


Children's Services Integrated Services for Learning

Elective Home Education Policy and Procedures

PUBLICATION SCHEDULE NUMBER:	CSF 4572
PUBLICATION DATE: September 2016	ISSUE NO: 3
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POST:	ISL MANAGER COUNTY LEAD FOR ATTENDANCE
TEAM:	INTEGRATED SERVICES FOR LEARNING
REVIEW DATE:	September 2019
TARGET AUDIENCE:	ALL HERTFORDSHIRE SCHOOLS, PARENTS, INTERNAL & EXTERNAL Partners
PUBLISHED by:	Children's Services, Integrated Services for Learning



Hertfordshire County Council

Elective Home Education Policy and Procedures

Hertfordshire County Council recognises and supports parents' right to choose to fulfil their legal duty to educate their children 'otherwise than at school' in accordance with section 7 of the Education Act 1996.

1.0 Introduction:

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

1.2 Any family may consider home educating their child/ren and the reasons for deciding to do so are as varied as the approaches/methods of the education undertaken. For some families it is a decision based on their philosophical, spiritual or religious outlook, for others it is dissatisfaction with the school system or a short-term decision for a particular reason.

1.3 The purpose of this document is to set out the current legal position and to outline Hertfordshire County Council's procedures in relation to elective home education. The local authority has drawn on the information and guidance provided by the DfE, other local authorities and registered EHE support groups/charities.

2.0 The law relating to elective home education:

2.1 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 –

- (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."

Parents may choose to exercise this responsibility by educating their child at home. Education is compulsory, school is not.

2.2 An efficient and suitable education is not defined in the Education Act 1996 but “efficient” has been broadly described in case law¹ 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 life to adopt some other form of life if he wishes to do so*”.

2.3 There is no legal definition of “full-time” and parents do not have to keep to school hours or terms. Elective home education may involve almost continuous one to one contact with education taking place in different environments and at different times of the day. Elective home education may look very different to a school based education and can be varied and flexible.

2.4 Whilst parents are under no obligation to register or seek approval from the local authority to educate their child at home, it is helpful for the local authority to be made aware that parents are home educating. Parents may also benefit from advice and guidance from the Elective Home Education Adviser.

3.0 Parents’ rights and responsibilities:

3.1 Parents who choose to educate their children at home must be prepared to assume full financial responsibility for all aspects of their child’s education, including bearing the cost of any public examinations. The local authority is not under any duty to provide resources where parents have chosen to educate their child at home.

3.2 Parents must ensure that their child receives suitable full time education for as long as they are of compulsory school age. Young people who have reached the end of compulsory school age may also be educated at home in order to meet the requirement to participate in education or work and training until they reach 18.

3.3 Parents of a child being educated at home may apply for a school place through the In Year Application process at any time. For further information see www.hertfordshire.gov.uk

3.4 If a child has never been registered at a school parents are not under any obligation to notify the local authority of their decision to home educate.

3.5 If a child is registered at a school (other than a special school) and parents wish to home educate, they must notify the proprietor/head teacher in writing that they are withdrawing their child to home educate and request that the child’s name is removed from the school’s roll. The head teacher will send a copy of this letter, together with the removal from roll notification, to the local Attendance team. A child’s name must not be removed from the school roll without written notification from the parents.

3.6 Parents who wish to home educate a child who is registered at a school as the result of a School Attendance Order must ask the local authority to revoke the order before the child can be removed from the school’s roll.

¹ Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (12 April 1985)

3.7 Where a child is registered at a special school under arrangements made by the local authority, permission is needed from the local authority to remove that child's name from the admission register. Should the local authority refuse to give consent to remove a child's name from roll then parents have the right to appeal to the Secretary of State. (The Education (Pupil Registration) (England) Regulations 2006 regulation 8(2))

3.8 Where parents do not live together it is expected they will have discussed their child's education with each other and that they will be in agreement about their child being home educated. However, where there is any disagreement between parents on this point, and they have not taken steps to resolve any dispute between themselves and do not have any Court Order which determines where the child is to be educated, the local authority will be led by the decision of the parent with whom the child resides for the majority of the time. The other parent will receive copies of the Elective Home Education Adviser's reports unless there is a legal reason why this should not happen. Should either parent remain unhappy about the other's decision making, they should seek their own independent legal advice and obtain any relevant Court Order to determine the position in the best interests of the child.

4.0 Local authority procedures:

4.1 Schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because a child has a poor attendance record. If there is anything which suggests a parent may have felt pressured into this decision an Attendance Improvement Officer may follow this up with the school and may contact the parent to make further enquiries.

4.2 Once the local authority has been informed by the parent, school or other professional that a child is being removed from roll to be home educated informal enquiries are made to establish the suitability of the education provided and to ensure that parents are discharging their duty under section 7 of the Education Act 1996. Elective Home Education Advisers, on behalf of Hertfordshire County Council make informal enquires of all parents who elect to home educate their children and ask them to provide information which shows that their child/ren are in receipt of a suitable education.

