



Elective Home Education Policy and Guidance

Trafford
April 2014

This document contains DfE Guidance. How Trafford will apply this Guidance is contained within the boxes.

Throughout these guidelines, 'parents' should be taken to include all those with parental responsibility, including guardians and carers.

This information and any supporting documents are available on the Council Website <http://www.trafford.gov.uk/residents/schools/home-education.aspx>

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What is Elective Home Education? (EHE)

All children of compulsory school age have a right to an education, however, this doesn't have to take place in school. The responsibility for a child's education in England rests with his or her parents and they can choose to educate their children otherwise than at school. There are a variety of ways in which this can be done, some parents choose to educate their children themselves - often on a one to one basis, some parents may employ tutors, many put together a package of learning which will involve a mixture of learning opportunities.

There are also many reasons why a parent may choose EHE, 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 or a parents' desire for a closer relationship with their children.

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

Elective Home Education should not be confused with Home Tuition which is sometimes provided for pupils who are on roll at a school and have medical issues. If medical issues are affecting your child's ability to attend school, please contact our Medical Education Service.

The law relating to Elective Home Education

- The responsibility for a child's education rests with their parents.
- 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."

- 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,
This must be achieved either by regular attendance at school or otherwise.

Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections 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, at home, privately, or in alternative provision). This duty does **not** apply to children who are being educated at home.

Local authorities 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 local authority, in which case additional permission is required from the authority before the child's name can be removed from the register.

Trafford LA has a duty to try to ensure that all children in the area are receiving a suitable education. There are a minority of pupils who do not attend school and who may not be receiving any education. For this reason, we have to contact parents of any children or young people who we become aware of who are not in school. In the majority of cases, they are receiving an education at home and we are able to satisfy this duty.

If parents feel that they would like their child to go to school, but there are barriers to this, we will work with the family to see if we can help to remove those barriers.

If the duty is satisfied, and parents have chosen to educate at home, we will only contact parents in the following circumstances:

- **An annual contact to satisfy the duty**
- **To invite parents to a Network meeting**
- **To provide an update of our Local Offer of Support**

The LA has to act if we receive a complaint or are given cause to believe that a child is no longer receiving a satisfactory education. We will try to handle any such actions in a sensitive manner.

If a parent informs a special school that they wish to withdraw their child, the school must notify the EHE officer who will organise a joint meeting with an SEN officer and the parents to discuss the suitability of this before the child can be withdrawn from the school roll.

The responsibilities of parents

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

An 'efficient and suitable education' is not defined in the Education Act 1996 but case law has described them as:

- An efficient education - achieves that which it sets out to achieve,
- A suitable education - 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.

The law does not define full time education but children normally attend school for between 22 and 25 hours a week for 38 weeks of the year. Government guidance states that this measurement of "contact time" is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place outside normal "school hours".

Parents who choose to follow elective home education must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. Parents are not required to register or seek approval from the local authority to educate their children at home.

Home educating parents are **not** required to:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards.

Parents and their children might require a period of adjustment before finding their preferred mode of learning and families may change their approach over time.

Parents are not required to have any qualifications or training to provide their children with a suitable education. It should be noted that parents of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside the school setting and these factors should not in themselves raise a concern about the suitability of the education being provided.

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 whom they engage are suitable to have

access to children. Parents will therefore wish to satisfy themselves by taking up appropriate references and local authorities should encourage them to do this.

- **Trafford will offer advice and support to parents if requested.**
- **Each year we put together our Local Offer of Support which includes Network meetings for parents and children, links to services and agencies, access to an exam centre and education advice.**
- **The EHE team will first make contact with parents by letter, informing them of sources of information and support. We recognise that at this point, parents' 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. In such cases, a reasonable timescale will be agreed for the parents to develop their provision and a second letter will be sent out in due course.**

If a child is registered at a school as a result of a school attendance order, the parents must get the order revoked by the local authority 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.

In their consideration of parents' provision of education at home, local authorities may reasonably expect the provision to include the following characteristics:

- consistent involvement of parents or other significant carers - it is expected that parents or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education
- recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences
- access to resources/materials required to provide home education for the child - such as paper and pens, books and libraries, arts and crafts materials,
- physical activity,
- ICT
- the opportunity for appropriate interaction with other children and other adults.

If a local authority considers that a suitable education is not being provided, then a full written report of the findings should be made and copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable. If the authority is not satisfied that a suitable education is being provided, and the parents, having been given a reasonable opportunity to address the identified concerns and report back to the authority have not done so, the authority should consider sending a formal notice to the parents under section 437 (see paragraph 2.7) before moving on, if needed, to the issuing of a school attendance order (section 437(1)).

