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INTRODUCTION

This policy document applies to those children whose parents have elected to educate their children at home (EHE).

It also sets out the arrangements the local authority will make in order to carry out its legal duty, i.e. if it appears that a child of compulsory school age is not receiving education suitable to age, ability, aptitude and special needs; to take steps to ensure that this is remedied.

The policy does not refer to children who are unable to attend school because of illness, exclusion or any other reason. This document sets out parents' rights to educate their children at home and their responsibilities, the legal duties and responsibilities of Head teachers and the local authority.

Parents or carers may decide to provide home-based education for their children instead of sending them to school - this is usually referred to as 'Elective Home Education'. Plymouth City Council, as the local authority with general responsibility for education in its area, recognises that home education is a key aspect of parental choice and is equal, in law, to education provided in school.

The Learning and Communities Department of Plymouth City Council takes the lead role in working with home educators and the young people who are being electively home educated in Plymouth.

No educational choice should ever be taken lightly. Before deciding to electively home educate parents/carers should consider the time, resources and energy they will need to put into this important area of their child's life and may want to involve their child in making that decision. Current legislation makes it clear that parents who choose to educate their children at home assume full financial responsibility, including bearing the cost of any public examinations. However, local authorities are encouraged to provide support where resources permit.

"If it appears to a local authority that a child of compulsory school age in its 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". Education Act 1996 s437 – s443. (More legal information in appendix)

If the local authority has concerns in respect of safeguarding (including child protection) issues surrounding the child or young person, then a multi-agency professionals meeting will be held with a view to considering further action.

THE DUTY OF THE HEADTEACHER OF PREVIOUS SCHOOL

Section 13(3) of "The Education (Pupil Registration) Regulations 1995" made it a duty of Head teachers to inform the local authority within ten school days when a parent has confirmed in writing his or her decision to educate his or her child otherwise than at school.

"13(3) When the name of a pupil has been deleted from the admission register in accordance with regulation 9(1) (c) the proprietor shall make a return to the local authority giving the full name and address of that pupil within the ten school days immediately following the date on which the pupil's name was so deleted" Section 13(3).

THE DUTY OF THE LOCAL AUTHORITY

Parents are not required to register or seek approval from the local authority to educate their children at home. However local authorities have a statutory duty under section 436A of the Education Act 1996, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education.

Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, the parent will informally be asked to provide evidence that their child is receiving an efficient and suitable education as described in 'Elective Home Education – Guidelines for Local Authorities.'

The legal duty of local authorities is concerned only with children who appear not to be receiving a suitable education. However, case law (Phillips vs Brown (1980) unreported) established that a local authority may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided.

If the local authority has information that makes it appear that parent is not providing a suitable education, parents will be asked for further information about the education they are providing and given a Notice to Satisfy informal enquiries made by the Local Authority. Such a request is not the same as a notice under section 437(1) (School Attendance Order), and is not necessarily a precursor for formal procedures. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so.

Parents of a child who has a Statement of Special Educational Needs can educate them at home. However, if the child is on the roll of a special school the child's name may not be removed from the register of that school without the local authority's consent. Consent may not unreasonably be withheld.

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.

THE ROLE OF THE ALTERNATIVE COMPLIMENTARY EDUCATION SERVICE AS VISITORS

The Alternative Education Service (ACE) will provide qualified teacher visitors who are available to liaise with parents on request. The wider function of ACE will be explained in information provided for parents.

Maintain a data base of pupils being educated at home. As this is not a statutory duty it is acknowledged that this list will be incomplete. This will enable ACE Home Education Visitors to make contact with parents to offer support and work in partnership only if the parent wishes. Written reports will be sent to the parent and filed at ACE.

If it appears to the ACE that a child is not receiving an appropriate education, then ACE will revisit within 6 weeks following making improvement recommendations. The parent will be warned that the education appears to be unsatisfactory. If after two unsatisfactory visits there is no significant improvement the education will be regarded as not taking place and the Inclusion and Attendance Manager may take the case forward for a School Attendance Order.

If at any visit ACE is unsatisfied with the safety of a child the appropriate safeguarding procedures will be followed. This could also lead to the local authority issuing a School Attendance Order to enable the child to return to school.

Parents who persistently choose not to engage with enquiries made by ACE and provide no evidence of the suitability of the home education will be contacted by letter and provided with information as to the types of evidence requested by the local authority to appropriately assess the suitability of the home education. If evidence is not forthcoming within the timescales on the letter, a Notice to Satisfy may be issued. If, following the Notice to Satisfy, no evidence is provided the local authority will issue a School Attendance Order, naming a school for the child to attend.

