

Doncaster Council Elective Home Education Procedures

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1. INTRODUCTION

- 1.1 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 from home tuition provided by a local authority or education provided by a local authority other than at school
- 1.2 Home education is an option that any family may consider for their children. The reasons for deciding on this approach are many, as are the styles of education undertaken. For some families it is a decision based on their philosophical, spiritual or religious outlook, for others it is to meet the specific needs of the child or children. It may be because of dissatisfaction with 'the system' or used as a short-term intervention for a particular reason. Whatever the circumstances the local authority aims to work closely with and support parents in their choice.
- 1.3 The purpose of this document is to set out the current legal position and to outline Doncaster's procedures.
- 1.4 In compiling this document the local authority has drawn on the information and guidance provided by DfE and other local authorities. The responses to a consultation with parents, carers and home educated children have been used in finalising the document.

2. The law relating to elective home education

- 2.1 The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not
- 2.2 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 rights of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions".

Parents have a duty to secure an appropriate full-time education for their children. Some parents choose to do this by educating their child at home. They do it because they judge it to be the best way to carry out their duty.

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 any special needs he may have either by regular attendance at school or otherwise”

2.3 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’.

2.4 Full time does not mean being bound by school hours and terms, as this measurement of contact time is not relevant to home education where there is often almost continuous one-to-one contact.

3. Parental rights and responsibilities

3.1 Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age.

3.2 Where a child has been registered at school parents are required to notify the school in writing that the child is receiving education otherwise than at school.

3.3 Parents are not required to register or seek approval from the local authority to educate their children at home. However, parents must obtain the consent of the local authority to de-register pupils placed at a special school under arrangements made by a local authority. Where a child is registered at a school as a result of a school attendance order parents must ask the local authority to revoke the order.

3.4 The type of educational activity can be varied and flexible. It is recognised that home educating parents are not required to:-

- Teach the National Curriculum
- Provide a broad and balanced curriculum
- Have a timetable
- Have premises equipped to any particular standard

- Set hours during which education will take place
- Have any specific qualifications
- Make detailed plans in advance
- Observe school hours, days or terms
- Give formal lessons
- Mark work done by their child
- Formally assess progress or set development objectives
- Reproduce school type peer group socialisation
- Match school-based, age-specific standards

3.5 Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations.

4. Local authority responsibilities and outline of procedures

4.1 Doncaster Council recognises that there are many, equally varied, approaches to educational provision. What is suitable for one child may not be for another, but all children should be involved in a learning process.

4.2 When the local authority first become aware that parents have elected to home educate initial contact will be made in order to confirm that parents are aware of their obligations and establish what provision is being made. Many people find a home visit helpful, but parents may wish to meet at another venue, with or without their child. Alternatively they could write a brief report to let the authority know the provision that they are making. Doncaster Council accepts that in the early stages, parents may not yet be in a position to respond fully to enquiries. In such cases a reasonable timescale for responding will be agreed with the parents.

4.3 Although the local authority has no statutory duty to monitor the quality of home education on a routine basis contact will be made with parents once a year to ask for up-to-date information. However, parents are under no duty to respond to this request. The local authority's Elective Home Education consultant is available to provide support if required.

4.4 If it appears that a suitable education is not being provided, the local authority will seek to gather any relevant information that will assist reaching a properly informed judgment. This will include seeking from the parents any further information that they wish to provide which explains how they are providing a suitable education. Parents will be given the opportunity to address any specific concerns that the authority has. The child will be given the

opportunity, but not required, to attend any meeting that may be arranged or invited to express his or her views in some other way. Whilst parents are under no duty to respond to such a request, DfE guidelines comment that:

'it would be sensible for them to do so'

4.5 If it appears to the local authority that a child is not receiving a suitable education we may wish to contact the parents to discuss the on-going home education provision. Contact will normally be made in writing to parents to request further information. A written report will be made after such contact and copied to the parents stating whether the authority has any concerns about the education provision and specifying what these are, to give the child's parents an opportunity to address them. If there are concerns, parents will be given the information in a written report outlining what the local authority is concerned about and why. Wherever possible, parents will have been informed of this beforehand, and have been given guidance about ways in which suitable education that meets the needs of the child may be provided. The authority may be able to suggest other services that may be useful or may suggest other contacts that can provide advice. The report will suggest timescales and arrangements for future contact to ensure progress has been made.

4.6 In the instance outlined above, some parents may welcome the opportunity to discuss the provision that they are making for the child's education during a home visit but parents are not legally required to give the local authority access to their home. They may choose to meet a local authority representative at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. Where a parent elects not to allow access to their home or their child, this does not itself constitute a ground for concern about the education provision being made. Where the EHE consultant is unable to visit the home, the consultant should, in the vast majority of cases, be able to discuss and evaluate the parent's educational provision by alternative means. If they choose not to meet, parents may be asked to provide evidence that they are providing a suitable education. Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form.