Parents' education provision will reflect a diversity of approaches and interests. Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child. One approach is not necessarily any more efficient or effective than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, local authorities should not specify a curriculum or approach which parents must follow. Children learn in different ways and at different times and speeds.

The Education Support Officer will ask parents to provide evidence that the education is suitable and efficient. This may be provided by written evidence sent in the post, by a meeting with the parent(s) or by a meeting with parent(s) and child.

The Officer would expect evidence of:

- **consistent involvement of parents or other significant carers**
- **recognition of the child's needs, attitudes and aspirations**
- **opportunities for the child to be stimulated by their learning experiences**
- **access to resources/materials required to provide home education for the child - such as paper and pens, books and libraries, arts and crafts materials,**
- **physical activity**
- **ICT/computing**
- **opportunity for appropriate interaction with other children and other adults.**

If the Officer isn't satisfied that the education is suitable and efficient, they may ask for more evidence before providing a full written report of the findings. The report will specify the grounds for concern and any reasons for concluding that provision is unsuitable.

If the authority is not satisfied that a suitable education is being provided, parents will be given an opportunity to address the identified concerns and report back to the authority. If the concerns have not been addressed appropriately, or the parents do not contact the authority within an agreed time period, the authority will send a formal notice to the parents under section 437 (see paragraph 2.7) before moving on, if needed, to the issuing of a school attendance order (section 437(1)).

The responsibilities of schools and agencies

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, they 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.

If a pupil is at risk of exclusion schools should contact the Behaviour & Attendance Service.

If the pupil has a poor attendance record, school should work with their EWO to address this. Requests for Penalty Notices and Prosecutions should be discussed with the appropriate Senior EWO.

The school **must** delete the child's name from their admissions register upon receipt of written notification from the parents that the pupil is receiving education otherwise than at school.* However, schools should not wait for parents to give written notification that they are withdrawing their child from school before advising their local authority. Schools must make a return (giving the child's name, address and the ground upon which their name is to be deleted from the register) to the local authority **as soon as the ground for deletion is met**, and no later than deleting the pupil's name from the register. They should also copy parents into the notice to the local authority.

***Where the child is attending a special school under arrangements made by the local authority, additional permission is required from the authority before the child's name can be removed from the register.(See SEN guidance p.14).** Child Protection information must be copied and sent under separate cover to any new school/college whilst the child is still under 18 (i.e. the information does not need to be sent to a university for example). Where a child is removed from roll to be educated at home, the file should be copied to the Local Education Authority.

- **Schools should inform Trafford Admissions Service and the Trafford EHE Officer by e-mailing ehes@trafford.gov.uk and password protect the document.**
- **Any Child Protection files should be sent securely to the EHE Officer.**
- **Special schools must notify the LA of any parent wishing to educate at home and wait for agreement from the LA before removing the pupil from roll.**
- **The Admissions team will inform the EHE team of any pupils who are removed from school to be educated at home and any children who cease to be educated at home and are put on a school roll.**
- **Other agencies should inform the Children Missing Education Group of any children they are aware of, who are of compulsory school age who are not attending school. They can be contacted by email cme@trafford.gov.uk**

Complaints and concerns

The Local Authority's primary interest should lie in the suitability of parents' education provision and not their reason for doing so. 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 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.”

Section 437(2) of the Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

Prior to serving a notice under section 437(1), local authorities are encouraged to address the situation informally. The most obvious course of action if the local authority has information that makes it appear that parents are not providing a suitable education, would be to ask parents for further information about the education they are providing. Such a request is not the same as a notice under section 437(1), and is not necessarily a precursor for formal procedures. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so.

Where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made. Where local authorities are not able to visit homes, they should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. If they choose not to meet, parents may be asked to provide evidence that they are providing a suitable education.

Parents might prefer, for example, to write a report, provide 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. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.

A school attendance order may be served after all reasonable steps have been taken to try to resolve the situation if the parent fails to satisfy the Local Authority that the child is receiving suitable education *and* it is expedient that the child shall attend school. An Order continues in force as long as the child is of compulsory school age unless amended by the LA or revoked.

Where a concern is raised regarding unsuitable education we will try to deal with it sensitively to ascertain whether there is a genuine issue or not. If there is an issue, we would try to support the parents wherever possible to meet the Government criteria for a suitable education. We would only issue an attendance order if all other strategies had failed and it was clear that the parents were not able, at that time, to provide an efficient and suitable education.

Our first step would be to arrange an informal meeting at a mutually acceptable location to address any specific concerns and to give the parents the opportunity to provide any further information as to how they are providing a suitable education. We would like the child to be given the opportunity to attend, but if they didn't wish to, or it was inappropriate, we would like them to have the opportunity to express their views. We would then consider and agree what future contact there will be between us, recognising that in many instances such contact might be beneficial but is not legally required.

