
Executive Briefing

Children not in state-maintained Schools

Date of meeting: LMB 13 October 2022

CMB 27 October 2022

CYPE Scrutiny TBC

Lead director/officer: Sue Welford

Useful information

- Ward(s) affected: All
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- Report version number: 3

1. Summary

This report provides an overview about the provision of education to children who are not on the roll of a state-maintained school also those on roll but attending alternative provision, and the statutory responsibilities and processes of the local authority.

It covers

- key processes relating to children who are not on school rolls and not receiving a suitable elective home education (EHE).
- the DfE's plans to implement a Register of EHE and Children Missing Education (CME) children and their plans requiring Local Authority's to provide support for EHE.
- potential local authority vulnerabilities.
- Elective Home Education (EHE) with a focus on the approach of the Local Authority.
- other forms of education including independent schools, alternative providers and unregistered settings.
- key data, and the management of work including pressures services are under due to the increase in the numbers of EHE children over the last decade and the rise in numbers during the pandemic.

2. Recommended actions/decision

- To note the current and changing position for the local authority in relation to children not on roll at a state-maintained school and recognise the challenge that knowing about these children brings.
- To note the increasing responsibilities for elective home education that will be placed on the council.
- To consider the information relating to unregistered providers and the increasing role for the local authority.
- To note the information relating to alternative providers and the need to review the current arrangements involving the Leicestershire Education Business Company (LEBC).
- To understand the pressures on the current staffing to fulfil our statutory responsibilities in relation to home education and unregistered settings.

3. Scrutiny / stakeholder engagement

4. Background and options with supporting evidence

Parents are responsible for ensuring that their children of compulsory school age are in receipt of a suitable education. Children reach compulsory school age on 31 December, 31 March or 31 August, when they turn five on or prior to one of these prescribed days.

They are no longer of compulsory school age on the last Friday in June in the school year in which they turn 16. The vast majority of parents choose to send their child to a state-maintained school. Some choose to send their child to an independent school, some elect to educate their child at home. Some parents who elect to home educate use the services of providers outside the home to provide some sessions to their child.

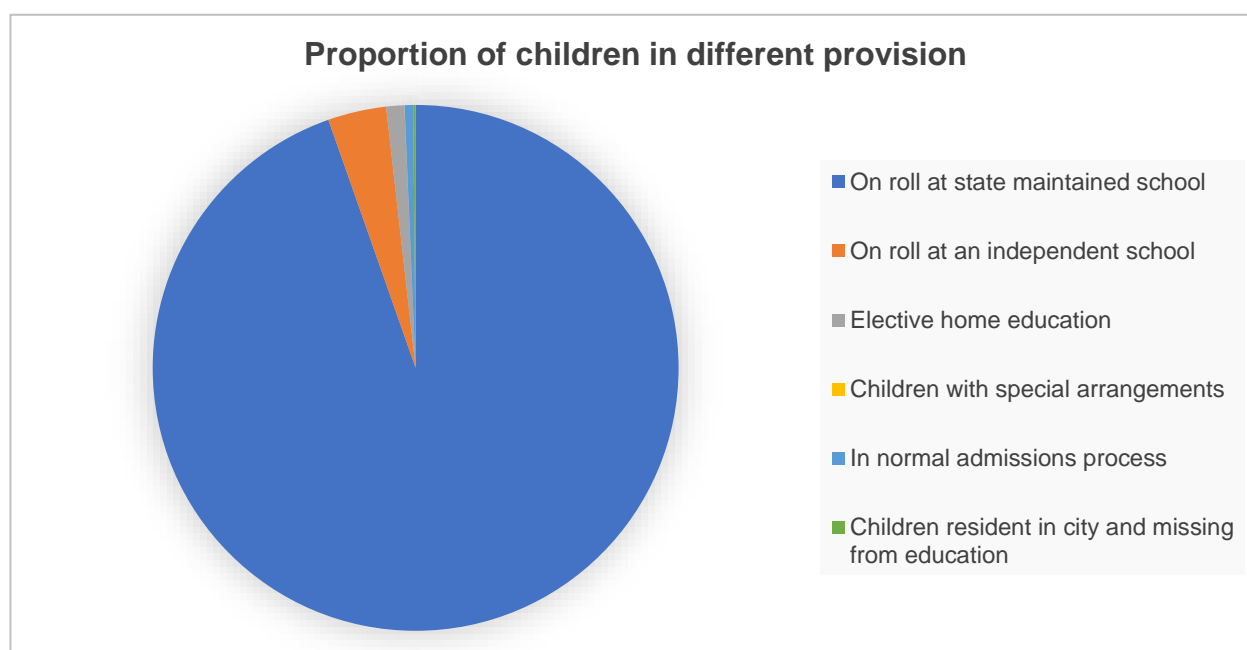
The local authority is responsible for checking that the arrangements made by the parent are suitable for the child.

The report reviews the situations where a child is not attending a state school and how the council acts to understand whether this provision is suitable and to ensure that children are safe.

5. Detailed report

a. Data on city children of school age – education setting or status

The data below is a snapshot of the education status of all city children on **5th June 2022**. This date is used to provide the whole cohort of children. At the current point of the academic year there are significant numbers of children for whom we await confirmation on their whereabouts following transition to secondary school and movement to the county. County provides their October census in December each year.



On roll at state-maintained school	93.0%
On roll at an independent school	3.5%
Elective home education	1.1%
Children with special arrangements	0.0%
In normal admissions process	0.5%
Children resident in city and missing from education	0.1%
Total	100%

In addition to these at anytime there are some “Whereabouts investigations” – these are children who are known to have been in the city but who may have left and whose

whereabouts are being investigated. See [Children Missing Education](#) section for details about the processes followed.

