbers at the start of the academic year include children and young people who did not get a space in a preferred school at primary or secondary school transfer. The numbers in July 2021 do not include Y11 young people who cease to be of statutory school age. Lewisham write to those parents to enquire about destinations and refer the young people to the post-16 Participation Team.



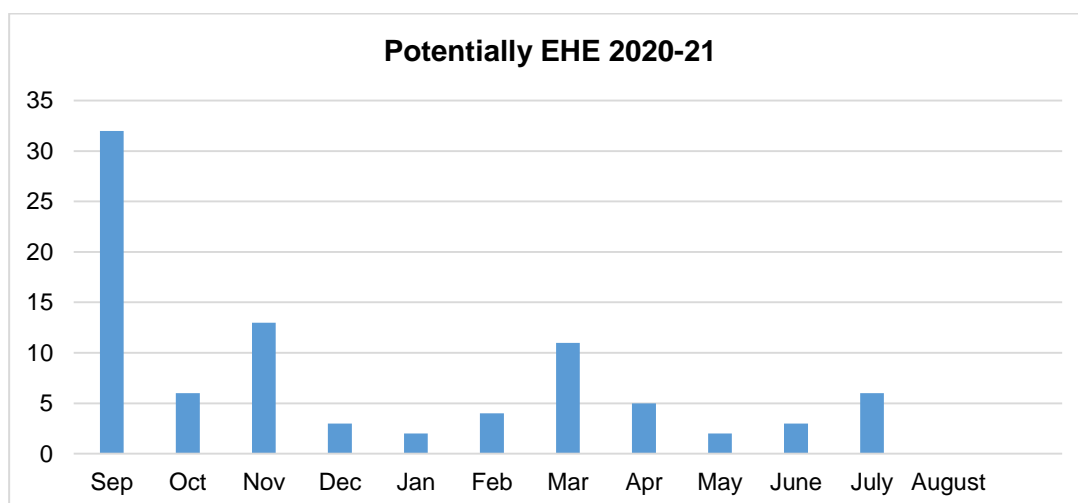
#### 5.5 Potential Elective Home Education

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The EHE Team records as ‘potential’ children and young people whose parents and/or schools contact the Service to discuss EHE as an alternative to school. The spike in September again includes children and young people whose parents may not be happy with the primary or secondary transfer school they have been given. Enquiries at the end of the year include children and young people not happy with the school places they have for September. This year, the spike in September more than doubled that of last year due to the uncertainty about Covid-19, however schools worked very hard to reassure parents that they would continue to follow Government guidelines and safety measures.



## 5.6 Complex cases and Children’s Social Care

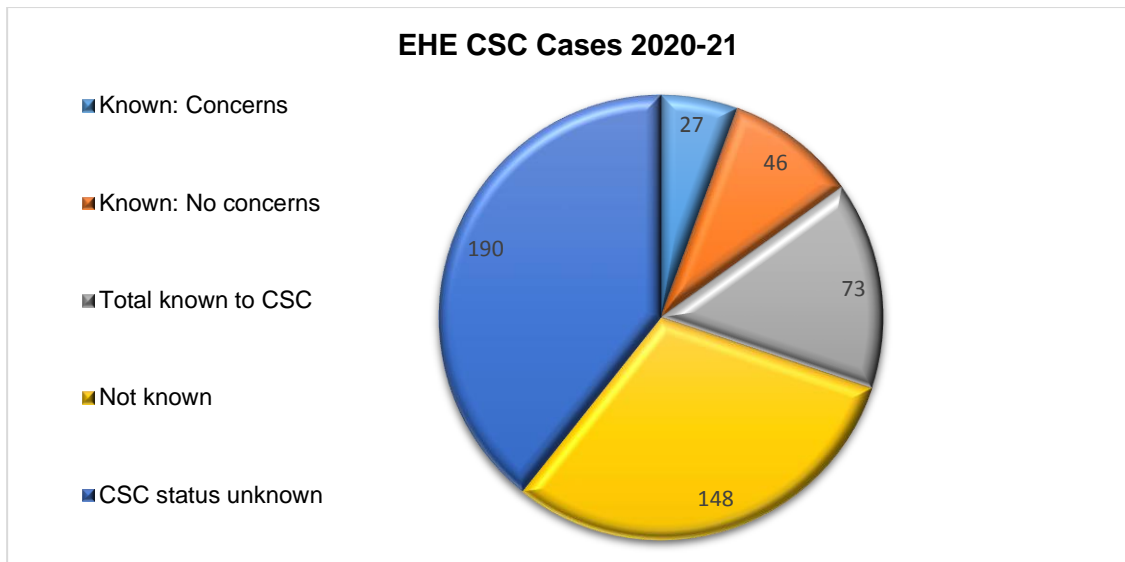
Although some ‘potential’ cases are relatively easily resolved by discussions and the sharing of EHE leaflets and signposting other agencies, others are some of the most complex cases to deal with. These include, for example, children and young people who have a Child Protection Plan and/or children whose families are in crisis. The law and government guidelines around EHE are particularly unhelpful in such cases as parents argue that they do not have to engage with the local authority once their children and young people have been withdrawn and these children and young people are thus at risk of becoming invisible, especially to the authorities who might otherwise step in to protect them. The service has worked hard to ensure that, in cases where a number of professionals believe a child or young person is at risk of harm or neglect if withdrawn for EHE, all agencies work in partnership to secure the best outcome for the child or young person. Many schools are to be applauded for their efforts in this regard, particularly where it has adversely affected their statistics yet they have steadfastly put the individual child or young person’s interests first.

