

# Elective Home Education Procedures



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## 1.0 Introduction

1.1 Elective home education (EHE) is the term used by the Department for Education (DfE) to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to home tuition provided by a local authority or education provided by a local authority other than at a school.

1.2 Home education is an option that any family may consider for their children. The reasons for deciding on this approach are many, as are the styles of education undertaken. For some families it is a decision based on their philosophical, spiritual or religious outlook, for others it is to meet the specific needs of a child or children. It may be because of dissatisfaction with 'the system' or used as a short-term intervention for a particular reason. Whatever the circumstances the local authority aims to **propose we remove** [work closely with and] support parents in their choice.

1.3 The purpose of this document is to set out the current legal position and to outline Lancashire's procedures.

1.4 In compiling this document the local authority has drawn heavily on the information and guidance provided by the DfE and other local authorities. The responses to a consultation undertaken in late 2011 and those gathered as a result of an open consultation have been used to inform the final draft.

## 2.0 The law relating to elective home education

**2.1 The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not.**

2.2 Article 2 of Protocol 1 of the European Convention on Human Rights states that:

*"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions."*

Parents have a duty to secure an appropriate full-time education for their children. Some parents choose to do this by educating their child at home. They do it because they judge it to be the best way to carry out their duty.

Section 7 of the Education Act 1996 provides that:

*"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.”*

2.3 Education is considered efficient and suitable if it enables their child to achieve their full potential, and it prepares them for adult life in their community, as long as it does not foreclose the child’s options in later years to adopt some other form of life if he/she chooses to do so.

Full time does not mean being bound by school hours and terms, as this measurement of contact time is not relevant to home education where there is often almost continuous one-to-one contact.

### **3.0 Parental rights and responsibilities**

3.1 Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age.

3.2 Where a child has been registered at school, parents are required to notify the school in writing when withdrawing a child for EHE (see section 3.3 below if your child is on roll at a special school). This is to confirm that provision is being made for the child's education otherwise than at school and requesting removal from the school’s roll (see section 6 for more detail).

3.3 Parents are not required to register or seek approval from the local authority to educate their children at home. However, parents must obtain the consent of the local authority to de-register pupils placed at a special school under arrangements made by a local authority. Where a child is registered at a school as a result of a school attendance order parents must ask the local authority to revoke the order.

3.4 Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of “full-time”.

3.5 The type of educational activity can be varied and flexible. It is recognised that home-educating parents are **not** required to:

- teach the National Curriculum
- provide a broad and balanced curriculum
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation

- match school-based, age-specific standards.

3.6 Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations.

#### **4.0 Local Authority responsibilities and outline of procedures**

4.1 Lancashire recognises that there are many, equally valid, approaches to educational provision. What is suitable for one child may not be for another, but all children should be involved in a learning process.

4.2 When the local authority first becomes aware that parents have elected for home education initial contact will be made in order to establish what provision is being made. Many people find a home visit helpful, but parents may wish to meet at another venue, with or without their child. Alternatively they could write a brief report to let the authority know the provision that they are making. Lancashire accepts that in the early stages, parents may not yet be in a position to respond fully to enquiries. In such cases a reasonable timescale for responding will be agreed with the parents.

4.3 Although the local authority has no statutory duty to monitor the quality of home education on a routine basis contact will be made with parents once a year to ask for up-to-date information. However, parents are under no duty to respond to this request. The local authority's Elective Home Education officers are available to provide more frequent support if required.

4.4 If it appears that a suitable education is not being provided, the local authority will seek to gather any relevant information that will assist reaching a properly informed judgement. This will include seeking from the parents any further information that they wish to provide which explains how they are providing a suitable education. Parents will be given the opportunity to address any specific concerns that the authority has. The child will be given the opportunity, but not required, to attend any meeting that may be arranged or invited to express his or her views in some other way. Whilst parents are under no duty to respond to such a request, DfE guidelines comment that:

*'it would be sensible for them to do so'*

and refers to the legal case Phillips v Brown (1980).

