

SHROPSHIRE COUNCIL

ELECTIVE HOME EDUCATION POLICY AND PROCEDURES

2016

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Section 1

Introduction

- 1.1 All children of compulsory school age have a right to an education, however, this doesn't have to take place in school.
- 1.2 Elective home education (EHE) is the term used by the Department for Education (DfE) when parents¹ decide to provide education for their children at home instead of sending them to school. It is not home tuition provided by a local education authority or where a local education authority provides education otherwise than at a school.
- 1.3 Shropshire Council respects parents' wishes and will routinely accept and support their decision to home educate their children.
- 1.4 The purpose of this document is to set out the current position and to outline the processes and procedures in Shropshire.
- 1.5 These procedures relate to the home education of children of compulsory school age and aim to promote effective partnerships between the local authority and parents to ensure the best outcomes for children.

Reasons for Elective Home Education

- 1.6 Parents may opt for home education for various reasons. The following reasons for home educating are common but by no means exhaustive:
 - Distance or access to a local school
 - Religious or cultural beliefs
 - Philosophical or ideological views
 - Dissatisfaction with the education system
 - As a short term intervention for a particular reason
 - A child's unwillingness or inability to go to school
- 1.7 When a parent offers an account of their dissatisfaction with the public system of education provision, Shropshire Council may use this information as part of its ongoing supervision of specific challenges in certain areas.

¹ Under section 576 of the Education Act 1996, a parent is defined in relation to a child or young person as also including any individual:

(a) who is not a parent of his but who has parental responsibility for him, or
(b) who has care of him.

Section 2

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 (for children aged 5 to 16), 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".

This right is enshrined in English law and parents have a duty to secure an appropriate full-time education for their children. 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".

Education is considered efficient and suitable if it enables a 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 option in later years to adopt some other form of life if he/she chooses to do so.

Full-time does not mean being bound to follow school hours and terms. This measurement of contact time is not relevant to home education where there will often be almost continuous one to one contact.

2.3 Section 9 of the Education Act 1996 provides that:

"In exercising or performing all their respective powers and duties under the Education Acts the Secretary of State, local education authorities and the funding authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure".

2.4 Thus, where a child is educated at home the parental responsibility for children's education, coupled with the local authority's responsibility to make sure that there is adequate provision for education in their area, brings the local authority and parents into a relationship (as discussed in Section 4 of these guidelines).

Section 3

Parental rights and responsibilities

- 3.1 Parents may decide to exercise their right to home educate their child from an early age and so the child may not have been enrolled at school previously. The option to home educate at any other stage up to the end of compulsory school age is also available to all parents.
- 3.2 Where a child has been registered at a mainstream (maintained and independent) school, parents must notify the school in writing that the child is receiving education otherwise than at school and request removal from the school's roll.
- 3.3 Parents are not required to register or seek approval from their local authority in order to educate their children at home with the following exceptions:
- i. consent to de-register a pupil must be obtained if a child is placed at a special school under arrangements made by the local authority
 - ii. when a child is registered at a school as a result of a school attendance order (SAO), parents must ask the local authority to revoke the order.
- 3.4 The type of educational activity can be varied and flexible. It is recognised that parents who educate their child at home 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.
- 3.5 Parents who choose to educate their children at home must be prepared to assume full financial responsibility. Although there is no obligation for parents to use any specific resource to support home education, costs incurred could include books/resources, employment of tutors, registration for e-learning courses or any other alternative provision and entry to public examinations.

Section 4

Local authority responsibilities

4.1 There are many, varied approaches to providing a suitable education. What may be suitable and successful for one child may not be for another, but Shropshire Council believes that all children should be involved in an effective learning process.

4.2 Under Section 437(1) of the Education Act 1996, the Council can intervene if they have good reason to believe that parents 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 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 period shall not be less than 15 days beginning with the day on which the notice is served”.

4.3 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.

