

# **ELECTIVE HOME EDUCATION**

**POLICY AND PRACTICE 2015-18**

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West Berkshire Council will actively strive to address inequalities through its planning and delivery of services. All Council members, employees and agents will work to eliminate unlawful and unfair discrimination and to promote equality and good relations within all sections of the community. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

## Policy principles

West Berkshire Council (WBC) respects the right of parents and carers to elect to educate their children at home, and for the children and young people resident in West Berkshire to have access to a suitable education of high quality.

WBC and its EHE Team aim to:

- Work to promote positive relationships and respect with parents and carers for the benefit and well being of children and young people.
- Provide effective and efficient EHE working practices, and staff with a good knowledge of elective home education
- Work with an emphasis on safeguarding children and young people.
- Acknowledge diversity in parental wishes and methods of educating their children.
- Acknowledge the diverse needs of these children and young people.
- Acknowledge that parents/carers of all educational, social, racial, religious and ethnic backgrounds successfully educate their children outside the school setting.
- Acknowledge and promote the relevant principles and priorities outlined in the Council Strategy 2012-16.

This policy was written with advice from legal services and LSCB, in addition to being shared with families choosing elective home education. It will be reviewed in September 2018.

## **Introduction**

This policy document applies to those children and young people (CYP) of compulsory school age whose parents/carers have chosen to educate their children at home. It does not refer to CYP who have a home tutor provided by WBC or through a school.

The document acknowledges the right of parents/carers to educate their children at home, and sets out their responsibilities. In addition, it sets out the legal duties and responsibilities of the council and the West Berkshire's procedures in relation to elective home education.

It also sets out the procedures WBC will make in order to carry out its legal duties under the 1996 Education Act i.e. if it appears that a child of compulsory school age is not receiving education suitable to age, ability, aptitude and special needs, to take steps to ensure that this is remedied. In addition, it sets out the Local Authority's position on safeguarding and elective home education.

## 1. The law relating to elective home education

- 1.1 Parents/carers hold the responsibility for ensuring their children receive an education. Education is compulsory and can be provided by choosing to send children to school, or by choosing to educate children at home.

*"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."*

Education Act 1996, Section 7

- 1.2 The European Convention on Human Rights states that:

*"No person shall be denied the right to an 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 in conformity with their own religious and philosophical convictions."*

Article 2 of the First Protocol of the European Convention for the Protection of Human Rights

- 1.3 The UN Convention on the Rights of the Child:

*"States Parties agree that the education of children shall be directed to:*

- a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;"*

Article 29, UN Convention on the Rights of the Child

- 1.4 There are no definitions in law of suitable education, but two examples of case law give some interpretation.

The Judge in the case *Harrison & Harrison v Stephenson* (1981 at Worcester Crown Court) defined a suitable education as one which would:

- *prepare a child for a life in a modern civilised society and*
- *enable them to achieve their full potential*

In 1985 Mr Justice Woolf held that an efficient and suitable education is one which,

*"equips a child for life within the community in which he is a member, rather than the way of life in a wider society as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so."*

*R v Secretary of State for Education exp. Talmud Torah Machzikei Hadass School Trust, 1985*

- 1.5 Parents/carers must ensure that their children receive suitable full time education for as long as they are educated at home during their compulsory school age. However, there is no legal definition of 'full time', and often parents/carers choosing elective home education provide almost continuous one-to-one contact to educate their child and education may take place outside normal school hours, but as a guide, children normally attend school for between 22 and 25 hours a week for 38 weeks of the year.
- 1.6 The type of educational activity can be varied and flexible.
- 1.7 Compulsory school age starts the term after a child becomes 5 years old. School leaving age is on the last Friday in June in the academic year in which a young person becomes 16 years old.

## **2. Rights and responsibilities: Parents and Carers**

- 2.1 Parents/carers may decide to home educate their children at any stage before, or during, compulsory school age. Parents are not required by law to register with the Local Authority, or to seek approval from the Local Authority to educate their children at home.
- 2.2 If parents/carers have not registered their child to attend school, there is no obligation to inform the Local Authority of the decision to home educate. If parents/carers decide to home educate after the child has begun attending school, they must write to the Head teacher of the school requesting that the child's name be removed from the school's register, indicating their decision to electively home educate their child.
- 2.3 Where a child or young person is on roll (or part of a dual enrolment) at a special school parents/carers are obliged to seek the consent of the Local Authority to remove their child's name from the school roll if they wish to do so. The Education (Pupil Registration) (England) Regulations 2006 Regulation 8(2) states:

*"...a child who has, under arrangements made by a local education authority, become a registered pupil at a special school shall not be removed from the admission register of that school without the consent of that authority, or if that authority refuse to give consent, without a direction of the Secretary of State."*

The Education (Pupil Registration) (England) Regulations 2006 Regulation 8(2)

- 2.4 Young people age 17 and 18 are expected to take part in education or training. This is not the same as being of 'compulsory school age' but these young people are expected to undertake educational activity, whether that be through attendance at college, an apprenticeship or in paid employment with a training/educational element. These young people will not be entered on the Local Authority's database of electively home educated CYP.
- 2.5 If a parent/carer chooses to electively home educate their child there is no requirement to:
- have premises equipped to any particular standard
  - have any specific qualifications
  - cover the same syllabus as a school
  - adopt the National Curriculum
  - have a fixed timetable or observe school hours or terms
  - give formal lessons in a classroom.