4.5 If it **still** appears to the local authority that a child is not receiving a suitable education we may wish to contact the parents to discuss the on-going educational provision. Contact will normally be made in writing to parents to request further information. A written report will be made after such contact and copied to the parents stating whether the authority has any concerns about the education provision and specifying what these are, to give the child's parents an opportunity to address them. If there are concerns, parents will be given the information in a written report outlining what the local authority is concerned about and why. Wherever possible, parents will have

been informed of this beforehand, and have been given guidance about ways in which suitable education that meets the needs of the child may be provided. The authority may be able to suggest other services that may be useful or may suggest other contacts that can provide advice. The report will suggest timescales and arrangements for future contact to ensure progress has been made.

4.6 In the instance outlined above, some parents may welcome the opportunity to discuss the provision that they are making for the child's education during a home visit but parents are not legally required to give the local authority access to their home. They may choose to meet a local authority representative at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. Where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made. Where we are unable to visit homes, they should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. If they choose not to meet, parents may be asked to provide evidence that they are providing a suitable education. Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form.

4.7 [As stated, ]Whilst there are no statutory duties in relation to the routine monitoring of the quality of home education, under Section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that parents are not providing a suitable education. This section states:

*"If it appears to a local 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 to satisfy them within the period specified in the notice that the child is receiving such education."*

Section 437(2) of the 1996 Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

Section 437(3) of the 1996 Act provides for the serving of School Attendance Orders:

*If –*

*(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local authority, within the period specified in the notice, that the child is receiving suitable education, and*

*(b) in the opinion of the authority it is expedient that the child should attend school,*

*the authority shall serve on the parent an order (referred to in this Act as a*

*"school attendance order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order.*

4.8 Lancashire considers that the taking of the above measures shall be a last resort after all reasonable avenues have been explored to bring about a resolution of the situation. At any stage following the issue of the Order, parents may present evidence to Lancashire (or the court) that they are now providing a suitable and appropriate education and apply to have the Order revoked.

4.9 Local authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states:

*"A local authority shall make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children."*

Section 175(1) does not extend local authorities' functions. It does not, for example, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

## **5.0 Children with Special Educational Needs**

5.1 Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). This right is irrespective of whether the child has a statement of special educational needs or not.

5.2 Local authority approval for removal from roll is not required for children with statements of special educational needs who are registered at mainstream schools. Where parents elect to home educate a child with a statement who is registered at a mainstream school the school will remove the pupil from roll in the same way as for children who are not the subject of a statement of special educational needs, following receipt of written confirmation from the parent that educational provision is being made otherwise than at school.

5.3 Where a child has a statement of SEN and is home educated, certain duties will remain the responsibility of the local authority. There will need to be consultation with parents to ensure that needs identified in the statement are being met. The provision identified in the statement almost always covers what a child would need in school. The required provision may be different outside of the school environment where the main educator is also the main carer. Further information and guidance may be found in the Special Educational needs Code of Practice, 2001 (section 8.91-8.96).

5.4 The Code of Practice states that the local authority:

- *'must ensure that parents can make suitable, provision, including provision*

*for the child's special educational needs. If the parent's arrangements are suitable the LEA are relieved of their duty to arrange the provision specified in the statement. If, however, the parents' attempt to educate the child at home results in provision which falls short of meeting the child's needs, then the parents are not making 'suitable arrangements' and the LEA could not conclude that they were absolved of their responsibility to arrange the provision in the statement.'*

5.5 On receipt of notification that a child has been withdrawn from school, the EHE service will notify IDSS who will then make arrangements to review the statement in approximately 12 weeks. IDSS will advise parents that they can ask for an EHE support worker or other person to be invited to the Annual Review if they wish. EHE support workers are happy to attend Annual Reviews where parents wish for such support but will not otherwise attend.

5.6 Even if the local authority is satisfied, the local authority retains a duty to ensure the child's needs are met, to maintain the statement and to review it annually, following the procedures set out in the Code of Practice for Special Educational Needs. Parents should always be involved in the review process. However, it is not mandatory to see the child or the home as part of the review. Part 4 of a statement can identify provision otherwise than at school, which is considered appropriate. **Where parents wish for only minimal contact and there are no other concerns, the Annual Review can serve as the annual contact for EHE purposes.**

5.7 If a child is registered at a special school under arrangements made by the local authority the parent cannot de-register them to be home educated without the agreement of the local authority. **On receipt of notification that a child has been withdrawn from a special school for EHE, the EHE service will request initial information regarding provision being made. When this information has been received, and in the absence of any concerns, the EHE service will confirm with school that the child may be removed from roll and notify IDSS so that arrangements can be made to trigger an Annual Review.** If a child has a statement of Special Educational Needs, and particularly if they are registered at a special school, parents may wish to contact the Inclusion and Disability Support Service for further advice -