4.4 The local authority sees taking the above measures as a last resort after all reasonable avenues have been explored to bring about a resolution of the situation. The local authority will attempt to gather any relevant information that will assist in reaching a properly informed judgement. This will always include seeking from parents any further information they wish to provide that explains how they are providing a suitable education and giving them the opportunity to address any specific concerns the authority has. Whilst parents are under no obligation to respond to such requests, DfE guidelines comment that “it would be sensible for them to do so”.

4.5 At any stage following the issue of the Order, parents may present evidence to the local authority (or the court) that they are now providing an appropriate education and apply to have the Order revoked.

4.6 The local authority also has 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”.

This will require a multi-agency approach by ensuring that all agencies working with children, young people and families are aware of the local authority’s duty to ensure every child of compulsory school age is receiving a suitable education. However, Section 175(1) does not extend the local authority’s functions themselves, only that in the course of the functions conferred upon them should consideration be given to safeguarding and promoting children’s welfare. Section 175(1) does **not**, for example, give the local authority powers to enter the homes of, or otherwise see, children undertaking elective home education.

4.7 Schools must not seek to persuade parents or influence their decision to educate their child at home as a way of avoiding exclusion, because the child has poor attendance, challenging behaviour, or is unlikely to achieve academic success. In the case of exclusion, statutory guidance must be followed. If the child 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.

Section 5

Procedures

Overview

5.1 The local authority will have a named officer with responsibility for elective home education.

5.2 Guidance for parents and carers and their families will be provided by the Children Services Directorate.

5.3 Training and regular updates will be provided for those Education Officers who work with home educated children and their families.

De-registration from School

5.5 De-registration of a child from a school is covered by section 9(1) (c) of the Education (Pupil Registration) Regulations 1995.

Parents who wish to home educate their child who is registered at a maintained school or an independent school must inform the school formally and in writing of their intention to de-register.

The school shall delete the child's name from their register upon receipt of written notification from the parents, guardians or legal carer, and make a return (giving the child's name and address) to the local authority within 10 school days of removal.

- 5.6 Shropshire Council recognises that home educating parents are under no legal duty to register their details with the local authority. However, by doing so parents assist the local authority in knowing that all children in Shropshire are receiving the education that they are entitled to. Parents who elect to home educate are therefore requested to contact the local authority either by telephone, email or letter:-

educationaccessservice@shropshire.gov.uk

Education Access Service

The Shirehall

Abbey Foregate

Shrewsbury

SY2 6ND

Tel: 01743 254397

- 5.7 Parents are not legally required to inform anyone of their intention to home educate if their child:

- Has never attended a maintained school
- Has never attended a maintained school in Shropshire
- Is being withdrawn from an independent school
- Has finished primary education in one school but has not started secondary education in another school, or the school the child has been attending has closed (and no arrangement has been made to find an alternative school).

Withdrawing the child

- 5.8 When the local authority is notified that a child is to be withdrawn from school, it will acknowledge the receipt of this notification and offer an early supportive visit to the family to provide information, talk through what the requirements are and address any questions or concerns parents and children may have.

- 5.9 The local authority will consider quickly whether there is any existing evidence, either in an authority's own records or from other services or agencies, indicating whether there may be cause for concern over the withdrawal. The local authority would also wish to consider any views expressed by the child. Previous irregular attendance at school is not of itself a sufficient cause for concern. In some cases, parents and their children have reached a crisis point, for example, with bullying. In these

circumstances, it is strongly recommended that parents seek advice and support from Education Access Services if they hold any doubts about the decision.

Specific instances where there may be concerns include:

- where a child has been referred to Children’s Services or the police for child protection reasons, and the matter is being investigated
- where a child is subject to a Child Protection Plan
- where the child is the subject of a Supervision Order
- where there is a history of condoned absence, unmanaged truancy or other on-going, low level concerns that may lead to child protection procedures.

Otherwise, the local authority should assume that efficient educational provision is taking place, which is suitable for the child, unless there is evidence to the contrary. There is no express requirement in the 1996 Act for the local authority to investigate actively whether parents are complying with their duties under Section 7.

