



# **ELECTIVE HOME EDUCATION**

**Tower Hamlets Children, Schools & Families**

**Policy 2011**

# Elective Home Education & Tower Hamlets Children, Schools & Families

## Foreword

In Tower Hamlets we value education highly, particularly as it shapes the life chances of our children. We are proud of our schools and their achievements, but at the same time we recognise the legal right of parents/carers to educate children at home instead of school if they choose to do so, as long as they ensure that their child receives a suitable education. We believe that if we establish effective dialogue about the many approaches to educational provision, then we can work together to ensure all children can do their best.

**APPENDIX 2** summarises the current picture of home education in Tower Hamlets.

### The purpose of this policy is to:

1. Set out clear information on the legal position for the local authority and parents/carers in relation to home education.
2. Describe Tower Hamlets procedures for children who are home educated
3. Describe Tower Hamlets procedures for children with Special Educational Need.
4. LA Position on part-time and flexi

### 1. Information on the legal position (taken from Elective Home Education, Guidelines for Local Authorities DCSF 2007)

The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not. 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".*

Criteria for "efficient" and "suitable" education are not set out in the Education Act 1996, but "efficient" has been broadly described in case law as an education that "achieves that which it set 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".

## Parental rights and responsibilities

Parents may decide to exercise their rights to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age. Parents are not required to register or seek approval from the local authority to educate their children at home. Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. Local authorities do not receive funding to support home educated families. Parents must ensure that their children receive suitable full-time education for as long as they are being educated at home. If parents engage tutors or other adults to work with their children, they should be mindful of Child Protection background checks for suitability to work with children.

## Local Authorities' Responsibilities

The DCSF recommends that each local authority provides written information about elective home education that is clear, accurate and sets out the legal position, roles and responsibilities of both the local authority and parents. This information should be made available on local authority websites and in local community languages and alternative formats on request. Local authorities should recognise 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.

Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspection Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (for example, privately, or in alternative provision). The guidance issued makes it clear that the duty does not apply to children who are being educated at home.

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. This section states that:

*"If it appears to a local 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."*

A School Attendance Order should be served after all reasonable steps have been taken to try to resolve the situation. At any stage following the issue of the Order, parents may present evidence to the local authority that they are providing an appropriate education and apply to have the Order revoked. If the local authority refuses to revoke the Order, parents can choose to refer the matter to the Secretary of State. If the local authority prosecutes the parents 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.

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 authority are exercised with a view to safeguarding and promoting the welfare of children.”*

Section 175(1) does not extend local authorities' functions. It does not, for example, give local authorities powers to enter the homes or, otherwise see, children for the purposes of monitoring the provision of elective home education.

**The Children Act 2004** (“the 2004 Act”) provides the legislative framework for developing Children, Schools & Families as detailed in *Every Child Matters: Change for Children*. The background and aims of Every Child Matters can be found on its dedicated website. Section 10 of the 2004 Act sets out a statutory framework for cooperative arrangements to be made by local authorities with a view to improving the well-being of children in their area.

As outlined above, local authorities have general duties to make arrangements to safeguard and promote the welfare of children (section 175 Education Act 2002 in relation to their functions as a local authority and for other functions in section 10 and 11 of the Children Act 2004). These powers allow local authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern (sections 17 and 47 of the Children Act 1989). However, such powers do not bestow on local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.

Section 53 of the 2004 Act sets out the duty on local authorities to, where reasonably practicable, take into account the child's wishes and feelings with regard to the provision of services. Section 53 does not extend local authorities' functions. It does not, for example, place an obligation on local authorities to ascertain the child's wishes about elective home education as it is not a service provided by the local authority.

## **2. Tower Hamlets procedures for home educated children**

**Parents** are responsible for:

- planning and putting in place the arrangements to home educate their child
- notifying the school in writing of their intention to home educate their child
- understanding once they have sent the written notification to the school their child will be taken off the school roll and that a place might not be available there if they decide at a subsequent time that they would like the child to return to the school.

