

Elective Home Education Policy

January 2020

Children and Families

Policy, Procedure and Guidance for Elective Home Education

INTRODUCTION

This document sets out the procedures and guidance to enable Herefordshire Local Authority to fulfil its statutory functions regarding children who are being educated at home under Section 7 of the 1996 Education Act.

Herefordshire's Principles for Elective Home Education (EHE)

We believe that:

- School-based education provides a broad and balanced curriculum that promotes social and physical development, moral and spiritual awareness and equal opportunities.
- As well as educational needs, we will take the personal, health and welfare interests of individual children into account, at all times. The safeguarding of children and young people who are in receipt of EHE is an essential element of the monitoring role of the LA.
- Parents have the legal responsibility for ensuring that their children are properly educated and we respect their right to choose to educate their child, other than at school, according to their philosophical, ideological or religious views and beliefs.
- The decision by parents as to how to educate their child, whether at school or at home, should be an informed, active and positive one. It is important that parents obtain sufficient information when making that decision.
- To assist parents (who educate their child other than at school) in ensuring a suitable education we will promote regular dialogue and partnership work.
 - Educating a child within the home may be a more challenging way in which to provide an efficient and suitable full-time education than at school. Unless it appears to us that suitable provision is not in place for the child, we will support the choice of parents who elect to home educate.

Note: For the purpose of this document the term 'parents' includes anyone who has parental responsibility.

The Law

The legal responsibilities of parents are established in section 7 of the 1996 Education Act which 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”.

Section 437 to 443 of the Education Act 1996 places a duty on the Local Authority to take action if it appears that a child/young person is not receiving a “suitable education”.

“if it appears that the child/young person is not receiving suitable education, either by regular attendance at school, or otherwise...(the local authority) shall serve a notice, in writing, on the parent requiring him to satisfy.... that the child is receiving such education”.

Procedures

1. Parents inform the school, where the child is registered, **in writing**, that they intend to educate their child at home. The school should then immediately inform the Local Authority Elective Home Education Officer (EHEO).
2. Schools should remove the child's name from the school roll upon receipt of the letter from the parent and immediately inform the EHEO. The child's school place should remain 'open' for 10 ten working days whilst the EHEO verifies with parent that they have made an informed choice about educating their child at home.
3. The EHEO will send the parent a copy of Herefordshire's Elective Home Education Guidance as well as the D f E Departmental Guidance for Parents. The EHEO will send a 'Notice to Home Educate' form to the parent for completion. This is a useful basis for initial discussions with the EHEO. Although there is no legal requirement on parents to provide specific documents, it does help the LA to establish, informally, what educational provision is made for the child and how effectively the parents are discharging their Section 7 duty.

Case law (Harrison & Harrison vs. Stephenson, Worcester County Council 1981) defined suitable education as one which enabled the children to achieve their full potential and was such as to prepare the children for life in modern civilised society.

Using this as a basis for assessment, the visit should be seen as supportive of the child and accepting of the parents' rights to educate their child at home.

4. The EHEO will then make contact with the family to arrange an informal meeting to review the arrangements that they are proposing. This meeting will not be more than two weeks from the initial contact. The purpose of the meeting will be to establish:
 - Reasons why the parent has opted to home educate their child
 - What they hope to achieve by home educating their child
 - How they intend to achieve this objective
 - What resources do they have available

5. In consultation with the parent, a subsequent visit will be arranged, for two months after the initial contact visit, to establish the success and progress of the arrangement and to offer on-going support for the family, if requested.
6. The EHEO does not have an automatic right of access to a parent's home; therefore, parents may wish to offer an alternative way of demonstrating that they are providing suitable education. I.e. by showing examples of their child's work, agreeing to a meeting at another venue, providing a detailed report, an educational philosophy, or an assessment by a qualified third party. However, it would be helpful for the Officer to see the child's work at first hand in order to be able to provide advice if necessary.
7. In the course of the functions placed upon LAs by the Education Act 2002, the EHEO will ensure that children/young people's interests are safeguarded and their welfare promoted by them not being at risk of significant harm (see safeguarding section below).
8. Following contact with the parent (this normally follows a meeting or visit); a copy of the visit report will be sent to the parents summarising the matters discussed and any recommendations made.
9. Where the EHEO is satisfied that a parent is complying with his/her Section 7 duty (to demonstrate that education provided is suitable) ideally, the review of educational provision should take place every six months. As a minimum, there will be a 12 monthly review.
10. At the next meeting or visit, information regarding the child's progress will be sought and consideration given to the learning opportunities being offered to the child and where these can possibly be supplemented by advice from the EHEO.
11. If it appears, at subsequent meetings, to the EHEO that a child of compulsory school age is not receiving efficient or suitable full-time education, either by regular attendance at school or otherwise, the officer will explain and then confirm in writing to the parent/carer stating that this is the case. The reasons for the decision will be specified and the parents will have the opportunity to improve their arrangements over 15 days.
12. A date for further contact will be set, at which the EHEO will determine whether the education now reaches the given standard. If there is no evidence of suitable progress a School Attendance Order (SAO) will be issued.
13. **If a child has a statement of special educational needs (or Education, Health and Care Plan from September 2014)**, the parent has the same rights as other families to educate their child at home. However, the Local Authority has to be satisfied that the parent can meet the needs of the child as outlined in the statement.