Providing an “efficient and suitable” full-time education

- 5.10 The local authority is required to ensure that children in their LA area are receiving an education suitable to their needs.
- 5.11 The frequency with which the local authority will wish to contact parents to discuss their ongoing home education provision will vary depending on the individual circumstances of each family.
- 5.12 Ordinarily contact will be made on an annual basis to offer a meeting in the home with the EHE Consultant or to request a written report. Parents are not legally required to give access to their home or for their child to be present. They may, for example, choose to meet the LA representative at a mutually convenient and neutral location instead, or may choose not to meet at all.
- 5.13 If the local authority chooses to approach a family and ask for information, parents can provide evidence that a child is receiving an efficient and suitable education in a number of ways. It may be presented in any form *sufficient enough to convince a reasonable person* of its appropriateness for the child’s age, aptitude and ability. Parents might, for example:
- write a report
 - provide samples of work
 - invite the EHE Consultant/LA representative to their home, with or without the child being present
 - meet the EHE Consultant/LA representative elsewhere, with or without the child
 - have the educational provision endorsed by a recognised third party

- provide evidence in any other appropriate form.
- 5.14 In their consideration of parents' provision of education at home, the local authority may reasonably expect the provision to include the following characteristics:
- consistent involvement of parents or other significant carers – it is expected that parents 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 parents 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 parents – 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.
- 5.15 Following a visit, meeting or on receipt of a written report, the local authority will provide a report to parents stating whether or not there are any concerns about the education provision. Where there are concerns about the efficiency or suitability of the education being provided for the child, more frequent contact may be required. Where concerns merit frequent contact, the local authority will discuss these concerns with the child's parents, with a view to helping them improve their provision in the best interests of the child.
- 5.16 If, on further considering the educational provision, one or more of the above characteristics detailed in 5.11 appear to be lacking, the local authority may choose to further investigate whether or not an efficient and suitable education is, in fact, being provided. A full written report on the findings will be made and copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable. If the local authority is not satisfied that efficient education is being provided, and the parents, having been given a reasonable opportunity to improve their provision and report back to the education authority, have not done so, consideration should be given to instituting formal attendance procedures in accordance with the provisions of Section 437 of the Education Act 1996.

School Attendance Orders (SAO)

- 5.17 A School Attendance Order continues to be in force for as long as the child is of compulsory school age. In exceptional circumstances, the case may be taken to the Family Proceedings Court instead of the Magistrates' Court where an application can be made for an Education Supervision Order (ESO - under Section 36(5) a of the Children Act 1989). Where an ESO is in force with respect to a child, the duties of the child's parents 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.
- 5.18 However, parents' wishes to educate their children at home should be respected and, wherever possible, efforts should be made to resolve issues about provision by a process of ongoing dialogue before Section 437(3) is invoked as a last resort. Only in cases, where the education is clearly not efficient and suited to the age, ability and aptitude of the child, or parents have failed to demonstrate that it is, should a SAO be served.

Section 6

Children with Special Educational Needs (SEN)

In September 2014, Statements of Special Educational Needs were replaced by Education, Health and Care Plans (EHCP). References to EHCPs in this document can be taken to have previously applied to 'Statements'.

- 6.1 Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). Some children with special educational needs have an EHCP but others do not.
- 6.2 Where parents elect to home educate a child with a plan who is registered at a mainstream school the child will be removed from roll on receipt of written notification from the parent. Local authority approval is not required irrespective of whether or not the child has an EHCP unless he/she is registered at a special school under local authority arrangements.
- 6.3 Where a child has an EHCP and is home educated, the local authority remains responsible for ensuring that the child's needs are met and have a duty to maintain the child's plan and to review it annually following procedures set out in the 2015 SEN Code of Practice.
- 6.4 Local authority SEN case managers will organise an (interim) annual review to be held within four weeks of receipt of notification that a child in receipt of an EHCP is to be home educated. Parents will always be invited to attend and fully participate in the review in their role as lead educators of their child.
- 6.5 In some circumstances, the child's special educational needs identified in the EHCP will have been related to a school setting and the child's needs may be readily met at home without local authority supervision. Once this is

established, it may be appropriate to consider ceasing to maintain the EHCP. This may be done at the annual review or at any other time.

