

Southend-on-Sea City Council

Executive Director of Children and Public Health
to

Education Board

On
21st June 2022

Report prepared by:

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In consultation with:
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Agenda
Item No.

Access to Suitable Education

1 Purpose of Report

To update the board on the increased pressures and need for expanded provision of suitable education and oversight for children and young people of compulsory school age (CSA) electively home educated or unable to access education at school due to health needs of otherwise.

2 Recommendations

- 2.1 To note the increased number of children electively home educated and to agree additional DSG High Need funding of £174,000 to increase staffing capacity to provide oversight of the quality of suitable education from Sept 22. (As referenced in section 4).
- 2.2 To note the increased volume of referrals for children unable to access education at school and to agree additional DSG High Need funding of £168,000 to increase staffing capacity to provide additional tutors and educational provision, oversight and support within schools from Sept 22. (As referenced in section 5).

3 Background

Elective Home Education:

- 3.1 Local authorities (LA) must make arrangements to find out so far as possible whether home educated children are receiving suitable full-time education (s436A Education Act 1996).
- 3.2 Currently in the City of Southend this involves keeping two registers, one of the children where parents have registered with the LA and agree to share information of their child's educational progression and achievements and an unregistered list, where the LA are aware of the child being home educated but parents have chosen not to register their details with the LA and where contact may be sporadic.

3.3 Both nationally and locally numbers of home educated children have risen year on year. The most substantial increase was linked to COVID-19 and the return to all schools reopening in September 2020. Academic year 2020/21 saw 554 children being home educated throughout the year compared with 390 the previous year (an increase of 42%). Although the increase hasn't been as high this academic year the numbers continue to rise, due to many children not returning to school once the concerns linked to COVID had reduced. We anticipate that over 600 children will have been known to be home educated this academic year before the end of the summer term.

Interim Tuition Service:

3.4 Councils must “make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age (CSA) who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.”

3.5 Suitable education is “suitable to a child’s age, ability and aptitude including any special educational needs”

3.6 Southend City Council previously commissioned the Interim Tuition Service through Parallel Learning Trust and later Southend Adult Community College to deliver a responsive service to meeting the above requirements through tuition and alternative provisions.

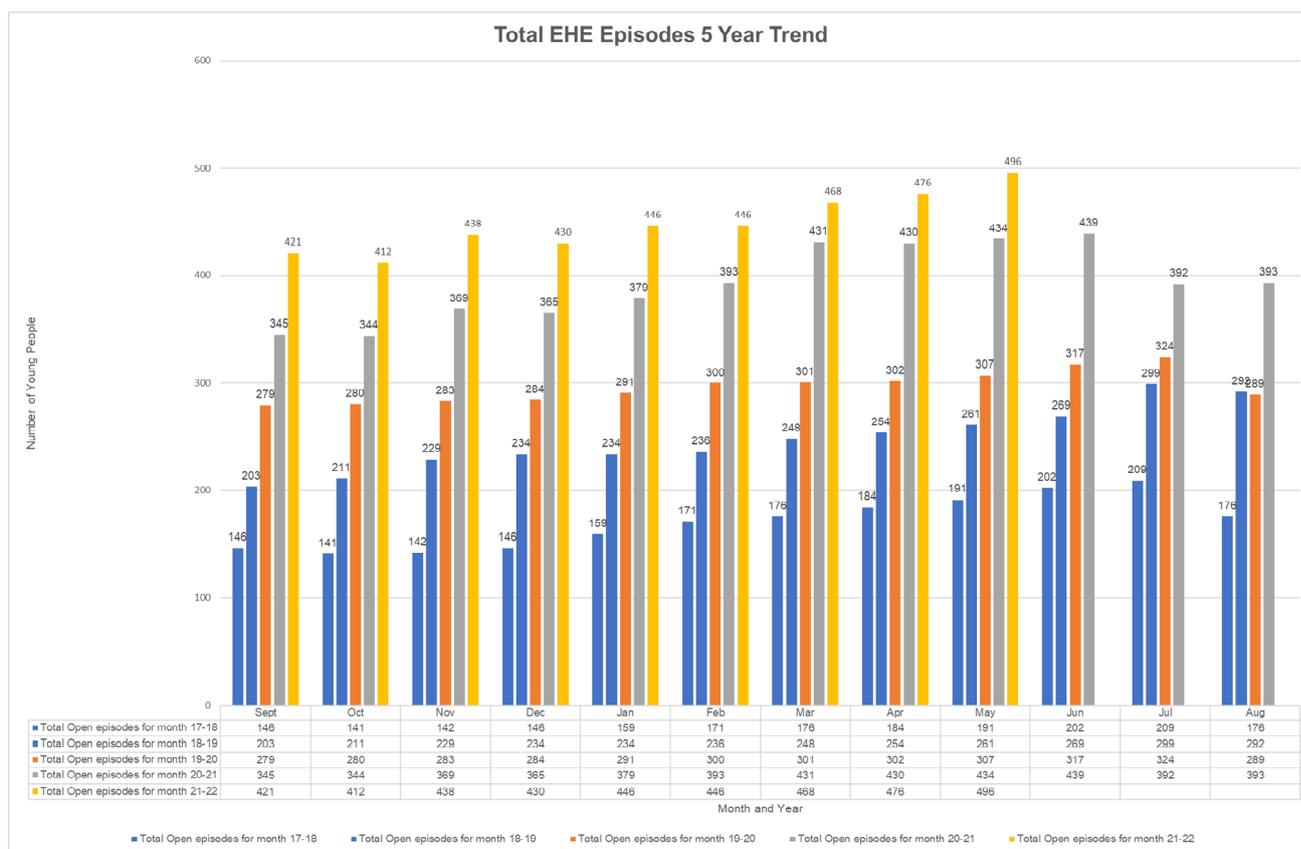
3.7 The service was brought in-house under Access and Inclusion in September 2021 after an unplanned service termination in July 2021. The three tutors (two full time and one part time), TUPE'd over to the LA, along with the 10 AV1 avatar units used by the service. An additional 5 units were already held by Access and Inclusion for rental purposes by schools for early intervention and inclusion within schools.

