

# Elective Home Education Procedures



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## 1.0 Introduction

1.1 Elective home education (EHE) is the term used by the Department for Education (DfE) to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to home tuition provided by a local authority or education provided by a local authority other than at a school.

1.2 Home education is an option that any family may consider for their children. The reasons for deciding on this approach are many, as are the styles of education undertaken. For some families it is a decision based on their philosophical, spiritual or religious outlook, for others it is to meet the specific needs of a child or children. It may be because of dissatisfaction with 'the system' or used as a short-term intervention for a particular reason. Whatever the circumstances the local authority aims to support parents in their choice.

1.3 The purpose of this document is to set out the current legal position and to outline Lancashire's procedures.

1.4 These procedures relate to elective home education of children/young people of compulsory school age.

1.5 In compiling this document the local authority has drawn heavily on the information and guidance provided by the DfE and other local authorities. The responses to a consultation undertaken in late 2011 and those gathered as a result of an open consultation have been used to inform the final version.

## 2.0 The law relating to elective home education

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

2.2 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 duty to secure an appropriate full-time education for their children. Some parents choose to do this by educating their child at home. They do it because they judge it to be the best way to carry out their duty.

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.”*

2.3 Education is considered efficient and suitable if it enables their child to achieve their full potential, and it prepares them for adult life in their community, as long as it does not foreclose the child’s options in later years to adopt some other form of life if he/she chooses to do so.

Full time does not mean being bound by school hours and terms, as this measurement of contact time is not relevant to home education where there is often almost continuous one-to-one contact.

### **3.0 Parental rights and responsibilities**

3.1 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. Parents are not required to register or seek approval from the local authority to educate their children at home.

3.2 Where a child has been registered at a mainstream school, parents are required to notify the school in writing when withdrawing a child for EHE. This is to confirm that provision is being made for the child's education otherwise than at school and requesting removal from the school’s roll (see section 6 for more detail).

3.3. Consent of the local authority is required to de-register pupils placed at a special school under arrangements made by a local authority (see section 5.2.) Where a child is registered at a school as a result of a school attendance order parents must ask the local authority to revoke the order.

3.4 Parents 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”.

3.5 The type of educational activity can be varied and flexible. It is recognised that home-educating parents are **not** required to:

- teach the National Curriculum
- provide a broad and balanced curriculum
- 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.

3.6 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.

#### **4.0 Local Authority responsibilities and outline of procedures**

4.1 Lancashire recognises that there are many, equally valid, approaches to educational provision. What is suitable for one child may not be for another, but all children should be involved in a learning process.

4.2 When the local authority first becomes aware that parents have elected for home education initial contact will be made in order to establish that provision is being made. Many people find a home visit helpful, but parents may wish to meet at another venue, with or without their child. Alternatively they could write a brief report to let the authority know the provision that they are making. Lancashire accepts that in the early stages, parents may not yet be in a position to respond fully to enquiries. In such cases a reasonable timescale for responding will be agreed with the parents.

4.3 Although the local authority has no statutory duty to monitor the quality of home education on a routine basis contact will be made with parents once a year to ask for information in order to keep the database up-to-date and to offer support. Parents are under no duty to respond to this request and a lack of response would not of itself trigger a concern. The local authority's Elective Home Education officers are available to provide more frequent support if required.

4.4 If it appears that a suitable education is not being provided, the local authority will seek to gather any relevant information that will assist reaching a properly informed judgement. This will include seeking from the parents any further information that they wish to provide which explains how they are providing a suitable education. Parents will be given the opportunity to address any specific concerns that the authority has. Children are welcome to attend any meetings and make contributions to the information provided. Whilst parents are under no duty to respond to such a request, DfE guidelines comment that:

*'it would be sensible for them to do so'*

and refers to the legal case Phillips v Brown (1980).

4.5 If it still appears to the local authority that a child is not receiving a suitable education we may wish to contact the parents to discuss the on-going educational provision. Contact will normally be made in writing to parents to request further information. A written report will 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. If there are concerns, parents will be given the information in a written report outlining what the local authority is concerned about and why. Wherever possible, parents will have been informed of this beforehand, and have been given guidance about ways in which suitable education that meets the needs of the child may be provided. The authority may be able to suggest other services that may be useful or may suggest other contacts that can provide advice. The report will suggest timescales and arrangements for future contact to ensure progress has been made.

4.6 In the instance outlined above, some parents may welcome the opportunity to discuss the provision that they are making for the child's education during a home visit but parents are not legally required to give the local authority access to their home. They may choose to meet a local authority representative at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. 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 educational provision being made. Where we are unable to visit homes, officers 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.

4.7 Whilst there are no statutory duties in relation to the routine monitoring of the quality of home education, 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:

*"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."*

Section 437(2) of the 1996 Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

Section 437(3) of the 1996 Act provides for the serving of School Attendance Orders:

*If –*

*(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local authority, within the period specified in the notice, that the child is receiving suitable education, and*

*(b) in the opinion of the authority it is expedient that the child should attend school,*

*the authority shall serve on the parent an order (referred to in this Act as a "school attendance order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order.*

4.8 Lancashire considers that the taking of the above measures shall be a last resort after all reasonable avenues have been explored to bring about a resolution of the situation. At any stage following the issuing of an Order, parents may present evidence to Lancashire (or the court) that they are now providing a suitable and appropriate education and apply to have the Order revoked.

4.9 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 authority shall make arrangements for ensuring that their education functions 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 of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

## **5.0 Children with Special Educational Needs**

5.1 Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). This right is irrespective of whether the child has a statement of SEN or an Education, Health and Care (EHC) plan.