- 2.6 The Local Authority would expect the educational provision for an electively home educated child/young person to include the following characteristics:
- consistent involvement of parents or other significant carers
  - recognition of the individual's needs, attitudes and aspirations
  - appropriate safeguarding of the child/young person
  - opportunities for the child/young person to be stimulated by their learning experiences
  - access to resources/materials required to provide home education – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT
  - the opportunity for appropriate interaction with other children/young people and adults
- 2.7 Parents/carers who choose to electively home educate their child are fully responsible for sourcing and providing the education for their child.
- 2.8 Parents/carers who choose to home educate their child must assume full financial responsibility, including the purchase of resources, payment for private tutors or funding of any public examinations.

### **3. Duties and responsibilities: Headteachers**

- 3.1 The duties included here relate to all schools, including maintained schools, independent schools, academies, free schools, non-maintained schools and independent special schools.
- 3.2 It is the duty of the Headteacher to inform the Local Authority, by sending a copy of the parental letter to the Education Welfare Service, when a parent has confirmed in writing his or her decision to educate his or her child other than at school. The pupil's name will be removed from the admission register and recorded on a database of children/young people being home educated kept by West Berkshire Council's EHE Team.
- 3.3 If a child/young person attends a special school then his/her name cannot be removed from roll on parental request until the Local Authority gives permission – confirming that the child/young person's special educational needs can be addressed through elective home education.

### **4. Duties, responsibilities and procedures: The Local Authority**

- 4.1 The Local Authority strives to develop positive relationships with families who choose to electively home educate and recognises that there are many approaches to this type of educational provision. It is hoped that although parents/carers are not legally required to have regular contact with the Local Authority in relation to the home education provided for their child(ren), parents/carers would agree to this contact. This would enable the Local Authority to satisfy its safeguarding duties and also ensure there is sufficient information to demonstrate that a child is in receipt of their entitlement to a suitable education.
- 4.2 When the Local Authority is informed that a child/young person is to be home educated, an Education Welfare Officer (EWO) will check the child/young person has been de-registered from their school. The individual's name, date of birth and address will be recorded on a

database of those children/young people living in West Berkshire who are being home educated. This will be confirmed in writing with the family. Parents/carers wishing to begin home education with a child registered at a Special School must first seek the consent of the Local Authority in order to withdraw the child from school.

- 4.3 The EHE team will check for records indicating any cause for concern with colleagues in Children's Services.
- 4.4 Other agencies may also be contacted to seek clarification of any involvement with the child/young person, for example:
  - School attended, if relevant
  - SEN And Disabled Children's Team
  - Educational Psychology Service
  - Ethnic Minority and Traveller Achievement Service
- 4.5 Within six weeks (term time) of being informed about a child or young person being electively home educated initial contact will be made with the parents/carers. The Local Authority's preferred contact is through meeting the family to discuss the decision and acknowledge the rights of the parents/carers and the child/young person. This contact will enable information about the educational provision provided to be shared. If the contact is through a visit, this will be undertaken by a member of staff from Education Welfare Service (EWS) and the EHE Contact.
- 4.6 Following the initial contact or visit parents/carers will be informed about the ongoing arrangements for the family to provide information regarding the educational provision being provided.
- 4.7 The Local Authority's preferred practice for sharing this information is for parents/carers and the child/young person to:
  - Meet with the EHE Contact at their home or at another venue
  - Provide information or evidence of the education being suitable, at least annually
  - Share information or evidence of the education, demonstrating its suitability and its effectiveness
  - Meet with the child to discuss their educational provision, wellbeing and any concerns they may have.

Additional information may also be provided by parents/carers, such as:

- Information or report setting out their educational plans
  - Information or report from a reputable third party
  - Representative samples of their child's work.
- 4.8 Parents/carers will be sent written confirmation about the educational provision, its suitability and effectiveness.
  - 4.9 If it appears that a suitable education is not being provided, the Local Authority will seek to gather additional information in relation to educational provision to enable a judgement to be made in relation to whether or not a suitable education is being provided. This could be through meetings or submissions of information. The Elective Home Education Guidelines for Local Authorities suggests that although parents are under no duty to respond to



requests for a meeting, it would be sensible for them to do so. (*Elective Home Education: Guidelines for Local Authorities, 2007, section 3.4*).