3.8 As with numbers of EHE, those requiring interim tuition has also seen a dramatic increase since 2020/21, again linked to COVID-19 and increases of children with high anxiety and mental health needs preventing regular attendance at school. 2020/21 saw a 75% increase from 28 cases to 49 open during the academic year.

4 Elective Home Education (EHE)

4.1 In June 2020, the Education Board agreed the budget provision of £35,000 to support Elective Home Education (EHE) providing funding for a part time dedicated officer, and in June 2021, the Education Board agreed an additional £12,000 to support EHE Year 11 GCSE examination costs. Due to increased need the LA increased the LA officer time from 0.6 to a full time (FTE) role in September 2020 utilising existing budgets which isn't sustainable, and is insufficient in meeting current demand. An additional 0.3 FTE has been supporting the work since Jan 2022 but this has been taken from another area of Inclusion (Outreach Teacher) and isn't sustainable. Neither does it meet the demand in increases in numbers and ability to assess suitable education for all children.

4.2 The below chart demonstrates a 17.8% increase in numbers this academic year alone, with a 239.7% increase since September 2017.



4.3 The LA aims to contact all newly identified EHE parents within 5 working days from notification, and ideally meet face to face if the family allows within 10 working days. This is to assess a parents understanding of their responsibilities to provide a suitable education and understand their plans and intentions for the year.

4.4 Where there are no identified concerns, a family will be contacted again in 12 months' time, inviting parents to share their child's progress, examples of work and plans for the next year ahead. Where there are concerns for a child's education or where it is deemed unsatisfactory, a family is contacted more regularly depending upon need (every 4 weeks to 2 months).

4.5 To provide support, advice, information and guidance to families throughout the year, EHE events were held prior to COVID and termly newsletters sent out to families.

4.6 Due to events needing to be cancelled, newsletters increased to monthly during COVID, with continued visits for children open to social care. Once social distancing restrictions allowed, EHE drop-in sessions were held throughout the borough on a termly basis and newsletters reduced to half termly. EHE events recommenced this term and are planned to run every term from now on. This did mean that the £5,000 resource budget for events and engagement activities was not utilised in the last financial year.