There are also children and young people who are listed EHE and are known to Children’s Social Care.

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5.7 As with complex potential EHE cases, the EHE Team works with social workers and managers from Children's Social Care, as well as other appropriate agencies, to ensure that children and young people are safeguarded, as far as the law and government guidelines allow, particularly when there are known concerns. Some children and young people are known because the family has received support in the past, there is an historic allegation or other history which has been investigated and the case closed. The service continue to develop the partnership with Children's Social Care (CSC), both to share information and develop common practice so that children and young people are kept safe and remain in education even when not on roll of schools.

#### 5.8 EHE children and young people with Special Educational Needs

Over the years the EHE Team has forged a strong partnership with the Lewisham SEN Team which has improved both services as far as children and young people and families are concerned, as well as making protocols easier for schools to work with.

When a parent of a child or young person with an Education, Health and Care Plans (EHCP) notifies a school of their intention to provide EHE, schools are expected to convene an emergency annual review. This provides an opportunity for discussion of any problems or issues which may have arisen and consideration of alternative solutions, as well as a chance to review the parent's plans for education. This has generally worked effectively this year with positive outcomes for most children.

There are very few EHE children and young people with EHCP however those who are will funded by Lewisham SEN (High Needs funding) . The EHE Team works closely with the identified SEN caseworker to ensure suitability of education provided for these children and young people. Lewisham currently has an SEN Caseworker who is the designated caseworker for EHE children and the EHE officer attends the children's annual EHCP reviews.

5.9 The Serious Case Review (SCR) regarding involved a child who was EHE and also had an EHCP. The SCR examined the practice of the multi-agency network surrounding Child Z and his family. Child Z died in November 2014 aged 13. He was home educated at the end of his primary school years, as his parents did not agree with the secondary school that the local authority had nominated for him. He received no formal education in this year and was keen to go back to school for what should have been his first year at secondary school (year

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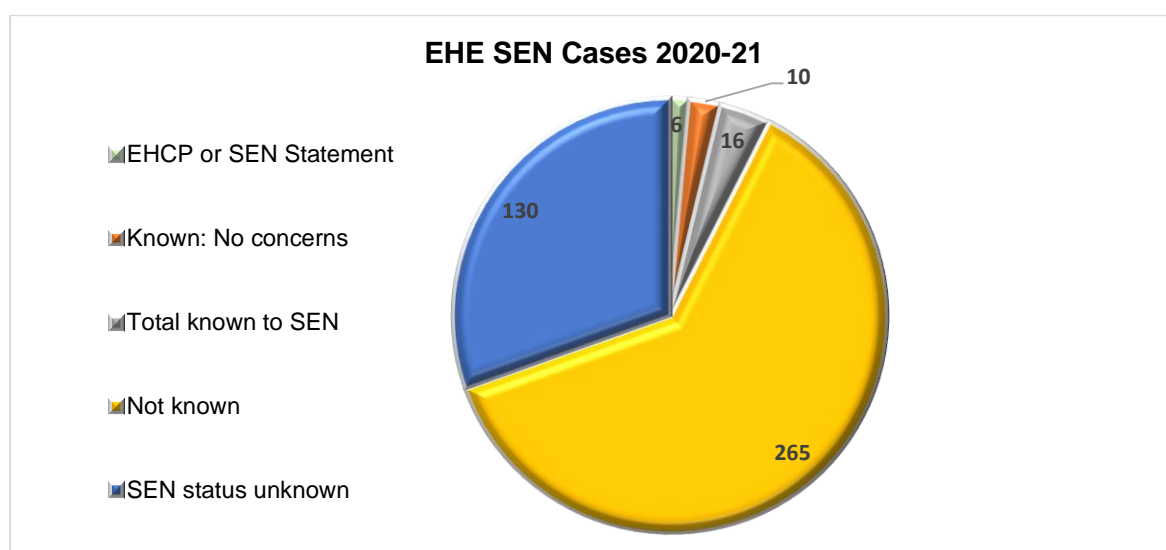
7). Child Z was made subject to a Child Protection Plan (CPP) in November 2014. This was in relation to professionals believing that his parents' lack of engagement with them, not sending him to the allocated school, missed medical appointments and his social isolation were placing him at risk.

