

Elective Home Education

Guidance for parents educating children at home September 2016

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Education is a fundamental right for every child and we recognise that parents have the right to choose to educate their child at home rather than at school. These guidelines have been prepared to help home educating parents manage their relationships with Portsmouth City Council.

Parents are responsible for ensuring that their children receive a suitable education. Where parents have chosen to home educate, we want the home educated child to have a positive experience. We believe this is best achieved where parents and us recognise each other's rights and responsibilities, and work together. These guidelines aim to clarify the balance between the right of the parent to educate their child at home and our responsibilities as a local authority.

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INCLUSION

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PART 1

Introduction

1.1 Elective home education is the term used by the Department for Education (DfE) to describe a parents' decision 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. These guidelines are intended for use in relation to elective home education only. Throughout these guidelines, 'parents' should be taken to include all those with parental responsibility, including guardians and carers as per s.7 of the Education Act 1996.

1.2 Children whose parents elect to educate them at home are not 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 may choose to engage private tutors or other adults to assist them in providing a suitable education, but there is no requirement for you to do so. Learning may take place in a variety of locations, not just in the family home.

1.3 The purpose of these guidelines is to support both parents and Portsmouth City Council in carrying out their statutory responsibilities and to encourage good practice by clearly setting out the legislative position, and the roles and responsibilities of the local authority and parents in relation to children who are educated at home.

Reasons for elective home education

1.4 Parents may choose home education for a variety of reasons. Our primary interest lies in the suitability of parents' education provision and not their reason for doing so. The following reasons for home educating are common, but by no means exhaustive:

- 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' desire for a closer relationship with their children.

Part 2

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 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."

2.3 The responsibility for a child's education rests with his or her parents. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law as an education that "achieves that which it sets out to achieve", and a "suitable" education is one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".

Parental rights and responsibilities

2.4 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. 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.

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

Local authorities' responsibilities

2.5 We will provide 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 is available on our website and in alternative formats on request. We recognise that there are many approaches to an 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.

2.6 We 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 us to establish the identities, so far as it is possible to do so, of children in our 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). The guidance issued makes it clear that the duty does not apply to children who are being educated at home.

2.7 We 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, we 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.

2.8 Prior to serving a notice under section 437(1), we will try to address the situation informally with parents. If we have information that makes it appear that parents are not providing a suitable education, we would 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.

2.9 Section 437(3) refers to the serving of school attendance orders:

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(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local education 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."

2.10 A school attendance order will only 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 us that they are now providing an appropriate education and apply to have the Order revoked. If we refuse to revoke the Order, parents can choose to refer the matter to the Secretary of State. If we prosecute 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. It can also revoke the Order where it imposes an education supervision order. Detailed information about school attendance orders are contained in Ensuring Regular School Attendance paragraphs 6 to 16.

2.11 Where we impose a time limit, every effort will be made to make sure that both the parents and the officer with responsibility for elective home education are available throughout this period.

2.12 We 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."

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

2.13 The Children Act 2004 ("the 2004 Act") provides the legislative framework for developing children's services 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 cooperation arrangements to be made by local authorities with a view to improving the well-being of children in their area.

2.14 Section 11 of the 2004 Act sets out the arrangements to safeguard and promote the welfare of children. However, this section does not place any additional duties or responsibilities on local authorities over and above section 175(1) of the Education Act 2002. Statutory Guidance on Making Arrangements to Safeguard and Promote the Welfare of Children under section 11 of the Children Act 2004 has been updated and published in April 2007.

2.15 As outlined above, we have general duty 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 sections 10 and 11 of the Children Act 2004).

These powers allow us 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 upon us the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.

2.16 Section 53 of the 2004 Act sets out the duty on us 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 us to ascertain the child's wishes about elective home education as it is not a service provided by the local authority.

PART 3

Policies and procedures

3.1 Portsmouth City Council in line with current government recommendations have reviewed our policy on elective home education. We believe it provides clear guidance for parents and reflects the current law and government guidelines. In addition to this we have taken on board input from home educating parents.

3.2 It is important that all parties involved in elective home education are aware of their roles, rights and responsibilities. Our policy is to ensure all guidelines are clear, transparent and easily accessible to parents. All our procedures for dealing with home educating parents and children are equitable, clear, consistent, non-intrusive and timely, in order to provide a good foundation for the development of trusting relationships.

3.3 All our officers who deal with elective home education are fully aware of our policy, government guidelines, and the law.

Contact with parents and children

3.4 We acknowledge that learning takes place in a wide variety of environments and not only in the home. However, if it appears that a suitable education is not being provided, we will seek to gather any relevant information that may assist us in reaching a properly informed judgment. 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 always be given the opportunity to address any specific concerns that the authority has. The child involved will also be given the opportunity, but is not required, to attend any meeting that may be arranged or invited to express his or her views in some other way. Please note that parents are under no duty to respond to our requests for information or a meeting, but it would be sensible for them to do so.

