



# **Elective Home Education Policy**

## **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, taking responsibility for provision themselves.
- 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 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 work closely with parents in their choice.
- 1.3** The purpose of this document is to clarify for schools, parents, carers, guardian and related agencies, the policy and procedures to be observed when a parent elects to home educate their child who is of compulsory school age. The policy sets out parents' rights to educate their child at home, together with the legal duties and responsibilities of Head teachers and Tameside Council. It also sets out the arrangements Tameside Council will make in order to carry out its legal duties.
- 1.4** In compiling this document the local authority has drawn on the information and guidance provided by the:
- Children Act 1989
  - The Education Act 1996
  - The Education Act 2002
  - The Children Act 2004
  - Elective Home Education Guidelines for Local Authorities (DCFS 2007)
  - Tameside inter-agency Threshold Criteria for Children in Need. (Nov 2016)

## **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. Parents may decide to exercise their right to home educate their child from an early age and so the child is never enrolled at school. Parents may also elect to home educate at any other stage up to the end of compulsory school age at 16 years.
- 2.2** 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 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 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 conventions”*

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 responsibility.

Section 7 of the Education Act 1996 provides that:

A child is of compulsory school age from the school term after his/her 5<sup>th</sup> birthday until the last Friday in June of the academic year in which they reach the age of 16. There is no obligation to provide education before or after this period.

The parent of every child of compulsory school age shall cause him to receive full-time education suitable,

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

- 2.3 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.

## **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, (the last Friday of June, when a child reaches 16).
- 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. This is to confirm the provision is being made for the child's education otherwise than at school and requesting removal from the school roll (see section 6 for more details).
- 3.3 Parents are not required to register or seek approval from the local authority to education 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 by law 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 education 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 schools hours; days or terms;
- give formal lessons;
- mark work done by their child,
- formally assess progress of set development objectives;
- reproduce school type peer group socialisation;
- match school-based, age specific standards.

However, an efficient, suitable and full-time education may include many of the listed features.

3.6 Parents who choose to educate their children at home must be prepared to assume full financial responsibility for that education.

Parents must comply with notices and orders served by Thameside MBC under section 437 of the Education Act 1996, if it appears that parents are not providing a suitable education a School Attendance Order (SAO) will be served to the parents.

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

4.1 Thameside Metropolitan Borough Council (MBC) believes that children are best educated in school. Notwithstanding this fact, Elective Home Education officers understand that there is no one 'correct' way of learning. 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.

Thameside MBC officers understand and are supportive of many different approaches or "ways of educating" which are feasible and legally valid. What is suitable for one child may not be for another, but all children should be involved in an effective learning process, which allows them to progress to their potential. The role of the Pupil Support Services 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. Where appropriate, the Pupil Support Service will provide support, advice and information for parents.

### **Schools:**

It is important that schools are satisfied that parents are fully informed of the expectations and implications of home educating before committing to making this important decision. Thameside MBC recommends that parents are given contact details and advice to seek advice from Thameside Education Welfare Service before

formally asking school to remove the child from the school roll. Schools must not seek to persuade parents to educate their child at home as a way of avoiding:

- an exclusion from school
- to avoid legal proceedings,
- or because the child has a poor attendance record.

- 4.2 When the Local authority first becomes aware that parents have elected for home education immediate initial contact will take place. This will enable us to establish what provision is being made and a visit will be offered, within 10 to 15 days. Many people find a home visit helpful. Tameside accepts that in the early stages, parents may not be in a position to respond fully to enquiries. The elective home education visit should be seen as supportive of the child and accepting of the parents' right to educate their child at home.
- 4.3 The Local Authority's first objective is to help parents to succeed in what they are setting out to do. However, it is not the job of the Local Authority to provide materials or resources. 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 twice a year to ask for up-to-date information and visits will be offered. The local authority's Elective Home Education officers are available to provide more frequent support if required.
- 4.4 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 in itself constitute grounds for concern about the education provision being made. Where we are unable to visit homes, we should, in the vast majority of cases, be able to discuss and evaluate the parent's 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.

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 refer to the legal case *Philips v Brown* (1980)

In December 2012 the House of Commons Education Select Committee produced a report 'Support for Home Education' it states that:

*"The role of the Local Authority is clear with regard to home education. They have two duties: to provide support for home educating families (at a level decided by local authorities themselves), and if families wish it: and to intervene with families if the*

*local authority is given reason to believe that a child is not receiving a suitable education”*

Local Authorities also have duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states: “A Local Education Authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a Local Education Authority are exercised with a view to safeguarding and promoting the welfare of children.”

These powers allow Local Authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern (section 17 and 47 of the Children Act 1989). However, such powers do not bestow on local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.

In circumstances where children are not seen despite the requests of the Education Officer, consideration will be given to the possibility of justifiable concerns that would necessitate consultation with other relevant children’s services.

The Local Authority would hope that parents will understand and agree the importance of establishing and maintaining a positive dialogue with its officers, in the interest of the child and their educational provision.

#### 4.5 Monitoring unsuitable or insufficient provision.

If, after 2 Pupil Support visits provision is not suitable and/or not efficient, the Pupil Support Officer should consult the relevant manager with a view to taking action. The following actions will be taken by the Education Welfare Team.

