

**Children's Services and Education
Scrutiny Board**

**Monday 20 July, 2020 at 5.00 pm
Virtual Meeting**

Please click on the link below to view the meeting live
[Children's Services and Education Scrutiny Board 20 July 2020](#)

Agenda

1. Apologies for absence.
2. Members to declare:-
 - (a) any interest in matters to be discussed at the meeting;
 - (b) the existence and nature of any political Party Whip on any matter to be considered at the meeting.
3. Minutes of previous meeting 22 June, 2020
4. Chairs Announcements
5. Sandwell Children's Trust Update – Presentation
6. Elective Home Education - Report

Date of next meeting - 21 September, 2020

D Stevens
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution:

Councillors Singh (Chair);
Councillors Preece (Vice-Chair);
Councillors Ashman, Carmichael, Chidley, Costigan, Z Hussain, McVittie,
Millar, Phillips and Shackleton.

Co-opted Members:-

Charlotte Ward-Lewis (Church of England Diocese representative)
Vacant (Roman Catholic Archdiocese representative)
Tahira Majid (Primary School Governor representative)
Vacant (Secondary School Governor representative)

**Agenda prepared by Deb Breedon
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Children's Services and Education Scrutiny Board

Apologies for Absence

The Board will receive any apologies for absence from the members of the Board.

Children's Services and Education Scrutiny Board

Declarations of Interest

Members to declare: -

- (a) Any interest in matters to be discussed at the meeting;
- (b) The existence and nature of any political Party Whip on any matters to be considered at the meeting.

Minutes of the Children's Services and Education Scrutiny Board

**22 June, 2020 at 5.00 pm
Virtual Meeting**

Present: Councillor Singh (Chair);
Councillor Preece (Vice-Chair)
Councillors Ashman, Carmichael, Chidley,
Costigan, Z Hussain, McVittie, Millar, Phillips,
Shackleton and C Ward-Lewis (Co-opted
member).

Apologies: Councillor and T Majid (Co-opted member).

In attendance: Lesley Hagger, Executive Director Children's
Services;
Chris Ward, Director of Education, Skills and
Employment;
L Paino, Head Teacher, Crocketts School.

6/20 **Minutes**

Resolved that the minutes of the meeting held on 27 January 2020 be approved as a correct record.

7/20 **Chairs Announcements**

The Chair welcomed members and officers to the first virtual meeting of the Board. The Chair proposed that an additional meeting of Children's Services and Education Scrutiny Board be arranged in July 2020 to consider two items:

- Sandwell Children's Trust - monitoring report for 2019-20;
- Home - schooling arrangements in Sandwell (request of the Cabinet Member Best Start in Life).

Resolved

- (1) that a meeting of the Children's Services and Education Scrutiny Board be arranged in July 2020.

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8/20

Children's Services and Education Update and Phased return of pupils to Sandwell schools

The Chair welcomed the Executive Director Children's Services and Director of Education Skills and Employment and thanked them, and all staff for their hard work and dedication under very difficult circumstances. The Chair welcomed the Headteacher of Crockett's Primary School who had joined the meeting to share her experience of managing her role during the pandemic.

The Board received a presentation from the Executive Director Children's Services and the Director of Education Employment and Skills to update the Board about children's services and education services and the phased return of pupils to Sandwell schools.

The Executive Director gave an overview of the increased communication and information in children's services during the Covid-19 Pandemic. She highlighted that good communication and timely information had been vital to manage well during this period.

The Board noted that:

- the Children's Trust and Council had met daily on the Sitrep Board and that safeguarding partners had met weekly to share business continuity plans, to ensure changes were monitored and that nothing fell through the gaps;
- joint partnership campaigns had been run to react to situations and ensure safety and wellbeing of young people and Directors had met with young people from the SHAPE programme;
- work with partners on surge planning was taking place to be ready to respond to expected surge in cases when coming out of lockdown.

In relation to additional focus and work with and planning for vulnerable children the Board noted that:

- there were daily meetings with Vulnerable Childrens Partnership Group and every day there had been contact made with every vulnerable child in Sandwell;
- there were more than 700 shielded children - children in care, those with childcare protection plans, children in need, children with Education Health and Care Plans (EHCP) and any child the Council or Headteachers may be concerned about;

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- detached youth work had continued and youth workers had met with new groups of young people, more of this work would continue;
- in relation to strategic commissioning, whilst contacts to social care front door had reduced, in some areas of work there had been an increase in demand such as mental health support, domestic abuse support and some other services;
- there had been weekly meetings with DfE and Ofsted to ensure effective monitoring and accountability, work with Regional DfE representative and to share and learn from practice elsewhere.