4.3 Should the local authority's informal enquiries suggest that the education provided is not suitable, or it becomes apparent that no education is being provided, the local authority will make formal enquiries as described in section 437(1) of the Education Act 1996 which states:

(1) 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.

4.4 If after all reasonable efforts have been made and parents fail to satisfy the local authority that they are providing a suitable education the local authority may issue a

School Attendance Order under section 437(3) of the Education Act 1996 naming a school at which the parents must register their child.

4.5 Hertfordshire County Council keeps a record of all children known to be electively home educated and asks parents to update this information on an annual basis.

5.0 The Role of the Elective Home Education (EHE) Advisers:

5.1 Hertfordshire County Council's EHE Advisers are qualified teachers, experienced in working with families who are home educating. Their aim is to work collaboratively with parents to support them in the arrangements they are making to ensure their child receives a suitable education. They provide, on behalf of the local authority, a professional opinion as to the suitability or otherwise of the education being provided and this is shared with parents. The EHE Advisers have Enhanced DBS clearance. Training is provided regularly including: safeguarding, data protection and equality and diversity. EHE Advisers keep up to date with legislation and guidance on elective home education and related subjects and are members of the Association of Elective Home Education Professionals.

5.2 Once the local authority becomes aware that a parent is home educating an EHE Adviser will contact the family. If it appears from the information given by the parent that a suitable education is in place, the Adviser will confirm this by letter to the parent. If there is not enough information to confirm a suitable education is in place, the Adviser will either call the parent to ask for further details, or offer a meeting with them. The EHE Adviser may discuss with parents their values, intentions, philosophy and intended outcomes for their child. In addition, they will ask about the provision being made and would be pleased to see examples of work which the child has undertaken. Advice and support may be offered on teaching methods, content, resources, qualifications, assessment, and social opportunities. These discussions may take place during a home visit or if preferred a meeting at a mutually convenient location. Parents who choose not to meet with an EHE Adviser may choose to supply information in another way e.g. by sending a report on the provision being made which may include examples of work, or through a telephone conversation.

5.3 If it appears to the EHE Adviser that the education is suitable, the EHE Adviser will send a report to parents, confirming the educational provision being made and recording any advice given.

5.4 When the home education is considered to be suitable the EHE Adviser will contact families at each National Curriculum Key Stage. Parents will be also be contacted annually to confirm they are continuing to home educate their child or to provide details of the school or college that their child is currently attending and given the opportunity to ask for any help or advice from the Advisers. Pupils with an Education Health and Care Plans (EHC Plan) or statements of Special Educational Needs will be offered annual meetings to coincide with the annual Statement/EHC plan review.

5.5 Parents will continue to have the option of meeting or speaking over the telephone with an EHE Adviser at any time if they would like advice about specific areas of concern or interest.

5.6 Should the local authority receive information from another professional or from a third party which suggests that the parents may not be or no longer be providing a suitable education, the Elective Home Education Team will make further enquiries about the education being provided.

6.0 Special Educational Needs and Elective Home Education:

6.1 Parents' right to educate their child at home applies equally where a child has Special Educational Needs (SEN). This right is irrespective of whether or not the child has a statement of Special Educational Needs or an Education Health Care Plan (EHC).

6.2 The local authority continues to have certain responsibilities with regard to children who have an EHC Plan/statement of Special Educational Needs and who are home educated. The Special Educational Needs (SEN) Code of Practice for 0 to 25 years 2014 states in section 8.6 Children and Young People with SEN educated at home:

“Local Authorities should work in partnership with, and support, parents to ensure that the SEN of these children are met where the local authority already knows the children have SEN or the parents have drawn the children’s special needs to the authority’s attention.”

6.3 The local authority will review the EHC Plan/statement of Special Educational Needs at least annually to assure itself that provision set out in the EHC Plan/statement of Special Educational Needs continues to be suitable and that the child’s Special Educational Needs continue to be met at home. The EHE Adviser reports may form part of this process as appropriate.

6.4 The EHC Plan/statement of Special Educational Needs will continue to name the type of school that would be suitable if the child were to be educated at a school but will state that the parents have chosen, under section 7 of the Education Act 1996 to educate their child at home.

6.5 Only when home education is specified in section 4 of the EHC Plan or part 4 of the statement of Special Educational needs will the local authority be under a duty to arrange the Special Education provision set out in the plan.

6.6 If a school is named on an EHC Plan/statement of Special Educational Needs and parents decide to remove their child to home educate, the local authority is not under a duty to make the special educational provision set out in the plan provided it is satisfied that the arrangements made by parents at home are suitable.

6.7 A child with Special Educational Needs with or without an EHC Plan or statement of Special Educational Needs may be removed from the roll of a **mainstream** school

to be home educated without local authority approval by following the same procedure as set out in paragraph 3.5 and section 4 of this guidance.