Prior to de-registration of a pupil from the school, the Head teacher will convene an Annual Review meeting.

The parents, EHEO, the Educational Psychologist (if appropriate) and any other relevant officers, for example the SEN Officer, will be invited to the review meeting.

The purpose of the meeting will be to discuss the needs of the child and the suitable educational provision to meet those needs.

Following de-registration from the school, there will be an initial visit by the EHEO. The visit will focus on the curriculum, teaching strategies and the individual planning in place for the child. It is accepted that plans may not be detailed in the initial phase of home education.

14. If a child with a statement of SEN is being educated at home, (The SEN team will undertake the Annual Review or EHC Plan from Sept. 2014) with an input from the EHEO, each year. As long as the statement/EHC Plan remains, the Local Authority has a legal duty to ensure that the child's needs as set out in the statement are met.

The Annual Review of the statement will be carried out in the place considered most appropriate. The SEN Caseworker will act as Head teacher during the review and the appropriate Educational Psychologist may also be involved.

The review should be carried out by the SEN Team in liaison with the EHEO. The EHEO and SEN Officer should have access to a copy of the statement/EHC Plan and the most recent annual review report and will consider whether the statement/EHC Plan should be maintained or should cease.

If the content of the statement/EHC Plan is not sufficiently detailed to inform this process and further consideration needs to be given to updating it, the SEN Officer will liaise with the EHEO with regard to this. It will be this officer's decision as to whether the statement is updated with advice from appropriate professionals e.g. Educational Psychologist.

Flexi – Schooling Arrangements

Parents can ask a school to consider a 'flexi-schooling' agreement, where the pupil is educated for part of the time in school and part of the time at home.

It is of paramount importance that the child attends regularly on the agreed 'school days' to optimise their access to National Curriculum requirements. This type of arrangement is at the discretion of the Head teacher and the Governing Body. There is no duty on the school to accept this type of arrangement.

There should be a formal written agreement between the school and the parents, which should set out clearly for both parties:

- The days, dates and times when the child is to be in school
- The subjects that the school is providing and the ones that the parent will cover

As the child still remains on roll at the school, statutory regulations apply with regard to attendance. It is essential that the school is satisfied that this type of arrangement meets the needs of the child and the statutory obligations of the school. The responsibility for monitoring the 'non-school' part of the arrangement lies with the school and not with the Local Authority.

If a school agrees to a flexi-schooling arrangement, the portion of time that the pupil spends away from school must be marked as 'authorised absences' under Code 'C'.

Children not known to the Local Authority

As highlighted in recent cases, the risk to children of becoming missed and 'invisible' to schools and other agencies should always be considered. It must be remembered that home

educators might not be registered with the LA. Furthermore, there is no requirement for home educators to do so.

Section 436A of the Education Act 1996 requires:

'local authorities need to make arrangements which will as far as possible enable them to determine whether any children who are not pupils at schools, such as those being educated at home, are receiving suitable education. In order to do this local authorities should make inquiries with parents educating children at home about the educational provision being made for them.'

The Children Missing from Education (CME) register is maintained by the Local Authority. Children who are identified as not attending school, but have not formally entered EHE, are put onto the CME register until such time as it can be ascertained whether a formal letter has been received by the school and the intention of the parent is to educate their child at home. Once this has been established, contact is made by the Elective Home Education Officer and the student name/s will be taken off the CME register and placed on the EHE database.

