

FLINTSHIRE COUNTY COUNCIL

PROCEDURES AND GUIDANCE 2012 Elective Home Education

Parents who choose to educate their children at home

Introduction:

This document sets out the procedures and guidance to enable Flintshire Local Education Authority (LEA) to fulfil its statutory functions regarding children who are being educated at home, under Section 7 of the 1996 Education Act (previously Section 36 of the 1944 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”.

Principles:

- The LEA believes in the value of school-based education as it provides a broad and balanced curriculum, which promotes social development, moral, spiritual awareness and equal opportunities.
- The LEA respects the right of parents and carers to choose to educate their children at home.
- The LEA wishes to promote an active dialogue with parents and carers at all times.
- The LEA recognises that educating a child within the home may be a much more challenging way in which to provide efficient and suitable full-time education than at a school.

Procedures:

The monitoring and support of children being educated at home in Flintshire is the responsibility of the Inclusion Service.

Section 9 of the Education Act (1996) states:

“The Secretary of State for Education and local education authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents.”

The monitoring and support of children being educated at home under Section 7 of the Act is the responsibility of the LEA which has a duty to ensure that children of school age are receiving a “suitable” education.

The responsibility for a child's education rests with his or her parents. 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' (Local Authorities and Home Education, Ofsted, 2010)

The meaning of "suitable" has not been defined in law; therefore a standard interpretation cannot be imposed. However, the law requires LEA's act if it appears that any child is not receiving a suitable education. The Inclusion Service will co-ordinate the LEA's response to families who educate their children at home and ensure that the LEA's duties are fulfilled.

Notes on Procedure:

1. Once a parent/carer has indicated his/her intention to educate their child(ren) at home (either by informing the Inclusion Welfare Service Officer or by notifying the school), the Senior Learning Advisor for Education Otherwise than at School, EOTAS, should be notified.

1.1 If the school becomes aware that parents/carers may be considering educating their child(ren) at home and removing their name from the school register then it would be appropriate to make a referral to the Inclusion Welfare Service.

1.2 If the parent(s) write to the school explaining that the child(ren) is / are being educated at home the school is obliged to take the child(rens) name(s) off the school register.

Under **Reg 13(3)** it is the responsibility of the Head teacher to inform the L.E.A, not that of the parent. The Head teacher should inform the LEA within ten days of receipt of the letter. The only circumstances under which parent(s) are under an obligation to inform the LEA is if their child(ren) is / are registered at a special school, **Reg 13(3)**,

1.3. If the child has a Statement of their Special Educational Needs and attends a Special School which is named in the Statement, the school must seek the consent of the LEA before they can remove the child's name from the school register, **Education (Pupils Registration) Regulations 1995. Reg. 9(2)**.

1.4 In the case of children *deemed* to have Special Educational Needs, the Authority will consider each applicant separately. As such cases are generally very complex, it is impossible to deal with the wide range of circumstances in this document.

1.5 Assessment. Where the Authority is of the opinion that a child has Special Educational Needs, and it is necessary for the LEA to determine the special educational provision which any learning difficulty the child may have call for, then the LEA must serve notice on the parents informing them that they are considering making an assessment. This notice will set out the procedure for the assessment and give the parents an opportunity to make representation as to whether the child should be assessed, then the LEA must proceed with the assessment (s323 Education Act 1996).

1.6 When alerted to a request by Parents to Home Educate, or, made aware 'otherwise', for example by our partner agencies, of Parents who may be Home Educating, particularly those children who may never have been registered at a school or have moved into County, the LEA will:

- Check their records and seek information from other relevant services or agencies to ascertain whether or not there are any causes for concern arising from such a withdrawal. Previous irregular attendance at school is not of itself a sufficient cause for concern. The advice from the Inclusion Welfare Service is essential in deciding whether an individual pupil's previous poor school attendance is a cause for concern due to other significant factors that should be considered. The first point of contact with a family, whose child has not been previously registered at a school, or having moved into County, may be a joint visit to the home by the Inclusion Welfare Officer and the School Nurse.
- Where there are child in need concerns, with the consent of parents, advice should be sought from the Flintshire's Children's Services Department particularly if:
 - o a child or family member has been identified as being in need
 - o a child or sibling is on the child protection register.
 - o a child or family member has been referred on child protection grounds and the referral is being considered.
 - o the child is the subject of an education supervision requirement.

1.7 An Education Supervision Order (ESO), under section 447 of the Education Act 1996 can be used to ensure regular school attendance whether or not a child is enrolled at a school. It should also ensure that a child receives full-time education suited to their age, ability, aptitude and any special educational needs, and that parent and child are given sufficient support and guidance. An ESO makes the LA responsible for advising, supporting and giving 'directions' to the supervised child and his / her parent/s in such a way as to ensure that the child is properly educated. These directions must be defined by the LA and should aim to be helpful in bringing about an improvement in the child's attendance (for example the LA could direct the parent to attend meetings at the school over the period of the ESO, require parent / child to keep the LA informed of their address, or require the parent to attend parenting classes). An LA can apply for an ESO to be extended for up to three years, if it is thought necessary to ensure that the child's education continues to progress. This must be done three months before the ESO is due to expire.