- 4.10 Where parents/carers choose not to provide information or evidence about the education of their child/young person, then the Local Authority may, after giving reasonable notice, conclude that the child is not receiving a suitable education and may initiate the School Attendance Order process.
- 4.11 If the Local Authority become aware that a child/young person may be home educated, but has never been registered at school, they will make contact with the family and follow the procedures above.
- 4.12 The Local Authority will also:
- share information about relevant services with families – this can include information about ‘Help for Families’ (the LA’s Early Help approach to supporting families with additional needs)
  - publish information for parents/carers enquiring about elective home education or who are already home educators. This information will be made available in community languages and alternative formats on request
  - ensure officers who have contact with home-educating families have an awareness of relevant legislation and home education methods, and provide a named officer to liaise with parents/carers
  - maintain a database of children/young people known to be educated at home within West Berkshire
  - write to families, at least annually, to make arrangements to review the information and evidence in relation to the education being provided to the children and young people.
  - undertake its statutory duty to undertake an annual review where a child/young person has a Statement of Special Educational Needs or an Education, Health and Care Plan (EHC Plan), when a parent begins home education, this will be arranged by the SEN assessment team. The review will consider whether the statement or EHC Plan is still relevant considering the change of arrangements in delivering the education. Should it be necessary for this to remain in force, parents/carers continue to have responsibility for the education provided, although the Local Authority will continue to have responsibility for organising the annual reviews.
  - initiate the School Attendance Order process if it appears to the Local Authority that a child/young person is not receiving an appropriate education, either through information that the education being provided is not suitable, or by being provided with no information. This would be initiated after allowing parents/carers a reasonable amount of time, and after giving parents/carers three opportunities to address concerns by providing suitable information. The Local Authority considers taking these measures to be a last resort after all reasonable avenues have been explored to resolve the situation.
  - provide details of the complaints procedure and deal with any complaints in a sensitive and timely manner.

## **5. Safeguarding Children and Young People**

- 5.1 The Local Authority recognises that the majority of children/young people receiving Elective Home Education are safe and secure. The choice to electively home educate is not in itself an indication of concern.
- 5.2 The welfare and protection of all children/young people, both for those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. Working Together to Safeguard Children 2013 states that:

*“Everyone who works with children - including teachers, GPs, nurses, midwives, health visitors, early years professionals, youth workers, police, Accident and Emergency staff, paediatricians, voluntary and community workers and social workers - has a responsibility for keeping them safe.*

*No single professional can have a full picture of a child’s needs and circumstances and, if children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.*

*In order that organisations and practitioners collaborate effectively, it is vital that every individual working with children and families is aware of the role that they have to play and the role of other professionals. In addition, effective safeguarding requires clear local arrangements for collaboration between professionals and agencies.”*

Working Together to Safeguard Children 2013, p8

- 5.3 If any safeguarding concerns are expressed or observed for a child, the Elective Home Education Team will follow existing Local Authority child protection procedures, including making any necessary referrals.
- 5.4 If, following contact with a family, there are any concerns the EHE Team will share this information with Children’s (Social Care) Services or other relevant agencies, this could be ‘Help for Families’, or the ‘Contact, Advice and Assessment Service’.

Examples of safeguarding concerns may include, but are not limited to:

- Where a child is not seen by the Elective Home Education Team
  - Where a family refuses to engage with the Elective Home Education Team
  - When a safeguarding concern reported by a member of the public or by a professional
  - Known substance/drug misuse within the home
  - Known domestic abuse
  - Known criminal offences/criminal activity within the home
- 5.5 The Local Authority has a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. These powers allow the Local Authority to insist on seeing children/young people in order to enquire about their welfare where there are grounds for concern. This action would be taken by appropriate staff following referral to Children’s Services or the police.

*“A local education authority shall made arrangements for ensuring that the functions conferred upon them in their capacity as local education authority are exercised with a view to safeguarding and promoting the welfare of children.”*

Education Act, 2002, section 175(1)

- 5.6 The Local Safeguarding Children’s Board (LSCB) will receive regular data and reports on the numbers of children and young people known to the Elective Home Education Service, and any safeguarding issues, and information about any vulnerable children and young people.
- 5.7 Prior to any contact or visits the Elective Home Education Team will arrange checks with Children’s Services to ascertain any welfare or safeguarding concerns.
- 5.8 The database for children/young people receiving Elective Home Education will have a ‘flagging’ system to show there are, or have been, safeguarding concerns, this will included where these are known from the Social Care database.
- 5.9 Parents/carers may choose to employ or engage other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those whom they engage are suitable to have access to children/young people. Parents/carers will therefore wish to satisfy themselves by taking up appropriate references and the Local Authority would strongly recommend they do so. If parents/carers choose to employ or engage other people in relation to elective home education they should ask to see the Disclosure and Barring Service Certificate and other relevant documents.

## **6. Children/young people moving to another local education authority area**

The Elective Home Education Team will advise other local authorities as appropriate about home-educated children/young people who move across local authority boundaries.

## **7. Point of transfer**

At point of transfer to the next stage of education, a letter will be sent from School Admissions to the parents/carers notifying them of the closing dates should they wish to apply for a place in a school if the child/young person is known to the Local Authority.

## **8. Complaints Procedure**

If the parent/carer wishes to express any dissatisfaction, they should firstly discuss the matter with a member of staff from the EHE Team (Either the EHE Contact or one of the Education Welfare Service). If this does not resolve the issue, they should follow West Berkshire Council complaints procedures.

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