In addition to the above children, there were 2,844 county children on roll at city state-maintained schools.

b. Elective Home Education (EHE)

1. Under S7 Education Act 1996, it is the duty of the parent of every child of compulsory school age to ensure that their child receives an efficient full-time education suitable—
 - (a) to their age, ability and aptitude, and
 - (b) to any special educational needs they may have, either by regular attendance at school or otherwise.

The reference to ‘or otherwise’ is EHE. There are children who are EHE who have never attended a registered school, and others who have attended a maintained and/or independent school at some point before being deregistered by their parent for the reason of EHE.

The circumstances under which a school or the local authority can prevent the removal of a child from their school roll by a parent for the reason of EHE are limited to:

- where there is a Care Order giving the local authority (LA) parental responsibility (PR), or,
- where the LA has issued a School Attendance Order naming the school where the child is on roll or
- where a child’s Education Health and Care plan names a special school and the LA do not agree that the child’s needs will be met by EHE and the view is that they should remain on the school roll.

Where it appears to the LA that a child is not receiving a suitable education, if informal enquiries fail to resolve the concerns, the School Attendance Order (SAO) process is followed. The SAO process results in an Order to the effect that the parent must satisfy the LA that the child is receiving a suitable education otherwise or requiring a parent to register the child at a specified school. The failure of a parent to comply with an Order is an offence under S443 of the Education Act 1996

2. LAs are required to have a Policy on EHE; the LA’s Policy was updated in October 2022 (the final copy is attached to this report).
3. The local authority uses the following process for children who are identified as being electively home educated:
 - i. an Education Welfare Officer seeks to have a conversation with the parent about their decision (if agreed with parents). This is ideally prior to the school removing the child from roll to confirm the reason for their decision; that there isn’t an issue that if resolved would change their minds; ensuring that they are aware of the implications of EHE for example, that no tutor is provided,
 - ii. the parent is then asked to complete a Plan setting out the arrangements they intend to make for the child’s education,
 - iii. at approximately the six-month point the parent is asked for a Report about progress on the plan

- iv. then again at the 12 month point and then
- v. annually thereafter. (Section 3 in the January 2022 policy.)

It is important to note that schools and the LA cannot refuse to remove a child from a school roll where a parent is seeking to EHE other than in the scenarios set out in section b 1 above.

The team prioritises those children and families considered vulnerable as a result of information provided by the school, from social care or early help or as result of other enquiries made by the team. Children who are identified as potentially vulnerable are escalated for checks ahead of other children.

4. The DfE guidance includes very little detail of what constitutes a suitable education. They reference case law which suggests that parents should ensure their children are able to succeed in wider society. The implication of this is that they should be educated in English and mathematics. Parents do not have to follow the National Curriculum. There should be an element of supervision of the child's education by the parent.

In addition to the regulatory framework and the DfE guidance, there has been a recent Judicial Review resulting in a High Court Judgement in the case of *Christina Goodred - V - Portsmouth City Council and The Secretary Of State For Education*; the High Court confirmed that LAs are entitled to ask parents to provide more than a description of the education being provided to their child. This is also more than just an assertion that their child is receiving a suitable home education.

The LA approach is consistent with this ruling.

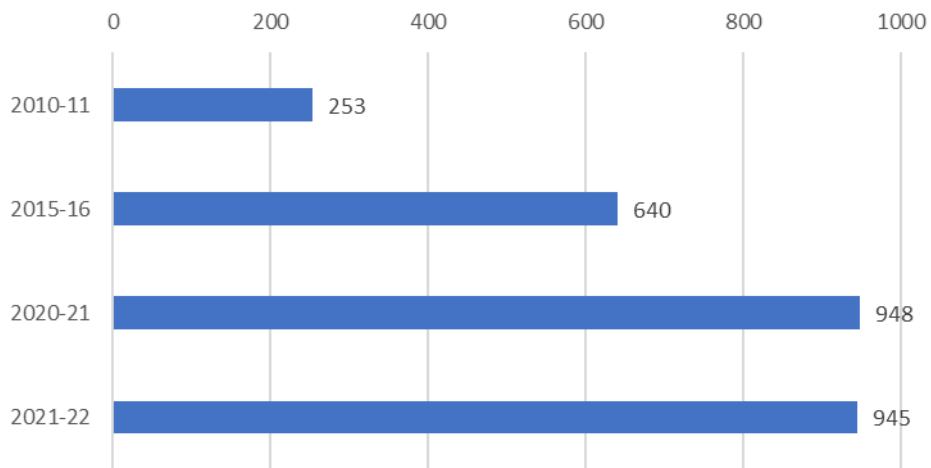
5. Data prepared for the ILACS Ofsted inspection demonstrated our approach to cases where the lack of information led us to conclude that the children appeared to be missing from education. In some instances, parents claimed they were home educating their children, but they had refused to share any information with us, or the information did not demonstrate that the children were engaging in learning. Inspectors found that our approach to using School Attendance Orders was appropriate and effective.

The Education Welfare Service continue to work closely with families and schools as children come off school rolls. They seek to ensure that families stating that they are home educating have actively chosen that route and undue pressure has not been placed upon them to remove their child from a school roll (known as 'off-rolling').

6. The current high numbers of children who are home educated, including children new to home education means that we are unable to fully comply with our Home Education policy for all children.

In common with national trends, there has been a gradual increase in the number of EHE children in Leicester over the last decade: the total number of school age children in the city who were EHE at any point during the academic year 2010/11 was 253, in 2015/16, 640, in 2020/21, the figure was 948 and numbers appear to have stabilised in 2021/22 at 945. Visual representation below.

EHE at any point in academic year



The reasons for parents opting to home educate are known to be varied and there has been no requirement to collect this information until the publication of the data collection by the DfE. This information will now be collected and held where parents are willing to share.

The majority of home educating parents provide their children with a suitable education. A small percentage do not. Our process is designed to identify those children who are not receiving a suitable education and therefore are missing from education. This is our statutory duty.