Courts may not make an ESO when the child is already in the care of the authority.

Note: LEA's may apply to the court for a child assessment under the Children's Act 1989 if they have reasonable cause to do so.

1.8 Safeguarding: If at any point during the monitoring, the Inclusion Service has evidence or strong concerns over the safety and welfare of the child(ren), then these should be discussed with the Inclusion Service Principal Learning Advisor.

The welfare and protection of all children, both those who attend school and those who are educated by other means, are a paramount concern and are the 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, these concerns will be referred to the appropriate authorities using established protocols. On such occasions information can be shared without parental consent.

1.9 If the child has never attended school they will not have been allocated a UPN and although there is currently no statutory requirement for home-educating parents to register their child with

LEAs, they are strongly encouraged to do so as this will enable the LEA to carry out its duties and responsibilities in a straightforward and helpful way. Information may be shared with appropriate authorities to ensure the health and well being of young people of compulsory school age. For example, the Health Service may be alerted to ensure that the child benefits from regular wellbeing screening and inoculations.

2. After the parent(s)/carer(s) have made the decision and notified the school, they will be sent a letter and **questionnaire**, which should be returned to the Inclusion Service Manager. The LEA has *no* authority to require that information be given.

2.1. Flintshire County Council accepts that there is *no* obligation on the parents to have regular contact. There is *no* legal requirement for the LEA to make continual enquires.

2.2. The Education Act, 1996, requires the LEA to act only if it has reason to suppose a breach of a parents section 7 duty.

3. The Inclusion Service will arrange, with the consent of the parent(s) an initial home visit and carry out a preliminary assessment of the educational provision. Subsequent visits will be arranged with the agreement of the parent(s). The LEA has *no* right of access.

3.1 The Inclusion Service will inform the Children's Services Department of their intention to visit if there are any welfare concerns. If there are any issues regarding personal safety they will be communicated and recorded prior to the visit.

4. Where the Inclusion Service determines that the educational provision is not suitable to age, ability and aptitude, they must serve the parent(s) with a notice giving them at least 15 days to satisfy the LEA that they are educating adequately, Education Act,1996, S437 – 443. In the event of failure to comply the LEA may, in consultation with the Inclusion Welfare Service, encourage the return of the child to an appropriate educational setting.

4.1 Any recommendation for a return to LEA provision will be preceded by liaison with:

- Parents
- Inclusion Welfare Officer
- Inclusion Service Principal Learning Advisor
- School
- Other agencies as appropriate

4.2 If parents refuse to co-operate with a return to an educational setting the LEA may consider directing parents via the issue of a School Attendance Order. Prior to the issuing of this order the LEA must serve a notice stating which school they intend to name in the order and give the chance for the parent(s) to choose an alternative. The LEA may serve a school attendance order naming the school which the child should be registered. The parent(s) can ask the LEA to revoke the order as they are educating 'otherwise'. The LEA may attempt a prosecution for non compliance with the order. If the parent(s) can demonstrate 'on the balance of probabilities' that they are providing a suitable education then the LEA action will fail.

5. In the case of a child with special educational needs, the Senior Learning Advisor will liaise with the Educational Psychology Service and any other services as appropriate to ensure that their educational needs are being met and the statement is reviewed annually.

6. The Inclusion Service will maintain all relevant notes and reports on families who are educating at home.

Some parents may choose to engage private tutors or other adults to assist them in providing a suitable education. The responsibility to ensure that tutors/teachers are suitably qualified and have the required Criminal Records Bureau (CRB) check rests with parents.

Our partner agencies, including the School Health Service, and the Careers Service will be notified that parents are contemplating educating their child (ren) outside the school system.

7. Visiting Officers should take care not to place themselves in potentially difficult situations. Personal safety should take precedence when arranging a home visit. Interviews with children should always be conducted with another adult present. If there are issues around personal safety, alternative venues for meetings may be offered and/or the Education Officer may be accompanied by an Inclusion Welfare Officer when undertaking the visit. These concerns should always be discussed with the Inclusion Service Principal Learning Advisor and noted.

7.1 When visiting a home, procedures should be observed to ensure that the visiting Officer(s) has notified their line manager of the details of the location and expected duration of the visit.

7.2 If the visit is to take place out of office hours, an established system of 'calling in' should be agreed.

8. In order for the procedures to work successfully, all partners in the process will need to understand their respective roles, ensure that efficient communications are maintained and relevant information shared under the Information Sharing Protocols.