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Stoke-on-Trent Safeguarding Children Board

GUIDANCE FOR CHILDREN WHO MAY BE PARTICULARLY VULNERABLE

CHILDREN EDUCATED AT HOME

Section F 011

Version 2

Date 08/07/10

F11 Children Educated at Home



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01 Introduction

Parents have the primary responsibility for ensuring that their children receive an effective education. Although this responsibility is usually delegated to schools, some parents choose to exercise it directly by providing an education based 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 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. This policy is intended for use in relation to Elective Home Education only. ***Throughout this policy, 'parents' should be taken to include all those with parental responsibility, including guardians and carers.***

Children whose parents elect to educate them at home are not registered at mainstream schools, special schools, independent schools, academies, short-stay schools/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 them to do so. Learning may take place in a variety of locations, not just in the family home.

02 The Law relating to Elective Home Education

The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not. 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 –
to his age, ability and aptitude, and*

to any Special Educational Needs he may have, either by regular attendance at school or otherwise.”

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”.

03 The Duty of the Local Authority

The Local authority has a statutory duty under section 436A of the Education Act 1996 (*inserted by section 4 of the Education and Inspections Act 2006*) to make arrangements to enable it to establish (so far as it is possible) the identities of children in Stoke-on-Trent who are not receiving a suitable education. This duty came into force on 27 February 2007.

This duty applies to statutory school age children who are not on school roll and who are not receiving a suitable education otherwise than being at school.

A further statutory duty exists, which requires the Local authority to intervene if it appears that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, which includes home education. This being the case then procedures for issuing a School Attendance Order may be instigated

In order for the Local authority to fulfil its duty in ensuring that children are receiving suitable education, enquires will be made with parents educating children at home about the educational provision being made for them (see paragraph Stoke-on-Trent Procedures). This is in accordance with government guidance.

Parents are under no duty to respond although case law states that is it sensible for them to do so. Phillips v Brown (1980 unreported) established that the Local authority may make enquiries of parents/carers who are educating their children at home to establish that a suitable education is being provided.

The Local authority also has 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 the Local authority's functions. It does not, for example, give the Local authority powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

As outlined above, the Local authority, in conjunction with Stoke-on-Trent Safeguarding Children Board, has duties to make arrangements to safeguard and promote the welfare of children (section 175 Education Act 2002 sections 10 and 11 of the Children Act 2004). **These powers allow the Local authority 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 on the Local authority the ability to see and question children subject to Elective Home Education in order to establish whether they are receiving a suitable education.

04 Stoke-on-Trent Procedures

Over time, the local authority has regularly reviewed its procedures for dealing with home-educating parents and children to ensure that they are fair, consistent, non-intrusive and timely.

Notification of intention to educate at home may be received by the school the child has been attending, or by the Local authority. However, in order to de-register their child from a school's Admissions Register, the parent should write to the headteacher declaring their intention to electively home educate. The headteacher should send a copy of the letter to the Education at home monitoring officer within ten days of parents' notification. 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 elective home education. However, schools should not wait for parents to give written notification that they are withdrawing their child from school before advising the Access and Attendance Service.

When a child is subject of a Child Protection Plan or a Child in Need Plan, the named social worker, or in their absence, the social worker's team manager, MUST be immediately notified of the parent's stated intention. If a child is subject of a multi-agency plan under the Common Assessment Framework, the school should also notify the CAF Team.

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, in accordance with off-rolling procedures) to their Education Welfare Officer as soon as the grounds for deletion are met, and no later than deleting the pupil's name from the register.

On receiving notification from the headteacher, the Education at home monitoring officer will register the child as being electively home educated and will arrange for a letter and information pack to be sent to parents (within fifteen working days).

A file will be raised and information recorded on the Elective Home Education database using the Education Management System (EMS).

The Education at home monitoring officer will arrange to carry out a home visit within ten working days. The Access and Attendance Service will notify the Education at home monitoring officer if information is held on any difficulties in home visiting. The parent is not obliged to allow the Education at home monitoring officer to enter their home but given that the purpose of the visit is to ascertain the suitability of the education provided they will be encouraged to do so. **During this visit the Education at home monitoring officer will make every effort to ensure that the child is seen.** It is not required that the National Curriculum is followed but during the visit parents will be asked to allow the Education at home monitoring officer access to the child's work and will be invited to discuss their plans for their child's education and progress.