There are two key areas of challenge:

- some parents do not accept that the LA has the right to ask them to provide evidence that their children are receiving a suitable education. It sometimes takes significant time to assure them that we do have that right.
- some parents are reluctant to provide sufficient information for the LA to be assured.

These challenges mean that there is a significant amount of following up of cases to ensure appropriate and adequate information has been provided.

7. In summer 2021 a new electronic (e) system for engaging with parents was implemented to reduce the manual collection of information from home educating parents. Whilst increasing numbers of parents are responding to our e-system requests, a significant number prefer to communicate with us via email or post and some are reluctant to engage with us at all.
8. There is a limited resource of 1.5fte staff dedicated to supporting those who are EHE; a teacher trained EHE Adviser and an administrator. Significant support is also provided by the EWS service manager as some parents are uncooperative to the degree that management involvement is appropriate. Education Welfare Officers are involved in following up the cases of non-responsive parents although there are challenges in ensuring the timeliness of this work.
9. The Government included in its Schools Bill, the introduction of a local authority held registration of children of compulsory school age who are not educated full-time at school. This will include EHE children, with parents being required to inform the LA of their child's EHE status.
10. There will be an impact on staff resource linked to this new duty both in terms of a predicted small increase in numbers of previously unknown EHE children, but also in relation to a new duty to provide support to home educating parents, which could include for example, offering advice to home educators, examination support, or support for home education groups. There will also be an additional burden on staff in relation to termly data returns to DfE.
11. The first collection of data in relation to EHE and CME has just been submitted to the DfE and can be found at Appendix 2.

c. Children Missing from Education (CME)

Children missing education are children of compulsory school age who are not registered pupils at a school *and* are not receiving suitable education. There has been a steady increase in the number of children identified as CME. These children may have been previously on roll at a school and have come off roll, children who have not secured a school place or children whose home education has been deemed unsuitable.

When a child comes off roll at a school, the school is responsible for ensuring that they move onto the roll of their next school. Schools are required to ask for information about where the child is moving to and will then follow up. Sometimes the parent does not provide this information and the school does not know where the child has gone. Prior to removal from roll the school will work with the Education Welfare Service to determine if the child has left the area. The Education Welfare Service, working with the Children's Information Team, will follow up with other council services, health and other colleagues to establish that a child has left the area and is safely elsewhere.

The processes for identifying children missing education that are followed by the education welfare team involve a wide range of checks; these include numerous actions taken with the aim of confirming that the child is safely in education, or at least in the admissions process in their new location.

- Any contact information on family is followed up
- Home visits are undertaken - this includes checks with neighbours
- NHS Patient registration
- Council databases
- Any other source of information that can be identified

When it is established that a child is living in the city and not in receipt of a suitable education, there is significant work undertaken by Education Welfare, Admissions and, if required, Special Education Services to ensure these children return to education as quickly as possible. Actions include following the School Attendance Order process when parents do not voluntarily register their child at school.

The proposed register of children not on school roll will include these children. There will also be a requirement to report termly to DfE.

d. Independent Schools

Independent schools are fee paying schools (also referred to as private schools). In the city, we have 13 such schools, 11 with a religious ethos (nine Muslim and two Christian). All independent schools in England are registered with the Department for Education and are regulated directly by the Secretary of State for Education. The DfE can close schools for serious or persistent breaches of standards. They are now inspected by Ofsted. On 12th September 2022, there were 1,530 children registered at city independent schools, some of whom live outside the city area. Since 2016, independent schools have been required by law to share the details of the children on roll with the local authority in which the school is sited, and they must also inform the local authority when a child is removed from the school roll. All independent schools in the city share this data. During inspections of these schools Ofsted will contact the Education Division to discuss the school's compliance in relation to provision of data and safeguarding information.

The local authority has no responsibility for the quality or quantity of education provided in these schools but they are subject to Keeping Children Safe in Education (which is the statutory DfE safeguarding guidance for all schools in England and Wales). They are required to access training and support to follow the agreed local safeguarding children's partnership board (LSCP) arrangements.

The majority of city independent schools access the council's Safeguarding in Education offer and there are good relationships with all independent schools with regard to the provision of on roll/ off roll data. There are four schools in the city who

do not access the Safeguarding in Education offer. We have not received annual safeguarding self-audit reports from these schools which they should return under Section 14B Children Act 2004 / Section 175/ Section 156 Education Act 2002. This is being followed up with the schools and action may be taken.

Further support for these schools is available via an independent schools' forum implemented by the LSCPB.

e. Unregistered Settings – Alternative Providers (AP) Settings

“Alternative provider settings are places that provide education for children who can't go to a mainstream school. These are used by schools and local authorities to arrange education for pupils who, because of behaviour, exclusion, illness or other reasons, would not otherwise receive suitable education.” (Alternative Provision, DfE January 2013)

There are a number of providers of alternative education in the city which are used by schools to place pupils who are on their school roll. The placements will normally be part-time. Such pupils are usually also attending their own school for the rest of the week. These providers are not schools; they are not Ofsted registered and therefore not subject to the usual school inspection regime and there are no formal arrangements to evaluate their quality. The prudent use of such provision can be of significant benefit to the child as they may access outdoor learning, vocational qualifications etc.

Alternative providers are subject to [Alternative Provision Statutory guidance for local authorities January 2013](#). APs are also subject to Local Authority Designated Officer (LADO) investigations where concerns are reported.

Schools are responsible for carrying out due diligence checks before placing pupils in alternative provision (AP). Leicestershire Education Business Company (LEBC) is the body that local schools use for safeguarding and quality assurance prior to placing pupils in alternative provision. The LA does not have a direct role in this process in relation to safeguarding and quality assurance. The schools are responsible for closely monitoring pupil attendance and progress and for ensuring the provision is meeting the pupils' needs and that safeguarding is in place. The effectiveness of these arrangements form part of a school's Ofsted inspection whereby they will check on the whereabouts of children recorded as attending provision offsite. The education division intends to review the robustness of the LEBC and schools' processes.

