



**DEPARTMENT FOR CHILDREN AND YOUNG PEOPLE
ELECTIVE HOME EDUCATION POLICY & PROCEDURES (EHE)**

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1 Introduction

1.1 This policy sets out how the Local Authority (LA) and parents/carers will work together to build effective relationships with parents/carers who home educate in order to safeguard the educational interests of children and young people; these relationships should be rooted in mutual understanding, trust and respect. The LA has a legal responsibility to ensure the availability of school places in the area and also to identify children who are not receiving a suitable education; it is vital that we safeguard children and support families, under the 'Every Child Matters' agenda, to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being.

1.2 Children whose parents/carers elect to educate them at home will not be registered at mainstream schools, special schools, independent schools, academies, Pupil Referral Units (PRUs), colleges, children's homes with education facilities or education facilities provided by independent fostering agencies. Some parents/carers may choose to engage private tutors or other adults to assist them in providing a suitable education, but there is no requirement for them to do so. Learning may take place in a variety of locations, not just in the family home.

1.3 Parents/carers may choose home education for a variety of reasons, for example:

- distance or access to a local school
- religious or cultural beliefs
- philosophical or ideological views
- dissatisfaction with the system
- bullying
- as a short term intervention for a particular reason
- a child's unwillingness or inability to go to school
- special educational needs
- parents/carers' desire for a closer relationship with their children.

1.4 Since 27 February 2007, South Gloucestershire LA has been required to establish the identities of children in its area who are not receiving a suitable education by regular attendance at school or otherwise, so far as it is possible to do so. The LA must initiate procedures for issuing a **School Attendance Notice** where it appears that a child is not receiving a suitable education. Parental failure to comply with a School Attendance Order is an offence under the Education Act 1996 unless they prove that the child is receiving a suitable education otherwise than at school.

2 The law and guidance relating to elective home education

2.1 Article 2 of Protocol 1 of the European Convention on Human Rights states that:

"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."

Parents have a right to educate their children at home. Section 7 of the Education Act 1996 provides that:

“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.”

2.2 The responsibility for a child’s education normally rests with his or her parents/carers. An “efficient” and “suitable” education is not defined in the Education Act 1996 but “efficient” has been broadly described in case law¹ 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”.

2.3 The Children Act 2004 provides the legislative framework for developing children’s services as detailed in *Every Child Matters: Change for Children*. Section 10 of the 2004 Act sets out a statutory framework for cooperation arrangements to be made by local authorities with a view to improving the well-being of children in their area. Section 11 of the 2004 Act requires LAs and a number of other agencies to carry out their responsibilities having regard to the need to safeguard and promote the welfare of children.”

2.4 Revised statutory guidance for local authorities in England to identify children not receiving a suitable education was issued by the DCSF in January 2009. This guidance includes the following national definition of children who are not receiving a suitable education:

“A compulsory school-age child who is not on the roll of a school, not placed in alternative provision by a local authority, and who is not receiving a suitable education at home.”

The guidance also confirms that in order to discharge their duties in relation to children not receiving an education, local authorities should make inquiries with parents/carers about whether their home educated children are receiving a suitable education.

Parental Rights & Responsibilities

3.1 The responsibility for a child’s education rests with their parents. Under the Education Act 1996 **parents are responsible** for ensuring their children of compulsory school age receive efficient full-time education. This can be at school, in alternative provision, or elective home education. School age is defined as beginning from **the start of the first term** (31 August, 31 December or 31 March) **commencing after the child’s 5th birthday** (or on the 5th birthday), until the **last Friday of June** in the school year that they reach **16**.

3.2 Parents/carers may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at

¹ (Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (12 April 1985)

school. They may also elect to home educate at any other stage up to the end of compulsory school age.

3.3 If the child is in attendance at a school and parents/carers wish to withdraw their child for home education the parents/carers must inform the school in writing. Parents/carers are not, however, required to inform the LA if they decide to home educate a child who has not previously attended school.

3.4 However, although parents/carers are not required to register or seek approval from the LA to educate their children at home, it would be sensible for them to do so. In order to support and safeguard these children, South Gloucestershire LA expects parents/carers to inform the LA of their decision to home educate their child at the following times:

- if they do not intend to apply for a place in a Reception class
- if they do not intend to apply for a school place at secondary transfer
- when they move into the area

It will also be helpful to know if parents/carers do not intend to apply for a place in Pre-School provision

3.5 Parents/carers who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of a private tutor, any public examinations or courses.

3.6 Parents/carers must ensure that their children receive suitable full-time education for as long as they are being educated at home.

