

ELECTIVE HOME EDUCATION

POLICY 2021

Introduction

This document sets out Wakefield council's policy, procedure and approach in relation to supporting parents who elect to educate their child(ren) at home.

Elective Home Education (EHE) is where a parent¹ chooses to provide their child's education outside of the school system in line with section 7 of the Education Act 1996. This means that the parent is wholly responsible for the approach, structure, content and cost of all education provision to ensure that they are providing a 'suitable' and 'efficient' education.

EHE is not home tuition provided by the local authority or where the local authority provides education otherwise than at a school.

Wakefield Local Authority (LA) believes that schools provide the best learning opportunities for the majority of children but respects the right of parents to choose how their child's education is provided including education at home. The LA believes that every child whether in school or educated at home has the right to receive a broad and balanced education and curriculum and will endeavour to develop positive relationships with home educated families in order to ensure that each child is encouraged to reach his/her full potential.

Wakefield LA will continue to work with parents and schools to ensure that parents are supported in the most appropriate ways including looking to develop regular support visits with parents to help them to explore and develop the learning they provide their child.

Wakefield LA will support the choice of parents who elect to home educate, unless it appears to us, through informal enquiries, that suitable provision is not being made for the child or that the child may be at risk of harm. We believe that this will be in a small minority of cases only.

Wakefield LA recognises that the government has published guidance to local authorities in the document "Elective Home Education – Guidance for Local Authorities" published 2019. This document outlines best practice in terms of supporting and monitoring EHE. It is on this document and local good practice that this policy is formed.

¹ In this document the term Parent is taken as the person(s) with prime responsibility for the welfare of the young person.

Legal Background: Parent responsibility

The responsibility for a child's education rests with his/her parents. In England, education is compulsory (for children aged 5 to 16) but school is not.

There is no legislation that deals with home education as a specific approach. However Section 7 of the Education Act 1996 states

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable

- a) to his/her age, ability and aptitude, and*
- b) any special education needs he/she may have*

either by regular attendance at school or otherwise.

An "efficient" and "suitable" education is not specifically defined in the Education Act 1996 but "**efficient**" has been broadly described in case law (Harrison & Harrison v Stevenson, 1981) as an education that "achieves that which it sets out to achieve", and a "**suitable**" education as 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.

The 1996 Act specifies each child should receive a **full-time** education but again this but does not offer a definition of full time. As guidance, children in school spend approximately 25 hours in lessons each week. The former DfES provided guidance that full time education should be no less than 20 hours but that the education provision could take various forms.

Legal Background: Local Authority responsibility

Sections 437 to 443 of the Education Act 1996 places a duty on the LA to act if it appears that a child is not being properly educated, ie receiving an education suitable to age, ability, aptitude and any special educational needs:

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. (s 437 (1))

The simple fact that a child is being educated at home does not mean that he or she is not receiving a suitable full-time education. However, in order to fulfil their section 436A duty, local authorities are entitled to make informal enquiries of parents to establish what education is being provided.

The local authority is therefore likely to make such enquiries if it becomes aware that a parent is educating a child at home - or may be doing so. Parents are under no legal obligation to respond, but if they do not, the local authority is entitled to conclude from the absence of any response that it appears that the child is not receiving a suitable education and this may lead to a school attendance order being issued.

It is the policy of the LA to keep a record of pupils who are known to be educated at home and to regularly make contact with the family to offer advice and seek information about the education provided and make a judgement as to whether it is suitable or not. The LA will primarily seek to do this through home visits, but are happy to offer this through other appropriate and suitable means, recognising that they have no automatic right to enter the family home. The LA will endeavour to do this through building effective supportive relationships with parents, offering appropriate individual advice and guidance.

Wakefield acknowledges that there are many approaches to education and in seeking to make a judgement regarding the suitability of the education would consider how the child is involved in the learning process and encouraged to make progress.

Safeguarding

Nothing is more important than children's welfare and Wakefield LA will follow any concerns in line with the guidance set out in "Working together to Safeguard Children 2018".

Whilst it is parents and carers who have primary care for their children, local authorities, working with partner organisations and agencies, have specific duties to safeguard and promote the welfare of all children in their area. The Children Acts of 1989 and 2004 set out specific duties: section 17 of the Children Act 1989 puts a duty on the local authority to provide services to children in need in their area, regardless of where they are found; section 47 of the same Act requires local authorities to undertake enquiries if they believe a child has suffered or is likely to suffer significant harm. The Director of Children's Services and Lead Member for Children's Services in local authorities are the key points of professional and political accountability, with responsibility for the effective delivery of these functions.