In the days leading up to his death Child Z had complained of increasingly severe headaches – a symptom that in the past had been connected to his shunt being blocked. Child Z's parents however did not follow the recommended pathway by taking him straight to the Emergency Department (ED); instead his father made a scheduled appointment for a few days time at the hospital responsible for his ongoing care. On his way to this appointment Child Z's condition worsened and his father took him to the nearest ED. On arrival at the hospital Child Z was already unconscious and despite the best efforts of the medical team he died later that day.

The recommendations in relation to EHE from this SCR were:

1. The LSCP to conduct a review of all children who are home educated who also have a SEN or EHC plan to ensure that the obligations with the plan are being fulfilled. The Protocol for EHE and the annual report on EHE to be presented to the LSCP Main Board.
2. In line with the above, for the LSCP to receive assurances from the SEN team that each child who is EHE and who has an EHCP is reviewed on at least an annual basis with colleagues from across the multi-agency network.

These recommendations are fully implemented and part of the Elective Home Education Protocol.



#### 5.10 Elective Home Education RAG ratings

Once a referral has been accepted, a letter is sent to the family advising them that the child or young person is registered EHE in Lewisham and giving a summary of the service; offering access to school nurse services; and requesting a response to a questionnaire about planned provision. At that point the case is given a RAG rating of Blue – provision not yet reviewed.

Once provision has been reviewed, cases are given a rating of green if provision is suitable. The policy of meeting the family early has been very successful. The vast majority of families now agree to a meeting and generally provision is suitable.

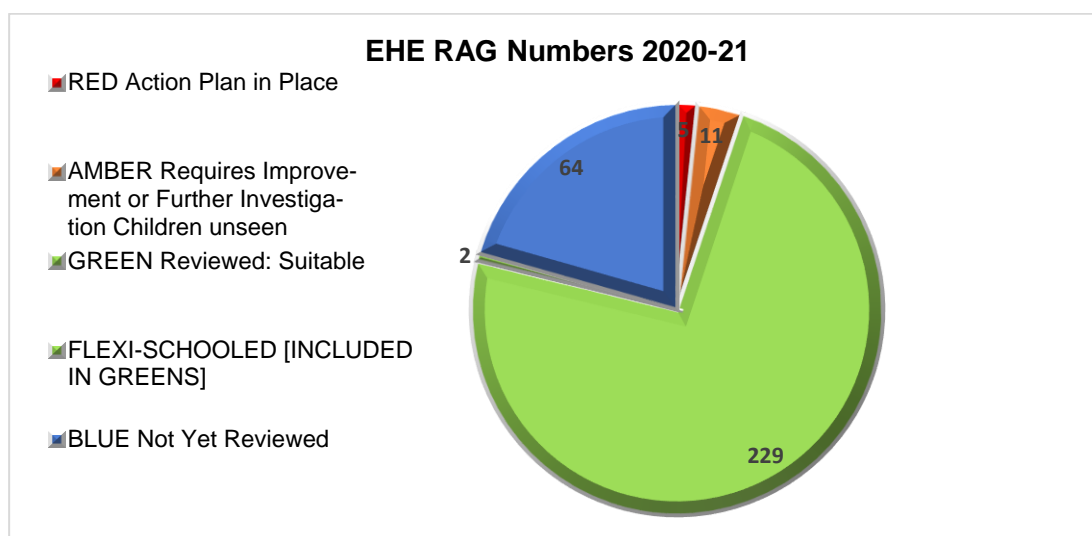
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If the provision requires improvement, the reviewing officer will discuss this with the family and arrange a further review in three or six months, depending on the circumstances, so the family has an opportunity to enhance their provision. These cases are rated amber. Often in such cases, the family will make appropriate adjustments so that provision becomes suitable or they decide to return the child to school with the help of the EHE Team.

If the provision is unsuitable and considered unlikely to improve, it is rated red and an action plan is drawn up to resolve the situation. In many of the cases where a family is advised that provision is unsuitable, the parent agrees and immediately requests a school place so the case is resolved straight away. However, there are some cases which are complex and these can take some considerable time to resolve, requiring action from a number of agencies in partnership.



