

# **ELECTIVE HOME EDUCATION POLICY**

## **Linked Policies**

Children Missing Education Policy

DfE Working together to Safeguard Children

DfE Schools Admissions Code

Bury's Vulnerable Pupil Multi-Agency Group

Bury's Education Access Board

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## Introduction

Throughout this document, 'parents' should be taken to include all those with parental responsibility, as defined in law and may include guardians and legal carers.

Elective home education is the term used when a parent(s) choose to provide education for their child(ren) at home instead of sending them to school. It is acknowledged that elective home education is a parental choice and that there are many approaches to educational provision and what is suitable for one child may not be for another.

This policy sets out the respective legal responsibilities of the parent(s) and the local authority in relation to elective home education. It recognises the importance of developing mutual trust and respect between the Local Authority and the home educating parent(s), working together in order to ensure the best outcomes for each child.

## Reasons for Elective Home Education

Parent(s) may choose elective home education for a variety of reasons and the Local Authority acknowledge that elective home education is a parental choice.

The following reasons for parents/carers electing to home-educating are common, but by no means exhaustive:

- Distance or access to the preferred school
- Religious or cultural beliefs
- Philosophical or ideological views
- Dissatisfaction with the system
- Bullying
- As a short term intervention for a particular reason
- A child's unwillingness or inability to go to school
- Special Educational Needs
- Parent(s)' desire for a closer relationship with their child(ren)

## Parents that are undecided

For any parent(s) considering elective home education and are still unsure as to whether or not they are making the right decision for themselves and the child, they are advised to contact the Elective Home Education Team on telephone (0161 253 6972). The EHE officer will arrange to discuss the options available.

## ***Parental Rights and Responsibilities – What does the law say?***

Parent(s) of children not on the roll of any school are required by law to ensure that their children receive an efficient fulltime education suitable to their age, ability, aptitude and to any special educational needs they may have.

An **'efficient'** and **'suitable'** education is not defined in the Education Act 1996 but **'efficient'** has been broadly described as an education that **'achieves that which it sets out to achieve'** and a **'suitable'** education is one that **'primarily equips a child for life within the community of which he/she is a member, rather than the way of life in the country 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*<sup>1</sup>. It is therefore recognised that there are many approaches to educational provision and what is suitable for one child may not be for another.

Parent(s) may decide to exercise their right to home educate their child(ren) from a very early age and so the child(ren) may not have been previously enrolled at school. They may also elect to home educate at any other stage.

Parent(s) who have elected to home educate their child(ren) who are currently on the roll of a maintained school, Academy or an independent school **must** write to the Head teacher of their child's school informing them of their decision. Schools & Academies also have responsibilities to follow before any child is removed from the school roll; these are covered in section 6.

## Financial Support for Elective Home Education

Parent(s) who choose to educate their children at home must also be prepared to:

- Assume full financial responsibility for that education, including the cost of any public examinations.

There are a number of sources of advice and practical assistance available to such parent(s) and the Local Authority would always hope to work in the best interest of the child(ren).

Even though the Local Authority does not receive specific funding to support children whose parents/guardians have elected to home educate, the Local Authority will provide written information on elective home education that is clear and accurate and which sets out the legal position.

Children that are electively educated at home may take advantage of the universal support offered to all; such as access to libraries and free, or discounted admission into community programmes.

The Local Authority will also consider offering the following additional support:

- Information of how Parents/Carers can have access to examination centres
- Home visits by the EHE consultant teacher & local authority officer(s)
- Invitations to the 'Coffee Sessions' to meet with Local Authority officers, talk to other services for advice and information and to get the opportunity to meet and talk with other home educators. The coffee sessions run once a year and other services are invited to attend such as:
  - **NHS**
  - **Sporting Activities / Clubs**
  - **Local Museums**
  - **Library Service**
  - **Connexions**
  - **Bury College**
  - **Fire Service**
  - **Guest Speakers**

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<sup>1</sup> Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (12 April 1985)

## **School Responsibility**

Removing a child from a school roll is covered by Regulation 8(1)(d) of The Education (Pupil Registration) (England) Regulations 2006. Parent(s) who elect to home-educate their child(ren) who is/are registered at a maintained school, Academy or an independent school must inform the school formally and in writing of their intention to withdraw their child(ren) from the school and to educate at home. The school must delete the child(ren)'s name from their admissions register upon receipt of written notification from the parent(s) and make a return (giving the child(ren)'s name, address and the grounds for the deletion) to the Local Authority within 10 school days of the pupil's removal from the register. They should also copy parent(s) into the notice to the local authority.