Ofsted expects local authorities to know about pupils who are placed in AP and also those on part-time timetables in order to understand their whereabouts. An e-system has been developed and implemented for schools to report to the local authority all children who are not in school full-time due to part-time or AP arrangements.

The E form includes a list of all known AP and is linked to the main education database which triggers an alert to any staff who have the particular student on their caseload. There is a dashboard process under development which will provide us an overview of the use of different AP and also potentially alert us to any illegal schools. An AP falls into the category of an illegal school when they have five or more pupils attending full-time education or, who have one or more child who is looked after (attending full-time) or one or more pupils with an EHCP (attending full-time)

There is no statutory role for the local authority in quality assuring or in ensuring that there are sufficient quality providers. The DfE is currently reviewing alternative provision through the SEND green paper consultation.

f. Unregistered settings – other providers

There are a number of providers who are known to provide support to home educating families. These include both online and onsite providers. There is no role for the local authority with these providers. Our awareness is raised when parents refer to them in conversations with officers in the Education Welfare Service, or in the plans and reports submitted to the LA about their children's elective home education.

These providers are subject to Local Authority Designated Officer (LADO) investigations where concerns are reported. We are alert to the providers in respect of the potential for them to be operating as illegal schools. Illegal schools are providers who have five or more pupils attending full-time education or, who have one or more full-time child who is looked after or one or more full-time pupil with an EHCP. They must not contravene these thresholds. A provider meeting or exceeding these thresholds must be registered with DfE as an independent school and not to have done so is an offence.

If the local authority believes a provider of education to home educated children is operating illegally, the Education Welfare Service will alert Ofsted Independent Schools section. Ofsted will then investigate.

The local authority has no powers or duties to assess the quality of education in relation to such providers. Our only insight into the quality of provision is the evidence provided by parents. The majority of parents are reluctant to share detailed evidence with us.

The DfE's expectation of local authorities is included in [Unregistered independent schools and out of school settings- Advice \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

This includes:

- to identify settings
- to clarify registration requirements
- to disrupt unsafe settings and tackle concerns identified
- to support Ofsted prosecutions of illegal providers
- to safeguard children (LADO related processes) and
- to support families to ensure children are receiving a suitable education

The Schools' Bill includes a duty on certain out-of-school education settings to provide local authorities with information from their registers. It is understood that the DfE plans to extend the local authorities' duties in respect of these settings.

g. Online tuition providers

There has been an increase in the number of online tuition providers supporting home educating families. These online providers are not subject to any regulations although they would be subject to LADO processes should a concern be reported.

h. Responsibilities of the local authority:

The local authority is responsible for ensuring parents are meeting their statutory responsibilities with respect to the education of their children i.e. to ensure that they receive a fulltime education either by regular attendance at school or otherwise.

The Education Welfare Service, within the Education Division, manages the delivery of this responsibility in relation to each element above. The team also supports the regular attendance at school of those on roll of maintained schools through a traded case work offer. The service is responsible for all related enforcement work.

There has been a significant increase in the number of children who no longer access their education through a state-maintained school. This has an increasing impact on the service and its capacity to carry out the statutory duty on behalf of the local authority. There have also been additional duties linked to improving school attendance.

These pressures include:

- The number of children who are electively home educated at any time point during a school year has increased from 243 to 945 in the last decade.
- Operation of the Penalty Notice system (over 5,500 in average year)
- Increase in children possibly missing education from 250 to over 2,000 cases per school year
- Concept of persistent absence (pupils with 90% or below attendance)

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

6.1 The education welfare service has a net budget of £355k net of £529k of income from schools for what was previously deemed non-statutory casework. Changes in legislation due to come into effect mean effectively that some elements of this casework become part of the LA's statutory duty and therefore non chargeable. The extent of the loss of traded income and the cost of the new minimum non-tradeable duties of the service as outlined by the DfE are not clear at this stage and require further work.

Martin Judson, Head of Finance

6.2 Legal implications

The main legal obligations are set out in the body of this report. The report also highlights the areas of concern where the local authority may not be able to comply with the statutory requirements. It is therefore recommended that ongoing legal advice is obtained should proposals be developed to address these concerns.

The local authority needs to be mindful of its obligation under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education (CME). This duty applies to all children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than at school (either at home or in alternative provision).

On this basis unless the local authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home is potentially in scope of this duty. The statutory guidance on Elective Home Education recommends that each local authority should have a written policy statement on EHE which is clear, transparent and easily accessible and is consistent with the legal framework.

The report sets out the Council's policy and approach in this regard.

Julia Slipper, Principal Lawyer (Education & Employment), Tel ext: 6855

6.3 Equalities implications

The Public Sector Equality Duty (PSED) is a general duty that applies to schools, and other public bodies. It requires schools to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct, improve equality of opportunity; and foster good relations between different groups of people: those who share a protected characteristic and those who do not.

Under the Equality Act 2010, it is unlawful for any education provider, including a private or independent provider, to discriminate between pupils on grounds of disability, race, sex, gender reassignment, pregnancy and maternity, religion or belief, or sex.

The government's aim to ensure all young people receive a world-class education which allows them to reach their potential and live a more fulfilled life, regardless of background. That education should be provided in a safe environment, whether at school or at home. Parents have a right to educate their children at home, and the government wants the many parents who do it well to be supported. The parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a statement of special educational needs or an Education, Health and Care Plan (EHC plan), or neither.

Elective home education is a term used to describe a choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time. This is different to education provided by a local authority otherwise than at a school. There are many reasons why parents do choose to educate children at home and these children will be from across many protected characteristics.

