

ELECTIVE HOME EDUCATION

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Elective Home Education Team

Author: Julie Gale

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1. Purpose Statement

- 1.1 Elective home education is a term used to describe a choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time. This is different to education provided by a local authority otherwise than at a school - for example, tuition for children who are too ill to attend school. (Elective Home Education Guidelines for Local Authorities (April 2019) para 1.1)
- 1.2 This document outlines the policy that will enable Bournemouth, Christchurch and Poole Council (BCP Council) to comply with its duties towards children and young people living within this area, whose parents/carers have elected to home educate their child.
- 1.3 This policy seeks to ensure positive relationships with all home educators and to provide a means to protect the educational and safeguarding interests of children who are home educated, especially where vulnerabilities are identified.

2. Who the policy applies to

- 2.1 This Policy applies to the following:
 - Local authorities
 - Schools
 - Organisations concerned with elective home education
 - Parents/carers

3. This policy replaces

- 3.1 This is a new Elective Home Education Policy for BCP Council.

4. Approval process

- 4.1 Children's Directorate Management Board

5. Links to Council Strategies

- 5.1 This policy will support a number of Strategies that are currently in the process of being developed for BCP Council including:
 - Children's Workforce Strategy
 - Family Support and Early Help Strategy
 - SEND Strategy
- 5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
 - Corporate Plan

- Health & Wellbeing Strategy
- Safeguarding Strategy
- Equality & Diversity

6. The Policy

6.1 BCP Council embraces diversity and respects individual choice. It recognises that parents/carers of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside of the school setting.

6.2 The DfE “Elective Home Education Guidelines for Local Authorities” (April 2019), emphasises the importance of Local Authorities building effective relationships with home educators. It stresses that these relationships function to safeguard the educational interests of children and young people: relationships that are rooted in genuine mutual understanding, trust and respect.

6.3 KEY PRINCIPLES

BCP Council recognises the three key principles for Elective Home Education:

I. Diversity of approach - There are a wide range of approaches to elective home education. BCP Council will not favour one approach over another.

II. Child/young person centred – BCP council understands that children/young people who are home educated will learn in different ways. The council is mindful of this and, in any engagement with home educating families, wishes to seek the views of children and young people about their learning experience.

III. Parent focused – parents/carers are the first educators of their children. BCP council will actively promote a positive dialogue with parents/carers who choose to home educate their child to develop effective partnerships and to work together in the best interests of the child/young person.

6.4 BCP Council will make arrangements to work with parents and carers to ensure children/young people are receiving suitable full-time education. Where it is not clear as to whether home education is suitable (including situations where no information is provided), the authority will work with parents/carers to help them understand the role of the local authority in working with them to ensure their child/young person is provided with a suitable education.

6.5 If informal contacts do not resolve the position, then BCP Council will consider taking action in accordance with s437(1) of the Education Act 1996.

6.6 EDUCATION PROVISION

Parents/carers of a child that is of compulsory school age, are legally responsible for ensuring that the child is properly educated.

The definition within 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/she may have, either by regular attendance at school or otherwise.”

Despite the term ‘compulsory school age’, education does not have to be undertaken through attendance at school.

6.7 Additional guidance can be found in the two DfE documents ‘elective home education: guidance for local authorities’ and ‘elective home education: guidance for parents’ both published in April 2019.

In summary case law has set out how these terms are to be interpreted as follows:

- ‘Efficient’:

Efficient education has been broadly described in case law as an education that ‘achieves that which it sets out to achieve’

- ‘Full Time’

There is no legal definition of what constitutes a “full-time” education in the home, however the DfE provide guidance on this issue:

‘Despite this greater flexibility inherent in home education, local authorities should be enabled by parents to assess the overall time devoted to home education of a child on the basis of the number of hours per week, and weeks per year so that this information can be set alongside that relating to suitability to ensure that the home education meets the requirements of section 7. As with suitability, the issue as to whether education is ‘full-time’ should be viewed on a spectrum but education which manifestly is not occupying a significant proportion of a child’s life (making due allowance for holiday periods) will probably not meet the s.7 requirement. (“Elective Home Education Guidelines for Local Authorities” April 2019 Para 9.9)

- ‘Suitable’

Education is suitable if it “primarily equips a child for life within the community of which he is a member, rather than the way of life in the wider 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/she wishes to do so”. (R v Secretary of State for Education, *ex parte* Talmud Torah Machzikei Hadass School Trust. Judicial review 1985). A ‘suitable education’ has also been described as preparing the children for life in a modern civilised society and enabling them to achieve their full potential. (Harrison & Harrison v Stevenson (1981))

6.8 COMPULSORY SCHOOL AGE

Compulsory school age applies to all children including those who are home educated. It begins on the next prescribed day following a child’s fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August each year.

A child continues to be of compulsory school age until the last Friday of June in the school year that they reach the age of sixteen. From the age sixteen to eighteen, a child must be attending further education, employment or training.

6.9 PARENTAL RIGHTS

Parents/carers have a legal right to educate their child at home. They are not required by law to have any specific qualifications or training to provide their children with a suitable education.

The 1996 Education Act makes it clear that it is a parent's duty to ensure his/her child receives suitable education in accordance with section 7 of this Act. In addition, the Act provides that, generally, children are to be educated in accordance with the wishes of their parents/carers.

While there is no legal obligation on parents/carers to notify a child's previous school or the Local Authority that they are home educating their child BCP Council encourage parents/carers to do this so that they can be informed of the advice and support available to them and of the contact details for the EHE team.

Parents/carers' right to educate their child at home applies equally where a child has an Education, Health and Care plan. (EHCP). However, if a school already attended by a child is a special school and the child is attending it under arrangements made by the local authority, the local authority's consent is necessary for the child's name to be removed from the admission register.

