

North Tyneside Council

Elective Home Education Procedure and Guidance

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Version: 2



North Tyneside Council

Introduction

This document provides guidance for schools and LA Services on the rights and duties of parents who choose to educate their children otherwise than at school. It also sets out what checks the LA will take to ensure that parents are aware of their obligation to provide both suitable and full-time education.

The DfE “Elective Home Education Guidelines for Local Authorities”, published in April 2019, emphasises the importance of Local Authorities building effective relationships with home educators that function to safeguard the educational interests of children and young people: relationships that are rooted in genuine mutual understanding, trust and respect.

This document outlines procedures which North Tyneside Council will follow to comply with its duties to children and young people in the borough whose parents have elected to educate them otherwise than in school.

Legal Context

Section 7 of the Education Act 1996 states:

The parent of every child of compulsory school age shall cause him/her to receive efficient full-time education suitable:

- a) to his/her age, ability and aptitude and
- b) to any special educational needs, he or she may have either by regular attendance at school or otherwise.

What is full-time, efficient and suitable education?

This is not defined in the Act and ultimately is a matter for the reasonable judgement of the LA. However, guidance suggests that education is ‘efficient’ if it achieves what it sets out to achieve and ‘suitable’ if it prepares the child for adult life and has appropriate breadth and challenge.

Children who are being educated otherwise are not required to follow the national curriculum. However, because the parents may wish their child to attend a school at some point, it may be advisable for them to take the national curriculum into account when planning programmes of work.

Full time education is also undefined but could reasonably be expected to match the time spent by children in full time education in school. For reference, a full school year is 38 weeks and the DfE recommended minimum hours per week of taught time are as follows:

Key Stage	Taught hours
KS1	21
KS2	23.5
KS3/4	24
KS4 (year 11)	25

Compulsory school age begins on the next prescribed day following a child's fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August each year. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach the age of sixteen.

Parents have a legal right to educate their child at home and are not required to have any qualifications or training to provide their children with a suitable education. The 1996 Education Act provides that, generally, children are to be educated in accordance with the wishes of their parents.

If the child is subject to a School Attendance, the SAO should be revoked before EHE begins.

Notification to Home Educate

Parents whose child is enrolled at a school are advised to write to the Headteacher to inform them that they have elected to home educate, unless the school is named on the child's Education, Health & Care Plan, in which case parents are required to seek approval from the Local Authority first.

Parents whose child is not enrolled at a school have no obligation to inform the Local Authority that they are home educating their child, however the DfE encourages the LA to make contact and develop a good relationship with all home educating families.

Parents may arrange for other people to tutor their child, though parents themselves continue to be responsible for the education provided. Parents who elect to home-educate assume full financial responsibility for their child's education, including the costs of private tuition, courses and public examinations.

Withdrawing a child from school

Schools must maintain a register in respect of all pupils at school. Names may be deleted from the register only on certain prescribed grounds. (*Education Act 1996, Section 434*).

...a pupil of compulsory school age shall be deleted from the admission register ... (if the head teacher) ...has received written verification from the parent that the pupil is receiving education otherwise than at school.

The Headteacher must also inform the Local Authority, within 10 working days of receiving written notification from the parents, that a child has been removed from the school's register because the parents have assumed the education of their child for themselves. (*Education (Pupil Registration) Regulations, 1995, Section 9, Paragraph 1c and in accordance with Section 8(1) (d) of the Education (Pupil Registration) (England) Regulations 2006*).

There is, however, no legal requirement for parents to discuss home education with the school.

It is expected that schools will advise parents intending to home educate to contact the LA and speak to the Officer responsible for EHE to allow further support to be offered to parents.

The DfE guidelines make it explicit that:

“Schools should 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 relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.”

The school is responsible for raising any safeguarding concerns relating to a child with the Multi-Agency Safeguarding Team (MASH). Home Education is not a safeguarding concern.

The responsibilities of the Local Authority

Local authorities have a statutory duty, under section 436A of the Education Act 1996 to decide to enable them to establish (so far as it is possible) the identities of children in their area who are not receiving a suitable education.

This duty applies to all children of compulsory school age who are not on a school roll and do not appear to be receiving a suitable education otherwise than being at school.

Parents are not under a legal obligation to inform the LA of their intention to arrange education otherwise although DfE guidance advises parents that it is helpful if they do this.

The LA has no automatic right of access to the parent's home in order to determine whether the education is efficient and suitable. Parents may offer an alternative way of demonstrating that they are providing appropriate education, such as by showing samples of work and a programme of study at a meeting held at a different venue.

The Local Authority has no legal power or duty to monitor home education on a routine basis although the local authority will make enquiries if it is not clear that a child is receiving suitable education. The Local Authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, to all the children in its area.

If it appears to the LA that a child of compulsory school age in their area is not receiving suitable education, either by regular school attendance or otherwise, then they must take action by requiring the parent to satisfy them that the child is receiving such education. Parents must respond within the period set down by the LA, which must not be less than 15 days. (*Education Act 1996, section 437 Paragraphs 1 and 2*)

If the parents fail to satisfy the LA within the time allowed and LA considers that the child should attend school, then the LA must serve a 'School Attendance Order' on the parent requiring them to register the child at the school named in the order. (*Education Act 1996 Section 437, Paragraph 3*). If a child does not attend regularly after the parent has been served a School Attendance Order, then the matter is treated according to law relating to school non-attendance, generally.

Safeguarding

Section 175 of the Education Act 2002 imposes a duty on the Local Authority to make arrangements for ensuring that the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of all children in the borough.