The only exception to this is where the child is attending a special school under arrangements made by the local authority, in which case additional permission is required from the local authority before the child's name can be removed from the register (under Regulation 8 (2) of the Education (Pupil Registration) (England) Regulations 2006).

Schools must also not seek to persuade parent(s) to educate their child(ren) at home as a way of avoiding an exclusion or because the child has a poor attendance record.

## **Local Authority Responsibilities**

Under Section 436A of the Education Act 1996 (inserted by the Education and Inspections Act 2006) local authorities have a statutory duty to make robust arrangements to enable them to establish the identities, of all the children in their area who are not receiving a suitable education, so far as it is possible to do so. The duty applies in relation to children of compulsory school age who are not registered pupils at a school and who are not receiving a suitable education otherwise than at a school. This does not, therefore include those children who are being suitably educated e.g. at home, privately or in alternative education.

Where parent(s) have notified the Local Authority, or the Local Authority is otherwise made aware of a child's withdrawal from school with the intention of being home educated, the Local Authority will acknowledge receipt of this notification and the name, date of birth and address of the child will be entered on the Elective Home Education database. The database will be monitored by the EHE Team.

Parent(s) will be asked to agree to the Local Authority's proposed arrangements which may include home visits or visits in other venues such as Children's centres or libraries. The purpose of these home visits will be to give parent(s) an opportunity to discuss their children's educational arrangements and help them provide an efficient and suitable education that meets the best interests of each child. The local authority's aim is to develop effective, positive relationships with home educators. Contact with parent(s) will be robust but respectful, and carried out by a range of Local Authority officers who will receive training on the law and home education methods. Information following the visits will be retained by the 'EHE' Team.

Parent(s) who do not wish to meet with local authority staff will receive correspondence on an annual basis. Local authorities have a duty to identify children not receiving a

suitable education and to intervene. As part of this, the DfE recommends that authorities should contact people home educating on at least an annual basis, so they are aware of the suitability of the education being provided.

## **Schedule of Local Authority Correspondence**

The schedule for correspondence will normally consist of visits made one or two times a year by different Local Authority Officers. At least one visit will be made by the EHE Teacher consultant or the Traveller Education Inclusion Officer (education focus). For those pupils with an assessed Special Educational Need then a member of the LA's Assessment and review team will be the lead agency in terms of correspondence and communication. There are also visits arranged by Education Welfare Officers 'EWOs' (safeguarding focus) – the number of these visits is dependent upon whether or not there are any concerns or vulnerabilities identified. (See section 9).

1. The EHE Officer is responsible for managing the schedule of correspondence and advising relevant staff of the date by which a visit should be completed and the date by which the report of that visit should be returned.
2. Details of all visits/contacts made will be updated on the database.
3. Copies of all reports of visits will be saved in the pupil file in line with guidelines around retention schedules.
4. The officer visiting the parents will write to the parents within 3 weeks of each visit to advise of the outcome of the visit, normally a copy of the completed visit pro forma and/or a letter saying;  
  
either that; the LA is satisfied with the education that they are providing; or describing possible actions that the parents should take to improve the education of the child; or  
  
that the LA has concerns about the education, outlined in the letter, and that a further visit will be made within 4 weeks of the date of issue of the letter.
5. Visits made by EWOs are recorded and reported. Any concerns are raised with the Education Safeguarding Officer and Local Safeguarding procedures will be followed.

## **Information Sharing & Cause for Concern**

All elective home education notifications received from education establishments in Bury are shared with Bury Multi-Agency and Safeguarding Hub (MASH). MASH aims to ensure the highest level of communication, understanding and analysis of safeguarding intelligence and information within the organisations responsible for keeping children safe.

For any children receiving elective home education where the local authority has cause for concern, the Local Authority will follow the agreed safeguarding procedures which can be found on the local safeguarding board website (<https://burysafeguardingpartnership.bury.gov.uk> ).

The Local Authority will allow sufficient time for parent(s) to implement proposals in order to demonstrate all the characteristics of providing the child with an 'efficient and suitable'

education. Where this is the case, a reasonable timescale will be agreed **in discussion with relevant professionals** to give the parent(s) an opportunity to address any specific concerns and submit their revised proposals **which may or may not be deemed appropriate**.

Where it is felt that the education being provided is still judged to be unsatisfactory, the child's name will be added to the **Children Missing Education** list. Initial enquiries will be initiated from this section of the Local Authority. Through correspondence, telephone calls and home visits with the parents / carers via the Children Missing Education Officer the Local Authority will begin the process of serving a **School Attendance Order** where no suitable education is being provided. This will begin with a letter to the parents advising that this course of action is to begin and offering further opportunities to address the issues identified.