In relation to the Sandwell Children's Trust response to Children and Families during Covid-19 pandemic the Board noted that:

- Leadership and governance: there were daily meetings to ensure that everything was in place and the interface with partners was working well;
- core practice had not changed, but measures were in place if they needed to implement change. Remote working had shown new and innovative work moving forward;
- all inspections were on hold, there would be a monitoring visit in Autumn 2020 and next full inspection 2021;
- working relationships with partners was good;
- increased management oversight and quality assurance was in place to ensure children were being protected;
- reset and recovery plan was in place.

In relation to education arrangements, schools opening, examinations and attainment and key issues the Board noted that:

- initially confused and contradictory guidelines had been received from Central Government to interpret and implement. Officers were receiving information from DFES at 9-10pm at night and interpreting to share in schools the next day;
- schools had worked hard to implement guidance which was changing on a daily basis, more than 170 pieces of guidance had been received and more was expected;
- 75% of nursery provision had been closed and many of the staff furloughed, however since 1 June provision was starting to open again, as parents were going back to work, it was not yet at full capacity;
- schools had never really closed during lockdown, they had opened for vulnerable children and key worker children, as well as supporting all pupils to support learning at home through learning packs, on line learning and supporting parents;

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- from 1 June schools could open for wider groups of pupils. The Executive Heads Group had met to determine guidance for all schools and academies and to consider how to open reception, year 1 and year 6. Schools and parents were written to explain what was happening;
- schools had to carry out risk assessments and roll out PPE. The Council provided a starter PPE kit and from then on schools had to provide their own. Schools had to keep staff and children safe within government guidelines;
- managing space logistically in bubbles was best dealt with by the school to make the decision. Government guidance was up to 15 in a bubble but realistically only 6-10 pupils would fit in classrooms;
- the Council was supporting children's learning and play at home, including provision of 1586 laptops for vulnerable children across the borough, also Information Technology (IT) for year 10 pupils who were disadvantaged;
- examinations and assessment had been cancelled this year and pupils would be marked on the course work and estimated grades. There would be opportunity to retake GCSE and A levels in the autumn;
- services were adapting in line with guidance and technology such as Connexions, Employment and Skills, Admissions Appeals. Communicating the changes was vital and there were letters daily to Head Teachers to explain the changes.
- A number of assumptions were highlighted - increased elective home education (EHE), increased pupil anxiety/school refusals, widening attainment gap.

The Board noted the phased return to school data:

- the uptake had been quite low and that there had been a variable response from school to school and class to class;
- not all schools were able to offer all 3 year groups, vulnerable children and critical workers children places;
- the uptake percentages were changing on a daily basis as people returned to work and restrictions were changing;
- secondary school year groups were welcomed back last week – year 10 and year 12 have 25% allowed in at any one time. There had been 60 % pupils taking up places staggered over a week;
- 1100 pupils initially in school, after 1 June up to 4300 and this figure was rising daily.

The Board noted the verbal presentation from Head teacher Mrs L Paino about her experience during lockdown from a delivery

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perspective. She advised of the steps and learning approach taken as follows:

- For the first few weeks of lockdown staff were updating policies and concentrating on using the time to catch up paperwork;
- She recognised a need to pick up pastorally and for staff to reach out to pupils;
- there was guidance to interpret and problems with vouchers, parents not getting money for food;
- staff started preparing food parcels and home visits – delivering food and homework packs;
- staff gave additional support for parents and young people learning from home (on-line and teachers sitting outside houses delivering lessons);
- started to consider how schools would re-open;
- announced that reception, year 1 and 6 would open (nursery not statutory);
- had to prepare staff returning to work, staff wellbeing, some had been back in school, some had not. Staff wellbeing put back in place, zoom/Teams meetings. Some staff shielding, some emotional or have young families – need to work on mental wellbeing of staff;
- had to get staff back up and active, a range of team building events and activities to raise morale;
- needed to plan how to open with the range of issues impacting on each school it was useful to be on the Head Teachers Board to hear what others were doing;
- needed to look at risks, staff, space, staff who were shielding, teaching assistants role in the class, those who could not come into class, playground/outside duties (reasonably vulnerable) and those that had to work from home;
- new way of working with new teams: a jigsaw – different parts that fit to provide a new normal
 - Classroom
 - Playground/outside
 - Providing lessons on-line from home

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- Pastoral care – food parcels, allegations of domestic violence, home visit – a bit of a jigsaw – current phase - finding a normal

The Chair expressed thanks to the Headteacher for taking time to share her experiences and welcomed the opportunity to hear from someone delivering services to keep education and schools working for young people and their parents under unprecedented times. The Vice-Chair found the presentation to be both useful and informative in nature.

