

Elective Home Education Policy

Children's Services

September 2011

This policy should be read in conjunction with Children's Services 'Elective Home Education Procedures'

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1.0 Introduction

1.1 This Policy document applies to those children whose parents have chosen to educate their children at home. The document sets out the parents' rights and responsibilities to educate their children at home, the legal duties and responsibilities of Headteachers and Lincolnshire County Council (LCC) Children's Services. This Policy should be read in conjunction with Children's Services Elective Home Education procedures.

1.2 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents or carers at home, rather than providing education for their children by sending them to school. This is different to home tuition provided by a Local Authority or education provided by a local authority other than in school.

2.0 Lincolnshire's Approach to Elective Home Education

2.1 The aim of LCC Children's Services is to work in partnership with parents who electively home educate to support their right to do so.

2.2 LCC believe that:

- Every child has the right to education that is suitable to their age, ability, aptitude and any special educational needs they may have.
- Parents/carers are the prime educator of their child within or outside the schooling system
- Parents/carers who home educate their child have the responsibility to ensure their child is suitably educated - LCC believe that a suitable education is one that primarily equips a child for life within the community of which s/he is a part of and one which prepares them for life in a modern civilised society, enables them to achieve their full potential and be prepared for independence in adulthood.

2.3 Home based education of a child is a full-time commitment of time, patience and energy and is not a decision to be entered into lightly. LCC

recommends that home education should ensure the child has access to opportunities to experience social and cultural diversity, develop skills to deal with the challenges of everyday life and learn from and have fun with peers.

2.4 LCC Children's Services recommend the following, particularly for parents new to educating children at home:

- Routines - many children respond well to an organised framework, this may take the form of regular start and end times, planned working and non-working days or a number of packages of work covered in a month/year. There is no formal requirement to separate out 'life' from 'learning' although it is common to do so in many settings.
- Structured learning - there is no requirement to teach the national curriculum or any other national or international curriculum, however, these frameworks do exist and can often be used, or adapted as appropriate.
- Time for work and time for play
- A process for feedback and reward
- Opportunities for competition and peer group challenge

2.5 The judgement process of whether the education a child is receiving is suitable to their age, ability, aptitude and any special educational needs they may have should include a discussion with the child to enable their views to be sought and considered.

3.0 Legal Context for Elective Home Education

3.1 Parent's Rights and Responsibilities

The [Education Act \(1996\)](#) Section 7 states that the parent of a child who is of compulsory school age (5-16) has a legal duty to see that their child receives efficient full-time education suitable to:

- his/her age according to ability and aptitude and
- to any special educational needs s/he may have

either by regular attendance at school or otherwise.

3.2 A parent's right to choose the way in which their child is educated is further strengthened by Section 9 of the 1996 Act which establishes the general principle that:

"So far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents."

- 3.3 The terms “efficient” and “suitable” education are not defined in law, despite the detailed prescription of expectations in schools. Case law¹ has broadly described an “efficient” 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”.

- 3.4 There are no compulsory subjects for children who are home educated and parents can choose those most appropriate for their child.
- 3.5 If a child is currently on the school roll, the parent must inform the school in writing of their intention to home educate.
- 3.6 If a child is registered at a school as a result of a school attendance order the parents must get the order revoked by the Local Authority before the child can be removed from the school’s register and educated at home.
- 3.7 If a child is subject to an Education Supervision Order then the parents must get permission from the Supervising Officer before electing to home educate.
- 3.8 In electing to home educate parents do not have to seek the permission of LCC Children’s Services, except where a child has a Statement of Special Educational Needs and is registered at a Special School or where LCC Children’s Services have a Care Order. If the child is subject to a Child Protection Plan then advice should be sought from LCC Children’s Services as soon as possible.
- 3.9 Children with Special Needs with or without a Statement can be educated at home. However where a child does have a statement of Special Educational Needs and begins home education, the Local Authority has a legal duty to undertake reviews. This is to ensure that the child’s educational needs are met.

4.0 Duty of Headteachers

- 4.1 Sections 8 (1) and 13 (3) of ‘The Education (Pupil Registration) Regulations 2006’ made it a duty of Headteachers to inform the Local Authority (prior to removing the child from the school’s register) that a parent has confirmed to them in writing that they will now educate their child at home if that is the parents’ wish.
- 4.2 If a Headteacher is informed of a parents intention to home educate it is the Policy of LCC Children’s Services for Headteachers to acknowledge the request of the parent and arrange a meeting with the parent and, if

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

appropriate, the child. The aim of the meeting is to discuss the implications of EHE and to explain about how to return to a state education system in the future, if that is the parents' wish.

- 4.3 Flexi-schooling (part-time school attendance) - This part-time schooling is where children are given permission to receive part of their education off-site. This is a matter for schools rather than Children's Services to negotiate with parents but it should be a short-term measure used in conjunction with a Team Around the Child care plan.

5.0 Duty of Local Authorities

- 5.1 Local Authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis ² but under Sections 437 (1) of the Education Act 1996 Local Authorities shall intervene if it appears that parents are not providing a suitable education.

- 5.2 It is LCC Children's Services policy that the education provision should be considered annually through an Education Provision Visit (EPV) and the child's view should be ascertained and considered as part of the review.

- 5.3 If it is determined that the child is not receiving suitable education then Section 437 (3) of the Education Act 1996 will apply. This refers to the serving of [School Attendance Orders](#) in which the Local Authority has recourse after all reasonable steps have been taken to resolve the situation

“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...”

- 5.4 Local Authorities have further duties under Section 11 of [The Children's Act 2004](#) and section 175(1) of the [Education Act 2002](#) to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.

6.0 Disputes between Parents and Children's Services

- 6.1 It should be possible to resolve most disputes without recourse to formal statutory procedures. However, where children of compulsory school age are not being educated at school and Children's Services has serious doubts about the parents' educational provision, then a school attendance order will be served.

² Case Law (Philips v Brown (1980) established that LA's may make informal enquires of parents who are EHE to establish suitable education is being provided.

- 6.2 Children's Services will bear in mind; however, that should the case proceed to court the action will fail if the parents can satisfy the court that they are providing a suitable education. The court will accept evidence in a number of forms and will be looking for evidence that would convince a reasonable person on the balance of probabilities (rather than beyond all reasonable doubt) that a suitable education is being provided.
- 6.3 At any stage during this process the parents may present evidence that they are now providing a suitable education and apply to have the order revoked.

7.0 Child Protection and Safeguarding Concerns

- 7.1 [Working Together to Safeguard Children 2010](#) states that, 'all agencies and individuals should aim proactively to safeguard and promote the welfare of children. As with school educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to the appropriate authorities using established protocols'.
- 7.2 The welfare and protection of all children, both those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. School in itself is a protective feature and children who are educated at home may not have access to other trusted adults who can recognise and act if a child is considered to be at risk of harm. Staff who come into contact and provide services to families who home educate must be aware of their role in safeguarding and promoting the welfare of children and young people.
- 7.3 Parents who choose to employ other people to educate their child(ren), will also be responsible for ensuring that those whom they engage are suitable persons to have access to their children. Parents should satisfy themselves by taking up appropriate references and/or requesting a potential tutor to consent to a Criminal Record Bureau (CRB) Enhanced Disclosure check.