As part of the process, parents/carers will be informed that information regarding their child(ren) being electively home educated will be shared with the School Health Team and Connexions for Careers Advice (age appropriate) who will then make contact to discuss support for your child whilst being educated at home. Parents can opt out if they do not want the involvement of these services. Further information regarding this process is made clear in the initial letter to parents/carers from the Local Authority.

Parents are not legally required to give the Council routine access to their home to monitor the quality of elective home education. They may, for example, choose to meet a Council representative at a mutually convenient and neutral location instead, or may choose not to meet at all. However, local authorities have general duties to make arrangements to safeguard and promote the welfare of children, and these powers allow local authority officers to insist on seeing children in order to enquire about their welfare where there are grounds for concern. However, these powers do not bestow an ability to question electively home-educated children in order to establish the suitability of the education they are receiving.

## ***Ensuring Suitable Educational Provision***

When the Local Authority chooses to approach a family and ask for information, parent(s) can demonstrate suitability of education and in a number of ways. It may be in any form **sufficient enough to convince a reasonable person** of its appropriateness for the child's age, aptitude and ability. Parent(s) might, for example:

- write a report
- provide samples of work
- invite the EHEO (Elective Home Education Officer) to their home
- meet the EHEO (Elective Home Education Officer) elsewhere
- have the educational provision endorsed by a recognised third party
- demonstrate suitability in any other appropriate form.

Home-educating parent(s) are not required to:

- teach the National Curriculum
- have a timetable
- have premises equipped to any particular standard

- mark work done by their child(ren)
- set hours during which education will take place
- have any specific qualifications
- cover the same syllabus as any school
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- reproduce school type peer group socialisation
- match school, age-specific standards.

When considering parent(s)' provision of education at home, the Council may reasonably expect the provision to include the following characteristics:

- consistent involvement of parent(s) or other significant carers – it is expected that parent(s) or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education
- presence of a philosophy or ethos (not necessarily a recognised philosophy) – it is anticipated that the parent(s) have thought through their reasons for home educating
- showing signs of commitment and enthusiasm, and recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences
- involvement in activities – a broad spectrum of activities to cater for wide varieties of interests appropriate to the child's stage of development
- access to resources/materials required to meet the objectives of the parent(s) – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.

### School Attendance Order (SAO)

If, on considering the educational provision, one or more of the above characteristics appear to be lacking, the Council may choose to further investigate whether or not an efficient and suitable education is being provided. Usually a full written report on the findings will be made and copied to the parent(s) promptly, specifying the grounds for concern and any reasons for concluding that this educational provision is unsuitable. If the Council is not satisfied that efficient education is being provided, and the parent(s), having been given a reasonable opportunity to improve their provision and report back to the Council, have not done so, or where access to the home is refused for such pupils, the Council has the power to institute formal attendance procedures in accordance with the provisions of Section 437 of the Education Act 1996.

Under Section 437(1) of the Education Act 1996, Councils must intervene if they have good reason to believe that parent(s) are not providing a suitable education. This section states that:

***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(s) requiring him to satisfy them within the period specified in the notice that the child is receiving such education.***



Section 437(2) of the Act provides that the notification 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 refers to 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.*

The Council will only take action under s437 as a last resort after other reasonable avenues have been explored to bring about a resolution of the situation. At any stage following the issue of the Order, parent(s) may present evidence to the Council (or the Court) that they are now providing an appropriate education and apply to have the Order revoked.

The Local Authority needs to have an understanding of and be sensitive to the distinct ethos and cultural needs of all communities. In order to improve the educational outcomes for all children, it is important that families who are electively home educating are treated in the same way as any other families, i.e. the duty on Local Authorities to ensure that children residing in their areas are provided with suitable education applies equally to all.

### **Education Supervision Order (ESO)**

The Council will need to decide how best to determine whether the education provided is 'suitable and efficient' for the children in question. Where the education is deemed not to be of a suitable or efficient nature, the Council, after considering the ethos and cultural needs of the relevant community, may decide that it is more appropriate to pursue the alternative route of making an application in the Family Proceedings Court for an Education Supervision Order (ESO) rather than serving a School Attendance Order (SAO).