We would only send a formal letter requesting further information if it still appeared to the authority that the child was not receiving a suitable and efficient education. A written report would be made after such contact and copied to the parents stating whether the authority has any concerns about the education provision and specifying what these are, to give the child's parents an opportunity to address them. Where concerns about the suitability of the education being provided for the child have been identified, more frequent contact may be required while those concerns are being addressed. Where concerns merit frequent contact, we would discuss them with the child's parents, with a view to helping them provide a suitable education that meets the best interests of the child.

Monitoring

HIGH PRIORITY

A child or young person who is electively home educated is deemed high priority when:

- 1) A child has a statement/Education, Health and Care Plan/Education, Health and Care Plan of S.E.N or has been referred into the S.E.N. process.
- 2) There are safeguarding issues or a referral to MARAT is or has been made.
- 3) The education being provided is neither 'suitable' or 'efficient'
- 4) There is a refusal to engage with the local authority in any shape or form, therefore the suitability of the education cannot be confirmed.
- 5) If a letter has been sent regarding a child who is newly EHE and there is no response following two letters in two weeks being sent.
- 6) If, after a year of no contact, there is no response from two letters within the agreed time period.

PENDING

A child or young person who is electively home educated is deemed to be of pending status:

- 1) If the initial letters have been sent regarding a child who is newly EHE and the local authority is awaiting responses within the agreed time period.
- 2) When a child becomes newly home educated there is an agreed introductory period before next contact is made by the local authority.

PLEASE REFER TO THE DEREGISTRATION PROCESS

SATISFIED

- 1) Within the previous twelve months the education of a child has been deemed to be 'suitable' and efficient' in accordance with government guidelines and there are no safeguarding issues as well as no underlying issues which are barriers to learning.

Other relevant legislation for local authorities

- 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."

However, local authorities do **not** have powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

- 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, or otherwise, these concerns should immediately be referred to the appropriate authorities using established protocols.
- As outlined in section 175 Education Act 2002 in relation to their functions as a local authority and for other functions in sections 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.

The Elective Home Education Team will refer any safeguarding concerns, should they occur, to MARAT (Multi Agency Assessment and Referral Team) who will follow the MARAT process.

The DfE 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.

Any procedures for dealing with home educating parents and children should be fair, clear, consistent, non-intrusive and timely, in order to provide a good foundation for the development of trusting relationships.

The DfE recommends that each local authority should have a named senior officer with responsibility for elective home education policy and procedures. This officer should be familiar with home education law, policies and practices. Local authorities should organise training on the law and home education methods for all their officers who have contact with home educating families.

The contact details for the named officer for Trafford are available on the website.

<http://www.trafford.gov.uk/residents/schools/home-education.aspx>

Training is delivered within the team and regular meetings are held for any staff who may have an involvement with families who are Home Educating. Trafford is a member of the North-West EHE Network.

The Team can be contacted at ehe@trafford.gov.uk

Raising the Participation Age (RPA)

The Government has changed the law so that from start of the 2013/14 academic year, all young people are required to continue in education or training until the end of the academic year in which they turn 17. Pupils starting year 11 or below in September 2013 will need to continue until at least their 18th birthday.

For these young people who are being home educated, no hourly requirement of education applies: the amount and content of that education is at the discretion of the home educator. In most circumstances it will be the young person themselves who states that they are home-educated. If the authority believes there is some doubt in the matter they may wish to seek confirmation of this from the parent or guardian, but no on-going monitoring of the education is required.

All home educated young people will be sent a letter, during the year in which they turn 16, from Trafford Connexions. This will offer them an impartial careers guidance interview which will provide them with information, advice and guidance on all post-16 learning options. If young people are choosing not to continue with home education post-16 Connexions will ensure that they have an offer of a further learning place in line with raising of the participation age requirements.

<http://www.education.gov.uk/schools/guidanceandadvice/g00222993/sfat-guide-young-people-edu-employ-train>

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 an Education, Health and Care Plan (EHC)/statement of special educational needs or not. Where a child has an EHC plan/statement of SEN and is home educated, it remains the local authority's duty to ensure that the child's needs are met.

Local authorities must have regard to the *Special Educational Needs Code of Practice*. Although this document primarily covers special educational needs in the school and early years' settings, it does give information about SEN in relation to home education (paragraphs 8.91 - 8.96 of the Code). The Code of Practice emphasises the importance of local authorities and other providers working in partnership with parents. The Code of Practice is statutory guidance and schools, local authorities and others to whom it applies must have regard to it. This means that, apart from the references to the law, these bodies do not have to follow the Code to the letter but they must be able to justify any departure from its guidance. The foreword states that the Code is designed to help these bodies to "make effective decisions but it does not - and could not - tell them what to do in each individual case".