4.7 As stated, whilst there are no statutory duties in relation to the routine monitoring of the quality of home education, under Section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that parents are not providing a suitable education. This section states:

“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”

Section 437(2) provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

Before serving a notice under Section 437(1) a local authority is encouraged to address the situation informally. This would be to ask parents for further information about the education they are providing. Such a request is not the same as a notice under Section 437(1) and is not necessarily a precursor to formal procedures. Parents are under no duty to respond.

Section 437(3) refers to the serving of School Attendance Orders :

If-

- (a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local authority, within the period specified in the notice that the child is receiving suitable education, and**
- (b) in the opinion of the authority it is expedient that the child should attend school,**

the authority shall serve on the parent an order (referred to in this Act as a “school attendance order”), in such form as may be prescribed requiring him to cause the child to become a registered pupil at a school named in the order.

4.8 Doncaster Council considers that the taking of the above measures shall be a last resort after all reasonable avenues have been explored to bring about a resolution of the situation. At any stage following the issue of the Order, parents may present evidence to Doncaster Council (or the court) that they are now providing a suitable and appropriate education and apply to have the Order revoked.

4.9 Local authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states that:

“A local authority shall make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children.”

Section 175(1) does not extend local authorities' functions. It does not, for example, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

4.10 Schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion, because a child has poor attendance, behaviour or is unlikely to achieve academic success. In the case of exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the school and local authority must seek to address the issues behind the absenteeism and use the other remedies available to them.

5.0 Children with Special Educational Needs

5.1 Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). The right is irrespective of whether the child has a statement of special educational needs or not.

5.2 Where parents elect to home educate a child with a statement who is registered at a mainstream school the school will remove the pupil from roll in the same way as for children who are not the subject of a statement of special educational needs. Parents are required to notify the school in writing when withdrawing their child for EHE. This is to confirm that provision is being made for the child's education otherwise than at school and requesting removal from the schools roll.

5.3 Where a child has a statement of SEN and is home educated, it remains the duty of the local authority to ensure that the child's needs are met. Local authorities must have regard to the Special Educational Needs Code of Practice, 2001 which emphasises the importance of local authorities and other providers working in partnership with parents.

5.4 The Code of Practice is designed to help such bodies to make effective decisions but it does not, and cannot, tell them what to do in each individual case.

5.5 If the parents' attempt to educate the child at home falls short of meeting the child's needs then the parents are not making 'suitable arrangements' and the authority cannot conclude that they are absolved of their responsibility to arrange provision in the statement. Parents are

required only to comply with the definition outlined in section 7 of the education Act 1996. It is the authority's duty to arrange the provision specified in the statement unless the child's parent has made suitable provision, for so long as a statement is maintained.

5.5 Even if the local authority is satisfied, it retains a duty to ensure the child's needs are met, to maintain the statement and to review it annually, following the procedures set out in the SEN Code of Practice. Parents should always be involved in the review process. However, it is not mandatory to see the child or the home as part of the review. Part 4 of a statement can identify provision otherwise than at school, which is considered appropriate.

5.6 If a child is registered at a school under arrangements made by the local authority, for example at a special school, the parent cannot de-register them to be home educated without the agreement of the local authority. If a child has a statement of Special Educational Needs, and particularly if they are registered at a special school, parents may wish to contact the Special Educational Needs Department for further advice.

6.0 Participation and Transition

6.1 Raising the Participation Age - legislation and local authority role

The Education and Skills Act 2008 requires local authorities in England to make available to young people and relevant young adults for who they are responsible such services as they consider appropriate to engage and remain in education or training. A "young person" means a person who has attained the age of 13 but not the age of 20.

Doncaster Council's Participation and Transition Service will offer access to relevant careers information, advice and careers guidance to support young people to make positive transition into learning post 16. The service will offer support to young people educated at home who are age 14+. For those young people who have special education needs and disabilities the local authority will ensure it fulfils its statutory duties to undertake where applicable the Section 139a assessment (Education and Skills Act 2008).

The local authority will publish careers information via the Doncaster Connectu2 website – www.connectu2.co.uk

7.0 Gypsy, Roma and Traveller Children

7.1 Local authorities should have an understanding of and be sensitive to, the distinct ethos and needs of Gypsy, Roma and Traveller communities. It is important that these families who are electively home educating are treated in the same way as any other families. Home education should not necessarily be regarded as less appropriate than in other communities. When a Gypsy, Roma and Traveller family with children of school age move into an area, they are strongly encouraged to contact the local GRT Admissions and Attendance Officers for advice and help to access local educational settings.