

**Committee Name and Date of Committee Meeting**

Improving Lives Select Commission – 03 December 2024

**Report Title**

Elective Home Education and children not accessing their full educational entitlement at school

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

Nicola Curley, Strategic Director of Children and Young People's Services

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

The report and associated Elective Home Education (EHE) dashboard provides a spotlight on EHE in Rotherham, including the key characteristics of the cohort and the reasons behind decisions to electively home educate locally. The report and an associated presentation to be delivered at Improving Lives Select Commission also provides an update to the Commission regarding children accessing Education Otherwise Than At School (EOTAS) and those who are missing any or all of their education to enable the Commission to be assured of the delivery of support and discharge of statutory duty in this area.

**Recommendations**

1. That the content of this report be noted
2. Additionally, it is recommended that members consider their input into the upcoming review of the EHE Policy.

**List of Appendices Included**

Appendix 1 Elective Home Education Dashboard 2023-24

## **Background Papers**

[EHE Policy Process Sept 2021 final.docx \(live.com\)](#)

[Elective home education: departmental guidance for local authorities \(publishing.service.gov.uk\)](#)

[Equality Act 2010](#)

[Human Rights Act 1998](#)

[Education Act 1996](#)

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Elective Home Education and children not accessing their full educational entitlement at school**

### **1. Background**

- 1.1 There are lots of ways to describe children who are not accessing their full educational entitlement at school. This includes, Children Missing Out on Education (CMOE), Children Missing Education (CME), those who are Educated Otherwise Than at School (EOTAS) and children who are Electively Home Educated (EHE). CMOE includes children who are on a school role but are not accessing full-time education. Children are CME when they are compulsory school age but are not on a school roll and not receiving their education otherwise. Children are provided with Local Authority arranged EOTAS when the Council becomes statutorily responsible for providing this. This includes children who cannot attend school due to illness, because they have been permanently excluded or for another appropriate reason. All of the children who belong to one of the above categories continue to be key priorities for the Council's education teams and the Council has distinct duties and powers depending how the absence is categorised. Education is critical in ensuring that all children and young people can achieve outcomes enabling them to make a successful transition to adulthood, and where children are missing education, this can place them at risk.
- 1.2 The Education Act 1996 places a duty on every parent of a child of compulsory school age to ensure that he/she receives an efficient, full-time education, suitable to his/her age, ability and aptitude and any special educational needs that he/she may have, either by regular attendance at school or otherwise. Parents have the legal right to remove their child(ren) from a school roll and provide their education. The Education Act 1996 and non-statutory guidance EHE Departmental guidance for local authorities (2019) places a duty on the Council to ensure that children who are home educated are in receipt of a suitable and efficient full-time education and act if this is not the case.
- 1.3 Further background information will be provided to members during the meeting about the range of statutory education functions for which the Council is responsible for discharging to ensure that all children, whether they are on a school roll or receive EOTAS, receive the education to which they are entitled.

### **2. Key Issues**

- 2.1 A detailed presentation on education performance was received by this committee on 18 June 2024. This report does not seek to duplicate the content of this report, but to place a spotlight on children who are electively home educated within Rotherham.
- 2.2 Nationally, numbers of children in EHE continues to rise, [Elective home education, Academic year 2023/24 - Explore education statistics - GOV.UK](#)

with an estimated 126100 children in EHE in England at some point during the academic year 2022/23, 580 of these in Rotherham.

- 2.3 The rate of children who are EHE in Rotherham has remained just below the rate in England from Autumn Term 2022/23 to Autumn Term 2023/24 (the last nationally published data set), and at or below the regional rate.

		2022/23 Autumn term	2022/23 Spring term	2022/23 Summer term	2023/24 Autumn term
England		1.0%	1.1%	1.2%	1.1%
Yorkshire and The Humber	Yorkshire and The Humber	1.0%	1.1%	1.1%	1.0%
	Rotherham	0.9%	1.0%	1.1%	1.0%