The Board noted the following comments and responses to questions on the presentation:

from Councillor Preece:

- The Executive Director advised that the Chief Executive of Sandwell Children's Trust (The Trust) had attended all but one of the daily Sitrep meetings and was able to contribute and take away useful intelligence, the Trust has found it very helpful. The Trust will be using the same reset and recovery planning template as the Council;
- The Executive Director advised that young people and families had provided lovely feedback where the Council had provided food, toys, medicine, games and resource packs. Families had indicated there was some worry about going back to school and what that will be like. Some families had indicated they liked extra family time, particularly those furloughed but many families had said that they had struggled money/food wise. The Albion foundation had provided evening meals for some families. Young People had said they were really anxious about exams and school work missed, they missed friends and wondered what would happen about resitting exams. There was further feedback from older young people that there was potential for self-harm, the Council was addressing this through communication with schools, colleges, parents and families, providing newsletters, family fact sheets, young people forum and using practical steps as well, such as the CCG agreed to put more funding into young people counselling course.

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- The Director Education Skills and Employment advised that PPE was provided in schools initially - sanitiser, shields, face masks and gowns. Government guidance was that they did not have to use it unless there are specific needs or specific reasons. The Council doubled up PPE packs to special schools. The Council has provided a PPE contractors list to schools which list PPE at a reasonable price. In the last few months the schools have had reduced outgoings due to partial closure.
- The Director advised that social distancing was potentially reducing from 2 m to 1m and that the distance would impact on how the staff operate, however it was very difficult to stop children gravitating toward each other. He advised that should change be made on 4 July there would be 2 weeks before term closes for schools to adjust.

from Councillor Costigan:

- The Executive Director confirmed that detached youth workers were allocated in every town and where there was not a park, street activities were taking place. She advised that youth workers had been directed to a number of serious issues. It was acknowledged that Ward Members should be made aware that detached youth workers were operating in the Towns and advised that any issues could be referred to her to respond.
- The Director confirmed that the priority list for children with school places available was vulnerable children, children of critical workers, reception, year 1 and year 6, depending on space.
- The Director confirmed that 1586 laptops had been delivered and that 200 more were expected to be distributed for disadvantaged children in year 10.

from Councillor Shackleton:

- The Director indicated that it was absolutely right to point out the inequality in schools, in Sandwell the disadvantage was a wider gap. He advised that some schools went into the new way of working well prepared and other schools have had to develop IT learning platforms quickly. A good outcome of this situation is that all schools will have developed IT and looking how support can be

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provided. Another good thing to come from the situation is that schools are supporting each other;

- The Director advised that had the Government given the option to schools, the primary schools would have identified year 5 to return alongside years 10 and 12.
- The Executive Director agreed that it was absolutely right to look at vulnerability in a wider context, not just in terms of school meals take up. This Council does look at the wider gap and it was suggested that scrutiny look at the topic of child vulnerability data at a future meeting. The Executive Director informed the Board that she Chaired the ACEs programme in Sandwell and that Members would find the Trusted Adult training and trauma informed practice module very useful when considering vulnerability in the wider context.

from Councillor Z Hussain:

- The Director advised that the number of laptops shared for digital learning does not equal the number of disadvantaged young people identified. He confirmed that although not ideal, some family groups would have access to a shared laptop and that there may be a lot of families not on the radar, some who are struggling or have old technology or just a mobile phone. There would be loan laptops available from the school and the schools have been asked to find out what the gap is and to use pupil premium money to help individuals. There is no confirmation that all children are engaged in some sort of digital learning, but it can be said that it is better than it was.
- The Director advised that the remaining 40% of young people in year 10, who are not returning to school, will be sent learning packs or work online. There are some concerns that not all young people will be completing the work set and there are greater concerns that the attainment gap is getting wider.
- The Executive Director clarified that the 700 children referred to are 'shielded children', those with life limiting illness and that the vulnerable children's group was much broader, about 6000 children. She advised that Vulnerable Childrens Group meets daily, and she receives actions after each meeting. The Executive Director highlighted that her biggest concern was the vulnerable

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children the Council does not know about and that there will be some hidden harm that we cannot see.

