

Written evidence submitted by Anita Patel-Lingam, Chair of the National Board for the Association of Elective Home Education Professionals (AEHEP); and Statutory Education Compliance Manager for Essex County Council (CWSB195)

Children's Wellbeing and Schools Bill – Call for Evidence submission

This submission is being made by Anita Patel-Lingam in my professional capacity as both:

- Chair of the National Board for the Association of Elective Home Education Professionals (AEHEP).
- Statutory Education Compliance Manager for Essex County Council. This role requires me to manage the teams who respond to and seek to safeguard, via the local authority's existing statutory powers, those children and young people referred to the local authority due to their:
 - children missing from education (CME) status;
 - parents' decision to electively home educate (EHE); and/or
 - irregular school attendance and unauthorised absence from the school at which they are registered to attend.

I believe that, as a result of my extensive professional experience across a number of professional fields which will be impacted by the provisions set out within the Children's Wellbeing and Schools Bill (henceforth referred to as the Bill), I am well-placed to make a submission to the House of Commons Public Bill Committee to outline my views in respect of the following:

- the current context within which local authority teams are working to safeguard the educational rights of children and young people;
- the key considerations which I believe need to be made in order for the provisions within the Bill to be implemented and applied, consistently, by all local authorities on behalf of all children and young people nationally;
- the barriers/inconsistencies which currently exist which, if not addressed, will serve to prevent the consistent implementation of the provisions within the Bill;
- some key recommendations as to how the current issues/barriers may be addressed/removed.

I will focus my submission, and the points that I will share therein, on the provisions within the Bill which will directly impact the statutory/associated remits of myself, my team and my colleagues in other local authority education teams, more specifically the roles we have in respect of the CME and EHE cohorts that we are required to safeguard.

In addition, I will draw upon points that have been raised with me, in my role as Chair of the National AEHEP Board, to highlight the additional considerations which one would hope will be included as part of any implementation processes/accompanying guidance documents

which are to be put in place to underpin and support the consistent introduction of any new powers and duties which are included within the Bill.

N.B. Any recommendations which I have included within my submission have been highlighted in **bold** for ease of reference.

Current context, implications of the Bill and recommendations to ensure consistent implementation:

1. Essex County Council is a large local authority area which has noted a significant year-on-year increase within its EHE cohort for more than ten years. In 2014, when I joined Essex County Council, the EHE cohort across Essex stood at between 600 and 700 during the course of the academic year, with the vast majority of parents having exercised their legal right to EHE due to their chosen lifestyle/other philosophical reasons. In the academic year 2023/24, as reported via the census data return which all local authorities are now required to submit to the Department for Education on a termly basis, Essex reported that a total of 5,021 children and young people had been recorded as EHE at some point during the academic year.
2. At this time, the “Elective home education – Departmental guidance for local authorities” (April 2019) holds no statutory status and serves only as “guidance” to local authorities. In addition, local authorities receive no central ring-fenced funding to ensure that each local authority’s EHE team is adequately and proportionately resourced to support, advise and guide the growing and increasingly complex EHE cohorts within their respective jurisdictions. Whilst the current EHE guidance remains non-statutory and whilst local authority finances are under constant review to find opportunities for further savings which may be achieved by cutting non-statutory services, the existence of EHE teams and their ability to remain proportionately resourced to meet the needs of the growing EHE cohort is in jeopardy. As Chair of the National AEHEP Board, I can confirm that a growth in EHE cohorts and an increase in the complexity of need within the cohort, is being reported consistently across all regions.
3. At the time of writing this submission, there are a total of 4,050 children and young people recorded as EHE across Essex. Since September 2018, when the current EHE team within Essex was formed, there have been a total of four EHE Officers whose specific role it is to investigate concerns pertaining to the EHE provision of any child within Essex. When the team was initially set up in September 2018, there was a ratio of 1 Officer to every 369 children and young people within the EHE cohort. As at February 2025, this ratio now stands at 1 Officer to every 1013 within the EHE cohort.

Recommendation: As part of any additional burdens assessment which is carried out in respect of the Bill, the Department for Education should seek to make clear

what the ratio of local authority staff to the EHE cohort MUST be within each local authority e.g. 1:300 / 1: 400 / 1:500. The Department for Education stipulated, when introducing the “Working together to improve school attendance” statutory guidance (19 August 2024) that local authority attendance support services should be staffed at a ratio of 1 to every 5000 school enrolments within the local authority’s area. In order for each local authority to be operating a fair and consistent approach in respect of their CME/EHE cohorts, a similar decision needs to be taken to ensure proportionate resources are available and funded in respect of these key cohorts of children and young people.