The department for education recommends that each local authority should have a written policy statement on elective home education which is clear, transparent and easily accessible by using different formats as necessary. It should consider local circumstances and set out how the authority will seek to engage and communicate with parents.

It is important that home education doesn't result in children dropping off the radar and becoming vulnerable to poor standards of education or risks to their safety and wellbeing. Ensuring that children are receiving their education in settings which are subject to inspection is an important safeguarding measure which is intended to keep children from across all protected characteristics safe.

The report provides a briefing on Elective Home Education (EHE) with a focus on the approach of the LA. It cites that in common with national trends, there has been a gradual increase in the number of EHE children in Leicester over the last decade which has resulted in significant increases in demand on the service. The increased role for the local authority and to fulfil statutory responsibilities in relation to home education, and unregistered settings the report proposes an increase in resource to provide the necessary

staffing. It is important that any recruitment in this regard is in line with the council's recruitment policies and procedures.

Equalities Officer, Surinder Singh, Ext 37 4148

6.4 Climate Emergency implications

There are no significant climate emergency implications directly associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

7. Background information and other papers:

LCC Home Education Policy – Appendix 1

[DfE Elective Home Education Guidance for LAs/Parents](#)

8. Summary of appendices:

Appendix 1: LCC Home Education Policy

Appendix 2: DfE Elective Home Education and Children Missing Education Voluntary data return

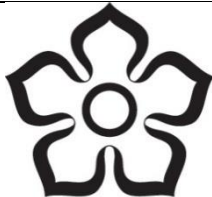
9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

10. Is this a “key decision”? If so, why?

No

Appendix 1

 Leicester City Council	Policy prepared by:	Learning and Inclusion
	Revision number:	9.0
	Revision date:	October 2022
	Review date:	September 2023

Education and Children’s Services – Learning and Inclusion Elective Home Education Policy

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EWO Education Welfare Officer
 EWS Education Welfare Service
 EHCP Education Health and Care Plan
 HEA Home Education Adviser
 LA Local Authority
 LCC Leicester City Council

1. Background

Individuals with parental responsibility (including parents, guardians and carers – referred to as parents hereafter) have a legal right to choose to educate their children other than by attending school.

1.1 Duty of parents

All parents are strongly encouraged to read [Elective Home Education Departmental Guidance for Parents April 2019](#) before they withdraw their child or children from school.

The Education Act 1996 states that: *The parent of every child of compulsory school age shall cause him (her) to receive efficient full-time education suitable to his (her) age, ability and aptitude, and to any special educational needs he (she) may have, either by regular attendance at school or otherwise.*

This places the responsibility for a child's education firmly with the parents. The interpretation of efficient and suitable are derived by Case Law and set out in Government Guidance¹:

- Efficient education: Education that achieves what it sets out to achieve; and
- Suitable education: Education that primarily equips a child for life within the community of which the child is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if the child wishes to do so.

Case law² also states that a suitable education – for a child capable of learning such skills – should instil in them the ability to read, write and cope with arithmetical problems. From this, we understand that an education that does not include English and Maths cannot be considered suitable.

There are no legal requirements imposed on parents to ensure that their child takes formal examinations or to follow the National Curriculum. There are no set hours, days or weeks when education has to take place and no requirement for formal lessons. Parents are not required to follow a school model of education, follow school hours or complete work in books.

Financial responsibility for children educated at home rests with the parents. This includes all books, paper resources and the payment of examination fees for a child who is to be entered for accredited examinations (e.g GCSEs). There is no entitlement to free school meals.

Information regarding local centres which allow students to take examinations as a private candidate is available on the [Council's website](#).

When considering the suitability of a child's home education, the LA operates in accordance with the Departmental Guidance. Parents who choose to educate their children at home are strongly advised to acquaint themselves with the law and

¹ Department for Children, Schools and Families (now Department for Education), Elective Home Education – Guidelines for Local Authorities, 2007. Available at: <http://www.education.gov.uk/schools/pupilsupport/parents/involvement/homeeducation/a0073367/elective-home-education-guidelines>

² Harrison and Harrison v Stevenson (1982) QB (DC) 729/81.

guidance related to Elective Home Education; parents' rights and responsibilities are set out in Department for Education: [Elective home education Departmental guidance for parents - April 2019](#).

1.2 Duty of the Local Authority (LA)

Leicester City Council (LCC) complies with [Department for Education Guidance: Elective home education departmental guidance for local authorities April 2019](#)

The Education Act 1996 (as amended) imposes a duty on LCC to promote high standards in Primary and Secondary education for persons of compulsory school age (whether at school or otherwise).

Local authorities have a general duty to make arrangements to safeguard and promote the welfare of children (section 175 of the Education Act 2002) in relation to their education functions as a local authority. This Policy forms part of the LA's remit under this section.

In addition, LAs have a statutory duty under the Act (as amended), to make arrangements to establish the identities, so far as it is possible to do so, of children in the authority who are not receiving a suitable education.

Once a child reaches compulsory school age, and in the event that they come to the attention of LCC, the LA must satisfy itself that the child is receiving full time education suitable to their age, aptitude and any special educational needs the child may have.

To fulfil these statutory duties LCC follows a process, described below in section 3 to confirm the suitability of Elective Home Education; many parents find this process helpful and supportive of their education provision.

2. Choosing and starting home education

Parents have a range of reasons for choosing to educate their child at home and a home educated child may never have attended a school, or, they may have attended and then been withdrawn by the parent for the reason of home education.

2.1. Children who have never attended school

If a child has never attended school, there is no legal requirement on parents to register their child's home education status with LCC. However, LCC strongly urges parents to make contact to confirm that home education is taking place. This is because each LA has a legal duty to ensure that every child living in their area is in receipt of a suitable education.

