

Carmarthenshire County Council
Elective Home Education Policy Statement

Introduction

1.1 Elective Home Education is where parents or guardians decide to provide home-based education for their children instead of sending them to school. It is not home tuition provided by the local education authority or where a local education authority provides education otherwise than at school.

1.2 The LA recognises that elective home education is a key aspect of parental choice and therefore aims to encourage good practice in its relationships with home educators by clearly setting out the legislative position, and by providing information and advice on the roles and responsibilities of the LA and parents in relation to children educated at home.

1.3 Parents may choose to exercise their right to educate their children at home and may do so for a variety of reasons. The reasons themselves should not have any bearing on the LA's treatment of families who home educate since our prime interest lies in the parents' educational provision for their children.

2 The legal background

Parents have a right to educate their children at home providing they fulfil the requirements of Section 7 of the Education Act 1996, which places a duty on the parents of every child of compulsory school age to cause him or her to receive efficient full-time education **suitable to their age, ability and aptitude, and to any special educational needs that they may have**, either by regular attendance at school or otherwise.

Under Section 437 of the Education Act 1996, the LA must by law serve a School Attendance Order (SAO) on the parent of a child of compulsory school age who fails to prove that the child is receiving suitable education and where the authority is of the opinion that the child should attend school. This duty applies equally in relation to all children, regardless of whether or not they have previously attended a local authority school in the area.

Section 28 of 2004 Act requires the Local Authority to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children.

The SAO specifies the school (or pupil referral unit) that the child should attend. Failure to comply with an SAO is an offence, unless the parent can demonstrate that the child is receiving education otherwise than at school.

3 Removing a pupil from the school admission register

a) Parents whose children are registered pupils at a school must ensure that their names are removed from the school admissions register when they withdraw them from school to home educate. If they do not do so they may be liable to prosecution for failing to ensure their child's regular attendance at the school where they are registered. Under the Education (Pupil Registration) Regulations 1995, there are only a limited number of ways under which a child's name will be removed from the admissions register, one of which is that the parents have informed the school **in writing** that they are educating their children at home.

b) Immediately the school receives such a letter, the name of the child must be removed from the admissions register. The school (including those in the independent sector) must make a return (giving the child's name and address) to the LA within 10 school days of removal. Parents might be encouraged to inform the LA, to enable the LA to check that the child's name has actually been removed from the register, but there is no general requirement for parents to inform LAs of the fact they intend to educate at home. The named LA contact for schools is the Governor Support Manager.

c) The LA will acknowledge the receipt of the notification and consider whether there is any existing evidence, either in our own records or from other services, indicating whether they may be cause for concern over the withdrawal, e.g. child welfare issues. In these cases, the education officer will refer these concerns to the appropriate statutory authorities.

d) In order to ensure that we are aware of cases where children are not receiving any education we will need to continue to develop information-sharing processes with local partners, such as Careers Wales, health organisations and within our own Department for Education and Children.

4 Working with home educators

Relationships

We shall seek to build effective relationships with home educators to safeguard the educational interest and welfare of the children and young people.

We shall provide parents who are, or who are considering, home educating with a named contact within the authority who is familiar with home education policy and practice and has an understanding of the relevant legislation and a range of educational philosophies.

5 The LA's arrangements for managing and monitoring this area of responsibility

Initial contact

On receipt of notification that a child is to be home-educated, the LA will seek to make contact with the parents/guardian to discuss their provision. This meeting should be held within four school weeks of notification. The meeting should take place at a mutually acceptable location. The child should be given the opportunity to attend the meeting, or otherwise to express his or her views. During the meeting, the parents and the LA representative should agree the pattern of future contact between them.

The initial meeting will clarify the LA's role in monitoring the provision as well as making it clear to parents that if they wish to home-educate, they assume financial responsibility for their child's education, including the cost of any public examinations, and that the child must continue to receive suitable education until the end of "compulsory education" (i.e. the last Friday in June in the academic year in which they reach age 16).