- 4.7 For the first time, EHE also had a budget of £12,000 to provide at least 3 GCSE examination entries for each year 11 student in low income families (eligible for Free School Meals). Although this was advertised, and eligible families contacted directly, only one candidate was enrolled for 2 GCSE examinations this summer, leaving this section of the budget underspent.
- 4.8 With numbers of active EHE cases being so high, officers are unable to meet our commitments to parents and statutory duties to ensure suitable education. Where possible education has been reviewed during drop-ins enabling higher numbers to be seen over a shorter period but doesn't allow officers to view a child's place of education and how suitable their learning environment is.
- 4.9 Government confirmed their intentions to make registration compulsory for all home educated children, however legislation has yet to be passed enforcing this requirement. When this is passed, currently 'unknown children' will need to be registered by parents, increasing further the number of children known to be home educated in the local area.
- 4.10 In addition, government is proposing that Councils must provide advice and support to families for those that seek it. This is yet to be defined.
- 4.11 Currently there are no firm plans to enforce that the child must be seen by the LA or their place of learning. Neither are there plans for a definition of suitable education or minimum curriculum criteria, or that parents are obliged to share their child's education and examples of progress with the LA.
- 4.12 Due to the increased numbers of children and predicted further increases when registration comes into force, the Council must increase staffing capacity in order to meet with children and parents and increase opportunities for providing support and advice.
- 4.13 The proposed increase is to retain the Lead EHE officer (currently L8 and subject to job evaluation), appoint 2 full time EHE Advisory Teachers (QTS) and appoint a full time L6 EHE Access officer. We also wish to retain the resource budget for events, incentives and curriculum sessions, and retain the GCSE examination budget for those eligible for FSMs.
- 4.13.1 The officer role will enable support to schools where parents are voicing a desire to remove from roll to home educate and make early contact to ensure they fully understand their responsibilities and identify any barriers to remaining at school. They will also provide the initial contact to new referrals and support the events and drop-ins.
- 4.13.2 EHE Advisory Teachers will undertake annual conversations with parents and children, have experience and knowledge relating to children with special educational needs and lead on information events and newsletter sections on specific topics and linked curriculum areas for different key stages.
- 4.13.3 The Lead EHE officer will lead and supervise the team whilst also contacting families where education is deemed unsatisfactory and provide hands on advice and support, whilst pursuing formal interventions for those where education is deemed unsuitable and requires a School Attendance Order. The lead will also

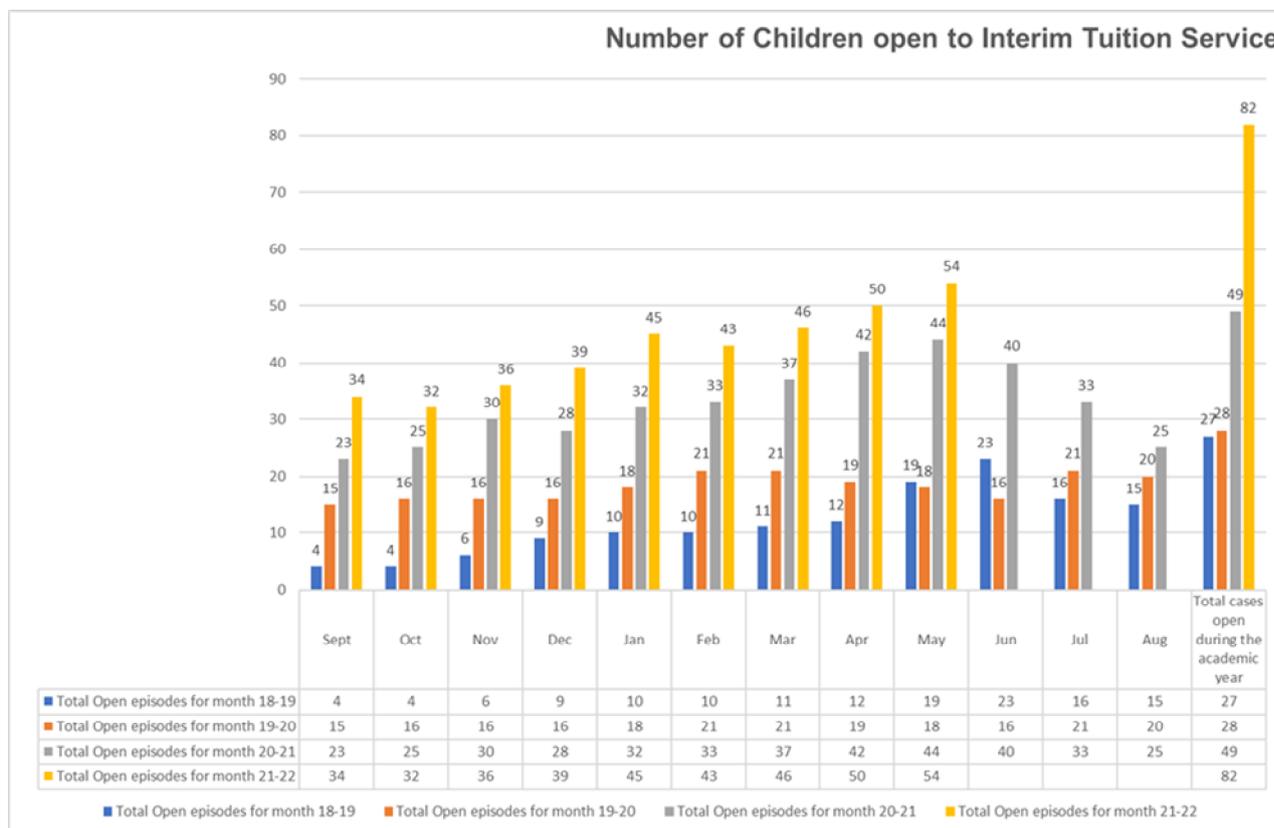
be responsible for parent engagement, along with updating policy and guidance documents, ensuring they are accessible and meet the requirements of educating families.