6.8 Permission from the local authority is needed for a child to be removed from the roll of a **special** school (see 3.7). Parents must inform the school in writing of their intention to home educate their child and request that the child's name be removed from the admission register. The school will notify the Special Needs Team and the local Attendance Team, who will advise the EHE Team. The EHE Adviser will contact the family and seek information as to the suitability of education provided including the child's identified SEN. This can be either by a meeting, with parental permission, or written submission or a combination of both. The Education (Pupil Registration) (England) Regulations 2006 do not stipulate that the child should attend the school during this process. The child's name will remain on the roll of the school until the school is instructed to delete it by the local authority.

6.9 In establishing the suitability of education provided for children with SEN the EHE Advisers will discuss with parents their child's identified needs as they appear in their current EHC Plan or statement of Special Educational Needs. This information will be included in the EHE Adviser's report along with any additional needs identified by parents. A copy of the EHE Adviser report will be sent to the SEN team.

7.0 EHE procedure if the local authority is not satisfied that provision is suitable:

7.1 If after contact with an EHE Adviser and/or following information provided by the parents it appears that parents are not providing a suitable education, the EHE Adviser will provide a written report outlining the areas of concern and provide advice and information aimed at helping the parents act on the concerns identified. Having given parents a reasonable time to address the identified concerns, they will arrange follow up meetings to give the parents an opportunity to demonstrate that they are providing a suitable education.

7.2 Should this information not be forthcoming or if the information supplied does not adequately show education provision to be suitable then the child will be referred to the Children Missing Education Officer who will consider sending a **formal notice** to the parents under section 437(1) of the Education Act 1996 asking them to satisfy the local authority within the specified time that their child is in receipt of a suitable education.

7.3 Parents have 15 days to respond to such a request and may do so in one of several ways. They may choose to submit further information as to the education they are providing by way of a letter, report or samples of the work their child has undertaken or they may request an EHE Adviser visit or meeting if they have made additional provision since the last meeting or they may choose to register their child at a school. Any information submitted will be considered by the Elective Home Education Adviser who will send a written response to the parent about the information provided.

7.4 If, following the service of a formal notice under section 437(1) the parent fails to satisfy the Local Authority that the child is in receipt of a suitable education, the local

authority may serve a School Attendance Order on the parent requiring them to register their child at the school named on the Order within 15 days.

7.5 Failure to comply with a School Attendance Order is a criminal offence and may result in a prosecution brought against a parent under section 443 of the Education Act 1996

7.6 A School Attendance Order can be revoked, if parents submit new evidence to the local authority that they are providing a suitable education.

8.0 Safeguarding:

8.1 Hertfordshire County Council has a duty under The Children Act 2004 to make arrangements to safeguard and promote the welfare of children. Any safeguarding concerns raised will be referred to Children's Services Safeguarding Teams, who will conduct the appropriate investigation. The Hertfordshire Children's Safeguarding Procedures Chapter 6.24 provides further detailed advice and information.

8.2 In relation to home educated children, the local authority will, where reasonably practicable, take into account the child's wishes and feelings with regard to the provision of services.

9.0 Record keeping, data protection and information sharing:

9.1 Hertfordshire County Council (HCC) Children's Services regards the lawful and correct treatment of personal information as very important to carry out its operations successfully and to maintaining confidence between those with whom we deal and ourselves. We ensure that our organisation treats personal information lawfully and correctly.

9.2 HCC Children's Services needs to collect and use certain types of information about people with whom it deals in order to operate and any details of the services we provide or information about you or your family will be stored and used in strict accordance with our registration under the Data Protection Act 1998.

9.3 In order to provide effective services for children and young people, information provided may be shared with other Children's Services teams within HCC, where there is a service requirement. The names, addresses and contact details of young people aged 14-16 will be shared with Connexions to ensure that young people receive advice and guidance on participation options.

10.0 Comments, compliments and complaints

10.1 If you wish to make a comment, compliment or complaint about the service you have received please discuss the matter with the relevant EHE Adviser, or follow this link which will give you the information you need.

<http://www.hertfordshire.gov.uk/your-ommunity/havesay/commentcomplain/>

11.0 Reviewing Policy and Procedures

11.1 Hertfordshire County Council will review policy and procedures in relation to home education on a regular basis

12.0 Contacts/useful information:

12.1 The EHE team can be contacted by telephone via customer services on 0300 123 4043.

Hertfordshire County Council's Information for Parents document which gives a full explanation of parents' responsibilities in relation to home education and information about how the Elective Home Education Advisers seek to work with families is available at <http://www.hertfordshire.gov.uk/services/edlearn/schlfe/outside/home/>

13.0 National and Regional Organisations:

13.1 There are many websites that provide information for anyone considering EHE – including:

- Hertfordshire County Council
<http://www.hertfordshire.gov.uk/services/edlearn/schlfe/outside/home/>
- Department for Education www.gov.uk/home-education
- Home Education Advisory Service www.heas.org.uk
- Ed Yourself www.edyourself.org
- Hertfordshire families <https://groups.yahoo.com/neo/groups/Hertshe/info>