**Schools** are responsible for:

- liaising with the Keyworker/Lead Professional where the child is recognised to be vulnerable such as being the subject of a Child Protection Plan or having a Statement of Special Educational Need etc. when they have received a parent's written notification of intention to home educate.

- informing Pupils Admissions & Exclusions of the name of any pupil being removed from the school roll to be educated at home once they have received a parent's written notification of intention to home educate and subject to the outcome of the liaison above where necessary
- forwarding a copy of the parent's written notification of intention to home educate to Pupils Admissions & Exclusions.

**The Pupil Admissions & Exclusions Team** is responsible for maintaining a clear record of children being educated at home and of keeping the other Local Authority (LA) teams informed. This involves:

- recording parents' intention to educate children at home;
- asking parents to complete a discretionary questionnaire describing the education provided to facilitate the best advice from the home education consultants on the provision;
- seeking details of any involvement of the Attendance and Welfare Service, Educational Psychology Service, Special Educational Needs Team and Children's Social Care with the families;
- informing the Senior Officer with responsibility for managing Home Education of children being educated at home and of the subsequent admission to school of any home educated pupils.

**The Senior Officer** with responsibility for managing home education should ensure the LA policy is up to date and available to local authority officers and the public. The Senior Officer can answer queries about home education but the LA is unable to provide funding. The Senior Officer must manage the work of LA consultants (currently ex-headteacher consultants) to maintain good communication with home educating families and to ensure the LA meets its statutory duties. The Senior Officer is responsible for following up any child protection concerns reported by the LA consultants arising from contact with the family in accordance with the local authority's child protection policies and procedures.

**The Local Authority (LA) Home Education consultants** are responsible for establishing clear communication with home educating families by contacting them and meeting or talking to them. They will maintain contact, usually annually, and record any visits in a letter to parents, copied to the Senior Officer. At termly meetings with the Senior Officer, LA consultants will contribute to monitoring home education in the borough and developing policy. They will liaise with the admin assistant with responsibility for home education.

**The Admin Officer** with responsibility for home education will maintain accurate records of home educated pupils, on the advice of Pupils Admissions & Exclusions and communicate this to the Senior Officer and the LA consultants. The admin assistant also manages all the arrangements for meetings and is the first point of call for parents/carers seeking information about home education.

**The Attendance and Welfare Service** is responsible for informing the Pupils Admissions & Exclusions Team of any contact they have had with families who have taken their children out of school to be home educated. This information is recorded and passed to the Senior Officer along with the completed questionnaire describing the education offered at home before contact with the family is made. This will include information about the reasons for the AWA involvement, whether the child has a Child Protection plan, subject to legal action and

information about whether it is advisable for the Senior Officer to be accompanied on a home visit or for the meeting to take place away from the home.

**The Special Educational Needs and Educational Psychologist Service** are responsible for liaising with the Home Education Consultants on contact children with an SEN statement.

## **Home Education & the Special Educational Needs Code of Practice (2001)**

### **Education otherwise than at school**

Children with statements may be educated other than at school because parents have made suitable arrangements on their own.

- Section 7 of the Education Act 1996 recognises parents' right to choose to educate their children at home. Such arrangements are described as 'education otherwise than at school.' In such cases, if the child has a statement of special educational needs, it remains the LA's duty to ensure that the child's needs are met. The statement must remain in force and the LA must ensure that parents can make suitable, provision, including provision for the child's special educational needs. If the parent's arrangements are suitable the LA are relieved of their duty to arrange the provision specified in the statement. If, however, the parents' attempt to educate the child at home results in provision which falls short of meeting the child's needs, then the parents are not making 'suitable arrangements' and the LA could not conclude that they were absolved of their responsibility to arrange the provision in the statement. Even if the LA is satisfied, the LA remains under a duty to maintain the child's statement and to review it annually.