- 4.14 This increases the current EHE budget from £47,000 to £221,000 an increase of £174,000

2022/23 Budget Predictions based upon current staffing/costs plus additional posts including all oncosts	
Team Leader x1 L9	£ 62,000.00
2 x QTS L8 Ed Advisor	£ 104,000.00
1 L6 Ed Officer	£ 35,000.00
Transport and mobile costs	£ 3,000.00
Resources	£ 5,000.00
GCSE examinations	£ 12,000.00
Total Budget	£ 221,000.00

5 Interim Tuition Service (ITS)

- 5.1 Since taking on the operational management of the Interim Tuition Service, quick decisions were required in relation to service delivery and different ways of working to increase the number of children returning to their place of education
- 5.2 The school year started with some cases having been open since July 2019 and 7 long standing cases were children with EHCPs. Every child had their HealthCare Plan reviewed within the first 3 weeks of term and placed on one of 3 service pathways:
- 5.2.1 Targeted: the pupil accesses learning via AV1, live remote teaching platform, or online tuition programme delivered through TUTE and My Favourite Teacher (year 11s), with a weekly welfare and engagement check in.
- 5.2.2 Complex: one to one tuition in the home or hospital/hospice with curriculum and work provided by the home school
- 5.2.3 Reintegration: for those where pupils are ready to begin transitioning back into school, tutors deliver sessions within community bases and in the home school as a phased return to school.
- 5.3 For those children with an EHCP and long standing needs where their SEND was preventing them from accessing their named provision, early reviews of their plans were called and alternative education agreed through their EHCP, ceasing their involvement with ITS.



- 5.4 The above chart demonstrates 203.7% increase in cases over the past 4 years with numbers likely to have more than doubled from the previous year by the end of August 2022.
- 5.5 This increase based upon current staffing, is limiting access to suitable education and requires immediate change. An additional tutor was employed on a fixed term contract in the spring, however due to increasing referrals further tutors are required if we are to meet our statutory duties and ensuring an individualised learning programme and support.
- 5.6 Further staffing capacity is required to deliver tuition in the home and/or hospital/hospice for the hours determined suitable by medical professionals; and those students ready to begin reintegration, greater hours and personalised support within the community or school environment.
- 5.7 This academic year the hospital has been reluctant to have a tutor back in the hospital classroom, due to restrictions on unnecessary adults in the paediatric department. Once this reopens, further requirements on staffing are needed to ensure that children requiring longer than 3 days in hospital, and well enough to access learning, are provided with an education.
- 5.8 The proposal is that we increase the capacity of tutors from 2.5 to 7, employing two on a fixed term contract whilst referral numbers are kept under review, with the intention of making them permanent should the need continue.
- 5.9 In addition, the team used TUTE who provided continued GCSE online tuition for the year 11 students that had long term health needs. Although this was helpful in providing a bespoke online learning group, the team would prefer to

deliver this themselves, concentrating on English, maths, science and PSHE, with access to other GCSE subject areas through bespoke online tuition companies for those well enough to access additional lessons but unable to access this through the school via AV1 or school remote platforms. To achieve this, further resourcing of staff is needed to deliver a full time online tuition offer.