5.2 Where parents elect to home educate a child with a statement/ plan who is registered at a mainstream school the school will remove the pupil from roll, following receipt of written confirmation from the parent that educational provision is being made otherwise than at school. Local authority approval for removal from roll is not required irrespective of whether or not the child has a statement of SEN/ EHC plan unless registered at a special school.

On receipt of notification that a child has been withdrawn from a special school for EHE, the EHE team will request initial information regarding provision being made. When this information has been received, unless exceptional circumstances exist where we feel additional information is required, the EHE team will confirm with school that the child may be removed from roll.

5.3 On confirmation of a child's removal from roll for EHE, the EHE team will notify the Inclusion and Disability Support Service (IDSS) who will, within 12 weeks, make arrangements to review the statement/EHC plan. IDSS will

advise parents that they can ask for an EHE support worker or other person to be invited to the Annual Review if they wish. EHE support workers are happy to participate in Annual Reviews where parents wish for such support but will not otherwise attend.

5.4 Where a child who is home educated has a statement of SEN or EHC plan, the local authority retains a duty to maintain and review it annually, following the procedures set out in the Code of Practice for SEN. Parents should always be involved in the review process. However, it is not mandatory to see the child or the home as part of the review. Where parents wish for only minimal contact and there are no other concerns, the Annual Review can serve as the annual contact for EHE purposes.

5.5 Parents do not have to arrange provision detailed in the statement/plan, but do have a duty to provide an education suitable to their child's age, ability and any special educational needs. Where parents elect to home educate a child with a statement of SEN/EHC plan, this change of placement will be reflected in the statement/plan. The statement/plan may identify provision to be secured by the local authority, where the local authority considers it necessary to assist parents to fulfill their responsibilities.

If a child has a statement of Special Educational Needs, and particularly if they are registered at a special school, parents may wish to contact the Inclusion and Disability Support Service for further advice -

[www.lancashire.gov.uk/corporate/web/?IDSS/29537](http://www.lancashire.gov.uk/corporate/web/?IDSS/29537)

## **6.0 Withdrawal from school to home educate**

6.0 First contact between the local authority and home educators often occurs when parents 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. It is important that this initial contact is constructive and positive. Whilst parents must inform the school in writing of their decision, they are not legally required to inform the local authority. Where a parent is seeking to withdraw a child from a special school, the school must obtain consent from the local authority before they can remove the child from their roll (see above, section 5.2).

6.1 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. 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 the point at which they delete the pupil's name from the register. The EHE service will provide parents with a copy of the notification from school.

6.2 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.

6.3 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 seek to address the issues behind the absenteeism and use the other remedies available to them.

## **7.0 Reviewing procedures and practices**

7.1 Lancashire will review these guidelines and practice in relation to home education at least every two years. Home education organisations and parents will be involved in the process of review in order to ensure the most effective practice and strengthen partnerships.

## **8.0 The Lancashire EHE team**

8.1 The EHE team is a small team within the School Attendance Service. This service is within Lancashire County Council's Directorate for Children and Young People under the Quality and Continuous Improvement group within Universal and Early Support Services.

8.2 Overall responsibility for the EHE team sits with the School Attendance Lead, and the team consists of a Business Support Officer and a number of part time EHE Support Workers and EHE Support Officers. Enhanced DBS<sup>1</sup> clearance is mandatory for all EHE Support Workers/Officers and specific EHE training will be delivered in addition to LCC standard training including Induction, Safeguarding, Common Assessment Framework, Equality and Diversity, Health & Safety including lone worker arrangements.

8.3 The EHE team will explore the options for access/signposting to other LA services and facilities, within available resources, and will also seek to ensure EHE children have appropriate access to services and facilities from other agencies that would generally be delivered via school.

8.4 EHE officers understand that there is no one 'correct' educational system. All children learn in different ways and at varying rates. It is vital that parents and children choose a type of education that is right for them, and it is important that EHE officers understand and are supportive of many differing approaches or "ways of educating" which are all feasible and legally valid.

8.5 The role of the EHE team is not to tell parents how to educate their children or to promote registration at school. It is to respond to concerns that a child is not receiving a full time education suitable to his or her age, ability and aptitude and, where appropriate, provide support and information for parents.

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<sup>1</sup> DBS – Disclosure and Barring Service

8.6 As young people cease to be of compulsory school age, they will still be required to remain in education or training<sup>2</sup>. Currently, responsibility for the local authority's duty to promote effective participation and to identify young people who are not participating rests in the Young People's Service (YPS). The EHE team will provide details of such EHE children to the YPS to assist them in discharging this duty.

## **9.0 National and regional organisations**

9.1 There are many websites that provide information for anyone considering EHE – some links to such sites are provided below.

Education Otherwise: [www.education-otherwise.net](http://www.education-otherwise.net)

Lancashire Home Education: [www.lancashire-he.org.uk](http://www.lancashire-he.org.uk)

Ed Yourself: [www.edyourself.org](http://www.edyourself.org)

Home Schooling: [www.home-schooling-uk.com](http://www.home-schooling-uk.com)

Ahome: [www.ahomeeducation.co.uk](http://www.ahomeeducation.co.uk)

Home Education Advisory Service: [www.heas.org.uk](http://www.heas.org.uk)

Department for Education: [www.education.gov.uk](http://www.education.gov.uk)

HE in the UK – Special Educational Needs: <http://www.he-special.org.uk>

September 2013

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<sup>2</sup> The Education and Skills Act 2008 Section 1