- The Director confirmed that schools would have management of the laptops and would agree terms with the parents.

from Councillor McVittie:

- The Director of Education Skills and Employment confirmed that the PPE calculations standard was the same level as the Government and that PPE was of good quality.
- The Director advised that teachers want to go back in the classroom but unfortunately some would not be able to immediately, depending on the risk assessments that they will have to go through. Those shielding or at medium risk would have to operate in a certain way, which means being told what they can and cannot do, including face to face teaching.

from Councillor Millar:

- The Executive Director welcomed the recognition of the crucial role that schools were playing in sourcing and distributing food parcels to those in need and confirmed that the food distribution was much wider than those entitled to school meals. She highlighted how important, whether in coronavirus or not, to provide food to enable a child to learn. The Director Education Skills and Employment agreed completely, adding that the pressure put on the Government over the summer was telling. People had lost jobs and as a consequence, there was an increase in free school meals. The amount of parcels delivered by schools had doubled the total of food packages distributed by the Council.

The Director congratulated the schools and the way they have mobilised all of the community and acted as a distribution hub, they have demonstrated how communities can work together. Further to this it has demonstrated the need for a local authority (LA) and a Council that has invested in an LA, which has reacted to the need for action and has co-ordinated schools and academy groups, they have all worked together and shared resources.

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from Councillor Chidley:

- The Director confirmed that full size and re-usable visors were included in the PPE pack and the Executive Director clarified that thermometers were not included because they were not helpful as an indicator of Coronavirus.

from Councillor Rajbir Singh

- The Executive Director confirmed that there would be no Ofsted inspection in September 2020 and advised that interestingly performance of children's services had improved. She confirmed that staff sickness was not bad and that this may reflect a better work life balance. Future working practices may be something to look at. She confirmed the trajectory for improvement in Children's Services was in the right direction.

The Director advised that the widening attainment gap and increased pupil anxiety/mental health support information had been released by the Government. The headlines indicated catch up plans and funding - £650m to schools across the country and £350 towards tutoring/mentoring projects (£80 per head). The Council was waiting for further details of this.

The Board noted that the Council will support schools getting pupils back to school - to take measures they need to work with young people, to make sure they are ready and in a learning frame of mind, before launching into normal lessons.

The Board noted that children's services and education services, schools and academies were expecting to see a surge in requests for support, advice and training, in relation to children in need, at the beginning of term.

9/20

Youth Facilities Scrutiny Review Report

The Chair of the Children's Services and Education Scrutiny Board introduced the Youth Facilities Working Group report as Chair of the Working Group. The Chair thanked the Working Group Members for

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their contribution and thanked officers who had supported the review.

The Senior Democratic Services Officer outlined the approach that had been used to carry out the review, highlighting that engagement and collaborative working had worked well and highlighted the following for members attention:

- the Working Group wanted to look at current levels of provision across Sandwell but more importantly look at the young people themselves and what their needs and wants were;
- that the work would align to the vision and how that is being reshaped and adjusted in light of current circumstances;
- that some of the evidence gathered needed to be considered in light of the reset and recovery plan;
- that members and the core officer team had worked well together and this method of working is one to take forward;
- that recommendations are focussed on how to improve the youth offer in Sandwell, make best use of resource and to link into regional initiatives and national drivers.

The Senior Democratic Services Officer outlined the recommendations and the reasoning for them based on the evidence gathered, findings and conclusions of the working group.

The Executive Director highlighted the two main successes of the review process were that the feedback from youth workers, young people and parents was consistent, they welcomed that Councillors really wanted to hear what they wanted to say about youth facilities in Sandwell and they felt that there was integrity, a genuine interest and drive to make things happen.

The Executive Director advised that the review began no one could have known that Coronavirus was around the corner and as the Council moved to reset and recovery planning there was a real opportunity to take some of the recommendations forward thinking about Council buildings and how the Council includes the voice of young people in Sandwell.

The Cabinet Member for Best Start in Life welcomed the report and advised that she had given feedback to an early draft of the report. She felt the recommendations were very good but that available resources had not been fully considered. The Cabinet Member suggested that young people should be requested to prioritise the

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recommendations in the report to ensure they understood that choices had to be made, taking into consideration the resources available for youth facilities.

The Vice-Chair echoed that the report and recommendations were useful moving forward and that he was pleased to see the recommendation to include young people in discussions at Town Deal Boards in the covering report. He requested assurance that the recommendations would be tracked and reported back on.

The Senior Democratic Services Officer gave assurance that there would be a monitoring and evaluation process built into in the new approach for scrutiny and that monitoring of outcomes and actions would also take place as part of the process. He identified the link to the Towns Fund as a real opportunity to take recommendations forward and make a difference.

