

Elective Home Education (EHE) Policy

September 2019

1.0 Introduction

- 1.1** The local authority recognises that education is a fundamental right for every child.
- 1.2** Whilst the local authority encourages and supports parents to enrol their children at school, it nevertheless recognises that parents/carers have a right to educate their children at home. The Authority is committed to working in partnership with home educating parents in order to help ensure that their children are provided with efficient, full-time education suitable, to their age, ability, and aptitude and to any special educational needs which they might have.
- 1.3** The authority aims to build effective and positive relationships with home educating parents and their children, which are rooted in mutual understanding, trust and respect.
- 1.4** This policy is intended to detail how such relationships might be developed in Luton. The aim is to:
 - i) clarify the legal position with regard to Elective Home Education (EHE);
 - ii) identify the respective roles and responsibilities of both home educating parents and the local authority;
 - iii) establish clear, transparent and fair processes and systems

2.0 Context

- 2.1** This policy is based on the legislative framework established by the Education Act 1996 and incorporates the essential principles of the Department for Education (DfE) Elective Home Education Guidelines for Local Authorities published in 2007 (revised and reissued in March 2013 and April 2019).
- 2.2** This policy has also been developed in the context of the duty placed on local authorities to make arrangements to safeguard and promote the welfare of children (section 175 of the Education Act 2002)
- 2.3** The local authority will ensure that in discharging its EHE responsibilities it is alert and responsive to any actual or potential safeguarding concerns which may emerge, whether these concerns emerge through either the engagement, or the non-engagement, of home educating parents. Should the authority consider that any safeguarding concerns may exist in relation to a home educated child it will always consider these concerns to be of paramount importance and will act accordingly.
- 2.4** This policy aims to achieve an appropriate balance between the rights of parents and the responsibilities of the local authority.

3.0 Legislation

- 3.1** Parents have a legal duty, under Section 7 of the Education Act 1996, to cause their children to receive efficient full-time educations suitable to their age, ability and aptitude and to any special educational needs which they may have, “either by regular attendance at school or otherwise” (The phrase “or otherwise” can mean “at home”).
- 3.2** The term ‘efficient’ can be defined as ‘achieving what it sets out to achieve’.
- 3.3** The term ‘full-time’ has no current legal definition. Children normally, however, attend school for between 22 and 25 hours a week for 38 weeks a year, but this measurement of ‘contact

'time' may not be relevant to EHE where there is often almost continuous one-to-one contact and education may take place outside of normal 'school hours'.

- 3.4** The term 'suitable' can be defined as '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 a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life'.

4.0 Responsibilities of parents

- 4.1** The responsibility for a child's education rests with his/her parents.
- 4.2** 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".
- 4.3** Parents who choose to home educate must be prepared to assume full financial responsibility for doing so, including bearing the cost of any public examinations.
- 4.4** Parents are not required to register or seek approval, from the local authority, if they wish to home educate their child. If the child is of preschool age, parents are not required to notify the local authority of their intention to home educate, but they are encouraged to do so. If a child is on roll at a school when the parents choose to home educate, the parents should write to the headteacher of the child's school, stating their intention to home educate. (Once the headteacher has received this written notification he/she must, immediately, delete the child's name from the school roll; the headteacher must also notify the local authority of this deletion.) Having informed their child's school of their intention to home educate, parents are not required to notify or contact the local authority, but are nevertheless encouraged to do so.
- 4.5** The only exception is if the child concerned is on roll at a special school. In these circumstances, the parents must obtain the agreement of the local authority before the child's name is removed from the roll.
- 4.6** If a child is on roll at a school as a result of the local authority having previously served a School Attendance Order the parents must apply to have the order revoked before the child's name can be removed from the school roll.
- 4.7** The local authority is advised (by guidance, issued by the Department for Education) to make informal enquiries of home educating parents and to ask for detailed information about the education being provided. Home educating parents are under no legal duty to respond to such enquiries, but should be aware that guidance indicates that if a parent does not respond, or responds without providing any information about the child's education, then it will normally be justifiable for the local authority to conclude that the child does not appear to be receiving suitable education and take the necessary consequent steps.

4.8 The local authority will usually request a home visit or a meeting with home education parents, but home educating parents are under no legal duty to agree to such a visit or meeting. It should be noted, however, that where home educating parents decline all reasonable enquiries made by the local authority, it may consider that it is unable to satisfy itself that the child is in receipt of suitable education and may consider the need for further action.