[www.lancashire.gov.uk/corporate/web/?IDSS/29537](http://www.lancashire.gov.uk/corporate/web/?IDSS/29537)

## **6.0 Withdrawal from school to home educate**

6.0 First contact between the local authority and home educators often occurs when parents decide to home educate and approach the school (at which the child is registered) and/ or the authority to seek guidance about withdrawing their child from school. It is important that this initial contact is constructive and positive. Whilst parents must inform the school in writing of their decision, they are not legally required to inform the local authority about their intentions unless they wish to remove a child from a special school (see above, section 5.7).



6.1 The school must delete the child's name from their admissions register upon receipt of written notification from the parents that the pupil is receiving education otherwise than at school. [Propose we remove the following sentence - However, schools should not wait for parents to give written notification that they are withdrawing their child from school before advising the local authority]. Schools must make a return (giving the child's name, address and the ground upon which their name is to be deleted from the register) to the local authority as soon as the ground for deletion is met, and no later than deleting the pupil's name from the register. [Propose we delete this - They should also copy parents into the notice to the local authority and replace with Schools should be aware that a copy of the referral will be made available to parents if they request it.]

6.2 If a child is registered at a school as a result of a school attendance order the parents must get the order revoked by the local authority on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.

6.3 Schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the school and local authority must seek to address the issues behind the absenteeism and use the other remedies available to them.

## **7.0 Reviewing procedures and practices**

7.1 Lancashire will review these guidelines and practice in relation to home education on a regular basis. The initial review will be within 12 months of the first date of publication, and thereafter at least every two years. Home education organisations and parents will be involved in the process of review in order to ensure the most effective practice and strengthen partnerships.

## **8.0 Contacts/useful addresses**

8.1 The EHE team is a small team within the School Attendance Service. This service is within Lancashire County Council's Directorate for Children and Young People under the Quality and Continuous Improvement group within Universal and Early Support Services.

8.2 Overall responsibility for the EHE team sits with the School Attendance Lead, and the team consists of a Business Support Officer and a number of part time EHE Support Workers and EHE Support Officers. Enhanced CRB clearance is mandatory for all EHE Support Workers/Officers and specific EHE training will be delivered in addition to LCC standard training including Induction, Safeguarding, Common Assessment Framework, Equality and Diversity, Health & Safety including lone worker arrangements.

8.3 The EHE team will explore the options for access/signposting to other LA services and facilities, within available resources, and will also seek to ensure

EHE children have appropriate access to services and facilities from other agencies that would generally be delivered via school. **Although this protocol relates to EHE in respect of children of compulsory school age, each year the EHE service will provide information to the relevant local authority team giving details of young people who will still be required to participate in education and training.**

8.4 EHE officers understand that there is no one 'correct' educational system. All children learn in different ways and at varying rates. It is vital that parents and children choose a type of education that is right for them, and it is important that EHE officers understand and are supportive of many differing approaches or "ways of educating" which are all feasible and legally valid.

8.5 The role of the EHE team is not to tell parents how to educate their children or to promote registration at school. It is to respond to concerns that a child is not receiving a full time education suitable to his or her age, ability and aptitude and, where appropriate, provide support and information for parents.

## 9.0 National and regional organisations

9.1 There are many websites that provide information for anyone considering EHE – some links to such sites are provided below.

Education Otherwise: [www.education-otherwise.net](http://www.education-otherwise.net)

Lancashire Home Education: [www.lancashire-he.org.uk](http://www.lancashire-he.org.uk)

Ed Yourself: [www.edyourself.org](http://www.edyourself.org)

Home Schooling: [www.home-schooling-uk.com](http://www.home-schooling-uk.com)

Ahome: [www.ahomeeducation.co.uk](http://www.ahomeeducation.co.uk)

Home Education Advisory Service: [www.heas.org.uk](http://www.heas.org.uk)

Department for Education: [www.education.gov.uk](http://www.education.gov.uk)

HE in the UK – Special Educational Needs: <http://www.he-special.org.uk>

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