3.7 At any stage following the issue of a School Attendance Order, parents/carers may present evidence to the LA that they are now providing an appropriate education and apply to have the Order revoked. If the LA refuses to revoke the Order, parents/carers can choose to refer the matter to the Secretary of State.

4 Local authority responsibilities

4.1 In line with DCSF recommendation South Gloucestershire has a named senior officer with responsibility for Elective Home Education policy and procedures. Training on the law and home education will be provided for all officers involved in Elective Home Education.

4.2 South Gloucestershire LA (LA) will provide written information about Elective Home Education that is clear, accurate and sets out the legal position, roles and responsibilities of both the LA and parents/carers. This information will be available on the South Gloucestershire website and can be provided in local community languages and alternative formats on request.

4.3 South Gloucestershire LA, under Section 437(1) of the Education Act 1996, shall intervene **if it appears** that parents/carers are not providing a suitable education. This section states that:

“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.”

The Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

4.4 Prior to serving a notice under section 437(1), South Gloucestershire LA will try to address the situation informally. If the LA has information that makes it appear that parents/carers are not providing a suitable education, it will ask parents/carers for further information about the education they are providing.

4.5 A school attendance order will be considered after all reasonable steps have been taken to try to resolve the situation. If the LA prosecutes the parents/carers for not complying with the Order, then it will be for a court to decide whether or not the education being provided is suitable and efficient. The court can revoke the Order if it is satisfied that the parent is fulfilling his or her duty. It can also revoke the Order where it imposes an education supervision order.

4.6 Where South Gloucestershire imposes a time limit, the LA will make every effort to make sure that both the parents/carers and the Education Officer with responsibility for Elective Home Education are available throughout this period and that the time limit does not expire during or near to school holidays when there may be no appropriate point of contact for parents/carers within the LA.

4.7 Local authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This 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.”

4.8 LAs have a duty to make arrangements to safeguard and promote the welfare of children. **These powers allow local authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern.**

5 Procedures

5.1 The South Gloucestershire Elective Home Education policy is intended to be clear, transparent and easily accessible. The following procedures for dealing with parents/carers who elect to home educate is intended to be fair, clear, consistent, non-intrusive and timely, in order to provide a good foundation for the development of trusting relationships. Further details are contained in separate guidance leaflets for parents/carers.

5.2 Parents/carers decide to home educate and approach the school (at which the child is registered) and/or the authority to seek guidance about withdrawing their child from school. The LA aims to make this initial contact constructive and positive. (See appendices for flowchart and useful contact information).

5.3 A school must delete the child's name from their admissions register immediately they receive written notification from the parents/carers that the pupil is being withdrawn from school to be educated at home. However, if the child is attending a special school under arrangements made by the LA, permission is required from the authority before the child's name can be removed from the register. (See also paragraph 5.24)

5.4 Schools should immediately inform the LA if parents/carers indicate they are going to withdraw their child from school. It is the duty of the proprietor of the school to inform the LA of the deletion and the reason for it, no later than when the pupil's name is deleted from the register (regulation 12(3) of the Pupil Registration Regulations 2006); schools enter these details on the electronic data management system. The Pupil Registration Regulations apply to all schools: maintained; independent; special schools, Academies and Pupil Referral Units.

5.5 If a child is registered at a school as a result of a School Attendance Order the parents/carers must get the order revoked by the LA on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.

5.6 South Gloucestershire LA understands that, in the early stages, parents/carers' plans may not be detailed and they may not yet be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision. However, although a reasonable timescale is allowed for the parents/carers to develop their provision the child must receive suitable education immediately following their withdrawal from school.

5.7 Most parents/carers welcome the opportunity to discuss the provision that they are making for the child's education during a home visit but parents/carers are not legally required to give the LA access to their home. They may choose to meet a LA representative at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. Where the LA is not able to visit a home, we will expect parents/carers to provide evidence that they are providing a suitable education for example by providing a report, samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form.

5.8 South Gloucestershire schools will not seek to persuade parents/carers to educate their children at home as a way of avoiding exclusion or because the child has a poor attendance record but will use the normal legal or other remedies available to them.

5.9 The LA will expect the home education will ensure the child will have the support to achieve the 5 Every Child Matters outcomes (see paragraph 5.13):

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution

- Achieve economic well-being

5.10 If it appears that a suitable education is not being provided, the LA will seek to gather any relevant information that will assist them in reaching a properly informed judgement. A written report will be provided after a visit from the Support Teacher stating whether the LA has any concerns about the educational provision and specifying what these are, to give the child's parents/carers an opportunity to address them. Where concerns have been identified, more frequent contact will be made while those concerns are being addressed. Where concerns merit frequent contact, the authority should discuss them with the child's parents/carers, with a view to helping them provide a suitable education that meets the best interests of the child.

