



Oldham Elective Home Education Policy

**Revised Version
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2 Introduction

This policy document applies to those children whose parents and carers (with parental responsibility) * have chosen to educate their children at home.

Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe parents' decisions to provide education for their children, who are of compulsory school age, at home instead of sending them to school. This is different to home tuition and education other than at school provided by the local authority (LA). Children educated at home are not registered at mainstream, special or independent schools, academies, free schools, Pupil Referral Units (PRUs), colleges or children's homes with education facilities.

This document sets out:-

- Parents' rights and responsibilities if they choose to educate their children at home
- The statutory duties on the LA and Schools in relation to children who are educated at home.

The LA recognises that there are many approaches to educational provision and that what may be suitable for one child will not be for another but all children should be involved in a learning process.

This guidance has been updated but will be revisited on receipt of the outcome of the Government Consultation in April 2018 on EHE.

3 The Law

- 3.1** The legal responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not. The law is set out in the European Convention on Human Rights and the Education Act 1996.
- 3.2** Article 2 of the Protocol 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."
- 3.3** Section 7 of the Education Act 1996 states that: " the parent of every child of compulsory school age shall cause him to receive efficient full time education suitable to
 - a) his age, ability and aptitude
 - b) any special educational needs he may have either by regular attendance at school or otherwise"
- 3.4** An "efficient" and "suitable" education is not defined in the Education Act 1996 but has been described in case law (in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust 1986) as an education that 'achieves that which it sets out to achieve' and '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 life to adopt some other form of life if he wishes to do so.'

* The term 'parent' is used in this document to apply to both parents and to carers

4 Parental Rights and Responsibilities

- 4.1 Parents may decide to exercise their right to home educate their child from a very early age and not enrol the child at a school. They may also elect to home educate at any stage up to the end of compulsory school age.
- 4.2 If the child is on a school roll, then parents must notify the school in writing if they are taking them out of school. If the child attends a special school, then parents must notify the local authority in writing.
- 4.3 Parents do not need to be qualified teachers to home educate and there is no requirement to teach the National Curriculum, match age-specific standards or observe schools hours, days or terms. They must however ensure that their child receives suitable full-time education, although they do not need to have a fixed timetable or have formal lessons.
- 4.4 There are no funds available from Central Government or from the LA for parents who elect to home educate.
- 4.5 Parents can choose to engage private tutors or other adults to assist them in providing a suitable education, although there is no requirement to do so, and learning may take place in a variety of settings, not just the family home.

5 Notification by Head teachers of a Parent's decision to Home Educate

- 5.1 Sections 8(1) (d) and 13(3) of the Education (Pupil Registration) Regulations 2006 places a duty on head teachers to inform the LA when a parent notifies them of their decision to home educate.
- 5.2 The head teacher should inform the LA prior to removing the child from the school's register. The child can be de-registered 2 working days after receipt of the parent's written notification.
- 5.3 If the child is registered at a school as a result of a school attendance order, the parent must obtain the permission of the LA on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be removed from the school's register and educated at home.

- 5.4 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.
- 5.5 If EHE is found to have been advised by the school/academy or considered unsuitable, the expectation is that the child will return to their former school, either through the In Year Access Protocol (IYFAP) or through the statutory Education, Health & Care Plan (E, H & C Plan) arrangements.

6 The Local Authority (LA)'s Duties

- 6.1 The LA has a duty to maintain a register of all children known to be home educated
- 6.2 The LA has a statutory duty under Section 437(1) of the Education Act 1996 to intervene if it appears that a parent is not providing a suitable education to the age, ability, aptitude and special educational needs of the child. 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.’
- 6.3 The LA, in partnership with other agencies, including Social Care and Health, has a statutory duty to safeguard and promote the welfare of all children resident in the city under Section 175 (1) of the Education Act 2002 and under the statutory guidance ‘Working Together to Safeguard Children’, March 2015
- 6.4 The LA actively promotes childrens’ rights to be heard, as stated in the United Nations Convention of the Rights of the Child (UNCRC), especially articles 2,3,6,& 12 and in the statutory guidance ‘**Listening to & involving children & young people**’, Jan 2014

7 The Local Authority's Arrangements – Initial Contact

On receipt of a notification of EHE:-

- 7.1 The child's name will be placed on the EHE register.
- 7.2 The LA will make enquiries, including from Social Care, the Health authorities and any previous school/Early Years provision, to ensure that there are no safeguarding concerns.