2.2. Withdrawing a child from a maintained mainstream school

When a child has been on roll at a school, and the parent/carer decides to educate their child at home, they must write to the Head teacher of their school, informing them of their intention to home educate. The Head teacher will delete the child's name from the register and they will notify the LA. (Where parents are willing, the school and relevant professionals may seek to discuss their decision prior to the child being removed from roll in case the parent may wish to reconsider, for example, where there is a school related matter that can be resolved, or where the parent hasn't been aware of the implications of elective home education.)

2.3. Children attending Special Schools (including independent special schools)

If the child who is to be withdrawn is a pupil at a special school, the school must inform the local authority before the child's name can be withdrawn from the school roll and the authority will need to consider whether the elective home education is suitable before amending part 4 of the child's EHCP.

2.4. Independent schools

Parents who withdraw their children for home education from independent schools are encouraged to get in touch with LCC's Education Welfare Service at the earliest opportunity. Contact: 0116 454 5510 / education.welfare@leicester.gov.uk .

All registered schools (irrespective of the type of school) must notify the LA when a child is removed from roll.

2.5. Contact from the Local Authority

The Education Welfare Service seeks to undertake a discussion with the parents usually within 4 school weeks of the home education starting to provide general information, support and advice about the child's home education and about the LA's process, also to gather some initial information about the education being provided. This initial stage of the process is usually undertaken by an Education Welfare Officer (EWO).

Following this (irrespective of whether or not the parent has engaged with the EWO), details of the child are passed to the Home Education Adviser (HEA) along with any supporting information obtained.

3. Contact with the Home Education Adviser

The standard pattern of involvement of the HEA is as follows:

- Initial contact with parent following receipt of referral from EWO
- Six months later – six month review (usually undertaken only for newly home educated children)
- Annual review – approximately a year later

Initial contact

The HEA will send parents a welcome letter which includes a link to a template for an education plan. Parents are requested to complete the plan with as much detail as possible setting out how they intend to educate their child. Parents may opt to use their own format rather than the plan although the information provided will ideally need to cover the same areas.

Whichever format is used, helpful details include how a parent intends to ensure the development of English and Maths eg examples of books or websites a parent and child intend to use. If a parent doesn't use such resources, they are asked to show how they will develop the child's English and Maths. The information should also include details of any provision external to the home, and up to date contact details for the family.

The parent is asked to return the education plan (or information in a format of their choosing) by a specified date (which is usually 3 weeks from the date of contact).

At this point, assuming there are no concerns about suitability of the education, the HEA sends a letter to the parent to acknowledge receipt and to explain that the next contact will be six months hence.

Six month review

Where sufficient information is shared with the HEA, a follow up request for information is made six months after the family has started to home educate; ideally, parents are asked to complete an education report template although again, they may prefer to share the information requested in a format of their choosing. Again, the update should include details of any provision external to the home, and up to date contact details for the family.

The parent will be asked to set out in detail the education they are providing for each of their children to show that the education satisfies the Education Act ie that the child/ren is/are receiving a full-time education suitable to age ability and aptitude and any special educational needs.

It is helpful if the report is accompanied by photos of each child's work and/or other information of the parent's choosing which **could** include timetables, curriculum plans, workbooks, dated work over a period of time, reports detailing the child's progress etc. A parent may prefer a conversation with the HEA which could also include the child, either via a telephone call or a home visit or meeting at another venue. **Irrespective of the information shared or the means of contact, the information will need to be sufficient to assure the Local Authority that the child is receiving a suitable education.**

Assuming there are no concerns about the suitability of education, the HEA sends a report detailing the suitability of education over the previous six months.

Annual review of home education

The same process will occur at the time of the child's annual review. As a result of an annual review (where the child is receiving a suitable education), the LA issues a report indicating that the parents, in the previous period (usually twelve months), have provided a suitable education.

Home Visits

In the case of newly home educated children, the HEA will usually seek to undertake a home visit where there are concerns about the suitability of the education. In addition, where a parent requests a home visit, the HEA will aim to accommodate this request. Home visits may also be arranged by the HEA (or an EWO) where concerns have been shared with the EWS about a child's education. (See section 8.) (Parents are under no obligation to agree to a home visit in relation to home education.)

4. Outcomes at each point of contact

Outcomes will be either that:

- The education is considered to have been/be full time and suitable to the age, aptitude and any special educational needs the child may have or
- The education is not yet considered to be full time and suitable to the age, aptitude and any special educational needs the child may have but has the potential to become so. In this case, the HEA will make suggestions and recommendations to help the family establish their education provision and agree

a date at the time with parents usually within six weeks to review the progress they have made, or

- The education, even after suggestions have been made, is not considered to be full time or is not suitable to the age, aptitude and any special educational needs the child may have. The case will be closed to Home Education and referred to an EWO for investigation as a possible case of a child missing from education.
- Parent has declined to share any information – see section 8

5. Information amounting to concerns - received by the LA about education a child is receiving

If a member of the public or another agency or department contact the EWS to indicate concern about the education that is being provided, depending on the details of the information shared, the HEA will usually seek a meeting with the home educating family to explain the contact that has been received and to discuss the matter. The identity of the person raising the issue will not necessarily be shared if consent has not been given. The education provided will be discussed and support offered if necessary.

If a meeting is requested by the HEA, if parents prefer not to meet, they will be invited to send in the report they would have sent at the time of the Annual Review (or in another format of their choosing) ideally including photographs of the work that has been completed; see section 3 for additional information.

6. Year 12 and 13

Young people in Years 12 and 13 may be home educated instead of participating in more formal education provision. Parents may be asked by DWP or the Benefits Agency for details of the education they are providing and may be expected to have exams arranged for their child via validated centres. There is no formal communication between the LA and families of home educated young people in this age group other than to confirm their status.