When a child is educated otherwise than at school, the general timetable and arrangements for the annual review will remain the same as for children in schools. However, in these circumstances the LA will convene the review meeting and the range of professionals involved may be wider and in some respects different from those involved in a school-based review. The child's parents must always be invited to the review meeting. The review meeting should take place in the most appropriate location, such as LA offices, a hospital or the parents' home, and should normally be chaired by the LA.

### **LA contact with home educating families** *(also see APPENDIX 1 for more information)*

#### **First contact**

Most parents choose to register their intention to home educate with the Local Authority via Pupils Admissions and Exclusions. A minority of information comes from other teams in the LA. On receipt of the family's contact details from Pupils Admissions & Exclusions, the LA consultants send the parent/carer a personal letter of introduction and follow this up with a telephone call to make an appointment to discuss arrangements, to give information and guidance.

#### **The meeting or discussion**

This can be at the families' residence, at the PDC or at a location convenient to both the consultants and the family or by phone. At the beginning of the contact, the LA consultants clarify the role of the LA in relation to home education and set out the main

purposes of the discussion, to give information and to assess the quality of education provided at home against the criteria set out in section 1 of this policy. Any or all of the following topics may be discussed depending on the circumstances of the discussion and the parents' wishes;

- The parent/carer's rationale for home education;
- Parent's/carers information about the educational programme, teaching materials, resources, tutors, courses, examination entries etc;
- The child's learning and experience (if the child is present) through talking to the child, listening to them read, asking them to talk about a topic of interest (if appropriate);
- Any links the parent/carer has with the Education Otherwise organisation and others supporting home education;
- LA consultants have a wide knowledge of education services in the local area and can talk with families about Idea Stores or libraries, the Children's Information Service, Family Learning classes, local museums and galleries etc;
- Advice and information on teaching resources;
- Describe the national standards expected of children of a relevant age in school and the school curriculum.

**LA consultants should make it clear that the LA is not able to:**

- provide any LA funding to home educating families as this is directed through schools.

**LA officers are looking for the parents' vision and its required provision. This will include:**

- a clear statement of intent from the parents, detailing their aims for their child's or children's education;
- an awareness of how they will help their child/children to achieve these aims.

For example:

- an organised programme (not necessarily to replicate a school timetable);
- a balance over time of learning activities to include the basic skills, some humanities subjects, science, practical, creative and physical activities;
- opportunities for the child to meet and socialise with other children both inside and outside of the family;
- ways of talking about progress with the child.

If the LA consultants are concerned about the welfare of a child in relation to safeguarding children they should inform the Child Protection Advice Line on 020 7364 3444 as a matter of urgency and inform the Senior Officer.

**After a visit or discussion**

The LA consultants write a letter summarising the main points of the discussion from the visit and makes a clear judgement on whether the provision of education is satisfactory or unsatisfactory (according to the law), sending a copy to the parent, the responsible Senior Officer, the Head of Pupils Admissions and Exclusions and the Head of the AWA

Service. If the education provided is deemed to be unsatisfactory, then parents will be given an opportunity to make improvements. The consultants also include information on resources a family has asked about.

If arrangements for home education are judged unsuitable by the LA consultants, against the criteria as set out in section 1 of this document, they will discuss this with parents/carers and then record their observations in a letter. A copy goes to the parents, the Senior Officer and Pupils Admission and Exclusions. Pupils Admission and Exclusion then refer this case to the Attendance and Welfare Service.

### **3. Tower Hamlets procedures for children with Special Educational Needs**

All provision for children with a statement of Special Educational Needs are made with reference to the Code of Practice and this changes according to legislation. The current situation is set out in **APPENDIX 3**.

### **4. Part time flexi schooling**

Tower Hamlets is at present not able to support any applications by parents/carers for part-time school education, as this provision places too great a pressure on teachers and schools to maintain appropriate continuity of learning or social development. Children being educated at home are, however, welcome to join Junior and Senior Youth Service activities run by the LA. They may also wish to contact local schools to establish whether it is possible to be included in Out of School Hours Learning programmes.