- 7.3** The LA will gather any relevant information to assist in reaching a properly informed view that the education is suitable. This includes seeking from parents any information that explains how they are providing a suitable education. This could include a written report, telephone conversations, the child's views, samples of the child's work, a home visit or a meeting outside of the home.
- 7.4** LA officers do not have an automatic right to access the home. However, under the safeguarding duties held by the LA and our commitment to the UNCRC, an LA officer will expect to see the child and ideally the home, as this is usually the main venue where education is taking place. Elective home education may not be considered suitable if this is refused and if there is any reasonable cause for concern.
- 7.5** The LA officer will attempt to make contact with parents to arrange a visit by telephone and/or by sending up to 3 letters within 20 working days of the initial notification.
- 7.6** If no response is received and, if there is any reasonable cause for concern (see Appendix), a referral will be made to the Multi-Agency Safeguarding Hub (MASH). A multi-agency Enquiry may then be considered to establish if the child is at risk of suffering significant harm or is assessed to be 'in need' of support services (s17 Children Act, 1989). This may lead to a welfare check and an unannounced visit to the home arranged by a Social Worker.
- 7.7** If concerns are substantiated, the child's name will be removed from the EHE list and they will be referred to the Children Missing Education (CME) Team. The CME process will then be followed and the child will be offered a school place.
- 7.8** Parents will receive a report summarising the outcomes of the assessment.
- 7.9** For the majority of Oldham families who home educate, EHE is suitable and they continue to home educate for as long as they feel it meets the needs of their child. The child's name remains on the EHE list and an LA officer is allocated as the main annual contact for the family.

8 The Local Authority's Arrangements – EHE Suitable

- 8.1** The LA has made arrangements to ensure it carries out its statutory duties in relation to children educated at home and to safeguard and to promote the welfare of children. These arrangements include:
- 8.2** A named senior officer with responsibility for elective home education policy and procedures

- 8.3** Availability of information to parents who are considering home educating their children and to parents who already do this through the Oldham Council Website, a parent's booklet and through named officers, whose role is to offer advice and support and build positive relationships with the families and communities who home educate
- 8.4** Organisation of events to ensure parents and communities who home educate have the opportunity to meet with officers of the LA to discuss policy and procedures such as drop in sessions at the Gallery Oldham and communities within the borough.
- 8.5** Responsibility of all agencies and LA teams to report to the named senior officer if they have any concerns about the safety and welfare of a child who is being home educated by the website or the MASH team.
- 8.6** All LA officers who have contact with families who home educate to be familiar with home education law, policies and practices.
- 8.7** A designated nurse in the School Nursing Service who can provide information and support to parents who home educate.
- 8.8** In line with the legislation around Raising the Participation Age (RPA) information will be provided for parents and children of Year 11 age advising them of their options and responsibilities for post 16 education provision.
- 8.9** Following agreement that EHE is suitable, an LA officer will maintain contact with the family on a regular basis. This will usually be annually but could vary by agreement.
- 8.10** Routine checks will be made with Social Care and the Health authorities and, as during the initial process, the LA officer will expect to see the child and the place where they are being educated. If this is refused, and the LA has reasonable cause for concern about the child's welfare, a referral may be made to the MASH as above 5.7.
- 8.11** There may be changes of circumstances for the family and the named LA officer is available if parents have any questions or wish to discuss any educational matters.

9 The Local Authority's Arrangements – EHE Unsuitable

- 9.1** Parents will receive written notification if the LA considers that suitable education is not being provided, specifying the grounds for concern and any reasons for concluding that provision is unsuitable.
- 9.2** Parents will have the opportunity to address the identified concerns and report

back to the LA within 20 working days, or other agreed timeframe, of the LA's letter.

- 9.3** If, after this the education is still not considered suitable, the LA will identify suitable provision for the child through their CME procedures. The expectation is that they will return to their former school, either through the In Year Access Protocol (IYFAP) or through the statutory Education, Health & Care Plan (E, H & C Plan) arrangements.
- 9.4** Following the Attendance Regulations, if the parent fails to register the child at the school which has been offered, they may receive formal notice that a school attendance order will be served. This step will only be taken if all reasonable steps have been taken to resolve the situation.

10 Children with Special Educational Needs (SEN) without an Education, Health & Care (EHC) Plan

- 10.1** Under Sections 7 and 19 of the Education Act 1996, parents have the right to educate their children, including children with SEN, at home. Home education must be suitable for the child's age, ability, aptitude and SEN.
- 10.2** Parents have the right to request an EHC assessment and the right to appeal is available to all parents, including those who feel that the SEN support being provided by the school is insufficient to meet the child's needs. There is more information on the Local Offer Website.
- 10.3** LAs do not have a duty under Section 22 of the Children & Families Act 2014 to assess every home educated child to identify whether or not they have SEN.