### 5.11 Flexi-schooling

There are currently three children in Lewisham known to the local authority as being flexi-schooled. This is an arrangement between a family and a Headteacher where a child attends school for part of the time and is home educated otherwise. Although much sought after by home educating families, the government has made it very hard for schools to agree to such arrangements by ruling that the child must be marked absent in the register for the EHE sessions. This obviously has a significant impact on attendance statistics. Locally, there is only one child who attends an independent secondary school for three days a week and is home educated for two; the other children and young people are home educated one day each week and attend a Greenwich school for four days a week. All are RAG rated green.

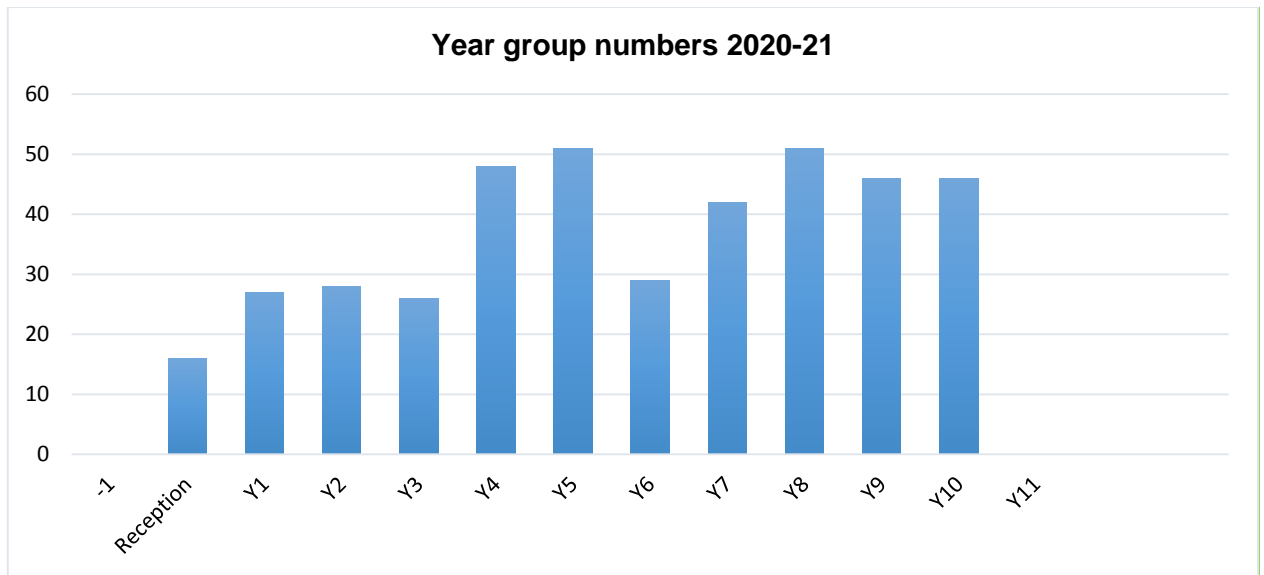
### 5.12 Elective Home Education numbers by year group

Once children and young people are no longer statutory school age, they are removed from the EHE list and referred to the post-16 Participation Team. The Team writes to the parents to enquire about destinations and refer the young people to the post-16 Participation Team.

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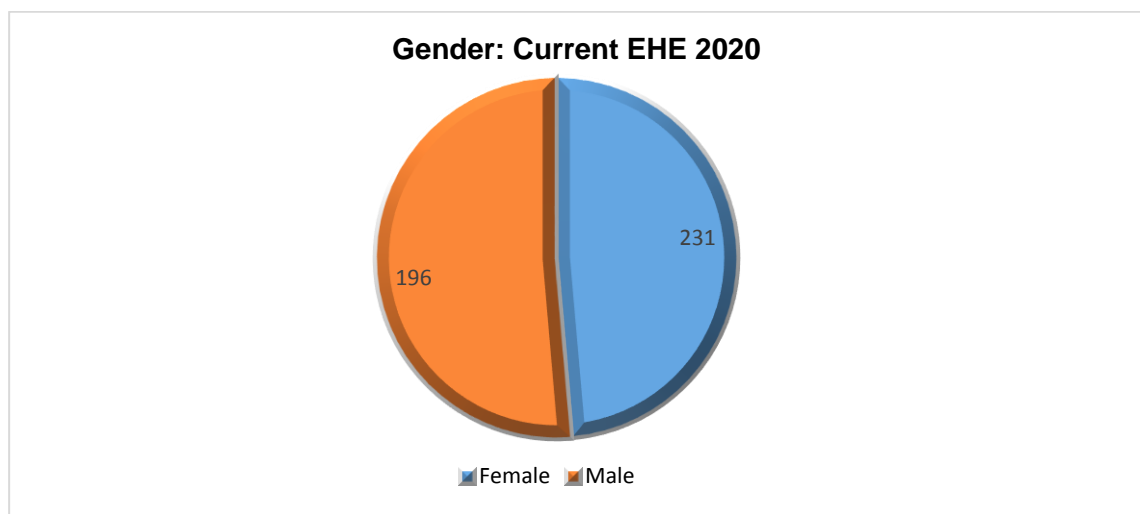
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### 5.13 Elective Home Education gender