The schedule of monitoring visits carried out by the Education at home monitoring officer will depend on individual circumstances but a second visit will take place no later than three months from the original visit and subsequent visits at no greater interval than every six months.

If it appears to the education at home monitoring officer that a child is not receiving a suitable education and parents have not responded to concerns and/or advice, following a reasonable period, a notice to improve will be served. If improvements are not forthcoming, a referral may be made to the Access and Attendance Service, who will consider issuing a School Attendance Order.

N.B. If the education at home monitoring officer has concerns for a child's safety or a child's wellbeing (or if the child has not been seen during a home visit) an immediate referral to Children & Young People's Department Vulnerable Children and Corporate Parenting Division will be made and confirmed using the Safeguarding Children Board Multi-agency Referral Form (see Section K5)).

The education at home monitoring officer will closely liaise with partner agencies as appropriate, including the Access and Attendance Service, the Assessment and Monitoring Service, the Educational Psychological Service, the Ethnic Minority Achievement Service, Connexions, Youth Offending Services.

05 Children with Special Educational Needs (SEN)

The needs of the vast majority of children with Special Educational Needs are met in school but parents can choose to educate them at home if they wish. The majority of children who have Special Educational Needs do not require a Statement of Special Educational Needs but a small number of children with the most profound needs do.

The statement of Special Educational Needs is a legal document imposing certain duties upon the local authority to ensure the child's special needs are met. There must be close consultation between parents/carers and the local authority to allow this to happen.

A child with a statement of Special Educational Needs who is on roll in a mainstream school may be withdrawn by their parents to receive their education at home. The statement must remain in place and is subject to an annual review.

Where a child who has a statement of Special Educational Needs and is on the roll of a special school, the child's name may not be removed from the register without the local authority's consent. Consent may not be unreasonably withheld. The statement must remain in place and is subject to annual review.

The local authority's statutory duty to undertake an annual review of Special Educational Needs continues for those who are home educated. This review includes assessing whether the statement is still appropriate, requires amendment or might cease to be maintained or whether re-assessment is required

The local authority retains a duty to maintain the statement and to review it at least annually following procedures set out in the Code of Practice for Special Educational Needs. Parents/carers are always involved in the review process. The Special Educational Needs Monitoring and Assessment Service will contact families to arrange the annual review. This will complement the meeting with the Education at home monitoring officer who will also usually attend the Annual Review.

A stated child who attends a special unit at a mainstream school is on the roll of that school and therefore can be deregistered upon notification from the parents/carers that he or she is being educated at home.

A stated child who is being educated in a special school cannot be deregistered without the consent of the Local authority or at the direction of the Secretary of State. This is an added protection in law to ensure the needs of the most vulnerable children are met.

06 Other agencies – Advice to parents

Children educated at home and their parents should not be excluded from the help, assistance and support available from all those services supporting children and young people, including Children & Young People's Services Vulnerable Children and Corporate Parenting Division.

Parents will receive information about services that are normally available through school, which include:

- **Health Services:** home-educated children may miss routine inoculations, access to School Health Services, sex and relationships education, Personal Social and Health Education (PSHE) and other school-based health initiatives, e.g. anti-smoking, healthy eating.
- **Connexions:** This service will give information, advice and guidance in relation to work experience and post-16 pathways.

- **College Links:** the 14-16 year old electively home educated children may under certain circumstances access college courses on either a full- or part-time basis.
- **ICT:** the internet provides key information for children and parents, in particular information around teaching and curriculum resources. Clear guidance is also available on safe use of the internet.
- **Schools:** Parents have the right to ask school to agree to a flexi-schooling arrangement for their child. Flexi-schooling involves the child remaining on the school roll and being educated at home for part of the week or term. However, the responsibility for ensuring the quality of the entire educational provision rests with the school, via the Headteacher: the school has the right to refuse flexi-schooling arrangements.
- **Exams:** Parents should contact Examining Bodies directly for the arrangements for their children to sit exams.
- **Voluntary Sector:** Parents are encouraged to access advice and support from Independent Home education charitable groups, for instance: Education Otherwise: HEAS; HE-UK.

Useful Contact Numbers

Education at home monitoring officer – 01782 236120

Children and Young People's Services Department (Duty Team) – 01782 235100

Access & Attendance Service – 01782 235355

Ethnic Minority Achievement Service – 01782 233984