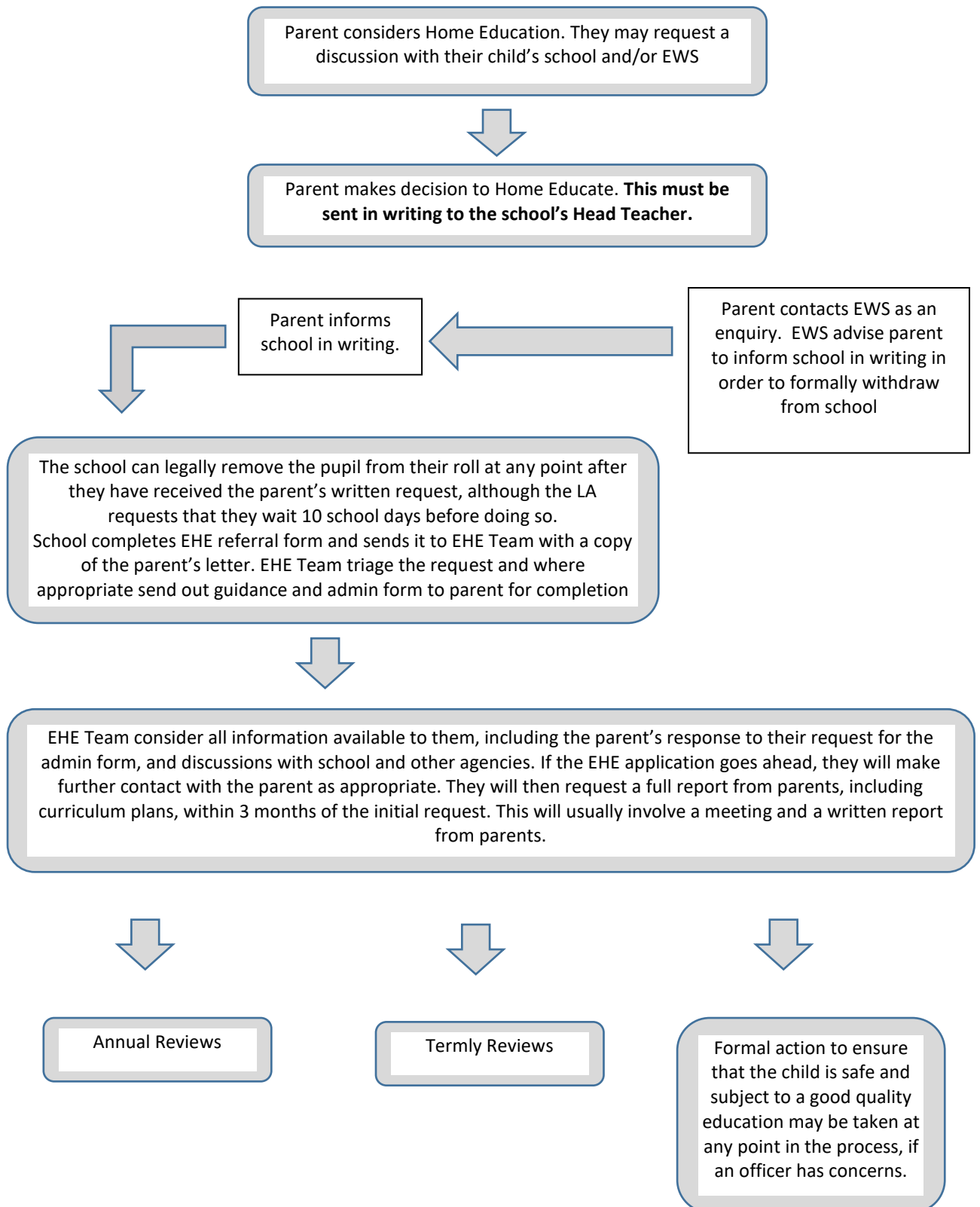
These duties placed on the local authority can only be discharged with the full co-operation of other partners, many of whom have individual duties when carrying out their functions under section 11 of the Children Act 2004 (see chapter 2). Under section 10 of the same Act, the local authority is under a duty to make arrangements to promote co-operation between itself and organisations and agencies to improve the wellbeing of local children (see chapter 1). This co-operation should exist and be effective at all levels of an organisation, from strategic level through to operational delivery.

The Children Act 2004, as amended by the Children and Social Work Act 2017, strengthens this already important relationship by placing new duties on key agencies in a local area. Specifically the police, clinical commissioning groups and the local authority are under a duty to make arrangements to work together, and with other partners locally, to safeguard and promote the welfare of all children in their area.

Everyone who comes into contact with children and families has a role to play.

The LA will ensure that effective record keeping is kept in regards to activities with EHE and care is taken to work with other agencies to establish potential concerns raised both before and once a child is classed as EHE.

Basic Flowchart for EHE



Procedures for removing a child from school

If a parent wishes to educate their child themselves it should be **of their own choosing and decision**. The school should not encourage this as an option.