4. The Department for Education requires each local authority, on a termly basis, to make a data return in respect of both their CME and EHE cohorts. These returns make clear, at a national level, the levels of CME/EHE that each local authority is responsible for and also the level of complexity, e.g. those with special educational needs (SEND) or social care input/intervention (via a Child in Need Plan, Child Protection Plan or local authority care proceedings), which is impacting these cohorts. Despite these termly census returns, no central, ring-fenced funding has been made available to local authorities to support them to fulfil their safeguarding duties in respect of their CME/EHE cohorts.
5. It is important to note that, were all home educating families across England to decide to return their child/ren back into the mainstream school system, local authorities would have to find the required number of school places and the treasury would be required to fund all of the school places which these children would be entitled to – at a minimum cost of £4,610 per primary child and £5,995 per secondary child.

Recommendation: Using the termly census returns that each local authority is now required to submit to the Department for Education, central funding should be provided (and appropriately ring-fenced) so that each local authority is in receipt of proportionate funding to enable them to support and safeguard their CME/EHE cohorts, e.g. £1,000 per child registered as EHE.

6. The Bill references the proposed introduction of a new power for local authority EHE teams to request to see the home learning environment as part of their EHE assessment. This power will very much be welcomed by professionals involved in safeguarding children who are recorded as EHE but there will need to be clear advice and guidance to those in the field so that they have a consistent understanding as to when this power should be utilised.

Recommendation: Case studies may need to be shared to highlight circumstances under which this new power to inspect the home learning environment may rightfully be exercised by EHE professionals. It appears clear that the Bill is not proposing that all EHE assessments must include an inspection of the home learning environment, so clarity as to when an assessment should include use of this power would be crucial to allow for some consistency in approach across local

authorities. Also, it would be helpful if clear guidance may be shared around the level of priority which is to be placed on the requested assessment of the home learning environment in cases where the family choose to engage but will only agree to meet the local authority Officer at a neutral venue, rather than within the family home. For many years, EHE professionals have had no right to enter the family home as part of their EHE assessment and have been able to assess EHE arrangements to be suitable where families have engaged at an alternative venue of their choice. The weighting which may be placed on a perceived need to assess the home learning environment should, as has always been the case, be considered alongside the families' noted willingness to engage with the EHE assessment process.

7. Local authorities are currently not required to hold a mandatory register for all children who reside within their jurisdiction and who are not registered with a school. In the absence of a mandatory Children Not in School register (CNIS register) and the associated duties on parents to ensure that their local authority is in receipt of up-to-date information to be held on the CNIS register, each local authority is currently in a position where there may be children and young people living within their jurisdiction for whom the local authority holds no records. Whilst the CNIS register provisions within the Bill are very much welcomed by local authorities, it is important to note the following **recommendations**:
 - a. **The CNIS register should only have mandatory fields which will allow each local authority to fulfil their statutory duties in respect of safeguarding every child's right to a suitable education. There is ongoing deliberation about which fields should be considered mandatory within any CNIS register and, from a statutory perspective, I would like to suggest that the following fields are the only fields that a parent should be required to share with their local authority, to ensure that statutory powers may be exercised in cases where this is deemed necessary:**
 - i. **Child's forename, middle name/s, surname and any preferred names they may use;**
 - ii. **Child's date of birth;**
 - iii. **Address(es) at which the child is ordinarily resident;**
 - iv. **Parent(s)'s forename, surname and salutation;**
 - v. **Parent(s)'s address(es)**
 - vi. **Is the child subject to an Education, Health and Care Plan?**
 - vii. **The child's Single Unique Identifier (as provided for within the Bill)**
 - b. **Any additional information should be welcomed and recorded within the register by local authorities – e.g. The child's Unique Pupil Number (UPN), whether the child is entitled to Free School Meals? Was the child eligible for special educational needs support (SEN Support) when they were last on the roll of a school? – but accompanying guidance should make clear that**

these additional fields are optional fields and that the absence of such data should not preclude the child from being listed on the CNIS register.

