

Elective Home Education Policy 2018



1.0 Introduction

1.1 It is the responsibility of every parent to ensure their child receives an education that is appropriate for their age, ability and aptitude and any special educational needs that child may have. The majority of parents do this by sending their children to school. Education is an absolute right for every child and Stoke on Trent City Council recognise that parents have the right to choose rather than send their children to school. Parents may elect to home educate for a variety of reasons. Those reasons may be based on cultural, philosophical or religious beliefs. It may be a short term intervention to meet particular needs or a desire to build a closer relationship with their child. Whatever the reasons for choosing to home educate, the local authority seeks to work with parents in a positive and supportive manner

1.2 Elective home education is the term used to describe a parent's decision to provide education for their child at home rather than sending him to school. This is different to home tuition provided by a Local Authority or education provided by a local authority other than at a school.

1.3 The purpose of this policy statement is to identify the legal position of Stoke-on-Trent City Council in relation to Elective Home Education and outline the procedures in place for working with families who choose to home educate. It draws heavily on the DfE guidance for Elective Home Education and work with other local authorities.

2.0 The Law

2.1 The law in England states that education is compulsory but education at a school is not. Children of statutory school age must receive an education and parents are responsible for ensuring that they do.

Article 2 of Protocol 1 of the European Convention of Human Rights states;

"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."

2.2 In fulfilling their duty of securing an appropriate education some parents may exercise their right to home educate.

Section 7 of the Education Act 1996 states: *"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 The Education Act 1996 does not define what an "efficient" and "suitable" is but in the case of Mr justice Woolf R v secretary of State for Education and Science ex parte Talmud Torah Machzikei Hadass School Trust (1985) an "efficient" education is broadly described as one that *"achieves that which it sets out to achieve"*, and a "suitable" education as one that *"primarily equips a child for life within the community of which he 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"*.

2.4 There is no legal definition of “full-time” however the Department for Education has advised that their interpretation of “full-time” is that anything less than 20 hours per week is not full-time. Generally, “full-time” refers to a measure of contact time in a school based learning environment. Home education does not have to be organised as a ‘school day’ and so learning may be flexible and outside of normal ‘school hours’ where there is almost continuous one-to-one contact.

2.5 The local authority acknowledges that education can take a variety of forms and has to reflect the abilities, interests and learning styles of the child. What fits one child may not fit another.

3.0 Parental Rights and Responsibilities

3.1 Parents who elect to home educate their child may do so from an early age and as such the child may never have been enrolled at a school. Parents may also elect to home educate at any time during compulsory school age.

3.2 Where a child is already registered at a school parents are required to notify the school. Parents must write to the school to inform them of their decision to home educate and to request they remove the child’s name from the Admissions Register

3.3 Parents are not required to register or seek approval from the local authority unless the child is currently registered at a Special School. Additional permission must be sought from the local authority before a child’s name can be removed from the Admissions Register at a Special School.

3.4 If 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 before they can elect to home educate their child.

3.5 Parents must be prepared to assume full financial responsibility for home educating their child, including bearing the cost of any public examinations. However, parents may be able to access the funding stated at 3.6 below, if available.

3.6 Under arrangements made from September 2013 funding has been allocated from Government for home educated learners aged 14-16 to access college provision, however these arrangements are not guaranteed and may be subject to change at any time.

4.0 Local Authority - Responsibilities and Procedures

4.1 Stoke on Trent City Council acknowledge that there is no statutory duty to monitor the quality of home education on a routine basis and that there are many equally valid approaches to providing a suitable and efficient educational provision. When the local authority first becomes aware of parents electing to home educate initial contact will be made in order to establish what educational provision is being made and to offer guidance and support.

4.2 The local authority recognises that parents may require additional advice and support from time to time therefore the Elective Home Education Service would seek to ensure

children have access to services and agencies that would otherwise be accessed through school.

4.3 Some parents may welcome the opportunity to discuss the provision they are making during a home visit or meeting at a mutually convenient venue. Should parents choose not to meet with a local authority representative they could provide information by alternative means. They could write a brief report, provide examples of work or have their educational provision endorsed by a third party, such as an independent private tutor. When contact is made with home educating families it will be to request up to date information to help us establish that their child is not missing education, provide any advice and confirm educational provision remains suitable. Whilst parents are under no obligation to comply with these requests the Department for Education guidance refers to the legal case *Phillips v's Brown* (1980)ⁱ which states that; 'it would be sensible to do so'.