An ESO would initially last one year, but on application could potentially be extended for up to three years and would require the Court appointed supervising officer (which could be an education welfare officer) to advise, assist, befriend and give directions to both the child(ren) and the parent(s), in such a way as to secure that the child is properly educated. Where an ESO is in force with respect to a child, the duties of the child's parent(s) under section 7 and 444 of the Education Act 1996 (duties to secure education of children and to secure regular attendance of registered pupils) are superseded by their duty to comply with any directions in force under the ESO.

Before any legal action is considered, the advice of the Inclusion lead officer and solicitors in the Council's Legal team will be sought and a formal planning meeting convened with professional representation from Children's Social Care, where consideration is given to the 'Welfare Checklist' set out in Section 1(3) of the Children Act 1989.

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 the functions conferred upon them in their capacity as a local authority are exercised with a view to safeguarding and promoting the welfare of children.***

## Children and young people with SEN educated at home

Under section 7 of the Education Act 1996 parent(s) have the right to educate children, including children with Special Educational Needs (SEN) at home.

Where a child already has a Education, Health and Care (EHC) plan, the Local Authority must continue to maintain the statement and manage the review process. The EHC Assessment and Review team will appoint an assessment and review officer (ARO) to take the responsibility for oversight of elective home education.

Parent(s) of children who are home educated have the right to request an Education, Health and Care (EHC) needs assessment. Parent(s) are advised to discuss this with an SEN Officer from the SEN Team in the first instance. Contact details for all these services can be found on the Family Service Directory at [www.bury.gov.uk/localoffer](http://www.bury.gov.uk/localoffer)

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.

The special educational provision may be provided through the allocation of a personal budget. A personal budget may be made in one of four ways, namely,

1. as a direct payment
2. the Local Authority commissions the support on the parent's behalf
3. through a third party managed arrangement
4. a combination of 1, 2 and 3.

More information on personal budgets can be found on Bury's Local Offer at [www.bury.gov.uk/localoffer](http://www.bury.gov.uk/localoffer)

Parents can obtain free, confidential, impartial advice and support from **Family Action - SENDIASS** (Special Education Needs and Disability Information, Advice and Support Service)

They offer information, advice and support in relation to SEN and disability for children & young People up to the age of 25.

Telephone: 01706 769 634

Email: [bury.sendiass@barnados.org.uk](mailto:bury.sendiass@barnados.org.uk)

## **Flexi-schooling**

Flexi-schooling is an arrangement between parent(s) and a school where a child is registered at the school but only attends part-time; for the rest of the time the child is home educated and is the responsibility of the parent(s). This could be a long term arrangement or short term measure to help address a particular issue.

Flexi-schooling is a current legal option providing the Head teacher at the school concerned agrees to the arrangement. The child will be required to follow the National Curriculum whilst at school but not when they are being home educated. Flexi pupils should normally be marked as an authorised absence from school - code 'C' during the periods when they are receiving home education, unless the school is directly responsible for supervising the off-site education and can ensure the safety and welfare of the pupil during the off-site activity, in which case the national attendance code 'B' can be used to record them as present for the relevant session.

## **Children of GRT (Gypsy, Roma, Traveller) families**

Children of traveller families have the same rights to education as do children in settled families. The correspondence with the families is the responsibility of the Traveller Education Inclusion Officer who will;

- Offer one-two visits per year (education focus),
- complete and update database of correspondence.
- respond to concerns as set out in 3 above.

## **Post 16 – Elective Home Education & Raising Participation**

The Education and Skills Act 2008 increased the minimum age at which young people in England can leave learning, requiring them to continue in education or training until their 18<sup>th</sup> birthday.

Raising the Participation Age (RPA) does not mean young people need to stay on in school. It means that young people can choose one of the following options:

- Full time education, such as School Sixth Form, Sixth Form College or a Further Education College;
- An Apprenticeship or other work based learning;
- Part time education or training if employed, self-employed or volunteering for more than 20 hours a week.

Bury Council also recognises that parent(s) may choose for their child (aged 16-18) to be electively home educated in accordance with the Raising the Participation Age Statutory Guidance. The Council has a duty to track the participation in education of all young people aged 16-18, so may contact the family in order to confirm this from time to time. For more information on post 16 provision you can contact Connexions who will provide impartial information, advice and guidance to those who choose to be electively home educated, on a range of engagement activities, education and training provision and progression opportunities available within Bury.

Parent(s) and young people requiring this support should contact Connexions on Tel: 0161 253 7615 or email: [connexions@bury.gov.uk](mailto:connexions@bury.gov.uk)

## **Key Stakeholders**

Janet Lloyd, School Attendance, Exclusions and Community Manager, Contact 0161 253 5967

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