If the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making "suitable arrangements", and the authority could not conclude that they were absolved of their responsibility to arrange the provision in an EHC plan/statement of SEN. Parents need only provide an efficient, full-time education suitable to the age, ability and aptitude and to any special educational needs the child may have as defined in Section 7 of the Education Act 1996. It is the authority's duty to arrange the provision specified in an EHC plan/statement of SEN unless the child's parent has made suitable provision, for as long as an EHC plan/statement of SEN is maintained. In some cases a combination of provision by parents and LA may best meet the child's needs. Local authorities should consider, for example, providing access to additional resources or treatments where appropriate.

Even if the local authority is satisfied that parents are making suitable arrangements, it remains under a duty to maintain an EHC plan/statement of SEN and review it annually, following procedures set out in chapter 9 of the SEN Code of Practice. In some circumstances the child's special educational needs identified in an EHC plan/statement of SEN 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 an EHC plan/statement of SEN. This may be done at the annual review or at any other time. Where an EHC plan/statement of SEN is reviewed it should be made clear to parents that they are welcome to attend, but they are not obliged to do so.

Where the authority is satisfied that the child's parents have made suitable arrangements it does not have to name a school in part 4 of the child's EHC plan/statement of SEN. There should be discussion between the authority and the parents and rather than the name of the school, part 4 of an EHC plan/statement of

SEN should mention the type of school the LA considers appropriate and that "parents have made their own arrangements under section 7 of the Education Act 1996".

An EHC plan/statement of SEN should also specify any provision that the local authority has agreed to make under section 319 of the Education Act 1996 to help parents to provide suitable education for their child at home. If the child who is to be withdrawn from the school is a pupil at a special school, the school must inform the local authority before the child's name can be deleted from the school roll and the authority will need to consider whether the elective home education is suitable before amending part 4 of the child's EHC plan/statement of SEN.

A parent who is educating their child at home may ask the local authority to carry out a statutory assessment or reassessment of their child's special educational needs and the local authority must consider the request within the same statutory timescales and in the same way as for all other requests. Local authorities should provide information to home educators detailing the process of assessment and both local authorities' and home educators' responsibilities with regard to provision should the child be given an EHC plan/statement of SEN. The views of the designated medical officer for SEN should be sought by the local authority where a child with an EHC plan/statement of SEN is educated at home because of difficulties related to health needs or a disability.

Special Educational Needs

If a child has an EHC plan/statement of SEN and the parent/carer elects to home educate, then a joint meeting with the parents will take place which will consist of a SEN adviser and the Education Support Officer, to offer advice and guidance and assess whether the education that is being or will be provided is 'suitable and efficient' and that the child's needs are being met.

Following this visit the usual SEN procedures will be followed, led by the SEN advisory service and the SEN casework team.

If the child is a pupil at a Special School, the SEN Adviser will need to be satisfied that the education is suitable before the child can be removed from the school roll and an EHC plan/statement of SEN is amended accordingly.

Gypsy, Roma and Traveller Children

Local authorities should have an understanding of and be sensitive to, the distinct ethos and needs of Gypsy, Roma and Traveller communities. It is important that these families who are electively home educating are treated in the same way as any other families. Home education should 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.

You can contact the dedicated officer on 07760 167467

Who will

- **Make initial contact with families and offer support for joint visits**
- **Liaise between families and local services, e.g. education, socialcare and housing**
- **Offer advice and guidance on EHE procedures**
- **Facilitate school admissions if needed**
- **Liaise with previous Local Authorities in which families have been residing**

Gifted and Talented children

The Gifted & Talented programme was an initiative which was run by the previous Labour government. Some resources may still be available on the internet and some schools still identify a cohort of Gifted & Talented pupils. The DfE website contains some advice and resources for parents to use with their children, whether they are Home educated or attend a school.

<http://www.education.gov.uk/schools/pupilsupport/parents/keepinginformed/a0010865/resources>

Trafford Education Standards Team can offer support via the EHE Network meeting on request.

Trafford Music Service can be contacted:

Phone: 0161 911 8689

Email: music.service@trafford.gov.uk

Reviewing policies and procedures

Local authorities should review all of their procedures and practices in relation to elective home education on a regular basis to see if improvements can be made to further develop relationships and meet the needs of children and parents. Home education organisations and home educating parents should be involved in this process of review. Effective reviews, together with the sensitive handling of any complaints, will help to secure effective partnership.

Local authorities should bear in mind that Ofsted report on the way local authorities cater for elective home educating families within their areas. Local authorities should keep home educators and home education support organisations informed of the policies and procedures of Ofsted reviews and any input they will have.

We are constantly reflecting and evaluating our procedures and practices and will formally review them every two years. We also welcome feedback from parents and their children who have been home educated, and will also request feedback at EHE Network meetings.