If a child is subject to a School Attendance Order (SAO) it is not possible for that child to be Electively Home Educated.

6.10 PARENTAL RESPONSIBILITIES

By electing to home educate their child parents/carers:

- assume the full responsibility for the education provision
- assume the full financial commitment to undertake the education effectively.

Although parents/carers themselves continue to be responsible for the education provided, they may arrange for other people such as a private tutor, or agency to provide that education.

Various costs may be incurred. This includes the costs of any on-line learning, private tuition, course fees and entry for public examinations. It is the parent/carers' responsibility to make these arrangements as they choose, and the local authority is not involved.

BCP Council recommends that parents/carers who arrange for, or employ someone to provide education for their child, ensure that these people are both suitably qualified and insured.

BCP council also recommends that this includes the provider has an enhanced Disclosure and Barring Service (DBS) check and holds a current certificate.

6.11 BCP COUNCIL RESPONSIBILITIES

Local Authorities have a statutory duty, under section 436A of the Education Act 1996 to make arrangements to find out so far as possible whether home educated children are receiving suitable full-time education.

Local Authorities have no legal power, or duty, to monitor home education on a routine basis. However, BCP Council will make enquiries if it is not clear that a child is receiving a suitable education

Under s.437(1) of the Education Act 1996, local authorities must act if it appears that parents/carers are not providing a suitable education. 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."

The local authority must consider any response made by the parent to the s.437(1) notice. If not satisfied that the child is receiving a suitable education, the local authority may commence the statutory process for the issue of a School Attendance Order ('SAO') requiring the parent to register the child at a named school.

6.12 SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND)

Local authorities must have regard to the statutory guidance in the Special Educational Needs Code of Practice when carrying out SEN functions. The Code provides information about SEN in relation to home education (paragraphs 10.30 – 10.38).

Under s.19 of the Children and Families Act 2014, a local authority must have regard to the views, wishes and feelings of the child and parents when exercising its SEN functions.

A parent who is educating their child at home may ask BCP Council, as the LA, to carry out a statutory assessment of their child's special educational needs. BCP Council will consider any request within the same statutory timescales and in the same way as for all other requests.

Children with an EHCP

Parents/carers' right to educate their child at home applies equally where a child has an Education, Health and Care plan. (EHCP).

The Local Authority has a duty to review Education, Health and Care Plans (EHCP) annually and to follow procedures set out in the "SEND code of practice: 0 to 25 years".

Where a school is aware of a parents/carers' intention to home educate BCP Council recommends that the school should call an early review of the EHCP.

Where there is a specialist school named on a child's EHCP there needs to be agreement from the Local Authority that the child can be removed from roll. In this instance, there needs to be a letter from the parent that explicitly states that they wish to remove their child from roll for the purposes of home educating.

If the home education is suitable, the local authority has no duty to arrange any special educational provision for the child; the plan should simply set out the type of special educational provision that the authority thinks the child requires but it should state in a suitable place that parents/carers have made their own arrangements under s.7 of the Education Act 1996. The authority will continue to check the suitability of the home education as required by sections 436A and 437 of the 1996 Act, and if at any point it

considers that the home education is no longer suitable, it must ensure that the special educational provision specified in the EHC plan is made available.

6.13 SAFEGUARDING

Sections 10 and 11 of the Children Act 2004 give local authorities general duties for promoting the well-being and (in relation to their non-education functions) safeguarding and promoting the welfare of children in their areas. This includes children educated at home as well as those attending school.

All BCP Council staff follow the procedures of the 'PAN Dorset Safeguarding Partnership' (www.dorsetlscb.co.uk). If a child is being supported by a statutory assessment as per the 1989 Children's Act their education will be monitored as part of the plan for appropriateness

7. How to use this policy

7.1 This policy seeks to make clear the responsibilities of BCP Council to children in receipt of home education.

7.2 Other documents that should be read alongside this policy are as follows:

Education Act 1996 www.legislation.gov.uk/ukpga/1996/56/contents

Education Act 2002 www.legislation.gov.uk/ukpga/2002/32/contents

2 DfE guidance documents regarding Elective Home Education, one for local authorities and one for Parents <https://www.gov.uk/government/publications/elective-home-education>

Special Educational Needs Code of Practice 2014
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

School attendance Guidance for maintained schools, academies, independent schools and local authorities – July 2019
<https://www.gov.uk/government/publications/school-attendance>

8. Roles and responsibilities

8.1 Elective Home Education Team (EHE Team) is part of the Inclusion and Families Service in Childrens Services.

8.2 The EHE Team provide advice and guidance to parents/carers and those working with children on all aspects of Elective Home Education. The Team can advise on all processes that support this policy.

8.3 The EHE Team work in partnership with parents/carers, schools and other agencies to ensure that all pupils educated at home are in receipt of an efficient, full-time education suitable to their age, ability, aptitude, and any special educational needs that he/she may have.

8.4 The EHE Team are responsible for ensuring that this policy is complied with and appropriate action taken where the education being provided is not suitable

9. Enforcement and sanctions

- 9.1 The majority of children being educated at home do receive a suitable education and the EHE Team will agree with these families a suitable level of contact.
- 9.2 Where it is not clear that the home education being provided is suitable (including situations where there is no information available at all), the EHE Team will attempt to resolve those doubts through informal contact and enquiries. However, if informal contacts do not resolve the position, then the EHE Team will consider the need to take action in accordance with s.437(1) of the Education Act 1996.
- 9.3 BCP Council will consider any response made by the parent to the s.437(1) notice and if not satisfied that the child is receiving a suitable education will consider commencing the statutory process for the issue of a School Attendance Order ('SAO') requiring the parent to register the child at a named school.