Following this initial meeting, the LA representative will prepare a report for the LA, setting out any recommendations that have been discussed and made, with reasons for them. The report will indicate whether there are any concerns regarding the parents' ability to home-educate, and give an indication of the timing of the next visit. The report will be copied for the parents, and where appropriate, the child.

The LA's representative will ensure that a copy of the report is lodged with the LA officer responsible for overseeing this area of work.

Ongoing monitoring

While there is no legal framework for the LA to regularly monitor provision of home education, we are mindful of our wider duties of care, and we will contact parents to discuss their ongoing home education provision.

Ordinarily, the first monitoring visit will take place within twelve months of the initial visit. However, if there are any potential concerns following the initial visit, then a follow-up visit should take place within the first three months.

Contact with the family will be made by telephone, with a visit confirmed in writing. 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 authority will discuss those concerns with the parents, with a view to helping them improve their provision in the best interests of the child.

We appreciate the fact that parents may educate their children in a wide variety of environments and not simply in the home. Where the education is taking place in the home, we shall, wherever possible, and without placing undue pressure on parents, seek to see the provision at first hand as the learning environment can have a strong bearing on the effectiveness of learning.

The authority does not have the right to insist on seeing education in the home, and in those cases where this is not possible, other arrangements will be made to monitor the

provision. We shall seek to meet at a mutually suitable and convenient location. In some cases, parents might prefer to write a report and provide samples of work completed by the child.

6 Providing information and support

The LA is not legally obliged to provide any resources for children and young people educated at home. However, we shall

- provide advice and support on curriculum matters
- provide information on organisations which support home educators
- facilitate access to Careers Wales

7 Assessing the efficiency of education provided by the parent

In considering the parents' provision of education the LA may reasonably expect the provision to include the following characteristics:

- an indication that parents have thought through their reasons for home educating and what they hope to achieve
- consistent involvement of parents or other significant carers
- signs of commitment and enthusiasm, and recognition of the child's needs, attitudes and aspirations
- development of literacy and numeracy skills suitable to the child's age, aptitude and ability and taking into account any special educational needs that they may have
- opportunities for the child to be stimulated by their learning experiences
- involvement in activities to cater for the interests of the child and his/her stage of development
- access to resources/ materials required to meet the objectives of the parents
- the opportunity to interact with other children and adults
- the involvement of Careers Wales at an appropriate stage

When assessing the efficiency and suitability of education provided through home education, we shall take into account that parents' educational provision will reflect a diversity of approaches and interests. Some parents may wish to provide education in a formal and structured manner, while others may decide to make more informal provisions that are responsive to the developing interests of the child. We will not expect parents to teach the National Curriculum, set hours when education is to take place, have a formal timetable or observe school hours, days or terms.

8 Dealing with inadequate provision

- a) Every effort will be made to resolve issues about provision by a process of ongoing dialogue before any formal proceedings are invoked. If, on considering the educational provision, there are doubts as to whether provision is adequate, the LA may choose to further investigate whether or not an

efficient education is being provided. If dialogue fails, a full written report on the LEA's findings will be made and copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable.

- b) It may be necessary for the LA to serve a notice on the parents. Under Section 437(1) of the Education Act 1996, the LA can intervene if they have good reason to believe that parents are not providing a suitable education by serving a School Attendance Order. Initially the Local Authority will serve a notice and this will allow a period of at least 15 days for the parents to provide the LA with whatever information we require to satisfy ourselves about the suitability of the education. The parent may choose to do this by meeting with the LEA's representative, or by supplying the information in writing.
- c) A SAO continues to be in force for as long a child is of compulsory school age unless it is revoked. In exceptional circumstances, the LA may take proceedings in 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. If there is a continued failure to register the child at a school or failure to comply with the ESO the LA has the option of referring the case to the Authority's Children's Services section for consideration of instituting care proceedings.
- d) Parents may apply for SAOs to be revoked at any time because arrangements have been made for the child to receive education otherwise than at school. The LA must comply with this request unless these arrangements are not suitable.