- c. **At this time, it is possible for a child to be registered for health care services within a local authority area but for the same child to have no record for education-related purposes – therefore their parents may not be contacted in respect of school admissions deadlines, etc. Consideration needs to be given to the introduction of a national information sharing protocol between health and education services (as a minimum starting point). This will ensure that health and education professionals are all working together to safeguard and support all children and young people known to be resident within their jurisdiction.**
 - d. **There needs to be consideration and clear information shared about the sanctions which will be applied to parents who fail to update their local authority with information which the local authority is required to hold as part of the CNIS register.**
 - e. **Local authorities will need to be provided with ongoing, ring-fenced funding to ensure that they are each able to maintain the level of staffing resource required to maintain and regularly update the CNIS registers which they will each be required to have in place. The level of funding should be proportionate to the number of children recorded therein as the ongoing maintenance of a CNIS register will have significant resource implications for a local authority the size of Essex, when compared with the implications for smaller local authorities with far smaller school age populations, therefore significantly less children not in school.**
8. The statutory School Attendance Order (SAO) process is currently a prescribed 45-day administrative process which does not resolve the child's CME status at the point at which the process has been fully exhausted by a local authority. This means that a child will be out of school for, at least, nine school weeks whilst they await the expiry of each of the timeframes which are provided for within with current statutory SAO process. Furthermore, once a local authority has followed the entirety of the SAO administrative process and where parents have failed to comply with the formal SAO which has been issued to them, the matter must be listed for Magistrates Court consideration – a process which relies on courts having capacity for such case consideration in a timely manner. This can lead to additional delays, on top of the minimum of nine school weeks which will have already passed throughout the SAO administrative process.

Recommendation: Whilst CME teams within local authorities will welcome the streamlining of the SAO process, which is being proposed by the Bill, it is important that these changes are considered alongside the need for court listings capacity, where parents are believed to be in breach of a SAO, so that all such cases are considered without delay by the Magistrates courts.

9. The Bill is proposing to introduce a local authority consent mechanism for the withdrawal of certain children from school, akin to that which is already in place for pupils on the roll of a special school. The Bill is seeking to expand the existing special school consent mechanism to cover children who are subject to children's social care section 47 inquiries or who are named within a Child Protection Plan. These new powers are welcomed by education professionals but there are some wider considerations which will need to be made to ensure that these powers are being implemented and applied consistently across all local authority areas. At this time, thresholds for children's social care intervention vary from one local authority to another. This means that, in practice, a child who is subject to section 47 enquiries or who is subject to a child protection plan in one local authority area may not have met the threshold for any such intervention within a different local authority area.

Recommendation: It is assumed that the intention of the Bill is to ensure that the provisions set out therein are to be implemented consistently at a national level. With this assumption in mind, it is my firm belief that, in order for the expansion of the afore-mentioned consent mechanism to be consistently and fairly applied at a national level, there will need to be an urgent review and realignment of children's social care thresholds to ensure that, regardless of where a child lives, their educational status will consistently form part of the children's social care assessment/planning considerations, when either of the consent mechanism triggers have been met.

10. The Bill requires local authorities to establish multi-agency child protection teams, to be staffed by people from education, social work, health and the police. This is welcomed by education professionals and will allow for more collaborative working between key government-funded services. **Recommendation: In my role as Chair of the National AEHEP Board, I am aware that some local authorities have taken positive steps to ensure that "educational neglect" forms part of the local authorities triggers for children's social care assessment. In those local authority areas, factors such as severe absence from school (i.e. where a pupil has below 50% attendance at their school) or repeated failures on the part of the parent/s to adhere to a SAO in order to address their child's CME status, are being incorporated into the considerations of social care colleagues when determining whether they may have a safeguarding role to play. Multi-agency teams will be well-placed to consider all intelligence held, across different disciplines, and I would ask that any review of social care thresholds (as per my recommendation in paragraph 9) includes national level consideration of how "educational neglect" needs to be seen as a sign of possible wider neglect/safeguarding risk within a family.**
11. With regards to the support duties which the Bill is proposing should be placed on all local authorities in respect of EHE families, these are yet to be defined to ensure that all local authorities are clear as to what their minimum offer of support must include. It is clear that the current practice, in respect of the support available to EHE families,

varies considerably from one local authority area to another – serving to create a postcode lottery which impacts families who move from one local authority to another, not realising that what may have been available previously, in terms of support to EHE families, may not be available when they relocate to another local authority area.

Recommendation: the Department for Education should ensure that an “ordinarily available” offer is defined within any new statutory guidance so that all local authorities are consistently able to adhere to the Bill’s new support duty burdens. Any additional burdens assessment should ensure that all local authorities are provided with the necessary, ring-fenced funding to ensure that they are adequately resourced to maintain this consistent support offer to their EHE families.

I hope that the Committee will find this submission helpful in their discussions.

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