5.11 If the authority is not satisfied that a suitable education is being provided, and the parents/carers, having been given a reasonable opportunity to address the identified concerns and report back to the authority have not done so, the LA will send a formal notice to the parents/carers under section 437 before moving on, if needed, to the issuing of a school attendance order (section 437(1)).

Providing a full-time education

5.12 Parents/carers are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of "full-time". Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, but this measurement of "contact time" is not relevant to elective home education where there is one-to-one contact and education may take place outside normal "school hours". Parents/carers' education provision will reflect a diversity of approaches and interests. The LA acknowledges that children learn in different ways and at different times and speeds.

Suitable education

5.13 There is no nationally agreed definition of 'suitability'; as a consequence South Gloucestershire will generally treat education as being 'suitable' if it evidences the following elements to achieve the 5 Every Child Matters outcomes:

- The child is working at the level according to his/her ability, with reference to the relevant key stage, but taking any special educational needs into account
- There is a planned programme of work, with defined outcomes, taking account of the child's abilities and interests
- Learning takes place daily, for an average of between 21 and 25 hours per week, depending on the age of the child
- The curriculum includes core subjects studied on a regular basis, for example English and Maths, and includes art, humanities, science and technology
- There is a varied style of presentation of the subject matter, including use of books, computer, television, practical demonstration of skills
- Regular social contact outside the home
- A healthy lifestyle including regular physical activity
- Forward planning to consider examinations, training, employment; involvement of Connexions from age 13
- Involvement of the child in his/her learning

Safeguarding

5.14 Pending national safeguarding guidance, the Children's Trust arrangement has delegated the Local Safeguarding Board to ensure that children who are home educated are appropriately safeguarded; for this reason this document has been adopted by the Safeguarding Board which also receives an annual report highlighting issues. In the absence of national safeguarding guidance South Gloucestershire exercises its responsibility as outlined in paragraph 4.7 by seeking to see the child at every visit. The welfare and protection of all children, both those who attend school and those who are educated at home, are of paramount concern and the responsibility of the whole community. As with school educated children, safeguarding issues may arise in relation to home educated children. If there are any safeguarding concerns either at the time parents/carers elect to home educate or that come to light once a child is home educated, these concerns should immediately be referred to the appropriate authorities using established protocols. South Gloucestershire follows the South West Safeguarding and Child Protection Procedures; The Children and Young People Information Service (CYPIS) is the first point of contact and provides information and access to social work services to members of the public and related professionals; contact CYPIS on 01454 868008 (during office hours). Alternatively the locality social work teams can be reached on: kingswooddutyteam@southglos.gov.uk or tel. 01454 865384 or 868465 severnaledutyteam@southglos.gov.uk or tel. 01454 866832.

If you think it is an **emergency** and it is **out of office hours** contact the **Emergency Duty Team** on 01454 615165 or the Public Protection Unit of the police on 08006949999. Any actions undertaken by the Local Authority will not be influenced solely by reason of the child being educated at home.

5.15 Parents/carers may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. Parents/carers are responsible for ensuring that anyone they employ is suitable to have access to children. The LA advises parents/carers to satisfy themselves by taking up appropriate references and by undertaking Criminal Records Bureau (CRB) checks on independent home tutors; this is also endorsed by the DCSF.

The National Curriculum

5.16 Many home educated children follow the National Curriculum even though this is not required. The Standards and Testing Agency (STA) administers national curriculum assessments; they can be contacted on 0300 303 3013. The Exams Delivery Support Unit (EDSU) provides examinations administration; they can be contacted on 0300 100 0100.

5.17 In addition, the Department for Education's (DfE) website at www.education.gov.uk provides information on National Curriculum programmes of study.

Reviewing policies and procedures

5.18 The LA will regularly review the Elective Home Education Policy and Procedures to see if improvements can be made to further develop relationships and meet the needs of children and parents/carers.

Support and resources

5.19 When parents/carers choose to electively home educate their children they assume full financial responsibility for their children's education.

5.20 The LA does not receive funding to support home educating families, but does provide information and guidance on home education in paper form or on the Council's website. Contact details for named officers is included within this information

Connexions Service

5.21 The LA has responsibility for the Connexions Service which provides support to all 13 to 19 year olds and to young people who have not yet reached 25 years if they have a learning difficulty, in order to encourage, enable or assist their effective participation in education or training. Children and young people who are being educated at home are also entitled to these services, including support from a Personal Adviser. The website, www.connexionswest.org.uk, provides information, advice and guidance about the service or parents/carers and the young person may contact the local office.