ACE will hold information meetings with home educators three times a year. The purpose of the meetings will be to maintain dialogue and discuss areas of mutual interest and needs.

ACE will publish termly newsletters for parents who wish to educate their child at home. This information will be available for those enquiring about educating children at home or who already do this. ACE will support parents with some resources.

THE ROLE OF THE SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) TEAM

The 0-25 SEND Team will ensure that following a review and amendment to an Education Health and Care Plan or Statement of SEN for a child embarking on EHE, a copy of that plan/statement will be made available to the Home Education Visitors.

THE ROLE OF THE ATTENDANCE, INCLUSION AND WELFARE SERVICE

Following a referral from a school or other agency an Education Welfare Officer will make an initial pre-arranged visit to determine the parents' wishes, clarify the legal aspect of EHE and then pass the child's name to ACE for visits with a completed initial visit form, the school file and any Child Protection information.

Following safeguarding or unsatisfactory education reports provided by ACE, the Inclusion and Attendance Manager will make a decision on the need to issue a School Attendance Order for the child to return to school.

SAFEGUARDING

In pursuit of its safeguarding duties all children registered for Elective Home Education will be checked against the Social Care database; if the child is on a Child Protection Plan and Elective Home Education is considered to present a significant safeguarding concern for the child the Local Authority will consult with Social Care and Legal Services to decide on appropriate action to ensure the local authority's statutory responsibilities in relation to the safeguarding of children are upheld.

The local authority believes that the welfare of children is paramount and will take any necessary action to protect the children and young people of Plymouth; including seeking to withdraw the right to home educate. In pursuit of this, ACE will liaise with any other agencies inside and out of the local authority. In addition, ACE staff will be offered regular Child Protection training. The ACE data base will be available to all agencies wishing to see it and the information on the EHE children and young people will be available on ONEV4.

ACE will report all families who they have concerns for safeguarding or poor education to the Exceptional Provisions Panel on a monthly basis.

This authority will consider carefully and monitor closely applications for Elective home Education that follow the instigation of legal proceedings in respect of school attendance.

APPENDIX

Elective Home Education – School's Notification of Parental Decision to Home Educate

Elective Home Education Questionnaire Parents Form

Parental Questionnaire: Accompanied Visit – Elective Home Education Visit

Pupil Questionnaire (Child aged 5-11):

Accompanied Visit – Elective Home Education Visit

Pupil Questionnaire (Young person aged 11-16):
Accompanied Visit – Elective Home Education Visit

LEGAL FRAMEWORK

Parents' Rights and Responsibilities

The law allows parents to educate their children at home instead of sending them to school providing that their child receives an efficient full-time education.

The parents' legal duty is set out in section 7 of the Education Act 1996 as follows:

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 European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 of Protocol number 1 also supports this by stating:

“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 in conformity with their own religious and philosophical convictions”.

The implications of this section of the Education Act 1996 are clear:

- Parents have a right, if they choose to do so, to educate their children at home.
- Parents do have to inform the Local Authority that this is their choice.

DEFINITION OF SUITABLE EDUCATION

There is no absolute definition of what constitutes a suitable education. An interpretation was provided by an appeal case brought in Worcester Crown Court in *Harrison and Harrison v Stevenson* (1981). The parents appealed against their convictions for failure to comply with School Attendance Orders. The Court held that education is suitable to a child's age, ability and aptitude “if, and only if, the education is such as:

- to prepare the child for life in modern civilised society, and
- to enable the child to achieve his full potential”.

In another Court case *DfES, ex parte Tallmud Torah Machzikei Hadass School Trust* (1985) a definition of suitable education was offered as follows:

“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 country as 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”.

There is no definition of full-time education and there is no direct comparison with the timetable and educational arrangements for children taught in schools. Children educated by their parents are taught on a one-to-one basis, or in small groups in very different conditions.