Safeguarding

It must be acknowledged that most registered home educators withdraw their children from school for legitimate reasons. However, there is the clear potential for children to be withdrawn from public view and placed at risk. Section 175 of the Education Act 2002 places a duty upon local authorities to *'ensure the safety and welfare of children'*.

Should parents refuse to co-operate with reasonable requests for information or access, then, and if the EHEO has concerns about the welfare of the child, the EHO has a duty to make an immediate referral to the multi-agency safeguarding Hub (MASH) in order that an assessment can be made.

Schools are a 'safety net' for identifying and referring children in need and those showing signs of being at risk of significant harm. Therefore, the LA officers working with children educated at home should have knowledge of the Child Protection procedures for the purposes of identifying children at risk and possess the ability to liaise and work together with child protection agencies to this end.

The EHEO is trained to the same level as a Designated Manager for Safeguarding in a school.

Other Agencies – Support and Advice to Parents

Children educated at home and their parents should not be excluded from the help and assistance available from specialist LA services or other relevant agencies. Parents will receive information about services that are normally available through school either via the EHEO or the 'local offer' described on the local authority website. This will include:

- Health – Home educated children can miss routine inoculations, PHSE and other school-based health initiatives, e.g. anti-smoking.
- Safeguarding and Child Protection – E.g. Updates about Online Safety and Child Exploitation
- College Links – The 14-16 year old elective home educated child may be keen to attend college full or part-time. College information is provided by the EHEO.
- Schools – Parents have the right to ask a school to agree to a flexi-schooling arrangement for their child. Flexi-schooling involves the child remaining on the school roll and being educated at home for part of the week or term. However, as responsibility for ensuring the quality of the entire educational provision rests with the school, via the Head teacher, the school has the right to refuse to flexi-schooling arrangements.
- Exams - Parents need to contact Examining Bodies directly for the arrangements to sit exams. Advice can be sought from the EHEO.
- Voluntary Sector – Parents are encouraged to avail themselves with advice and support from independent Home Education organisations: Education Otherwise; and HE-UK.

www.education-otherwise.org
www.home-education.org.uk

Monitoring Arrangements

Records maintained will include the following:

- Review visit reports
- Register of students
- Data analysis of the number of children and young people who are electively educated at home will include the following details:
 - percentage of total population
 - key stage at which child started elective home education
 - the number of new referrals – *by gender*
 - the number of children and young people who have returned to school – *by gender*
 - The prime reason for choosing elective home education
 - the percentage of Statements of SEN of children and young people who are electively educated at home which are reviewed annually
- Parent/carer evaluation of service.

Review arrangements for the Policy:

A review of the policy will take place annually.

Publication arrangements for the Policy:

The policy is available on the Herefordshire Council Website and linked to The Safeguarding Children and Young People in Herefordshire Website. A copy of the ratified policy will also be located in the Children's Social Care Safeguarding procedures through the Tri-X website.

Arrangements can be made for the policy to be translated or made available in a different form to support access arrangements upon request.

Useful Links:-

[School life - GOV.UK](#)

www.c4eo.org.uk/themes/safeguarding (click on publications)

<http://www.education.gov.uk/aboutdfe/statutory/g00224510/children-not-receiving-suitable-education>

A process map/flow diagram, summarising the stages of activity, is attached to assist other agencies with understanding procedures and EHE arrangements.