9 Child welfare

- a) A parent's decision to home educate is not in itself grounds for concern about the welfare of children. However, as with school-educated children, child welfare issues may arise in relation to home-educated children. If any child welfare issues come to light in the course of engagement with children and families, these concerns will be immediately notified to the Principal Education Welfare Officer.
- b) Concerns may arise where a parent states their intention to home educate. Specific instances where advice from Children's Services would be appropriate on the suitability of home education include:
 - Where a child or family member has been identified as being in need
 - Where a child or family member has been referred to social services or the police for child protection reasons, and the matter is being investigated
 - Where a child or sibling is on the child protection register
 - Where a child or family member has been referred on care or protection grounds, and the referral is being considered
 - Where the child is the subject of a supervision requirement.

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 they engage are suitable persons to have access to children.

There may be occasions where parents who choose to educate their children at home organise group events with like-minded parents. It is important that they are aware of the mechanisms for drawing child or adult welfare concerns to the statutory authorities. The Local Authority's nominated Safeguarding officer within the Education Division should ensure when promoting their role that their details are not limited to schools within the maintained sector.

10 Children with special educational needs

- a) The parents' right to educate their child at home applies equally where that child has special educational needs (SEN). The fact that a child has SEN is not, in itself, a reason to question parents' decision to educate at home.
- b) Where a child has a statement of SEN and is educated at home, the statement does not automatically cease. While the statement is maintained it must be reviewed annually. In many circumstances the child's special educational needs will have been related to the school setting and the child's need may be readily 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 to give consideration to ceasing the statement, if the parents agree. This may be done at the Annual Review or at any other time.
- c) The parents must make suitable provision for the child's special needs, but due to the change in the child's educational setting, this provision may be different from that outlined in the statement which would apply in a school setting.
- d) If the parents' arrangements are suitable, then the LA is relieved of its duty to arrange the provision in the statement. If however, the parents' arrangements fall short of meeting the child's needs, then the parents are not making suitable arrangements and the LA is not absolved of its responsibility to arrange the provision in the statement. As the LA's resources are largely located in schools, a decision would have to be made about appropriate access. The Local Authority's Additional Learning Needs Manager will be consulted on these issues.
- e) In the case of home-educated children Section 324 (4A) of the Education Act 1996 does not require the name of a school to be provided in Part 4 of the Statement. There will be a discussion between the authority and the parents and, rather than the name of the school, Part 4 of the statement should mention the type of school the LA considers appropriate but should go on to say that: "parents have made their own arrangements under Section 7 of the Education Act 1996".
- f) If the child to be de-registered is a pupil at a special school, the school must inform the LA before the child's name can be deleted from the school roll. The LA should hold a review of the SEN Statement and clarify how the parents intend to ensure that the child's special educational needs are to be met. It may then be appropriate to amend Part 4 of the child's statement.

11 Other issues

Educational Maintenance Allowance (EMA)

The EMA is a means-tested grant available to learners over the age of 16, if they stay on in education at school or college after Year 11. It is not available to post 16 learners whose parents elect to educate them at home.

Truancy sweeps

Those taking part in Truancy Sweeps, including police officers, should be aware that there is a range of valid reasons why school-age children may be out of school. In particular, they may encounter children who are educated at home and that these children are not required to be at school.

The LA will maintain a list of all school-age children known to us as being home-educated. This list can then be checked by LA staff as part of a truancy sweep. No further action should be taken where children indicate that they are home-educated unless there is a reason to doubt that this is the case.

Establishing a database and effective record-keeping

The LA will establish a database for children educated at home by their parents. All schools will be required to notify the appropriate LA officer of a parent's intention to home educate.

A record of visits will be kept by the LA officer responsible for this area of work.

Carmarthenshire County Council

**ELECTIVE HOME EDUCATION
POLICY STATEMENT**

September 2010