3.5 If it appears to us that a child is not receiving a suitable education we will write to parents to discuss their ongoing home education provision. This letter will offer a range of ways in which you can choose to tell us about your provision. We would prefer that an officer from our service meets with you in order to discuss your arrangements, however the letter does give alternative options.

3.6 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 us access to their home. You may choose to meet an officer 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 will not of itself constitute a ground for concern about the education provision being made. Where we are not able to visit the home, we should be able to discuss and evaluate the educational provision by alternative means. If you choose not to meet an officer, parents will be asked to provide evidence that they are providing a suitable education. If we do ask parents for information you are under no duty to comply although it would be sensible for you to do so.

3.7 Following any review of your home education provision you will receive a short report from us. If we are satisfied that the education is suitable, you will be notified and advised we will contact you again in a year's time. If we are not satisfied, you will be notified and given a <u>maximum</u> 3 months to put plans in place. Following this we will contact you again to request evidence that the education is now suitable. If we remain dissatisfied we will take statutory action as set out above..

Withdrawal from school to elective home educate

3.8 If a parent decides to withdraw their child from school and seeks guidance from us we will provide verbal and written information (see paragraph 2.5). In addition to this we will draw your attention to a range of contacts set out in this guidance.

3.9 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 us. 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 that notice to us.

3.10 If a child is registered at a school as a result of a school attendance order the parents must get the order revoked by us 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.

3.11 We would prefer for you to inform us directly of the withdrawal of your child from school, but we have no legal right to insist that you do so. The only exception to this is where your child is attending a special school under arrangements made by us, in which case additional permission is required from us before the child's name can be removed from the register.

3.12 We appreciate in the early stages, 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 should be

agreed for the parents to develop their provision.

3.13 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 will address the issues behind the absenteeism and use the other remedies available to them.

3.14 In certain circumstances, if you make this decision within 6 months of deregistration, the Local Authority will require the previous school to place your child back on roll before any change of placement can be considered (alternative procedures may apply if the mainstream school has no available spaces) As agreed by all schools in the In Year Fair Access Protocol. (IYFAP)

Providing a full-time education

3.15 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". 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 often almost continuous one-to-one contact and education may take place outside normal "school hours." The type of educational activity can be varied and flexible. 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 socialization
- match school-based, age-specific standards.

However, we may, were reasonably practical offer advice and support to parents on these matters if requested.

3.16 We recognise that there are many, equally valid, approaches to an educational provision. We will, therefore, consider a wide range of information from home educating parents, in a range of formats. 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.

3.17 As per current government guidelines in our consideration of parents' provision of education at home, we 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 and the opportunity for appropriate interaction with other children and other adults.

3.18 If we consider that a suitable education is not being provided, then a written report of the findings will be made and copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable. If we are 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 us have not done so, we will 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)). See paragraphs 2.9 -2.11.

Children with Special Educational Needs (SEN)

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

3.20 We 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". 3.21 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 the statement/EHC plan. 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, for as long as a statement/EHC plan is maintained. In some cases a combination of provision by parents and us may best meet the child's needs. We could consider, for example, providing access to additional resources or treatments where appropriate.

3.22 Even if we are satisfied that parents are making suitable arrangements, we remain under a duty to maintain the statement/EHC plan 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 the statement/EHC plan will have been related to the school setting and the child's needs may readily be met at home by the parents without Local Authority supervision. It may be appropriate, once it is established that a child's special needs are being met without any additional support from us, to consider ceasing to maintain the statement/EHC plan. This may be done at the annual review or at any other time. Where the statement/EHC plan is reviewed it should be made clear to parents that they are welcome to attend, but they are not obliged to do so.

3.23 Where we are 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 statement/EHC plan. There should be discussion between us and the parents and rather than the name of the school, part 4 of the statement/EHC plan should mention the type of school we consider appropriate and that "parents have made their own arrangements under section 7 of the Education Act1996".

3.24 The statement/EHC plan should also specify any provision that we have 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 statement.

3.25 A parent who is educating their child at home may ask us to carry out a statutory assessment or reassessment of their child's special educational needs and we must consider the request within the same statutory timescales and in the same way as for all other requests. We should provide information to home educators detailing the process of assessment and both ours and home educators' responsibilities with regard to provision should the child be given a statement. The

views of the designated medical officer for SEN should be sought by us where a child with a statement/EHC plan is educated at home because of difficulties related to health needs or a disability.

PART 4

Developing relationships

4.1 As noted in our introduction to these guidelines, the central aim of this document is to assist us and parents in carrying out our statutory responsibilities/duties with respect to elective home educated children. We hope that this will enable us to build effective relationships with home educators that function to safeguard the educational interests of children and young people: relationships that are rooted in mutual understanding, trust and respect.