5.0 Responsibilities of the local authority

5.1 The local authority is responsible for ensuring that it has a clear and easily accessible EHE policy which sets out the legal position, establishes clear and fair procedures and explains the respective roles and responsibilities of the Local authority and home educating parents.

5.2 The authority will endeavour to establish positive and supportive relationships, recognising that home educating parents adopt a rich and diverse range of approaches to home education and use a variety of philosophies and methods.

5.3 With regard to its involvement in EHE, the local authority's primary interest lies in the suitability of the provision which home educating parents make, not their reason to home educate.

5.4 If, however, it appears likely or possible that a parent may have chosen to home educate, not as a positive choice, but in response to, for example, a one-off incident at school or as a means of avoiding a particular issue of schooling, such as attendance or behaviour, the local authority may suggest to the parent that a meeting be held at the school where the child was previously on roll, in order to confirm that the parent is choosing to home educate for positive reasons and that the decision to home educate is being made in an informed and considered way with the child's best interests as the prime consideration. (There would be no intention of trying to dissuade the parent from choosing to home educate and the parent's participation in such a meeting would be entirely voluntary. If the parent declined to agree to such a meeting then the suggestion would not be pursued further.)

5.5 Once it has been made aware of a child being home educated the local authority will usually contact the parent and suggest a home visit. If this is not agreeable to the parents then the authority may suggest the parents submit a written report. If this is also not agreeable to the parents then the authority will invite the parents to suggest an alternative means, of their own choosing, whereby they might demonstrate that the education being provided is suitable.

5.6 The local authority notes that whilst some home education parents choose to submit a written report to demonstrate that the education which they are providing is suitable, the authority believes that such reports have limitations in terms of any judgement which the Authority might be called upon to make – from an education and safeguarding perspective. The Authority will, in consequence, always seek to meet with the parent and child in person.

5.7 The local authority will endeavour to give home educating parents every opportunity, over a reasonable period of time, to demonstrate that they are providing a suitable education. The

authority will ensure that its attempts to secure information from home educating parents are reasonable and proportionate.

5.8 The local authority does, however, as noted above (3.5), have a legal duty under Section 437 of the Education Act 1996 to take action “ if it appears” that a child of compulsory school age is not receiving suitable education. If it appears that a child is not in receipt of suitable education the local authority will serve a School Attendance Order. Prior to taking any such formal action the local authority will always, unless there are exceptional circumstances, attempt to address the situation informally.

5.9 Should home educating parents *repeatedly* and *persistentl*y refuse to respond to its informal enquiries the Local authority may, in certain situations, consider that this is evidence that no provision is in place. In such circumstances the Authority may consider whether it is necessary to serve a School Attendance Order. Such an order would only be served after all reasonable steps had been taken to resolve the situation.

5.10 Whilst the local authority has no statutory duty to monitor the quality of home education on a routine basis it will nevertheless offer to visit or meet with home education parents (and their children) at regular mutually agreeable intervals.

5.11 The local authority recognises that any assessment it might make as to the suitability of the education which a home educated child is receiving (based on an annual, or more frequent, visit/meeting of perhaps an hour’s duration or on a consideration of whatever documentary information is presented by the parents), will inevitable be partial, limited and incomplete. In such circumstances the local authority can only assess whether the education which an individual home educated child is receiving appears to be efficient, full-time and suitable to the child’s age, ability and aptitude and to any special educational needs which he/she may have.

6.0 Responsibilities of schools

6.1 Schools should not advise or recommend that parents home educate, especially if a child is experiencing difficulties at school.

6.2 Should a parent notify a school that he/she intends to home educate the school should notify the EHE Officer of this information and ensure that this request is confirmed in writing by the parent.

6.3 Upon receipt of this written request the school should remove the child’s name from the school roll and formally notify the Local authority that it has done so, using the EHE referral form.

7.0 Children with special educational needs

7.1 Parents of a child with special educational needs have an equal right to home educate, if they so choose.

7.2 As noted above (4.5), however, if a child attends a special school the agreement of the Local authority must be obtained before that child's name is removed from the school roll.

7.3 When a home educated child has a statement of SEN/EHC plan the local authority remains responsible for ensuring that the child's needs are met and for maintaining the Statement/Plan and reviewing it annually. The Special Educational Needs Assessment Team (SENAT), in liaison with the Elective Home Education Service, will be responsible for arranging statement/plan reviews.

7.4 The local authority will, therefore, only agree to a child's name being removed from the roll of a special school when it has satisfied itself that the parents are able to make the provision specified in the Statement/Plan.