- The evidence from monitoring activities will be reviewed. If it is clear that the provision is unsuitable and/or inefficient a letter will be sent to the parents, asking them to demonstrate that they are now providing suitable and efficient education as required within 14 days. The response from the parent will be acknowledged by the Education Welfare Team in writing within 7 days.
- The evidence from the parent will be evaluated by the Pupil Support Officer and the judgement will be sent to the Education Welfare Team, this must be done quickly and in writing. The Education Welfare Officer will inform the parent of the decision as to whether the provision is deemed suitable or unsuitable.
- If the parent has provided convincing evidence of a suitable education monitoring will continue for a further 3 months.
- If the parent has not provided convincing evidence, the shortcomings or omissions in information will be advised in writing and the parent will be given a further 14 days to provide additional evidence.
- If any further response does not provide suitable evidence, action will be taken to allocate a school place and to issue a School Attendance Order. This will be done as soon as possible through the courts.

- If at any time the parent provides further evidence, this will be acknowledged and assessed. If the evidence suggests that the provision is then suitable and efficient, the process of issuing the School Attendance Order will be stopped and attempts will be made to resume normal monitoring.

4.6 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
  - (c) 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.

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

## **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 an Education, Health and Care Plan (EHC plan) or not.
- 5.2 Parent(s) of children who are home educated and have SEN have the right to request an Education, Health and Care (EHC) needs assessment. However, prior to this request being made the Local Authority will work with parents to consider whether other means of support would be helpful. Parents are advised to discuss this with an SEN Officer from the statutory assessment team in the first instance. Parents have the right to appeal decisions made by the Local Authority with regard to EHC Plans, however they need to consider mediation should they wish to appeal.

- 5.3 In cases where the Council is in agreement with parent(s) that home education is the right provision for a child or young person with an EHC Plan, the plan should make clear that the child will be educated at home and state the provision that is being made by the parent(s). If this is the case, then under Section 42(2) of the Children and Families Act 2014, the Council will arrange the special educational provision to support the education being made by the parent(s). The special educational provision to be provided by the local authority will be set out in the EHC plan in consultation with the parent(s) of the child.
- 5.4 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. If a child has an Education, Health and Care Plan, and particularly, if they are registered at a special school, parents may wish to contact the SEN team, (0161 342 4433).

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

- 6.1 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, this initial contact should be seen as 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.

- 6.2 Section 12 (3) of "The Education (pupil Registration) Regulations 2006"

*Makes it the duty of the Head teacher of the school to inform the Local Authority of the intent to home educate, and send a copy of the de-registration letter*

A copy of the letter should be scanned and emailed on receipt by the Head teacher to the local authority's Education Welfare Service the central referral email :  
[ehe@tameside.gov.uk](mailto:ehe@tameside.gov.uk)



**Organisations that support parents who educate their children at home include:**

**Education Otherwise**, PO Box 325, King's Lynn, PE34 3XW

Tel. 0845 4786345

[www.education-otherwise.org](http://www.education-otherwise.org)

**Home Education Advisory Service**, PO Box 98, Welwyn Garden City, AL8 6AN

Tel. 01707 371854

[www.heas.org.uk](http://www.heas.org.uk)

**Examination Boards that may be of use to home educating parents include:**

**AQA**, Aldon House, 39 Heald Grove, Manchester M14 4NA [www.aqa.org.uk](http://www.aqa.org.uk)

Tel. 0161 953 1170

**OCR**, I Hills Road, Cambridge, CB1 2EU [www.ocr.org.uk](http://www.ocr.org.uk)

Tel. 01223 552552

**Edexcel** [www.edexcel.com](http://www.edexcel.com)

Tel. 08702 409800

**Useful Links for Resources**

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

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

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

Muddle Puddle [www.muddlepuddle.co.uk](http://www.muddlepuddle.co.uk)

Primary Resources [www.primaryresources.co.uk](http://www.primaryresources.co.uk)

BBC [www.bbc.co.uk/learning](http://www.bbc.co.uk/learning)

BBC [www.bbc.co.uk/bitesize](http://www.bbc.co.uk/bitesize)

Channel 4 [www.channel4learning.net](http://www.channel4learning.net)

Education Guardian [www.educationguardian.co.uk](http://www.educationguardian.co.uk)

History [www.schoolhistory.co.uk](http://www.schoolhistory.co.uk)

Cultural Education Information Christian Home Education [www.homeschool.co.uk](http://www.homeschool.co.uk)

Islamic Home Education [www.islamichomeeducation.co.uk](http://www.islamichomeeducation.co.uk)

Muslim Home Education [www.muslimsandhomeeducation.com](http://www.muslimsandhomeeducation.com)

Gypsy/Traveller Information [www.gypsy-traveller.org/education](http://www.gypsy-traveller.org/education)

Worldwide Education Service. [www.weshome.demon.co.uk/teach.html](http://www.weshome.demon.co.uk/teach.html)

Special Educational Needs SEN Home Education [www.he-special.org.uk](http://www.he-special.org.uk)

Dyslexia UK [www.dyslexia.uk.net](http://www.dyslexia.uk.net) 0115 9246888

Parent Partnership [www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)

Other Internet Safety [www.thinkuknow.co.uk](http://www.thinkuknow.co.uk)

Parent Line Plus [www.parentlineplus.org.uk](http://www.parentlineplus.org.uk) 0808 8002222

Advisory Centre for Education (ACE) [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

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

Qualification and Curriculum Authority [www.qcda.gov.uk](http://www.qcda.gov.uk) 0300 3033011