- 2.4 Any parent in Rotherham who is educating their child at home is encouraged to register with the EHE team. Where a child is removed from the roll of a school to EHE then the school is required to notify the Local Authority. Where parents have chosen never to enrol their child in school there is no requirement for them to inform the Local Authority that they are providing home education. For this small cohort of children, the Local Authority therefore relies on parents or partners bringing children to their attention.
- 2.5 Where a child is known to be EHE in Rotherham the EHE team will offer support, advice and guidance. This takes the form of a home visit at least annually to discuss and review the education provision being received by the child, in line with the Rotherham's Elective Home Education Policy. Where a parent or carer declines a home visit (as is their legal right) then a meeting at a neutral venue is offered.
- 2.6 There are a number of parents who choose to communicate with the Council's EHE team in writing only, and a yearly update is requested to seek assurance that the child(ren) concerned are in receipt of suitable education. Currently, there are 75 children who are in receipt of EHE whose parents follow this pathway.
- 2.7 There are strong partnerships across services in Rotherham to bring to the attention of the Local Authority children who are being electively home educated and those who may not be in receipt of their educational entitlement. Multi agency oversight is maintained through the EHE and CME Governance Group and recent engagement with the Community and Voluntary sector and presentations at Safeguarding Awareness Week have been with the intention of raising awareness of EHE in Rotherham. Alongside this, a 7-minute briefing is in development for Early Help, Social Care and Health colleagues to ensure that all colleagues and future new starters have an understanding on how and when to bring a child to the attention of the appropriate education team if they are EHE, Missing Out on or Missing Education.
- 2.8 Recent development work undertaken through the multi-agency governance group has seen a clearer and more refined shared understanding developed of what suitable education means in Rotherham. Members were able to feed

into this through a scoping session that took place in October 2023. Alongside this, enhancements have been made to the Local Authority School Attendance Panel for both EHE and CME to ensure that decisions are taken without delay where it is identified that children need to return to education at school.

- 2.9 The early intervention work undertaken by the EHE team meant that 248 children remained on school roll following an EHE enquiry in the academic year 2023-24, where this was identified to be in their best interests. This work doesn't form part of the Council's statutory duty but is important to the team as it supports in ensuring that decisions to EHE are carefully considered and in the interests of the child. This does, however, create a pressure across the team when considered in light of the rise in the number of children known to be home educated in Rotherham.
- 2.10 Work to understand the reasons parents home educate in Rotherham, as recorded on the Dashboard at Appendix 1, has meant that a deeper understanding of the drivers for EHE is being developed. This is fed back through EHE and CME Governance group and feeds into wider education conversations as appropriate.
- 2.11 Rotherham's EHE Policy is due for review. This was initially held back pending the outcome of Government consultation that took place earlier this year in respect of the Department for Education non statutory guidance. The subsequent Children's Wellbeing Bill proposes a duty on local authorities to have and maintain Children Not in School registers and provide support to home-educating parents. However, as there is no timeframe attached to any change to National guidance it is now proposed to initiate this review. At this time, it is unlikely that this will lead to significant local policy change as the National framework remains the same. If National Policy subsequently changes then further review of the Rotherham Policy may be required to support these changes.

### **3. Options considered and recommended proposal**

- 3.1 There are no options to consider, discharge of duties in respect of Elective Home Education and children not accessing their full time educational entitlement at school remain statutory Local Authority functions, it is therefore recommended that members note the content of the report.
- 3.2 Additionally, it is recommended that members consider their input into the upcoming review of the EHE Policy.

### **4. Consultation on proposal**

- 4.1 Consultation on a revised EHE Policy will take place when the policy review is initiated.

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1 There is no decision contained within this report, however it is planned that a revised EHE Policy will be presented to Cabinet for agreement in May 2025.

## **6. Financial and Procurement Advice and Implications**

- 6.1 There are no direct financial implications within this report.

## **7. Legal Advice and Implications**

- 7.1 There are no direct legal implication within this report.

## **8. Human Resources Advice and Implications**

- 8.1 There are no HR implications contained within the report.

## **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 The report outlines how the Council will continue to discharge statutory duty to ensure that all children receive the education to which they are entitled.

## **10. Equalities and Human Rights Advice and Implications**

- 10.1 The functions reported upon support the right to education, as set out in the Human Rights Act and support the Public Sector Equality Duty.

## **11. Implications for CO<sub>2</sub> Emissions and Climate Change**

- 11.1 There are no implications contained within the report

## **12. Implications for Partners**

- 12.1 There are no implications contained within the report.

## **13. Risks and Mitigation**

- 13.1 There is a risk to staffing capacity if numbers of children who are EHE continue to rise - this will be monitored in service and a Business Case established if required.

- 13.2 There is potential risk to process and local policy, should any changes in Government policy be announced. As yet, there is no definitive timeline for these. Once this is known, local policy will be reviewed accordingly.

### **Accountable Officer(s)**

Sarah Whitby, Head of Service Access to Education  
Rebecca Braithwait, Principal Officer EHE and CME

Approvals obtained on behalf of:

	<b>Name</b>	<b>Date</b>
The Strategic Director with responsibility for this report	Nicola Curley	01/11/24
Consultation undertaken with the relevant Cabinet Member	Cabinet Member for Children and Young People - Councillor Cusworth	12/11/24

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This report is published on the Council's [website](#).