## **APPENDIX 1: HOME EDUCATION PROCEDURES IN TOWER HAMLETS**

1. School (or AWS) informs Pupils Admissions & Exclusions of parent/carer intention to home educate.
2. Pupils Admissions & Exclusions check any SEN, AWS, Social Care, Vulnerable Care Records.
3. Pupils Admissions & Exclusions send a letter and copy of guidance notes to parent/carer with questionnaire for completion (cc to admin assistant for Senior Officer).
4. Admin Officer for Senior Officer sends parent/carer personal letter of introduction for LA consultants.
5. LA consultants follow this up with telephone call to family to arrange meeting/discussion:
  - at family's residence.
  - at the PDC
  - at location agreed by both
  - telephone review (depending on previous contact)
  - email correspondence.
6. If no response to first contact, send self-addressed stamped envelopes with reply slip requesting contact numbers, email and address. At the same time admin assistant re-checks contact info with Pupils Admissions & Exclusions.
7. After three attempts at contacting parents over a month, if still no contact is made, case passed back to Pupils Admissions & Exclusions and the AWS.
8. Admin Officer receives arrangements for any meeting from LA consultants, books any rooms and confirms appointment with parent/carer.
9. LA consultants complete the review at family's home, the PDC, alternative location or by telephone/email. They write a letter to the parent/carer summarising the conversation, their judgement of whether home education is satisfactory (meets requirements of the law) or unsatisfactory. Senior Officer checks letters and copies are sent to family, LA consultants and pupil services.
10. A telephone or email review (for previously satisfactory reviews) is carried out after confirming date/time by letter to family, a letter summarising the conversation and judgement is written (as above).
11. If the LA consultants judge provision of home education to be unsatisfactory, parent/carer is given advice on what is needed to make education 'efficient' or 'suitable' and a second review arranged within three months. Should education be judged unsatisfactory at the second review, the case is referred and Pupils Admissions & Exclusions and the AWA.

## **APPENDIX 2: Home Education in Tower Hamlets – the 2009 picture**

The number of families electing for home education is increasing. In summer 2008 there were 32 families known to have elected for home education for 51 children. There are roughly equal numbers of boys and girls and the peak age for home education is around secondary transfer (12 years of age), although there is a higher proportion of primary -aged children educated at home than older ones. Families from all backgrounds and faiths are among those who choose to home educate.

Parents/carers report various reasons for educating their children at home. At present these are:

- basis of faith
- a decision from the beginning to home educate
- specific learning difficulties
- learning style
- the curriculum and organization
- failure to secure secondary school placement
- disillusioned with available system
- entry into the school system from nursery to reception

## *Useful Addresses*

For National Curriculum Publications  
The Stationery Office  
Tel: 0870 600 5522

**QCA website for the National Curriculum**  
[www.nc.uk.net](http://www.nc.uk.net)

### *Organisations to support home educators*

#### **Education Otherwise**

1 Dunbury Cottages  
Milton Abbas  
Dorset DT 11 0DH  
Tel: 01258 880355

#### **Home Education Advisory Service**

PO Box 98  
Welwyn Garden City  
Herts AL8 6AN  
Tel: 01707 371854  
Email: [100752.1061@compuserve.com](mailto:100752.1061@compuserve.com)  
[www.ourworld.compuserve.com/homepages/home-ed-advisory-srv/](http://www.ourworld.compuserve.com/homepages/home-ed-advisory-srv/)

#### **Choice in Education**

PO Box 5  
Belvedere  
DA17 5ZU  
Email: [choiceineducation@btinternet.com](mailto:choiceineducation@btinternet.com)

### *LA Contacts*

#### **Pupil Admissions & Exclusions**

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Mulberry Place  
5 Clove Crescent  
London  
E14 2BG  
020 7364 4301  
Email: [Huong.Le@towerhamlets.gov.uk](mailto:Huong.Le@towerhamlets.gov.uk)

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