The EHE Team does gather some data so that we are able to detect and investigate any emerging patterns. However, there is nothing of significance to report this year in most categories.

There is a fairly even spread of cases according to gender, both currently and throughout the year.



### 5.14 Elective Home Education ethnicity

With regard to ethnicity, the EHE Team has been recording what schools tell the service parents have informed them but there are many overlapping categories. Since for a significant number of children and young people, the information has not yet been obtained, it is difficult to complete a detailed or meaningful analysis. The information would also need to be mapped against the Lewisham school aged population in order to be useful.

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#### 5.15 **Elective Home Education protocols and registration**

A significant piece of work in 2017 was the development of EHE protocols, formalising policy and practice developed over the past few years and encompassing guidelines previously shared with schools, across relevant local authority teams and with other agencies such as Health. The EHE Team has worked closely with colleagues throughout the drafting process and the approved draft was approved by the legal team and is now available on the Lewisham Website.

Local authority officers are following current guidance and working with other services within the council to ensure children, known to the EHE Team, are receiving a suitable education.

- 5.16 The creation of a national EHE register would be a positive step as it would enable Lewisham to have a true picture of EHE numbers in the borough and would enable the EHE Team to monitor and safeguard children who otherwise would not be known to the council. The Team would possibly need more resource to monitor the increase in number once a national register is established.

#### 5.17 **Elective Home Education Team achievements 2020-21**

This year has been another challenging year due to Covid-19 and the subsequent lockdowns across the country. As a result, the EHE Team has continued to work remotely and have been able to carry out annual reviews of the children's education provision using the technology available, such as WhatsApp and Teams and Zoom. This has not only ensured that there has been continued service to the EHE community, there has been more engagement with previously non-engaging families. The EHE Team has also been able to provide support and advice for parents who have been concerned about the impact on their children's education.

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- 5.18 The EHE Team arranged an online EHE Network Meeting which was led by the Prevent Team who did a talk on internet safety and grooming which was well attended by the EHE families. Usually The EHE Team has these meetings at one of the Council buildings, but this was the first virtual Network Meeting which was perceived as a success.
- 5.19 There has been considerable work on the improvement of data management this year which has enabled the EHE Team to have a better oversight of the EHE cohort. The system now in place is more fluid and also helps to identify non-engaging families quickly and to ensure these children are subsequently contacted by either the EHE or Attendance Team.
- 5.20 Lewisham College is now running GCSE courses for EHE children aged 14-16 in up to five subjects. This has had a huge impact on the EHE cohort taking and succeeding with their GCSE's. There are now up to one hundred students attending these courses and the college are working alongside the EHE Team to share information which is enabling the local authority to safeguard and monitor these children.
- 5.21 **Elective Home Education Team aims for 2021-22**
- 5.22 To continue working remotely and consider resuming face to face visits with new and/or vulnerable families this year.
- 5.23 To build on the already established relationship between Lewisham College EHE course leaders and the EHE Team here at the local authority to monitor and safeguard the year 10 and year 11 EHE cohort.
- 5.24 To continue the improvement of data management in order to have a better oversight of the EHE cohort.
- 5.25 The EHE team will work with Lewisham Public Health to ensure EHE children families have access to COVID 19 vaccination programme.

## **6. Financial implications**

- 6.1 There are no direct financial implications arising from this report.
- 6.2 In 2021/22 the Elective Home Education budget (£55k) will be met from the High Needs Block similar to in 2020/21.

## **7. Legal implications**

- 7.1 There are no specific legal implications arising as a result of this report. A summary of all relevant legislation is included in the body of the report.

## **8. Equalities implications**

- 8.1 There are no crime and disorder implications.

## **9. Climate change and environmental implications**

- 9.1 There are no climate change and environmental implications.

## **10. Health and wellbeing implications**

- 10.1 There are no Health and wellbeing implications.

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## 11. Report author(s) and contact

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