11 Review Arrangement for Children with Special Educational Needs (SEN) with an Education, Health & Care (EHC) Plan

- 11.1** If the child is on the roll of a special school the child's name may not be removed from the school register without the LA's consent.
- 11.2** It remains the duty of the LA to ensure the child's special educational needs are met. Under SEND arrangements, and in line with DFE guidance, the LA will carry out a transfer review for any child who currently has a statement of SEN and who is home educated.

- 11.3** In cases where the LA and parents agree that home education is suitable for a child with an EHC Plan, the LA will review the plan and consider if it is appropriate to maintain, amend or withdraw. The child and parents will be involved in this process and the EHC/plan will be amended to reflect parental choice.
- 11.4** In cases where the EHC Plan is maintained, the LA will review it annually to assure itself that the provision set out in it continues to be appropriate and the child's SEN continue to be met. The LA may name the type of school that would be suitable for the child, but state that the parents have made their own arrangements under Section 7 of the Education Act 1996.
- 11.5** Parents will be invited to the Review by the LA SEN officer, together with representatives from any other agencies eg Health, Social Care that the LA deems appropriate and the LA SEN representative. Parents will be notified in writing of the decision within 20 working days of the meeting and of their right to appeal.
- 11.6** If the LA decides to maintain an EHC Plan, it would be expected that this would cease when the child reaches the end of compulsory school age.
- 11.7** The LA will not assume that because the provision being made by parents is different from that which was being made or would have been made in school, that the provision is necessarily unsuitable. However in some cases, the LA may conclude that elective home education does not meet the child's SEN. The processes in Section 7 above will then be followed.

12 Looked After Children, Children on Protection (CP) Plans and Child in Need (CiN) Plans Child Need

- 12.1** In most cases, if a child is looked after, the LA would not expect the child to continue to be home educated. Advice will be sought from Social Care and from the Virtual Head for Looked After Children.
- 12.2** In most cases if a child is on either a CP or CiN Plan, the LA would not expect home education to be suitable. However both the child's and the parent's views will be considered and advice sought from Social Care before any decision is made.

13 ANNEXES

Annex A – Notification of parental preference to Home Educate

Name of child	Age
Date of birth	Year group
Address	Current school on roll:
Name of person at school who has been notified of preference	

Name of parent/carers making request	
Address (if different from above)	Phone number / email address

Please tick all that apply:

Child has Special Educational Needs (SEN support)	<input type="checkbox"/>	Child has an Education, Health and Care (EHC) Plan	<input type="checkbox"/>
Child has Looked After status	<input type="checkbox"/>	Child is on Child Protection Plan or Child in Need status	<input type="checkbox"/>

Please state reasons why home education is being requested?