4.4 The local authority recognises that there may be a period of adjustment before finding the preferred style of learning and educational provision may change over time. The local authority acknowledge that there may be issues that arise or challenges throughout the educational journey therefore the Elective Home Education Service seeks to establish positive and constructive dialogue with families in order to provide support and guidance. Should a child who is electively home educated move to another known local authority the receiving LA will be notified.

4.5 Local authorities will consider a parent's provision of education at home and would reasonably expect that such provision had the following characteristics:-

- Parents and/or other significant carers are consistently involved in educating the child. There is an expectation that parents and/or significant carers would play a substantial role in providing education although not necessarily constantly or actively involved all the time.
- Recognition of the needs, attitudes and aspirations of the child.
- Learning experiences to have the effect of stimulating the child
- Accessibility of resources and materials required to provide home education. For example stationery, books, libraries, arts and crafts materials, physical activity, ICT and also, the opportunity to interact with other children and other adults as part of the learning environment.

4.6 If at anytime it appears that a child is not receiving a suitable education, the local authority will make informal enquiries and seek to gather any relevant information that will assist in reaching a properly informed judgement. This would include requesting from parents any further information that they wish to provide which explains how they are providing a suitable education. Parents will be given the opportunity to address any specific concerns that the authority has. The child will also be given the opportunity, but not required, to attend any meeting that may be arranged or invited to express his or her views in some other way.

4.7 If the local authority concludes that, even though a parent has been given a reasonable opportunity to address their concerns and report back to the local authority the parent has not done so then it will consider serving a formal notice upon the parent under Section 437(1) of the Education Act 1996. This section enables a local authority to intervene if it appears the parent is not providing a suitable education. It states:-

"If it appears to a local education 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 specified in the notice shall not be less than 15 days beginning with the day on which the notice is served.

Section 437(3) 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 education 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."

4.8 The local authority would consider this action as a last resort and work to take whatever steps to find a reasonable solution to any such issues before it resulted in an application for a School Attendance Order. Parents can present evidence to the local authority at any stage, after it has served a School Attendance Order upon a parent, to show that they are providing a suitable and efficient education and can apply for a revocation of the School Attendance Order. If the local authority refuses to revoke the School Attendance Order then the parent can refer the matter to the Secretary of State. Should a local authority prosecute a parent for non-compliance with a School Attendance Order then it will be the decision of the Magistrates' Court as to whether they consider the education provided by the parent is suitable and efficient. If the Court is satisfied the parent is fulfilling their duty then the Court can revoke the School Attendance Order. Revocation can also occur where the local authority imposes an Education Supervision Order upon a parent.

5.0 Children with Special Educational Needs (SEN)

5.1 The right to electively home educate applies equally to a child with special educational needs. Home education must be suitable for the child's age, ability, aptitude and SEN. The local authority will endeavour to work in partnership with parents and to seek the views, wishes and feelings of child or young person in this process.

5.2 Where a child has an Education, Health and Care (EHC) plan and they are home educated it remains the duty of the local authority to ensure the child's needs are met.

5.3 Where a child or young person is a registered pupil and the parent decides to home educate, the parent **must** notify the school in writing that the child or young person is receiving education otherwise than at school and the school **must** then remove the pupil's name from the Admission Register.

5.4 If the school is a special school, the local authority's consent must be given before the child's name may be removed. In this situation an interim annual review will be called to review the EHC plan and discuss the provisions that will be made at home to meet the child's needs. The local authority will then consider whether the elective home education is suitable before amending section I of the EHC plan.

5.5 In situations where the EHC plan names a school or type of provision where the child will be educated and parents decide to educate at home, the local authority is under no duty to make special educational provision set out in the plan provided that it is satisfied that the arrangements made by the parents are suitable.

5.6 The local authority will review the EHC plan annually to assure itself that the educational provision set out in it continues to be appropriate and the SEN of the child/ young person continues to be met. Where the local authority decides that the provision is appropriate the plan will be amended to name the type of provision that would be suitable but state that under section 7 of the Education Act parents have made their own arrangements.

5.7 The local authority recognises that the provision set out in schools may not be the same as that provided by parents and this in itself would not make the provision 'unsuitable'. The local authority would seek to work with parents to develop appropriate provision.