The recommendations were moved by the Chair and seconded. On being put to the vote members voted unanimously in favour and it was:-

Resolved:

- (1) That Children's Services and Education Scrutiny Board approve the Youth Facilities Scrutiny Review Working Group report and refer recommendations to Cabinet;
- (2) Note the Review Process Evaluation Summary and refer comments to the Scrutiny Review Working Group;
- (3) Recommend to Cabinet that young people are represented on Town Deal Boards and that young people are consulted on the development of Town Investment Plans in Summer 2020.


(Meeting ended at 6.41 pm)

Contact Officer: Deb Breedon Democratic Services Unit 0121 569 3896

REPORT TO

CHILDREN'S SERVICES AND EDUCATION
SCRUTINY BOARD

20 July 2020

Subject:	Sandwell Children's Trust Update
Cabinet Portfolio:	Councillor Joyce Underhill, Lead Member, Best Start in Life
Director:	Executive Director of Children's Services, Lesley Hagger
Sandwell Children's Trust	Chief Executive, Frances Craven
Contribution towards Vision 2030:	
Contact Officer(s):	Lesley Hagger Lesley_hagger@sandwell.gov.uk Frances Craven Frances_craven@sandwellchildrenstrust.org

DECISION RECOMMENDATIONS

That :

1. Scrutiny Board considers and comments on Sandwell Children's Trust - monitoring 2019-20 update.

1 PURPOSE OF THE REPORT

- 1.1 Sandwell Children's Trust is required to report to the Scrutiny Board twice each year as part of the obligations set out in the contract between the Council and the Trust.
- 1.2 The Trust was scheduled to attend a meeting on 18 March 2020 which was postponed due to the Coronavirus shutdown of Council meetings.
- 1.3 Meetings have resumed remotely and at a meeting of the Board on 22 June 2020 it was agreed that the Trust be invited to attend a meeting in July 2020. The purpose of the item is to provide an update for consideration and discussion regarding the Sandwell Children's Trust - monitoring 2019-20.


2 IMPLICATIONS FOR VISION 2030

- 2.1 Ensuring that children have the Best Start in Life is a key driver for Sandwell Children's Trust; ensuring that children are safeguarded, protected and, when unable to live with their parents, are effectively cared for.

Lesley Hagger, Executive Director of Children's Services

**REPORT TO
CHILDREN'S SERVICES AND EDUCATION
SCRUTINY BOARD**

20 July 2020

Subject:	Elective Home Education
Cabinet Portfolio:	Councillor Joyce Underhill, Cabinet Member for Best Start in Life
Director:	Lesley Hagger, Executive Director of Children's Services Chris Ward, Director – Education, Skills and Employment
Contribution towards Vision 2030:	
Contact Officer(s):	Ramsey Richards, Attendance & Prosecution Service Manager, Education, Skills and Employment Directorate ramsey_richards@sandwell.gov.uk Tel: 0121 569 8147

DECISION RECOMMENDATIONS

That Children's Services and Education Scrutiny Board:

1. Consider the update on trends and status of Elective Home Education (EHE) in Sandwell outlined in this report.
2. Make any comments and recommendations as necessary.

1 PURPOSE OF THE REPORT

- 1.1 To update Scrutiny board on trends and the current status of Elective Home Education (EHE) in Sandwell.

2 IMPLICATIONS FOR VISION 2030

Ambition 1 - Sandwell is a community where families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.

Ambition 3 - Our workforce and young people are skilled and talented, geared up to respond to changing business needs and to win rewarding jobs in a growing economy.

Ambition 4 - Our children benefit from the best start in life and high-quality education throughout their school careers with outstanding support from their teachers and families.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 It is parents/carers, not the state, who are responsible for ensuring that a child of compulsory school age is properly educated. Despite the term 'compulsory school age', education does not have to be undertaken at school, even though state-funded education is available for any child of that age living in England
- 3.2 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 - for example, tuition for children who are too ill to attend school.
- 3.3 The terms "home schooling" and "elective home education" are often used inter-changeably however, they do not necessarily mean the same thing to all. For example, in the recent climate of Covid19 the term "home schooling" has been widely used by various forms of media to describe those children being educated at home by parents due the enforced closure of their school during the ongoing pandemic.
- 3.4 Educating a child (or children) full-time at home is a rewarding but challenging task. Parents may choose to engage private tutors or

other adults to assist in providing a suitable education, but there is no requirement to do so. There are other settings which may be used, for example parental support groups which offer tuition, and companies which give part-time tuition. This can also include provision made at further education colleges for children aged 14 and over.

