

ELECTIVE HOME EDUCATION (EHE) POLICY

Introduction

The responsibility for a child's education rests with his parents. In England, education is compulsory, but school is not. Parents may choose to send their child to a school or provide education for their child at home. The term "at home" does not mean that all education should occur in the home. Parents may choose to have some or all of their child's education outside of the home. Elective Home Education (EHE) is the term used by the Department for Children, Schools and Families to describe the decision to educate at home. The term parent is used throughout this policy to refer to all those with parental responsibility, including guardians and carers.

Legal responsibility

Section 7 of the 1996 Education Act states:

"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude, and to any special educational needs he may have, either by regular attendance at school or otherwise".

The term 'or otherwise' includes EHE.

For the majority of children this will involve their attendance at a local school, but for various reasons parents may want to educate their child outside the Local Authority (LA) maintained system.

There is no definition in law for "efficient" or "full time". It is a parent's responsibility to fulfil the statutory duties in accordance with any reasonable interpretation of the terms. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law 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 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". In Darlington some of the traveller community may wish to educate at home to follow the cultural and religious expectations of their community.

Parental responsibility

Parents may exercise their right to home educate at any time up to the end of compulsory school age. Parents are not required to register or seek approval from the Local Authority (LA). Darlington Borough Council (DBC) will support any parent who decides to home educate provided that the education provided is efficient and suitable. DBC recognises that there are many approaches to educational provision, not just a "school at home" model. What is suitable for one child may not be for another, but all children should be involved in a learning process. Parents hold full financial responsibility, including the cost of any public examinations. Parents also continue to have the responsibility to keep their child safe, in its widest sense, and free from abuse. DBC encourages parents to notify the Children's Services Department if their child is to be home educated, rather than beginning attending a school. It is also recommended that parents notify their child's school if they decide to withdraw them to home educate.

LA responsibility

Local Authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.

However, under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears** that parents are not providing a suitable education.

"If it appears to a local authority that a child of compulsory school age is not receiving suitable education whether by regular attendance at school or otherwise, they shall serve notice in writing on the parent requiring him/her to satisfy them within the period specified in the notice that the child is receiving such education."

The LA would also respond if there were concerns around any safeguarding aspect of the child's well-being. This response may include the completion of a Common Assessment Framework (CAF).

Prior to serving a notice DBC will endeavour to address the situation informally by forming effective relationships with parents to avoid legal redress. Parents may provide further information about the education they are providing at this stage. Examples may include samples of work, diaries, reports from parents or independent tutors, or a description of their educational philosophy or in some other appropriate form. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so.

While DBC has no legal requirement to monitor the provision for EHE children it is prudent that DBC should ensure that children are safe, and their education is efficient and suitable. The administration of the monitoring of those children educated at home is a Children's Services responsibility. The School Improvement and Development (SID) team co-ordinates this function for the Children's Services Department in conjunction with the Education Welfare Service (EWS).

Documents are available to support children and their families who are home educating both on the DBC website in hard copy. "A Guide for Parents" is sent to all EHE families when they first notify the Children's Services department or their child's school.

If a parent decides to withdraw a child from school with the intention of educating him at home due to problems at school, the Education Welfare Officer (EWO) attached to the school will investigate the reason for the withdrawal. If there are problems which are school based, the EWO will seek to resolve or alleviate the difficulties in partnership with the school, allowing the child to resume his school place as quickly as possible. If reintegration at the original school is not possible then alternatives will be sought.

If there are concerns about the suitability of home education, or following information gleaned from the CAF process, and the parents do not provide adequate evidence, then DBC will serve a school attendance order in accordance with the act:

"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."

If an order is issued, parents may also present evidence to the LA at this stage as to the suitability of the education they provide for their child and apply to have the order revoked.

Notification from a parent of their intention to home educate

Guidance as to the actions that LA staff will take are found on the EHE flowchart.