Local Authority role in supporting work experience

5.22 Work experience is not a statutory requirement. Children educated at home have no entitlement to participate in work experience under arrangements made by a LA but may discuss this option with a Connexions worker. Where home educated children do participate in work experience, consideration should be given to the extent to which such children are covered by the health and safety, child protection and insurance provisions.

Education Maintenance Allowance

5.23 Education Maintenance Allowance is an income tested weekly allowance available to learners over the age of 16 as an incentive to stay on in education at school or college after GCSEs. It is not available to learners whose parents/carers elect to home educate them after the age of 16.

Children with Special Educational Needs (SEN)

5.24 Parents/carers' right to educate their child at home applies equally where a child has SEN, 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. The LA may consider ceasing the statement or maintain it including in Part 4 of Statements of Special educational Needs that "parents have made their own arrangements under section 7 of the Education Act 1996". The LA must decide whether the home education is suitable before a child's name can be deleted from the roll of a special school.

5.25 A parent who is educating their child at home may ask the LA to carry out a statutory assessment or reassessment of their child's special educational needs and the LA must consider the request within the same statutory timescales and in the same way as for all other requests.

Gypsy, Roma and Traveller Children

5.26 The LA will have an understanding of and be sensitive to, the distinct ethos and needs of Gypsy, Roma and Traveller communities. These families who are electively home educating are treated in the same way as any other families and home education will not necessarily be regarded as less appropriate than in other communities. 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. Currently joint visits are made with representatives from this service accompanying other LA officers.

Gifted and talented children

5.27 LA support for home educated children should take into account whether they might be gifted and talented. Through the lead officers for gifted and talented education, these children may be able to access local and regional learning opportunities alongside pupils from local schools. Young Gifted and Talented (YG&T), the Learner Academy for gifted and talented children and young people aged 4-19 is available to home-educated learners as well as to those in schools. Electively home educated children and their parents/carers can register with YG&T at www.dcsf.gov.uk/ygt.

6 Complaints Procedure

The LA policy is to work in partnership with parents/carers to develop good working relationships. However, if you have a concern this should be raised with the Education Officer with responsibility for elective home education by completing a complaints form (either paper version or online), by letter, telephone, fax or e-mail, or in person. The South Gloucestershire Council Compliments, Suggestions & Complaints Procedure can be found on the Council's website: www.southglos.gov.uk

Relevant legislation and guidance

Children Act 1989 (sections 17 and 47)

Education Act 1996

School Standards and Framework Act 1998

Education Act 2002 (section 175(1))

The Children Act 2004 (sections 10 &11, 53)

Childcare Act 2006

Education Act 2006

Education (Pupil Registration) England) Regulations 2006

Statutory Guidance on Making Arrangements to Safeguard and Promote the Welfare of Children under section 11 of the Children Act 2004 (updated April 2007)

Working Together to Safeguard Children 2006

Elective Home Education: Guidelines for Local Authorities 2007

Ensuring Children's Right to Education; Guidance on the Legal Measures available to Secure Regular School Attendance (DCSF January 2008)