- 3.5 Although children being home-educated are not normally registered at any school, parents sometimes choose to make arrangements for a child to receive part of the total provision at a school - the purpose of this will often be to provide education in specific subjects more easily than is possible at home. Such arrangements are sometimes known as 'flexi-schooling'. Schools are under no obligation to agree to such arrangements, but some are happy to do so. When a child is flexi-schooled, the parents must still ensure that the child receives a suitable full-time education but the element received at school must be taken into account in considering whether that duty is met.
- 3.6 Parents who choose to educate a child in these ways rather than sending the child to school full-time take on financial responsibility for the cost of doing so, including the cost of any external assistance used such as tutors, parent groups or part-time alternative provision. If the child attends state-funded school or FE college for part of the week, that will have no cost to the parents. Examination costs are also the responsibility of parents if a child does not attend school full-time.
- 3.7 For this report, the term elective home education (EHE) or "home education" is preferred to describe those children who are not on a school roll and whose parents are home "educating otherwise than at school" as described in the 1996 Education Act.
- 3.8 Many children do well when educated at home and parents do a good job. However, the term "elective" is an issue of growing debate as some parents feel the necessity to "home educate" their children not because it is their ideological / philosophical preference but for other reasons, listed below:
- Dissatisfaction with the school system
 - Bullying of the child at school
 - As a short-term intervention for a specified reason

- A child's unwillingness or inability to go to school e.g. school phobia
- Special educational needs, or a perceived lack of suitable provision in the school system for those needs
- Health reasons, particularly mental health of the child
- Disputes with a school over the education, special needs or behaviour of the child, possibly resulting in 'off-rolling' or 'exclusion'.
- Familial reasons which have nothing to do with schools or education (e.g. using older children educated at home as carers)
- As a stop-gap whilst awaiting a place at a school other than the one allocated.

3.9 Nationally, there has been a very significant increase in the number of children being educated at home, and there is considerable evidence that many of these children are not receiving a suitable education. EHE numbers over the last 5 academic years have risen significantly in Sandwell.

The table below shows numbers at academic year end:

Year end	14/15	15/16	16/17	17/18	18/19
Active EHE	142	200	267	300	334
Statement / EHCP	4	7	11	17	23

The number of active EHE cases has more than doubled since the end of the 2014/15 academic year. As at the 25th June 2020* the number of active EHE cases had risen to 408 including 25 children with an education health and care plan

*Please note the reason for choosing this date is that year 11s are usually removed from the data on the last Friday in June - the date for post 16 statutory school age leavers.

Further data is provided in the next section of this report.

3.10 Elective Home Education can at prove a contentious subject with varying views held by each party with parents; EHE advocacy groups and local authorities, all trying to act in the best interests of children.

In 2009, Graham Badman CBE, reported to the Secretary of State for Education submitting what some advocacy groups described as a "controversial legislative proposals" in his review of Elective Home Education. At that time, Badman's recommendations, following the death of home educated Kyra Ishaq in May 2008, included the following suggestions:

- That schools be required to keep children on roll for 20 days - prior to removal for home education - not adopted.
- That ALL children who are home educated be registered with the local authority (whether or not they have been previously on a school roll) - not adopted.
- That action should be taken by the DFE to prevent schools from "off-rolling difficult pupils" (alternative to exclusion) - not adopted although now monitored during schools and LA Ofsted inspections.

In 2018, Lord Solely appeared to take up the baton from Badman when he introduced a private members Bill to the commons in which he proposed the following amendments to the Education Act 1996:

- Requirement for all EHE children to register with local authorities
- A minimum of one inspection per year - ensure standards (reading, writing and numeracy)
- Safeguarding and protection of those at risk (abuse / radicalisation)
- Light touch regulation for those who do EHE well V non-philosophical (avoiding prosecutions)
- New guidance requested from secretary of state for local authorities.
- Government requested to commission research on EHE linked to abuse / child deaths / radicalisation.

Guidance published by the DfE in 2019 (para, 9.4a) in relation to children not in school (missing education) proposed:

- a duty on local authorities to maintain a register of children not registered at specified types of school

- a duty on parents to register their child with local authority if not registered at specified types of school
- a duty on proprietors of certain education settings to respond to enquiries from local authorities
- a duty on local authorities to provide support to parents who educate children at home.

Little appears to have changed in the last 10 plus years in relation to home education since Graham Badman described "the law relating to the duties and powers local authorities with regard to home education as very complex and difficult to interpret.