7.5 If the authority considers that the provision specified in the statement/plan can only be properly made by the school at which the child is enrolled (or at another similar school) it will recommend to the parents that the child returns to that school and will decline to give its agreement to the child's removal from roll.

7.6 In some cases a combination of provision by parents and the local authority may best meet the child's needs. In such circumstances the local authority will discuss this with the parents and an educational programme agreed accordingly. This programme will be monitored on a regular basis.

8.0 Safeguarding

8.1 Under Section 175 of the Children Act 2002, the local authority has a general duty to safeguard and promote the welfare of children. The local authority has powers to enable it to insist on seeing children to enquire about their welfare where there are grounds for concern. Such powers, however, do not give the local authority the ability to see and question children who are being home educated in order to establish whether they are receiving a suitable education.

8.2 The local authority will, nevertheless, aim to discharge its safeguarding functions in relation to home educated children by attempting to engage proactively with all home educating parents and will always seek to see, speak with and ascertain the views of children who are home educated.

8.3 Whilst the local authority recognises that children who are home educated are no more likely to be the subject of abuse or neglect than are children who attend school, the local authority nevertheless notes the particular circumstances of home educated children.

8.4 Should any safeguarding concerns emerge in the course of engagement with home educating families, or in consequence of a lack of engagement, these concerns will be consulted on with the safeguarding in education officer and, if deemed to have met the threshold of need and intervention, will then be promptly referred to children's social care. Whilst a failure to respond

to the informal enquiries of the local authority will not in itself be seen as evidence of safeguarding concerns, a repeated and persistent failure to respond, together with other contextual information, may in certain circumstances cause the local authority to consider the need for further action.

8.5 If the parents of a child who is subject to a Child Protection Plan (CPP) declare an intention to home educate, the local authority will usually oppose this, unless it can be demonstrated that home education will be in the child's best interests and will not prejudice the effective implementation of the child's CP plan.

9.0 Process and Procedures

9.1 Luton local authority recognises that there are many, equally valid 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.

9.2 When Luton Local authority first become aware that parents have elected for home education a background check is always undertaken. Any concerns may result in a referral to other agencies especially with regard to safeguarding.

9.3 Following the background checks, initial contact will be made with the family to establish that the provision that is being put into place is suitable and that a full-time education will be provided which is suitable to the child's age, ability and aptitude and to any special needs which they might have.

9.4 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 at least once a year to ask for information to keep data base up-to-date and to offer advice.

9.5 In order to enable the local authority to make an initial judgement on the suitability of the education being provided by home education parents, the EHE Officer will carry out an EHE assessment.

9.6 The local authority will reasonably expect the EHE provision to include the following characteristics:

- i) recognition of the child's needs, attitudes and aspirations;
- ii) opportunities for the child to be stimulated by his/her learning experiences
- iii) access to resources/materials required to provide suitable home education (pens, books, materials, ICT, etc.)
- iv) consistent involvement of parents and other significant carers;
- v) evidence that opportunities are planned for appropriate interaction with other children and adults

9.7 Various forms of evidence as to the suitability of the provision may be agreed with the parents.

9.8 Once the assessment of the education has been completed a decision will be made by the Local authority as to whether the education which the child is receiving is considered to be suitable.

- 9.9** Once the education is considered to be suitable the EHE officer will notify the parents within seven days. The EHE officer will suggest that the provision be monitored and reassessed at a future mutually agreeable date. (An annual monitoring visit/meeting will usually be suggested, unless the child is known, or previously known, to social care, or is considered to be a vulnerable child, then visits/meetings may be suggested more frequently)
- 9.10** If the education is considered to be only partially suitable (at risk of being judged unsuitable) the EHE officer will notify the parents within seven days. The EHE officer will advise the parents of an appropriate timescale within which the suggested improvements might be made. The officer will ensure that the parents are given every opportunity to address any specific concerns which they have identified.
- 9.11** If the education is considered to be wholly unsuitable the EHE Officer will notify parents within seven days. The EHE officer will refer to the children missing education officer, who may initiate the serving of a School Attendance Order.
- 9.12** If it appears that suitable provision is not being provided, more regular visits will be scheduled so that Luton local authority can offer support and suggestions to the carer. Parents will be given the opportunity to address any concerns.
- 9.13** Contact will be made on both a formal and informal basis.
- 9.14** Should a home educating parent wish to make a complaint about, or to challenge the assessment made by, the local authority this should be done in writing and addressed to the EHE officer within 28 days.