5.8 In some cases the local authority may conclude that, even after considering its power to provide support to home educating parents, the provision that is or could be made for a child or young person with an EHC plan does not meet the child or young person's needs. The local authority is required to intervene through the School Attendance Order framework *'if it appears...that a child of compulsory school age is not receiving suitable education'*. The serving of a School Attendance Order is a last resort if all attempts to improve provision are unsuccessful. 'Suitable education' means efficient full time education suitable to the child or young person's age, ability and aptitude and to any SEN he or she may have. Further information and guidance can be found in the Special Educational Needs Code of Practice, 2014 (Section 10.30 – 10.38)

5.9 The local authority remains under a duty to maintain the SEN Statement and review it annually following the procedures set out in the Special Educational Needs Code of Practice even if it is satisfied that a parent is make suitable arrangements for a SEN child.

5.10 Parents who are home educating can request the local authority undertake a statutory assessment or reassessment of their child's special educational needs. This request will be considered in line with statutory timescales and in the same way as all other requests. Where a child with an EHCP is educated at home due to difficulties relating to their health needs or a disability then the views of the designated medical officer for SEN should be sought by the local authority as part of its assessment.

6.0 Withdrawing Children from School

6.1 Parents must inform the school in writing of their intention to provide an education otherwise than at school. The school must then delete the child's name from their Admissions Register. Schools must then make a return to the local authority giving the child's name, address and the grounds upon which their name is to be removed from the school roll. The school should not however wait for written notification before informing the local authority of a parent's decision to home educate their child.

6.2 The local authority will seek to make contact with parents to provide appropriate information and guidance. Parents are not required to inform the local authority directly unless their child is registered at a special school under arrangements made by the local authority. In that instance, additional permission has to be gained from the authority before the child's name can be removed from the Attendance Register.

6.3 If a child is registered at a school as a result of a School Attendance Order a parent must apply for the Order to be revoked by the Local Authority on the ground that arrangements have been made for the child to receive a suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.

6.4 Parents should not be persuaded by a School to educate their child at home as a way of avoiding exclusion or because the child has a poor attendance record. Statutory guidance must always be followed in the case of exclusion from school. . Where a pupil has a poor attendance record, the school and Local Authority must address the issues behind the absenteeism and use the other remedies available to them rather than use home schooling as the way to resolve the absenteeism.

7.0 Safeguarding

7.1 The welfare and protection of all children is paramount and applies equally to children who are registered in schools and those who are home educated. There is a general duty placed upon a Local Authority to safeguard and promote the welfare of children.

Section 175(1) of the Education Act 2002 gives local authorities a duty to safeguard and promote the welfare of children. The 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."

However, Section 175(1) does not apply to the functions of a local authority so it would not give Local Authorities the powers to enter the homes of or otherwise see children for the purpose of monitoring the provision of elective home education by a parent.

7.2 Local authorities have powers to insist on seeing children in order to check their welfare where there are grounds for concern ⁴. However, those powers do not give local authorities the ability to see and question a child who is being home educated in order to establish whether they are receiving a suitable education. ⁴

7.3 The Local authority recognises that the most effective way to promote the welfare of children is to have early intervention support services available to families. Where children and young

people require support the Elective Home Education service may be able to identify services that could assist parents in meeting their child's needs. Such services may include;

- Localities teams
- Special Educational Needs Monitoring and Assessment (SENMAS)
- School Health
- CAMHS
- Careers service

7.4 Parents will need to give consent for the local authority to act in accessing the above services on their behalf. Parental consent will not be required if a child is deemed to be at risk of harm. If an Elective Home Education Officer has any concerns about the safety and welfare of a child then a referral will be made to the 'Advice and Referral Team' in accordance with the wider safeguarding protocols within Stoke-on-Trent City Council.

More information about these procedures can be found on the Safeguarding Board website.

www.safeguardingchildren.stoke.gov.uk

8.0 Reviewing Policy and Procedures

8.1 Stoke on Trent City Council will review procedures for Elective Home Education on a regular basis in accordance with corporate procedures.

9.0 Useful Information

9.1 The Elective Home Education Service can be contacted on

Elective Home Education Service
Learning Services
Civic Centre

Electivehomeeducationservice@stoke.gov.uk