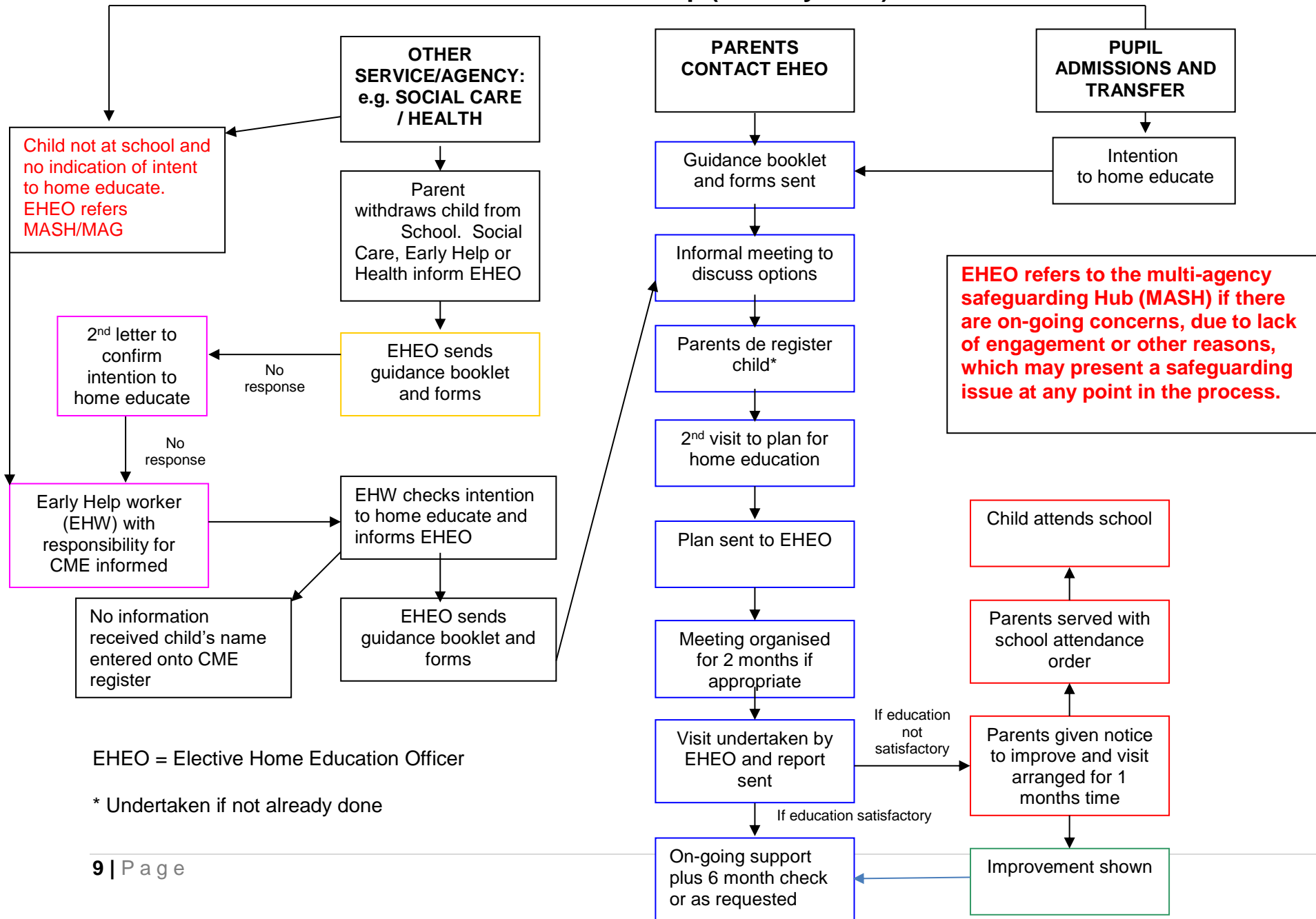
Policy updated by:

- Joy Burnet, Elective Home Education Officer
- Elective Home Educating families
- Ben Straker Social Inclusion Manager