7. Educating children with Special Educational Needs at home

Parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether or not the child has an Education and Health Care Plan (EHCP). The EHCP remains in force and will be annually reviewed.

If the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making "suitable arrangements", and the authority could not conclude that they were absolved of their responsibility to arrange the provision in the statement. Parents need only provide an efficient, full-time education suitable to the age, ability and aptitude and to any special educational needs the child may have as defined in Section 7 of the Education Act 1996. It is the authority's duty to arrange the provision specified in the EHCP, unless the child's parent chooses to home educate. If a parent elects to home educate a child with an EHCP the local authority is not under a duty to secure the provision; that is the parent's responsibility.

Where parents prefer (and if sufficient information is available), the annual review of the EHCP can be used to establish the suitability of education. However, many parents find that a visit from the HEA offers positive support and reassurance and this option remains available to families subject to any local or national restrictions.

The LA may conclude that, where a parent isn't able to ensure their child is receiving a suitable education at home, that their needs should be met in school.

8. Cases where the judgement is that the child appears to be missing from education

If parents refuse to provide information about the education a child is receiving, or, if the view is that a child is missing from education because the information provided does not indicate that a child is receiving a suitable education at home, the child's case will be referred to an EWO for investigation.

The parent will be required to find a way of satisfying the Education Act by ensuring suitable education provision. The Education Act 1996 (as amended) 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 (her) to satisfy them within the period specified in the notice that the child is receiving such education.*

Parents can contact the EWS at any time to request a review to confirm that the education is now full time and suitable to the age, aptitude and any special educational needs the child may have. In this case, the child's case will always be reviewed by the HEA and EWS action will cease if suitable education is confirmed.

If no information is provided, or, if the information provided by the parent does not satisfy the LA that the child is receiving a suitable education, the EWS will follow the School Attendance Order procedure. Failure to comply with an Order is an offence and proceedings will usually be initiated. Information will be laid with the Magistrates' Court.

9. Responsibility for Elective Home Education policy and practice

In accordance with Government Guidance¹, a named Senior Officer in Leicester City Council has responsibility for Elective Home Education policy and practice:

Name: Sue Welford

Role: Principal Education Officer

Postal Address:

City Hall

Leicester City Council

115 Charles Street

Leicester LE1 1FZ

Telephone: 0116 454 1009

This Senior Officer is familiar with Elective Home Education law, policies and practices and is responsible for ensuring that HEAs are trained and qualified in the law and home education methods and competent to confirm the suitability and appropriateness of Elective Home Education provision.

In addition, HEA and consultants employed by LCC will have Disclosure and Barring Service check (DBS – formerly the CRB check) and be trained in safeguarding to

Level 3 of the Leicester City Children’s Safeguarding Board or equivalent (see <http://www.lcitylscb.org/> for more information on this training level).

The HEAs employed by LCC will carry an Identification badge at all times and it is prudent for parents to check for this identification before admitting anyone to their home.

10. Record keeping and data protection

All EHE Reports, related correspondence and preliminary information will be kept by the Education Welfare Service. Strict control over access to these records will be maintained in accordance with LCC’s policies and procedures for data protection and safeguarding which in turn comply with relevant legislation such as the General Data Protection Regulation and Data Protection Act 2018. The Council’s Privacy Notice is available on the LA’s website.

Home Education Records will be maintained for 10 years after the child is no longer of compulsory school age (or longer as required by Government). They will be destroyed at the beginning of the academic year following this retention period. Records for children with special educational needs may be retained for up to 35 years in accordance with legal requirements.

11. Monitoring ethnic origins

LCC is required to collect and record data on children’s ethnic backgrounds even when they are educated at home³. The data enables the careers and experiences of children from different backgrounds to be monitored, and helps us to:

- identify barriers to achievement
- establish strategies to raise standards
- comply with equal opportunities legislation and the Race Relations Amendment Act
- ensure effective allocation and targeting of funding.

Providing this information is voluntary but parents are encouraged to do so. A child’s ethnicity is personal to that individual and the individual’s decision will not be questioned. If a parent or child has actively refused to provide this information they will be recorded as “refused” in LCC systems rather than recording an ethnic background for that child.

Parents and children have the right to see their personal files, including the ethnic background data held by the LCC and to have this ethnicity data amended or deleted. We monitor ethnicity based on the codes provided by the Department for Education, listed below:

Leicester City Council Code	Department for Education Code	Description
AAF	AAFR	AAFR - African Asian
ABA	ABAN	ABAN – Bangladeshi
AIN	AIND	AIND – Indian
AOT	AOTA	AOTA - Other Asian

³ Ethnic monitoring – General Article, Department for Education (online) – last updated 28 April 2011; last accessed 05 September 2011 at <http://www.education.gov.uk/schools/pupilsupport/inclusionandlearnersupport/mea/a0077022/ethnic-monitoring>

APK	APKN	APKN – Pakistani
BAO	BAOF	BAOF - Other Black African
BLB	BCRB	BCRB - Black Caribbean
BLG	BOTH	BOTH - Any other Black background
BSO	BSOM	BSOM – Somali
CHE	CHNE	CHNE – Chinese
MOT	MOTH	MOTH - Any other Mixed background
MWA	MWAS	MWAS - White/Asian
MBA	MWBA	MWBA - White/Black African
MWB	MWBC	MWBC - White/Black Caribbean
NOT	NOBT	NOBT - Info not obtained
OEO	OOTH	OOTH - Any other Ethnic Group
REF	REFU	REFU – Refused
WHB	WBRI	WBRI – British
WEU	WEUR	WEUR - White European
WHR	WIRI	WIRI – Irish
WHT	WIRT	WIRT - Traveller - Irish Heritage
WOW	WOTW	WOTW - Other White
WRO	WROM	WROM - Roma/Roma Gypsy

12. Complaints procedure

Complaints regarding the Elective Home Education Service are dealt with through LCC's Complaints procedure.