- 3.11 For those children who have never been at school, there is no legal duty on parents to inform the local authority that a child is being home educated and therefore, an authority may be unaware that he or she is being home educated' (para 4.1).
- 3.12 Where children have attended school, parents must write to the school confirming their intention to withdraw the child to "electively home educate". There is also a duty on schools to notify LAs of the removal of a child from a register.
- 3.13 In the majority of cases parents have undertaken home education in what they perceive as the best interests of the child even if they require additional support to undertake home education properly. However, it may be the case that if the local authority discusses home education with parents, the reason initially given for adopting it may not reflect what parents actually do by way of making provision

4 THE CURRENT POSITION

- 4.1 At present, in Sandwell there are no signs of a reversal in the trend demonstrated in section 3 above. See summary data below

Female	202
Male	205
Total number of students	407
Total % of school population	0.73%

EHE Pupils	
Those with an EHCP	25
SEN support	67
No special educational need	310
Unknown	5

Number of pupils in each year group

Nursery 1	2	Year 5	24
Nursery 2	2	Year 6	27
Reception	11	Year 7	42
Year 1	24	Year 8	36
Year 2	23	Year 9	43
Year 3	28	Year 10	49
Year 4	26	Year 11	60

EHE Reason (parent's belief)	Female	Male	Total
At Risk Of Exclusion	3	3	6
Attendance/prosecution	2	2	4
Bullying	28	17	45
Declined	3	5	8
Dissatisfaction With School	52	68	120
Emotional	0	2	2
Emotional Behavioural Difficulties	16	15	31
Lifestyle/cultural	54	49	103
Medical-Child	8	7	15
Medical-Parent	0	1	1
Not Known	0	4	4
Not Preferred School	15	10	25
Other	6	8	14
Particular Talent	1	2	3
Philosophical	0	1	1
Problems S.E.N Provision	2	2	4
Religious Beliefs	4	6	10
School Refuser/phobic	8	3	11
Total	202	205	407

Town	Total
Birmingham	10
Cradley and Cradley Heath	34
Oldbury	70
Rowley Regis	42
Smethwick	66
Tipton	93
Walsall	2
Wednesbury	33
West Bromwich	57
Total	407
Ward Description	Total

- 4.2 School places are not always available where required and in response to pressures in some localities parents may decide to "home educate". It should be noted that whilst families can decline support they may be asked to provide evidence of the "suitability" of the education provided.
- 4.3 The complexity of EHE cases is also increasing as evidenced by a rise in pupils with SEND; EHCP and or health issues including anxiety and self-harm etc. Another point to note is that EHE numbers could rise further in September 2020 when most children are expected to return to full time education following the recent Covid19, schools closure by central government:
- 4.4 Parents with recent experience of "home schooling" may decide to "electively home educate" their children to minimise the likelihood of fines and/or prosecution or as a matter of positive choice - ideological / philosophical / religious and/or cultural. What parents may not appreciate prior to receiving an initial consultation visit, is that the situation in September 2020 will be very different to their experience of "home schooling" between March and July 2020 when they were provided with learning resources for their children by schools and/or the local authority.
- 4.5 Parents are responsible for funding home education but many may not understand the full costs, such as exam fees and resources.
- 4.6 During the "school closure" period out lined above, a wealth of online learning resources have been created by schools,

educational institutions, the BBC and voluntary organisations. Also, the Government has funded the delivery of special online learning lessons delivered through the Oak Academy. These were created and delivered by teachers from schools around the country. These resources will now be available for the EHE community going forward.

- 4.7 Equally, the Education and Skills Directorate with the support of Connexions and Youth Service Colleagues supported numerous children missing education (not on a school roll). Families unable to access a school place during lock down were supported to deliver "home schooling" with the provision of age-appropriate learning resource packs. Where a need was identified, families were also referred to the food hub for additional support with food parcels as an alternative to the schools' food voucher scheme (for children on a school roll). Where necessary, this support will continue throughout the schools' summer holiday.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Communication with, and engagement of, our EHE community is key to the success of this local authority in meeting the support needs of home educated children and their families. We will continue to engage with our EHE families, our partners and our staff to ensure that service delivery is designed and implemented with the EHE community.
- 5.2 Consultation with the EHE Community is usually user led and needs driven via informal requests, queries and suggestions as surveys or global consultation has tended not to provide the desired level of engagement or outcomes. The EHE Advisory Teacher regularly meets with members of the EHE community at half termly library events facilitated in the six towns.
- 5.3 During these sessions feedback, plus ideas and suggestions for future events is considered. Some regular attendees assist in delivery of activities and help plan the next session. Because of this assistance, the Advisory Teacher is free to support and answer any queries that might arise. The EHE community requested a focus on arts and crafts and science activities, Appendix 1 details what the library activities currently deliver plus

further information on our stakeholder engagement with the following partners:

- SEND Team
- Library Services
- Housing and Domestic Abuse Hostel Services
- Connexions
- Colleges and Training (Alternative Provision) providers

6 ALTERNATIVE OPTIONS.

- 6.1 The resources required to support Elective Home Education are very people dependant. Sandwell has, since September 2015, been fortunate to benefit from the commitment of an EHE Advisory Teacher who, as evidenced throughout this report, has worked hard to engage and support the EHE community of Sandwell. We are considering what further resource would be needed to maintain contact with the growing number of EHE families.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 To better respond to rising EHE the team have adjusted staffing deployment with the potential to increase capacity in teacher support to the EHE community.
- 7.3 In many instances families do not require visits to the home because they have been seen to be doing well previously, so support becomes less formal. This has meant a rise in informal judgements being made via phone, email and the increased supply of evidential materials. The additional option of video calling families is also being considered.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The law in relation to Elective Home Education is complex; at times contradictory and requires local authorities to balance a child's education rights with the civil; political; social and welfare rights of the family. All legal considerations need to be taken into account whilst seeking to support and safeguard children who are electively home educated.

8.2 The Education Act 1996 (Section 7) confirms: *The parent of every child of compulsory school age shall cause him to receive **efficient full-time education suitable** – (a) to his age, ability and aptitude, and (b) to any special educational needs he may have, either by regular attendance at school or **otherwise**.*

8.3 There is no definition of a ‘suitable’ education in English statute law . . . a court will reach a view based on the particular circumstances of each child and the education provided’.

8.4 Guidance for local authorities (para, 9.3) states local authorities . . . should be free to develop their own expertise and approach to this issue. The DfE (response to 2018 consultation, 4.10 and) suggests "each case must rest on a balance of relevant factors depending on the circumstances of each child’ whilst a subsequent consultation (April 2019 para 9.4h) indicates:

*‘local authorities should not set rigid criteria for suitability’ (9.4h)
BUT . . .*

may specify requirements as to effectiveness in such matters as literacy and numeracy. . . whilst accepting that these must be applied in relation to the individual child’s ability and aptitudes (9.4d).

8.5 Local Authority duties and responsibilities can be found in Elective Home Education guidance for local authorities [here](#) .

9 EQUALITY IMPACT ASSESSMENT

9.1 The equality implications for Elective Home Education are as follows: As previously stated, Parents ‘assume financial responsibility for all education where they have elected to home educate.

9.2 **EQUALITY ACT 2010:** ‘Parents from all educational, social, linguistic, religious and ethnic backgrounds successfully educate children outside the school setting and these factors should not in themselves raise a concern. The fact that a family has particular protected characteristics should not deter the local authority from

taking action to secure a suitable education for a child who is not receiving suitable education at home'

- 9.3 SEN / Children with an Education, Health and Care Plan
Local authorities should not assume that because the provision being made by parents is different from that which was being made or would have been made in school, the provision is necessarily unsuitable.
- 9.4 Parents of children with an EHCP retain the right in law to choose to "electively home educate their child". They must however, notify the school and continue to engage with the annual review process - managed an SEND caseworker (Inclusion Support).
- 9.5 The service works in accordance with the legislation detailed above plus the caselaw and guidance which relates specifically to children with disabilities and/or an education health care plan.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 Every care is taken to ensure that the data of children and families is protected in accordance with the relevant legislation, guidance and retention schedules etc.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 It is important that children young people have access to a full and proper education. There is strong evidence that children missing education have more involvement with youth justice and courts in later life. Therefore it is important that we encourage the EHE community to provide suitable education for their children.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 Options considered at point 6 above are deemed to be sustainable in the short term. Whilst we not able to predict future increases in EHE numbers if current trends continue the resources required to effectively manage and support home education are likely to increase even though parents are responsible for providing all necessary learning resources.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 The Welfare and Safeguarding of children and young people is always our priority. All staff within the Service are fully aware of their responsibilities and duties in relation to safeguarding and child protection.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 There are no impacts on Council managed property or land.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

1. To note the steps the service, has taken significant steps to support the EHE community of Sandwell.
2. To understand the information underpinning increasing number of electively home educated pupils

16 BACKGROUND PAPERS

None.

Lesley Hagger
Executive Director of Children's Services

Chris Ward
Director – Education, Skills and Employment