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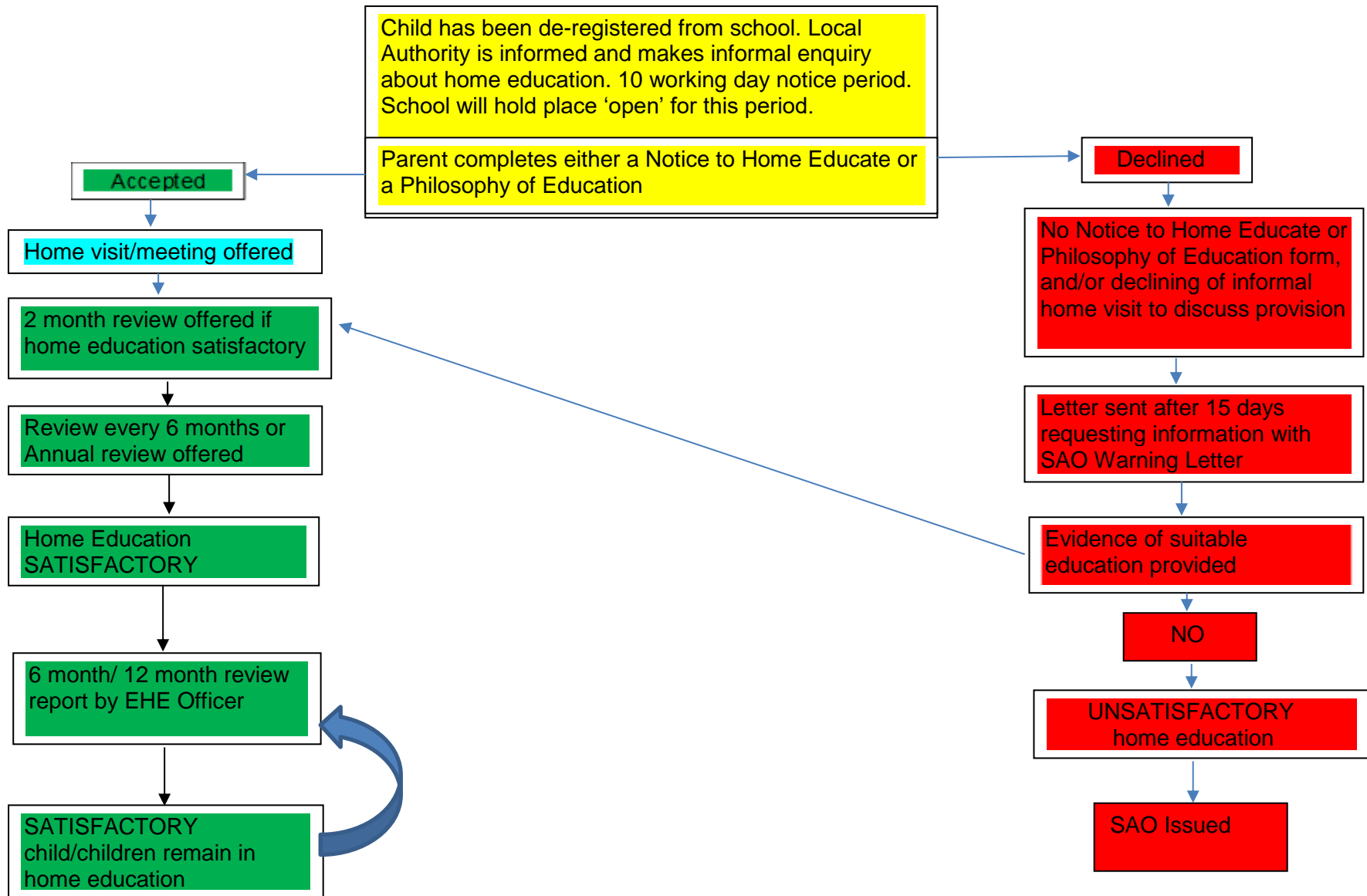
Local Authorities have a legal duty to identify children in their area who are not registered pupils at a school and who are not receiving suitable education otherwise than at a school (Section 436(A) Education Act 1996). Herefordshire Council will pursue legal action against parents/carers of children who are not registered pupils at a school if they are not satisfied that the child/children are receiving suitable education at home.

Elective Home Education Process Map (January 2020): Referrals into EHE Officer



EHEO = Elective Home Education Officer

* Undertaken if not already done



If the Local Authority Home Education Officer is not satisfied that a child is receiving suitable education otherwise than at a school they will serve a Notice of Evidence on parents/carers under s437(1) of the Education Act 1996 requiring that they provide evidence that their child is receiving such education. The parent/carer will be required to provide evidence by a certain date, which will be not less than 15 days from the date of deemed service of the letter.



If the parent/carer does not respond OR if the LA is unsatisfied with the response OR if in its opinion it is expedient that the child should attend **school**, the Local Authority's Elective Home Education Officer will serve the parent/carer with a Notice of its Intention to serve a School Attendance Order, specifying the **school** it is proposing to name in the order, and if it thinks fit, one or more suitable alternative **schools** (*section 438, EA 1996*). The parent/carer has 15 days to enrol the child in school. If the parent/carer does so, the named school (or alternative school) will be named in the order.



If the parent/carer does not enrol the child in an alternative school, the Local Authority's chosen school will be named in the School Attendance Order which will be served on the parents/carers after the 15 days. The parent/carer will be given a further week to enrol the child at the school named in the Order

If the parent/carer does not enrol the child at the school named in the Order, they will commit an offence (unless they can prove that they are providing a suitable education otherwise than at school) and the Local Authority will then consider whether to pursue a prosecution. The Elective Home Education Officer will refer the matter to the Council's Enforcement Section who will correspond with the parent/carer directly.