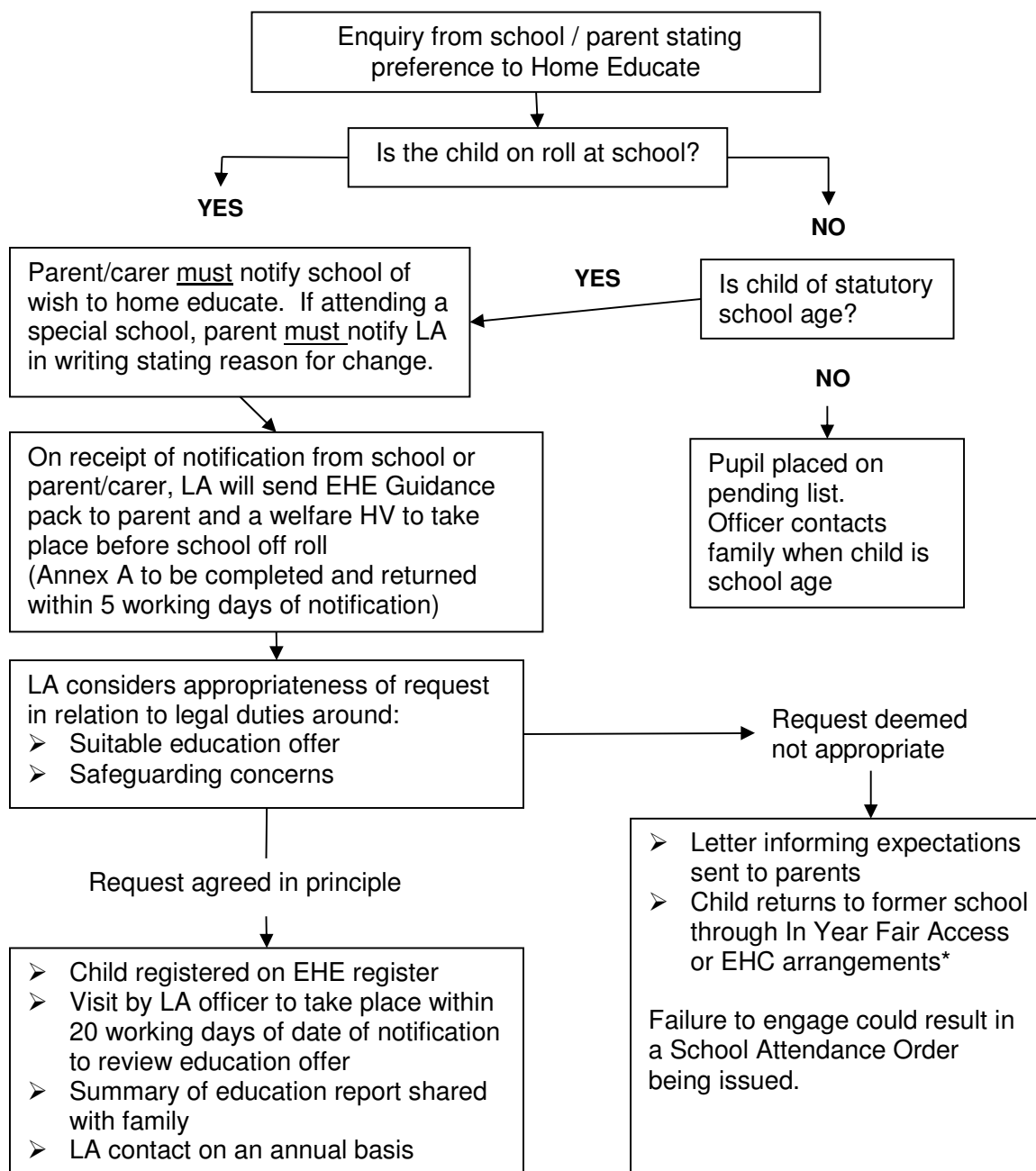
Unsuitable curriculum	<input type="checkbox"/>	Not school of choice	<input type="checkbox"/>
Advised by school / other	<input type="checkbox"/>	Waiting for place at another school	<input type="checkbox"/>
Bullying	<input type="checkbox"/>	School not meeting SEN needs	<input type="checkbox"/>
Avoidance to prosecution	<input type="checkbox"/>	Avoidance to exclusion	<input type="checkbox"/>
Medical reasons	<input type="checkbox"/>	Other	<input type="checkbox"/>

Details:

The LA is required by law to intervene if it appears that a parent is not providing a suitable education to the age, ability, aptitude and special educational needs of the child. **What suitable education will be put in place for this child?**

Date:

Annex C – LA



*Unless there are explicit reasons why this is not appropriate

Guidance updated September 2018

Annex B – LA process when receiving a notification for Elective Home Education

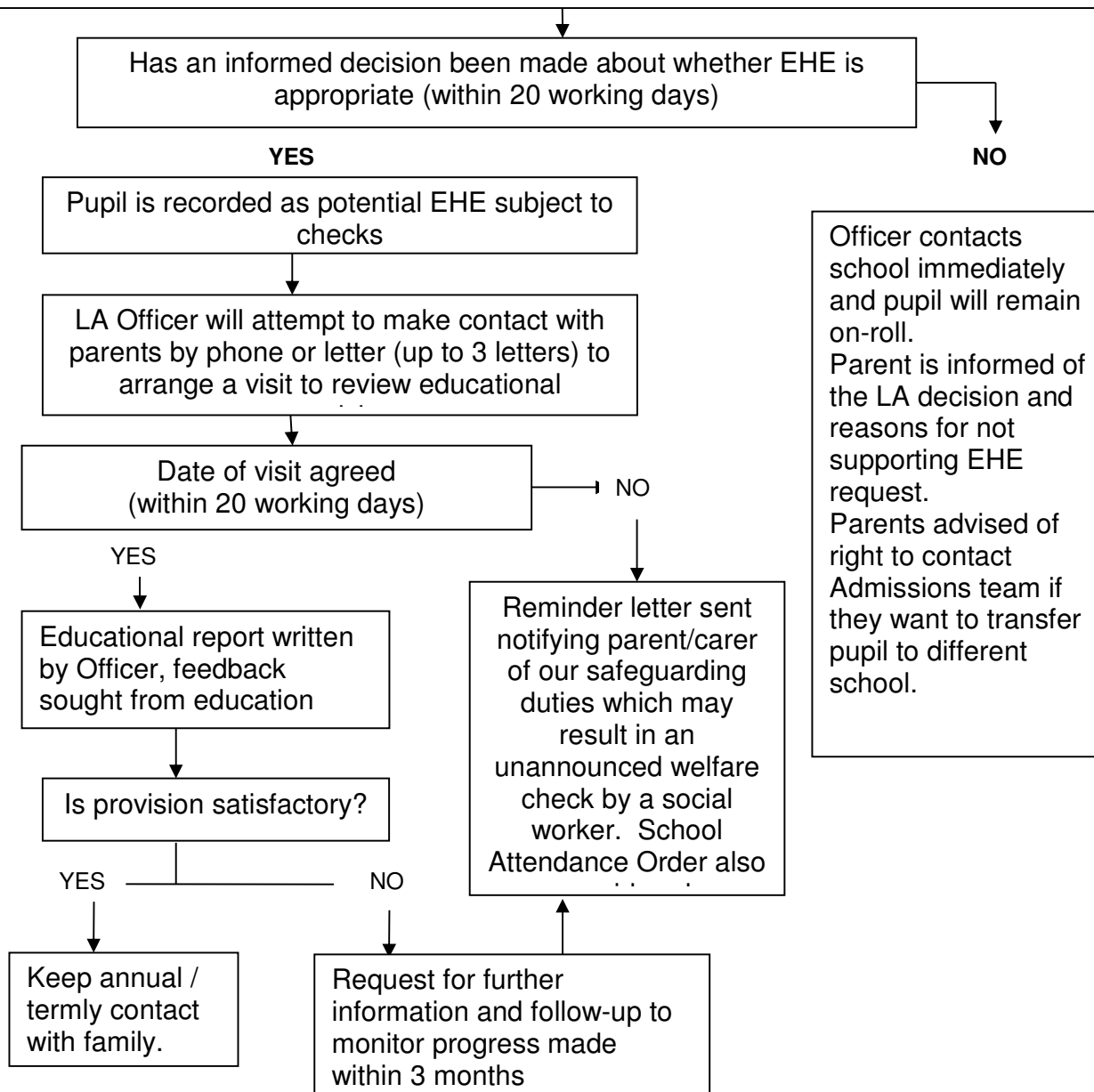
Inclusion Team receive written notification of preference to electively home educate

If an EHC is in place, consultation with the SEND Team must take place before removing from roll of school.

If child is looked after, consult Virtual Head and Social Worker before removing from roll.
If child is Out of Borough, resident LA and school informed.

Officers must consider:

- Exclusion and attendance information, has decision been taken appropriately? Discussion with parent/carer/school if necessary.
- Is child on a school attendance order?
- Is a suitable educational alternative being proposed by parent/carer? Liaison with education professional.
- Officer contacts social care and health leads to check if known to services, if known, multi agency meeting to take place to discuss appropriateness of request.



Annex C – LA role in responding to EHE request

Date:
Our ref:

Inclusion & Post 16 Service
Level 8,
Civic Centre,
West Street
Oldham OL1 1UT

Dear Parent / Carer

Re: Notification of Preference to Electively Home Educate

We have received notification of your intention to educate your child XX, XXX, at home.

The law requires that a parent/guardian has a duty to see that a child receives efficient full-time education, suitable to their age, ability and aptitude, either by regular attendance at school or otherwise (Education Act 1997, s7). The Council's legal duty is to seek assurance that the provision which is being made is suitable for the child, so in order to do this, we will need to gather further information from you to make an informed decision; we will also need to visit you at home to discuss the plans you are making.

In addition to our legal duty around ensuring suitable education, we also have a statutory duty to safeguard and promote the welfare of all children resident in Oldham (Education Act, 2002, s175 (1)); to fulfil this duty we will work with children's social care to establish if there are likely to be any vulnerabilities for your child in such an arrangement. Please be aware that this is standard practice and is not a referral to services.

We will also inform the School Health Team of the changes to your child's education. We would also like to inform our local careers service, Positive Steps, of this change so that at yr 11, your child will be able to access some careers advice; if you do not wish us to do this, then please let us know.

So that we can be assured as quickly as possible on the suitability of education being offered, please complete the attached document (Annex A) and return this to the central EHE team (email ehc@oldham.gov.uk) within 5 working days. On receipt of this, an officer will be in touch to discuss this notification and next steps.