- 5.10 To support schools and ensure the LA continues to meet their statutory duties for ensuring a suitable education for all children, a L6 officer (dependent on job evaluation) position is required for meeting and reviewing healthcare plans with schools that do not fall under the existing three pathways, where the school has made reasonable adjustments to the child's provision to increase access to learning. This is needed to retain oversight and control of provision for children to ensure the LA and schools fulfil their duties. It is also aimed to reduce the number of complaints going to schools, LA and Ombudsman regarding concerns that children have not been given access to a full time education suitable to their needs.
- 5.11 Currently the LA owns 35 AV1 avatars. 20 for the ITS service and 10 open to schools for loan, encouraging earlier interventions where it is unclear that a child is unable to access education or increasing inclusive opportunities for learning in the classroom, via other bases. Although schools were slow at first to try using AV1 for their pupils needs, this has really taken off in the spring term, with all units out by Easter and a waiting list in place. We therefore propose to further increase the number of units by 15, having 50 in total, with at least 15 dedicated to school loan. This additional cost equates to £44,775 not including VAT.
- 5.12 It is aimed that the money accrued from the loan units will then provide enough income to cover the annual service charges for those units not under ITS (loan), plus provide at least one additional AV1 unit per year (according to service needs and requirements). The service should have accrued £8675 this academic year which has met the target of covering the services charges for the loan units (£6900 not inc. VAT) and has been used by 10 different schools this academic year.
- 5.13 Finally, the service proposes changing its name as it is misleading to parents (and schools) who assume they will have a dedicated tutor in the home, limiting and delaying reintegration back to school. The proposal is therefore that the Service rebrand as the Education Access Team.
- 5.14 This proposal increases the current budget for ITS from £250,000 to £418,000 (which includes deducting an expected income of £10350 to cancel out the loan AV1 unit service costs) requesting an additional £168,000.

2022/23 Budget Predictions based upon current staffing/costs plus additional posts including all oncosts	
Existing staffing establishment 1 x L9 (0.8), 1.5 x QTS & 1 LSA	£ 142,500.00
2.5 x QTS	£ 99,800.00
1 x LSA	£ 30,100.00
L6 Officer	£ 35,100.00
My Favourite Teacher	£ 500.00
service charge x 15	£ 11,500.00
service charge x 20	£ 12,000.00
purchase x 15 *	£ 34,500.00
new service charge	£ 10,350.00
income generator	-£ 10,350.00
future service delivery costs (transport, mobiles, online curriculum, pupil stationary, books and bespoke for those requiring GCSE subject tuition etc)	£ 52,000.00
Total Budget	£ 418,000.00
Note - the purchase cost of 15 new AVATARS will not need to be sustained from 2023/24, as it is therefore one off	

6 Other Options

EHE:

- 6.1 The EHE 'team' cannot continue with sustaining the current staffing levels due to the small increase this year being funded from other areas. Therefore if the board chooses to retain the current budget and not increase the required staffing levels, the LA will not be able to provide the current duties or new duties identified by the DfE.
- 6.2 Support for EHE families would need to reduce to just an annual contact (not the current contact within 5 working days or earlier to meet when still in school). Neither would be able to provide any sessions in the home, and all contact would need to reduce to booked and timed contact in community locations.
- 6.3 Neither would there be any capacity to provide support and engagement opportunities for families, making the service appear far more punitive and inaccessible to families.
- 6.4 Even based upon this very limited delivery, it is unlikely that all families could be seen once a year as many do not respond and attend first (or second) appointments and the officer also requires time for case management recording, attending social care meetings and taking unsatisfactory cases through the legal processes.

ITS:

- 6.5 If we do not increase the capacity of the team immediately, children will not be given a suitable alternative to education at school for those unable to attend.
- 6.6 In addition, the Council is at increased risks of fines from cases going to tribunal or ombudsman due to complaints being raised for not providing a suitable education and families seeking financial reimbursement for missed education.
- 6.7 Financial remedies instructed by the Ombudsman range from £200 - £600 a month for any lost learning (including those accessing education part time), plus additional costs and other remedies. The 'fine' depends on the amount of hours lost, SEND and other vulnerabilities of the child. Tribunal costs are considerably more. Although these costs are currently just aimed at LA's (including LA maintained schools), the Ombudsman has recently requested their powers be extended to Academy Trusts as well. The outcome of this recommendation has yet to be decided.
- 6.8 With this in mind, Education Board may want to consider the quality of provision and increasing access to education, versus the risks of doing nothing when making their decision.

7 Conclusion

- 7.1 Both teams have worked tirelessly to continue to provide a good service with performance outcomes reported regularly to Vulnerable Learners Subgroup and Inclusion Panel. However to manage this, staffing has been used from other service areas and increasing officer hours outside of existing budgets which is not sustainable into the next academic year.
- 7.2 Due to both provisions falling under the parameters of the High Needs Block funding arrangements it is hoped that Education Board recognises the demand and requirement to increase the current budget to provide a sufficient staffing capacity.