The Education (Pupil Registration) Regulations 1995 provide that a pupil's name be deleted from the admission register if the parent has informed the school that the child is to be educated outside the school system. Parents should write to the school to say that they wish the child's name to be removed from the Admission Register so that they may be educated in another way. The school must then inform the LA within ten days and remove the child's name from the register. The school should also send a copy to the parents at the same time as they notify the LA.

Darlington's policy is that schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, schools must follow the statutory

guidance. If the 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.

Home visits or alternative gathering of evidence

DBC policy is that home visits will be jointly conducted, wherever possible, by members of the School Improvement and Development Team and the Education Welfare Service. Parents may choose to provide evidence as to the suitability and efficiency of the home education in other ways as detailed earlier. DBC believes that its safeguarding duty is best guaranteed by speaking to parents and children about the education they are providing in the family home. Parents will be provided with a summary of the visit findings in a letter within five days of the visit. Visits will be made at least once in each academic year.

Unsuitable provision

If safeguarding immediate issues arise at any time a referral will be made to the Duty Team. The referral must be made initially by telephone on 01325 346867. The person making the referral must complete the appropriate form within 24 hours and forward electronically via the EHE administrator. A copy should also be passed to the Children Protection Officer to enable appropriate consultation to happen.

If provision is deemed unsuitable the council policy is to resolve issues informally wherever possible.

Suitable provision

Where provision is suitable future visits are arranged within the timescales on the EHE flowchart. When any other issues are raised during the visit the appropriate teams are informed. Examples may include children with SEN difficulties or language development.

Children with Special Educational Needs (SEN)

Parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a statement of special educational needs or not. Where a child has a statement of SEN and is home educated, it remains the LA's duty to ensure that the child's needs are met.

LAs may encourage parents to inform them directly of the withdrawal of a child from school, but have no legal right to insist that parents do so. The only exception to this is where the child is attending a special school under arrangements made by the LA, in which case additional permission is required from the authority before the child's name can be removed from the register.

Even if the LA is satisfied that parents are making suitable arrangements, it remains under a duty to maintain the statement and review it annually, following procedures set out in the SEN Code of Practice. In some circumstances the child's special educational needs identified in the statement will have been related to the school setting and the child's needs may readily be met at home by the parents

without LA supervision. It may be appropriate, once it is established that a child's special needs are being met without any additional support from the LA, to consider ceasing to maintain the statement. This may be done at the annual review or at any other time. When the statement is reviewed it should be made clear to parents that they are welcome to attend, but they are not obliged to do so.

Gypsy, Roma and Traveller Children

The largest ethnic group in Darlington is the Gypsy, Roma and Traveller community and they represent the largest proportion of families who elect to home educate. Due to the high number of pupils involved DBC is particularly sensitive to the distinct ethos and needs of this community. It is important that these families who are electively home educating are treated in the same way as any other families. When a Gypsy, Roma and Traveller family with children of school age move into an area, they are strongly encouraged to contact the local Traveller Education Support Service for advice and help to access local educational settings.

Flexi-schooling

"Flexi-schooling" or "flexible school attendance" is an arrangement between the parent and the school where the child is registered at school and attends the school only part time; the rest of the time the child is home educated (on authorised absence from school). This can be a long-term arrangement or a short-term measure for a particular reason. "Flexi-schooling" is a legal option provided that the headteacher at the school concerned agrees to the arrangement. The child will be required to follow the National Curriculum whilst at school but not whilst they are being educated at home. The LA discourages parents from using flexi-schooling arrangements except in exceptional circumstances.

Further reading

The following publication provides a useful backdrop for government thinking about EHE:

Elective Home Education. Guidelines for Local Authorities. DCSF, 2007.

Summary

The monitoring of home education by the LA should be seen as a positive cooperative experience with families, intended to protect the child's right to an education and to support parents to bring that about. Ultimately the LA has to satisfy itself that the well-being of the child is not at risk and the educational provision is suitable. Following the EHE guidance mentioned above from central government, DBC focuses on the need for regular face-to-face contact with home educating families, to ensure safeguarding requirements are met and that the education provided is suitable and efficient.

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