4.2 Whilst there is no legal obligation on us or home educators to develop such relationships, doing so will often provide parents with access to any support that is available and allow us to better understand parents' educational provision and preferences. A positive relationship will also provide a sound basis if we are required to investigate assertions from any source that an efficient and suitable education is not being provided.

Acknowledging diversity

4.3 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, we will not specify a curriculum or approach which parents must follow.

4.4 Children learn in different ways and at different times and speeds. It is appreciated that parents and their children might require a period of adjustment before finding their preferred mode of learning and that 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.

Providing information for parents

4.5 The provision of clear information has an important role to play in the promotion of positive relationships. We will provide, were reasonably practical, written information and website links for prospective and existing electively home educating parents that are clear and accurate and which set out the legal position, and roles and responsibilities, in an unambiguous way (see part 5).

Safeguarding

4.6 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. Working Together to Safeguard Children 2006 states that all agencies and individuals should aim proactively to safeguard and promote the welfare of children. 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 will immediately be referred to the appropriate authorities using established protocols.

4.7 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 we strongly advise you do this. Tutors employed by us or an agency may also undertake work for home educating parents, in which case CRB checks will have been made.

4.8 Paragraph 2.12 to 2.15 details our duties to make arrangements to safeguard and promote the welfare of children.

Reviewing policies and procedures

4.9 We 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 can be involved in this process of review.

4.10 We do bear in mind that Ofsted report on the way we cater for elective home educating families within our area. We will keep home educators and home education support organisations informed of the policies and procedures of Ofsted reviews and any input they may have.

Part 5

Support and resources

5.1 When parents choose to electively home educate their children they assume financial responsibility for their children's education.

5.2 We do not receive funding to support home educating families, and the level and type of support we offer will be based upon our limited resources. We do provide written information (which is also available through the internet) on elective home education that is clear and accurate and which sets out the legal position (see paragraphs 4.5 - 4.6). In addition to this we provide contact details for elective home education organisations and colleges.

The National Curriculum

5.3 Although home educated children are not required to follow the National Curriculum a number do. National Curriculum tests and assessment arrangements are developed and administered by the Qualifications and Curriculum Authority (QCA) on behalf of the Secretary of State. Information to support these arrangements is provided both electronically and in hard copy through the QCA's website at <u>www.qca.org.uk</u> or by telephoning their publications office on 08700 606015.

5.4 Information can be found at

https://www.gov.uk/government/organisations/department-for-education will allow access to the National Curriculum and associated schemes of work, aimed at setting standards across all schools.

Gypsy, Roma and Traveller Children

5.8 We have an understanding of and are 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. 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 our area, they are strongly encouraged to contact us for advice and help to access local educational settings.

Further guidance can be obtained from the DfE's Guide to Good Practice on the education of Gypsy, Roma and Traveller children - Aiming High: Raising the Achievement of Gypsy Traveller Pupils which can be obtained from DfE Publications (reference DfES/0443/2003). Another (external) source of information is <u>www.gypsy-traveller.org/education/.</u>

Organisations

5.9 There are organisations supporting parents who educate at home and website details of a range of these are included below. These offer a variety of advice and support to parents educating at home.

We cannot recommend a particular organisation, it would be for the parents to ensure the organisation best suits the needs of the education provision. This list is not exhaustive, but is meant for guidance only:

Education Otherwise

www.education-otherwise.net

Home Education Advisory Service

www.heas.org.uk

Home Education UK

www.home-education.org.uk

Activeo

www.activeo.co.uk

Faregos www.faregos.org

Advisory Centre for Education (ACE) Ltd

www.ace-ed.org.uk

Local Authority

www.portsmouthparentvoice.org/

http://www.portsmouthparentvoice.org/Dynamite.html/

www.portsmouthlocaloffer.org/



Hampshire Police offer a free electronically accessible resource library called Safe4me as part of their ongoing commitment to working partnership with education and professionals to keep children and young people safe.

Developed in partnership with education experts, Safe4me consists of pre-prepared, age-specific lesson plans and activities which focus on a range of topics specific to risk, law and consequences; the intended outcome of using Safe4me is to better inform and equip children and young people to make positive and safe choices.

http://www.hampshire.police.uk/internet/advice-and-information/safe4me/

Publications & Materials

5.10 There are a wide range of companies supplying both publications and materials to parents who decide to electively home educate. We have included a small sample for guidance only:

Collins Education

www.harpercollins.co.uk/about-harpercollins/Imprints/collins-education/

Heinemann Educational

www.heinemann.com

Hodder Education Group

www.hoddereducation.co.uk

Hope Education

www.hope-education.co.uk

Parsons Education Ltd

www.pearsoned.co.uk

Coordination Group Publishers

www.cgpbooks.co.uk



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