The LA will act to proactively safeguard and promote the welfare of children and, in the event of any concerns about the welfare of a home educated child, initiate and follow established procedures.

The EHE Officer will contact the Multi-Agency Safeguarding Hub when there is uncertainty about the welfare of the child. The EHE Officer will explain the reasons for any welfare concerns to the parents and confirm that they will share their concerns with the MASH team.

Support for Parents who Home Educate

The EHE Officer will contact parents who are educating their children other than at school. Support provided will include:

- Provision of EHE information leaflet
- Discussion of the implications of EHE with parents before they make the decision to home educate
- Promoting positive relationships with elective home education families based on mutual understanding, respect and trust
- Facilitating parents to meet and feedback to the LA on the current levels of support and guidance
- Regular but not intrusive contact with families to ensure education is full time and suitable.
- Visits from the EHE officer to discuss the child's education at home and to offer the parent support and advice when family vulnerabilities are identified. (Parents are not obliged to accept a visit).

If the arrangements are satisfactory reviews will normally be arranged – as a minimum, at 6-month intervals in the first year, then annually thereafter.

More frequent reviews will be arranged for children with EHC plans or where the arrangements being made by the parents are considered to need more careful monitoring.

Parents may exercise their right not to allow the Local Authority access to the home, the child or the child's work. The duty on Local Authorities to intervene under section 437(1) of the Education Act 1996 applies if it appears that parents are not providing a suitable education.

Children with an Education Health and Care Plan

Parents of children with EHC plans may choose to arrange education for their children otherwise than at school. However, it remains the LA's duty to ensure that the child's needs are met.

If the child is on the roll of a special school or mainstream school specified by the child's Education, Health & Care Plan, the child's name may not be removed from the school register without the Local Authority's consent, or if the Local Authority refuses to give its consent, at the Secretary of State's direction [***Regulation 8(2) Education (Pupil Registration) (England) Regulations 2006***]. Schools/academies should call an early review as soon as they are aware of an intention to home educate.

The plan remains in force, subject to review, and the LA must ensure that parents can make suitable provision, including provision for the child's EHC plan.

If the parents' arrangements are suitable, the LA is still required to review the plan annually and may amend or cease to maintain it according to normal procedure. The Local Authority will only be relieved of its duty to arrange the provision specified in the child's EHC plan if it is satisfied that the parents' arrangements are suitable.

If the Local Authority is satisfied with the parents' arrangements it will continue to have a duty to maintain and review the EHC plan annually until: it decides to cease the EHC plan; or the EHC plan automatically lapses; or the EHC plan is transferred to another Local Authority.

Parents wishing to arrange education for a child with an EHC plan who is registered at a special school must seek the consent of the LA before withdrawing their child from school.

If the child has an EHC plan, the above procedure will follow except for the following:

- a) The SEN Panel will also be advised of any request to educate at home.
- b) Education provided must be efficient and suitable to meet the child's needs as indicated in the child's EHC plan.
- c) The SEN Panel will confirm whether it considers the provision to be appropriate and if so, will amend the statement accordingly and agree a timescale for the annual review.

Please refer to the Council's Privacy Statement for further information on how personal data is used.

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School informs Attendance and Placement Officer that parent has decided to EHE. School request parents confirm in writing and detail how they are intending to educate their children. School provides parents with contact details of Attendance and Placement Team for information.

Confirmation received by school and forwarded to Attendance and Placement Team. Reason for decision recorded. Schools asked to keep on roll 2 weeks in case of change of mind. After 2 weeks school can remove from roll from the date the letter.

Attendance team check on Liquid Logic for any allocated worker involvement. Contact allocated worker and check date child last seen.

If the child has an EHCP, then the SARS team are informed

Within 2 weeks, Attendance and Placement Team sends EHE LETTER 1 requesting a meeting.

If response from parent - meeting arranged.

If no response from parent, check address with housing. Resend letter if new address. If moved out of area contact LA in new authority. If whereabouts not known recorded as CME and usual CME procedures followed

Home visit completed/recorded. Check on provision of 25 hours of education.

If parents don't respond but still at same address EHE LETTER 2 sent out within 4 weeks from the date of original letter.

If no concerns next visit arranged within 4 months.

If concerns regarding education provided parents given 4 weeks to show signs of improvement

If no improvement is made, then the process of issuing an Attendance Order begins.

STANDARD SAFEGUARDING PRINCIPLES APPLY AT ALL TIMES AND ANY ALLOCATED WORKER OR ATTENDANCE AND PLACEMENT OFFICER SHOULD REFER TO MASH AND/OR POLICE FOR SUPPORT IF THERE IS ANY SAFEGUARDING CONCERN

If no response is received, EHE LETTER 3 is sent out within 4 weeks instructing the parent to meet at on specific date and time within 1 week

If parent/carers fails to attend meeting, the LA will start proceedings to issue a School Attendance Order.

Review and Evaluation

This procedure will be reviewed annually.

Consultation with parents who home educate will take place where there are significant changes to law or procedure.

North Tyneside Council will work to ensure effective partnerships with home educators based on respect and consent whilst putting the safeguarding of children in the borough at the centre of all our work.

References

<https://www.gov.uk/government/publications/elective-home-education>

Education Act 1996 www.legislation.gov.uk/ukpga/1996/56/contents

Education Act 2002 www.legislation.gov.uk/ukpga/2002/32/contents

Special Educational Needs Code of Practice 2014

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

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