The Education (Pupil Registration) (England) Regulations 2006 states as grounds for removal from school admission register the following:

(d) that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.

Government guidance states:

Schools must not seek to persuade parents to educate their children at home as a way of avoiding the school excluding the pupil 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. (Elective Home Education – Guidelines for Local Authorities, 3.12)

The practice of off rolling pupils

Schools who off roll in significant numbers will be challenged and reported to Ofsted to be discussed at the next inspection. If schools write a letter withdrawing the child on behalf of the parent this may be evidence of off rolling

Schools should work with parents to ensure that home education is the right option for the child and that they understand the full implications of home educating. Where appropriate, schools should refer the parent to the EHE team **before** they make a final decision.

To remove their child and educate them at home the parent should write a letter to the school stating that they will be removing their child from the school register and providing education themselves.

At this stage the school should contact the EHE team to inform them of the decision and to forward a copy of the parent letter and complete a referral to EHE. The LA requests schools keep the child on roll for a further 10 days to allow a cooling off period at which point the child can be removed from roll. Where a parent notifies the LA and not the school, then the EHE team will notify the school, and the parent will be advised that they should write to the Headteacher stating their intention to home educate.

When a child is withdrawn from school the EHE team have asked schools to provide a range of information, including education levels and concerns around education and safeguarding, in order to assist them as they support families. These details are added to the EHE register. It is good practice for the school to provide parents with the child's recent attainment records and previous classwork

If a parent, wishes to home educate a child with an EHCP who attends a **special school** then parents are required to inform the LA of the intention to home educate and must seek the consent of the LA SEN panel. This is to ensure a smooth transition and to provide support and not to prevent such pupils from being home educated.

The responsibilities of parents who are home educating a child with special educational needs are the same as those of any other parents, whether or not the child has an EHCP. The government has made it clear that parents of children with EHCP's need to provide education that is suitable to the child's age ability and aptitude and any special educational needs .

Where a child does have a EHCP and begins home education, the local authority's statutory duty to undertake an annual review continues following procedures set out in the SEN Code of Practice.

Parents of children who have never been on roll at a school are encouraged to inform the LA that they are home educating, allowing greater access to support. The LA has a statutory duty to identify children who are not receipt of a suitable education and will work with partners such as health to identify children of compulsory school age who are not on a school roll.

Once withdrawn from school

Once the school has contacted the EHE team, they will write to the parents and ask them to complete an administration form outlining their plans for education. They will also seek to offer advice and guidance in regards to available resources and arrange a visit within 3 - 6 months of registration to ensure that they are happy with the decision made.

Following the initial visit a further visit will be arranged within 6 -12 months to provide further support, then annually when the education is considered to be suitable. If there are concerns about the level of education provided the LA will outline the concerns in a letter and arrange a further visit to check if the education provision has improved. If there are concerns around the education provided that cannot be resolved through working with the family the LA may choose to consider instituting formal attendance procedures in accordance with the provision of Section 437(3) of the Education Act 1996.

Parents may choose to meet the EHE team away from the family home. The LA will look to accommodate this at an appropriate venue such as a local library. If the family choose not to meet the LA they are within their rights to do so and the EHE team will work to support them via other means, requesting a report and educational approach.

Following all visits the EHE team will compile a report for parents that will be sent within 20 working days and will outline the approach to learning, the current education provision in place and indicate whether the education is considered to be suitable or requires improvement. If a family chooses not to

engage with the LA it may conclude from the absence of any response that it appears that the child is not receiving a suitable education and this may ultimately result in an School Attendance Order being issued.

Ongoing support

Wakefield LA will endeavour to provide advice and guidance and signpost to relevant support agencies as and when required.

Travellers

Whilst the LA recognises the distinct ethos and needs of GRT communities the LA's policies and procedures still apply.

Flexi-schooling

"Flexi-schooling" or "flexible school attendance" is an arrangement between the parent and the school where the child is registered at school in the normal way but where the child attends the school only part time and the rest of the time the child is home-educated (effectively on authorised absence from school). "the Headteacher must be in agreement with the flexi schooling arrangement

Work Experience and child employment

Children educated at home have no entitlement to participate in work experience under arrangements made by the LA. Where home-educated children do participate in work experience the parent should ask the employer to what extent the child is covered by health and safety and insurance provision.

Child employment - the law surrounding paid employment is the same for those who are home educated as those who remain in school. This means that paid employment cannot be done during the school day and the LA will challenge cases where this appears to be the case.

Accessing full time education

Parents wishing to return a child to mainstream will be directed to the School admissions team to make a new application and can be supported by the EHE team if required.

Contact details

EWS
Second Floor, Block C, Normanton Town Hall
High Street
Normanton
WF6 2DZ
Tel: 01924 307413 or 307451