Providing a child is not a registered pupil at a school, the parent is not required to provide any particular type of education and is under no obligation to:

- Have premises equipped to any particular standard
- Have any specific qualifications
- Cover the same syllabus as any school
- Adopt the National Curriculum
- Make detailed plans in advance
- Observe school hours, days or terms
- Have a fixed time-table
- Give formal lessons
- Reproduce school type peer group socialisation
- Match school, age-specific standards
- Produce examples of 'work' for inspection
- Seek permission to educate "otherwise"
- Take the initiative in informing the Local Authority
- Have regular contact with the Local Authority
- Meet with the Local Authority

ELECTIVE HOME EDUCATION SCHOOL'S NOTIFICATION OF PARENTAL DECISION TO HOME EDUCATE

Child's name _____ Date of birth _____

Address _____

Phone _____ School _____

Parental responsibility (1) _____

Parental responsibility (2) _____

Address (if different from above) _____

_____ Family ethnicity _____

Code of practice stage School action School action plus Statemented

On CPR? Yes No _____ Social worker _____

Has parent advised school in writing? Yes No

If no please state reason _____

Has school removed child from roll? Yes No

If no please state reason _____

Has school notified EWS in writing? Yes No

If no please state reason _____

Has a home visit been made? Yes No

If no please state reason _____

Observations or concerns from yourself and/or any other agency _____

If you have a file or individual information on this pupil, please pass to the Education Welfare Service with this form

Signed _____ Designation _____

Date _____

ELECTIVE HOME EDUCATION QUESTIONNAIRE PARENTS FORM

EWO to complete this form with parent

Child's name	Date of birth
Parent's name	Phone no
Address	
Last school attended	Last attendance date
Siblings	Schools

Why do you want to educate your child at home?

What are the main things you want to achieve by teaching your child at home?

Using the following outline, indicate how you will try to do this

Subjects studied

Amount of time spent on each subject (you do not have to follow the National Curriculum)

Teaching materials used (text books, videos etc.)

Opportunities for social contact and experience (eg Brownies, Cubs etc)

Parent's signature	Date
EWO's signature	Date

**PARENTAL QUESTIONNAIRE
ACCOMPANIED VISIT – ELECTIVE HOME EDUCATION VISIT**

The following questionnaire is designed to be used following an accompanied visit to a home educator. The purpose of the questionnaire is to help Plymouth LA ascertain and assure the quality of the visit. You are under no obligation to complete this questionnaire but your co-operation would be greatly appreciated.

Did you find the Home Education Advisor’s visit helpful? Yes No

Is the Home Education Advisor able to offer advice and guidance, if required, with the education of your child? Yes No

Do you find the Advisor approachable? Yes No

Are there any areas of your child’s education that you are concerned about?

Which areas of your child’s education give you particular cause for celebration?

Which areas of your child’s education can the Home Education Visitors assist you with?

Would you like to add anything?

**PUPIL QUESTIONNAIRE (CHILD AGED 5-11)
ACCOMPANIED VISIT – ELECTIVE HOME EDUCATION VISIT**

The following questionnaire is designed to be used following an accompanied visit to a home educator. The purpose of the questionnaire is to help Plymouth LA ascertain and assure the quality of the visit. You are under no obligation to complete this questionnaire but your co-operation would be greatly appreciated.

Child's name _____

Do you like learning at home? If you do, what do you like about it the most?



How do you feel about showing me your work?



What do you think you would like to show me next time I visit?



Is there anything else you would like to tell me about, such as what is your favourite subject? What else would you like to learn about?

**PUPIL QUESTIONNAIRE (YOUNG PERSON AGED 11-16)
ACCOMPANIED VISIT – ELECTIVE HOME EDUCATION VISIT**

The following questionnaire is designed to be used following an accompanied visit to a home educator. The purpose of the questionnaire is to help Plymouth LA ascertain and assure the quality of the visit. You are under no obligation to complete this questionnaire but your co-operation would be greatly appreciated.

What are your wishes and feelings about being home educated?

How do you feel about sharing your work with a Home Education Advisor?

What do you hope to have achieved by the next visit? What are your targets?

Anything else you would like to say?

Signed

Print name

Date

ACE ELECTIVE HOME EDUCATION REPORT

Child's name	Date of birth
Address	
Email address	Phone no
SEN	Year group
Date of visit	Parent/carer

General information

Reason(s) for home educating

The child's wishes and feelings about being home educated

The parent/carer's view of the child

The child's learning environment

The family's approach to home education

Arrangements made for social contact, giving the young person opportunities to mix with children of her/his own age

Curriculum

Subjects followed

Resources used

Teaching methods used

Overall assessment including suggestions, any areas of concern

Satisfactory (pupil seen on visit) – return within 1 year

Unsatisfactory – return in 6 weeks – detail actions to be taken

Date of next visit _____

Safeguarding if applicable

Actions

Signed _____

Date _____