Stage 1 – Making a complaint

Once a complaint has been made, an acknowledgement will then be sent to you within 24 hours telling you the name and telephone number of the person to be contacted in the event of any further queries on your complaint.

If we can, we will resolve your complaint straightaway but sometimes we may need a little longer to investigate and respond. We will however, send a reply in writing to you within 10 working days or let you know when you can expect to hear from us.

Stage 2 – Not satisfied with our response?

If when we respond you are not happy with the way we have dealt with your complaint, you may ask for it to be reviewed by a Senior Manager, from a different Section to the one you're complaining about. You should expect a response within 20 working days.

It is hoped that Leicester City's Complaints Procedure will quickly resolve any problems you may have. However, should this not be the case then you can refer your complaint to the Local Government Ombudsman.

Information on "How to complain to the Local Government Ombudsman" can be found at <https://www.lgo.org.uk/> or by picking up a copy of the leaflet from any of the LA's main access points.

13. Other information

This information is available in local community languages and alternative formats upon request. Please contact: Education Welfare Service, LCC Education Welfare - Care of LCC Central Post Room - LE1 6RN. Tel: 0116 454 1925.

<http://www.leicester.gov.uk>

Email: home-education@leicester.gov.uk

Advice and support concerning Elective Home Education is also available on the [LCC website](#).

For further advice on Special Education Needs:

- visit: <http://www.leicester.gov.uk/your-council-services/education-lifelong-learning/about-us/lea-services/special-education-service>

or email: educ-special-education-service@leicester.gov.uk

Appendix 2: DfE Elective Home Education and Children Missing Education

Voluntary data return

Data item number	Data item name	Data item option	Response
1.1	Number of EHE children on census date	Number	632
1.2	EHE Sex	Female	337
		Male	295
		Unknown	0
1.3	EHE Ethnicity	White British	124
		White Irish	3
		Traveller of Irish Heritage	18
		Any other White background	39
		Gypsy/Roma	8
		White and Black Caribbean	12
		White and Black African	11
		White and Asian	10
		Any other Mixed background	41
		Indian	64
		Pakistani	36
		Bangladeshi	5
		Any other Asian background	30
		Black Caribbean	10
		Black African	49
		Any other Black background	9
		Chinese	1
		Any other ethnic group	33
		Refused	6
		Information not yet obtained	123
1.4	EHE Expected year group	Reception	0
		Year 1	23
		Year 2	45
		Year 3	40
		Year 4	45
		Year 5	57
		Year 6	52
		Year 7	59
		Year 8	68
		Year 9	79
		Year 10	85
		Year 11	79
		Unknown	0

Data item number	Data item name	Data item option	Response
1.5	EHE Primary reason	Physical health	0
		Mental health	4
		Health concerns relating to COVID-19	0
		Did not get school preference	4
		Permanent exclusion	0
		Risk of school exclusion	0
		Difficulty in accessing a school place	0
		Philosophical or preferential reasons	20
		Religious reasons	4
		Lifestyle choice	0
		Suggestion/pressure from the school	0
		Dissatisfaction with the school - general	2
		Dissatisfaction with the school - SEND	3
		Dissatisfaction with the school - bullying	0
		Parent/guardian did not give a reason	0
		Other	14
		Unknown	581
1.6	EHE additional child safeguarding/education requirements	Child in need	1
		Child protection plan	0
		Looked after child	0
		SEN support	74
		Education, Health and Care plan	13
2.1	Number of CME on census date	Number	67
2.2	CME Sex	Female	36
		Male	31
		Unknown	0
2.3	CME Ethnicity	White British	7
		White Irish	0
		Traveller of Irish Heritage	3
		Any other White background	6
		Gypsy/Roma	9
		White and Black Caribbean	0
		White and Black African	0
		White and Asian	1
		Any other Mixed background	1

Data item number	Data item name	Data item option	Response
		Indian	3
		Pakistani	0
		Bangladeshi	0
		Any other Asian background	1
		Black Caribbean	0
		Black African	2
		Any other Black background	1
		Chinese	0
		Any other ethnic group	1
		Refused	1
		Information not yet obtained	31
2.4	CME expected year group	Reception	0
		Year 1	8
		Year 2	2
		Year 3	9
		Year 4	3
		Year 5	3
		Year 6	3
		Year 7	6
		Year 8	5
		Year 9	9
		Year 10	7
		Year 11	12
		Unknown	0
2.5	CME additional child safeguarding/education requirements	Child in need	2
		Child protection plan	2
		Looked after child	2
		SEN support	8
		Education, Health and Care plan	1
3.1	Number of children who started EHE during the year	Number	296
3.2	Previous school type	None - previously not of compulsory school age	10
		Early years setting	8
		Local authority maintained school	108
		Academy	103
		Free school	5
		Independent school	38
		Special school	2

Data item number	Data item name	Data item option	Response
		Alternative provision	0
		Pupil referral unit	6
		Home educated outside the LA	3
		Educated elsewhere/unknown	13
3.3	Number of EHE children during the year	Number	926
3.4	Number of EHE children returning to school during the year	Number	165
3.5	Number of EHE children who leave the LA during the year	Number	40
3.6	Number of section 437(1) notices issued	Number	62
3.7	Number of school attendance orders issued	Number	42
3.8	Number of school attendance orders revoked	Number	14
3.9	What support does your local authority offer EHE children and their families?	Advice about EHE	Extensively
		Signposting to sources of assistance	Sometimes
		Distribution of useful information	Sometimes
		Resource development	Not at all
		Examination access	Not at all
		Discounted access to amenities	Not at all
		Preferential access to services	Not at all
		Other	Termly newsletter to those who want it. Information about exam centres and college courses for EHE KS4
3.10	Number of CME during the year	Number	262