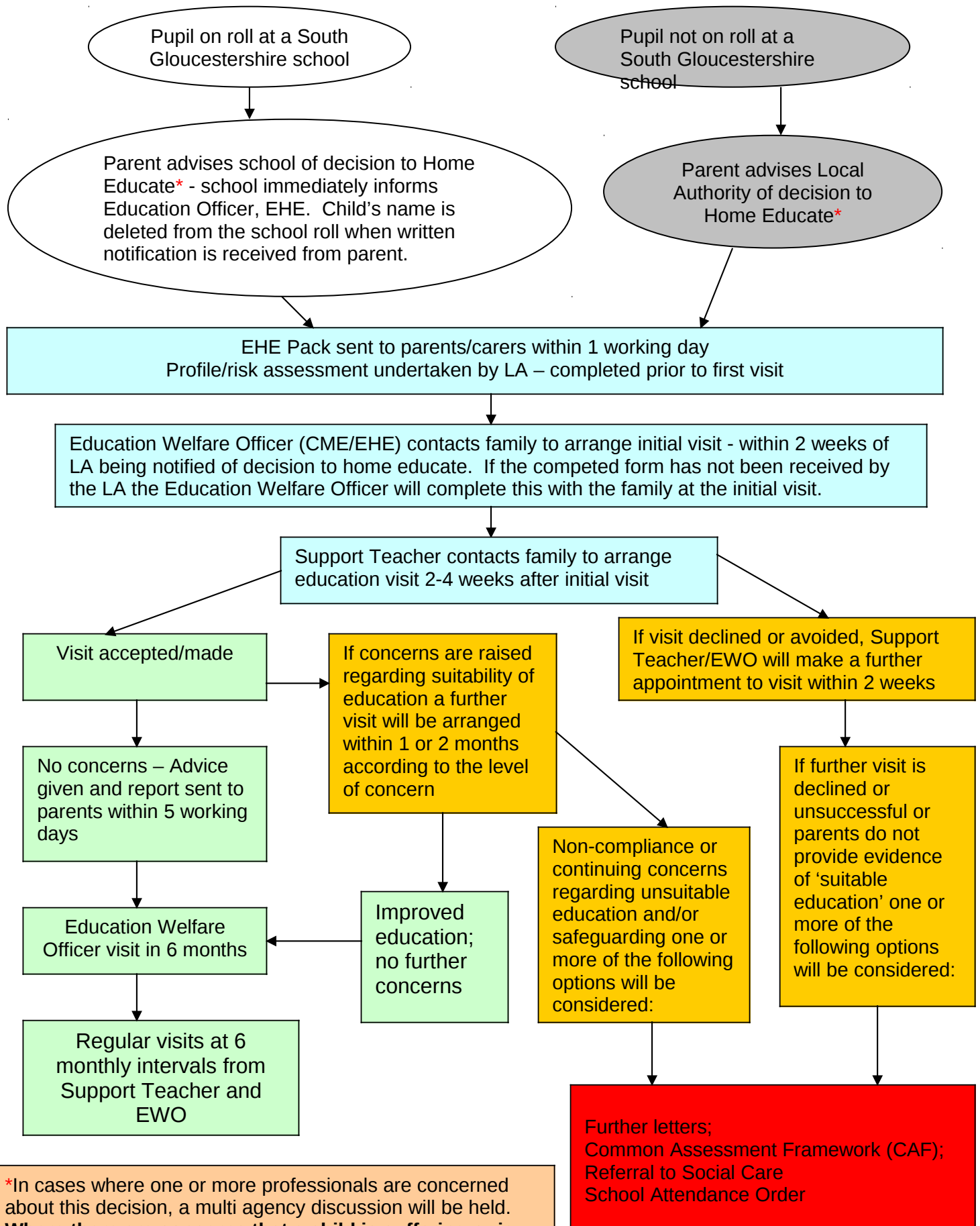
Safeguarding Children in who illness is fabricated or induced (DCSF 2008)

Revised statutory guidance for local authorities in England to identify children not receiving a suitable education (DCSF 2009)

January 2012

Appendix 1

Elective Home Education (EHE)



*In cases where one or more professionals are concerned about this decision, a multi agency discussion will be held. **Where there are concerns that a child is suffering or is likely to suffer significant harm South West Child Protection procedures will be initiated.**

Useful websites:

(South Gloucestershire LA is not responsible for the availability or content of external websites)

Advisory Centre for Education (ACE)

www.ace-ed.org.uk

1United House,
North Road,
London N7 9DP
General advice line tel: 0808 800 5793

Bell Young Learners

www.bell-centres.com

Bell Young Learners
Lancaster House
South Road
Saffron Waldon
Essex, CB11 3DP
Telephone: 01799527511

Christian Home Education

<http://www.homeschool.co.uk/>

Kingswood Connexions Centre

www.connexionswest.org.uk

Education Everywhere

www.educationeverywhere

Tel: 01942 897779/01362 688466

Education Otherwise

www.education-otherwise.net

PO Box 3761,
Swindon, SN2 9GT
Helpline 0845 478 6345

Freedom-in-education

www.freedom-in-education.co.uk/

Gypsy, Roma & Travellers

www.gypsy-traveller.org/education/

Hall's E-cademy

www.hallsecademy.co.uk

PO Box 267
St Albans, AL2 3WR

HE Special UK

www.he-special.org.uk/

Home Education

www.home-education.org.uk/

Home Education Advisory Service

www.heas.org.uk

P.O. Box 98
Welwyn Garden City
Herts, AL8 6AN
Telephone: +44 (0)1707 371854

Muddle Puddle

www.muddlepuddle.co.uk/

NorthStar Worldwide

www.northstarworldwide.org

Personalised Education Now

www.personalisededucationnow.org.uk

The National Association of Traveller Teachers

www.natt.org.uk

The Travellers' School Charity

www.travellersschool.org.uk

Other useful websites

www.educationalresources.co.uk