- 6.6 If the parents' arrangements are suitable, the local authority is relieved of its duty to arrange the provision specified in the statement. If, however, the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making 'suitable arrangements' and the local authority could not conclude that they were absolved of their responsibility to arrange the provision in the statement.
- 6.7 A parent who is educating their child at home may ask the local authority to carry out a statutory assessment of their child's special educational needs and the LA must consider the request within the same statutory timescales and in the same way as for all other requests. The views of the designated medical officer for SEN should be sought by the local authority where a child with an EHCP is educated at home because of difficulties related to health needs or a disability.

Section 7

Safeguarding

- 7.1 The welfare and protection of all children, both those who attend school and those who are educated by other means, are of paramount concern and the collective responsibility of the whole community. As with school educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to the appropriate authorities using established protocols.
- 7.2 Local authorities have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children:
- “A local education 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.”*
- 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.
- 7.3 Parents may choose to employ 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 persons to have access to children. Parents will therefore wish to satisfy themselves by taking up appropriate references and/or by requesting a potential tutor to consent to a DBS check and are strongly recommended to do so.

Section 8

Review and development

- 8.1 Shropshire Council will review its procedures and practices in relation to home education on a regular basis to see if improvements can be made to further develop relationships with parents and children in order to meet their needs. Home education organisations and home educating parents may be involved in this process of review.
- 8.2 The Education Access Service will, as required, deliver training and updates to local authority officers and other relevant services and agencies on matters relating to home education.

Section 9

Contacts

- 9.1 Responsibility for elective home education sits within Learning and Skills and is managed by the Education Access Service Manager. The elective home education Consultant's role is to liaise closely with parents regarding their child's education. They are DBS checked and undertake specific and relevant training as required.

Education Access Service
The Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

01743 254397

www.shropshire.gov.uk

educationaccessservice@shropshire.gov.uk

- 9.2 Other useful contacts
(Please note that Shropshire Council does not endorse or carry any responsibility for the content or quality of materials or resources from the private organisations or websites listed here. These are only a sample of available resources. It is for parents to judge the suitability and quality of content.)

Department for Education
Shropshire Council SEN Team

www.education.gov.uk
SENTeam@shropshire.gov.uk
Tel: 01743 244

Education Otherwise
Ed Yourself
Home Education Advisory Service
Free Range Education
North Star UK

www.education-otherwise.net
www.edyourselves.org
www.heas.org.uk/
www.free-range-education.org.uk
www.northstarworldwide.org

Christian Home Education
Muddle Puddle
Gypsy Roma Traveller families:
Friends, Families and Travellers

www.homeschool.co.uk
www.muddlepuddle.co.uk

www.gypsy-traveller.org
Tel: 01273 234777

The Travellers' School Charitable Trust
The National Association
of Traveller Teachers
IASS (provides support to parents of
children with SEN)
Potential Plus UK (Gifted and Talented)

www.travellersschool.plus.com
www.natt.org.uk/
Tel: 01726 771322
www.iassnetwork.org.uk
www.nagcbrtain.org.uk
Tel: 01908 646433

Examination boards

AQA

Stag Hill House, Guildford, Surrey, GU2 7XJ
Tel: 0844 2096614
www.aqa.org.uk

EDEXCEL

Regional Office
Cribbs Business Centre, Hollywood Lane,
Cribbs Causeway, Bristol, BS10 7TW
Tel: 0845 6180440
www.edexcel.org.uk

OCR

1 Regent Street, Cambridge, CB2 1GC
Tel: 01223 553998
02476 851509 – for vocational qualifications
www.ocr.org.uk

Welsh Joint Education Committee – WJEC and CBAC

WJEC, 245 Western Avenue, Cardiff, CF5 2YX
Tel: 02920 02651000
www.wjec.co.uk