



Elective Home Education

Procedures

1. Introduction

- 1.1 Elective home education (EHE) is the term used by the Department for Education when parents¹ decide to educate their children at home instead of sending them to school.
- 1.2 This document aims to clarify:
 - parents' rights to educate their children at home and their responsibilities,
 - the legal duties and responsibilities of:
 - Head teachers
 - Local Authority (LA).
- 1.3 EHE differs fundamentally from home tuition arranged by the LA which is provided for children unable to attend school through illness. EHE is also different from hospital education or Pupil Referral Units. Once a child is electively home educated, it is the parent's responsibility to make all the arrangements.
- 1.4 Sunderland City Council recognises that education is a fundamental right for every child. Whilst the local authority encourages and supports parents to enrol their children at school, it recognises that parents/carers have a right to educate their children at home.
- 1.5 The LA is committed to working in partnership with these 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.
- 1.6 The LA 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.

¹ As defined in section 576 of the Education Act 1996

2. Legal context

- 2.1 These procedures are based on the legislative framework established by the Education Act 1996 and incorporate 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).
- 2.2 The procedures have also been developed in the context of the duty placed on local authorities to make arrangements to safeguard² and promote the welfare of children. These powers allow local authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern. However, such powers do not allow the LA to see and question children subject to elective home education in order to establish whether they are receiving a suitable education nor does it place an obligation on local authorities to ascertain the child's wishes about elective home education as it is not a service provided by the local authority.
- 2.3 Parents have a legal duty under Section 7 of the Education Act 1996 to cause their children to receive efficient full-time education 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" education is compulsory, but school is not.
- 2.4 The term "efficient" can be defined as "achieving what it sets out to achieve."
- 2.5 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".
- 2.6 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 option in later years to adopt some other form of life."
- 2.7 The LA 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 LA 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 Section 175(1) of the Education Act 2002

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. 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. They may also elect to home educate at any other stage up to the end of compulsory school age.
- 3.2 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.
- 3.3 The type of educational activity can be varied and flexible. 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.
- 3.4 Parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those whom they engage are suitable persons to have access to children. Parents will therefore wish to satisfy themselves by taking up appropriate references.
- 3.5 Parents are not required to register or seek approval from the local authority to educate their children at home unless:
- their child 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.
 - their child is on roll 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.
- 3.6 Where a child has been registered at a mainstream school, parents are required to notify the school in writing when withdrawing a 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 school's roll.

4. Responsibilities of schools

- 4.1 When a parent approaches a school to discuss the possibility of EHE, the school should respond to the parent positively and constructively. The school should firstly seek to establish that the reason for considering EHE is based on a positive parental choice, not on a dispute with the school. If this is the case, the school should ensure that all steps have been taken to resolve the issue with the parent and pupil.
- 4.2 The DFE guidelines make it explicit that schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. 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 address the issues behind the absenteeism and use the other remedies available to them.
- 4.3 Should a parent notify a school that he/she intends to home educate the school should ensure that this request is confirmed in writing.
- 4.4 Upon receipt of this written request the school should remove the child's name from the school roll and formally notify the LA that it has done so. However if the child attends a special school the child's name should not be removed until school has received the necessary confirmation from the LA.

5. Responsibilities of Local Authority

- 5.1 The LA 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 LA and home educating parents.
- 5.2 In order to fulfill its duties under Section 436A of the Education Act 1996, the LA maintains a record of all children known to be home educated, and will contact the parent to request some basic information about the provision they are making for their child's education. This is to ensure the children are correctly recognised as being Electively Home Educated and not as Missing from Education.
- This information is not a comprehensive list of all children educated at home as there may be families who have children who have never been on roll.
- 5.3 Information on EHE children will not be shared with other teams/agencies without the consent of parents except where it may be required by statutory law.
- In appropriate instances, where the Local Authority receives a request from a service or agency that it is felt may be of benefit or assistance to EHE children, we will contact families to advise of the services on offer and to seek approval for details to be shared. Where consent is not given we will not share information and simply advise home educating families of the services on offer with contact details for the agencies should their services subsequently be required.
- 5.4 The LA will endeavour to establish positive and supportive relationships with home educating parents, recognising that home educating parents adopt a diverse range of approaches to home education and use a variety of philosophies and methods.
- 5.5 The role of the LA is not to tell parents how to educate their children or to promote registration at school. It is to provide information for parents and where appropriate provide support by requesting the involvement of the School Improvement Service, who can offer specialist educational advice to ensure the parent can provide a suitable education for their child. The LA will only visit a parent when the parent has made a request for a visit and an appointment has been made and agreed in advance.
- 5.6 The LA is encouraged (in the 2007 DfE guidelines) to make informal enquiries of home educating parents and to ask for information. Home educating parents are under no legal duty to respond to such enquiries or to provide such information. This is not intended to be 'inspection' or 'monitoring' as LA has no statutory duties in relation to monitoring the quality of home education on a routine basis.
- 5.7 The LA may, in certain circumstances, 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. The LAs primary interest lies in the suitability of parents' education provision and not their reason for doing so. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so.³
- 5.8 The LA will give home educating parents every opportunity, over a reasonable period of time, to demonstrate that they are providing a suitable education. Parents will always be informed in writing of any specific concerns. The LA will ensure that its attempts to secure information from home educating parents are reasonable and proportionate. However, under Section

3 Phillips v Brown (1980)

437(1) of the Education Act 1996, the LA will intervene if it appears that parents are not providing a suitable education.

- 5.9 A School Attendance Order (SAO) will only be served after all reasonable informal steps have been taken to try to resolve the situation and even after an order has been issued parents may still present evidence to that they are now providing suitable education and apply to have the SAO revoked.
- 5.10 Where a child is registered at a special school the SEN Team will be responsible for arranging statement/plan review. The LA 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. Further information and guidance may be found in the SEN Code of Practice.

6. Safeguarding

- 6.1 Local authorities have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children; however this section 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.
- 6.2 The LA will ensure that in discharging its EHE responsibilities it is alert and responsive to any actual or potential safeguarding concerns which may emerge in the course of engagement with children and families, or otherwise, these concerns will immediately be referred to the appropriate authorities using established protocols.
- 6.3 Where someone has a safeguarding concern in relation to an EHE child during the course of their normal working activities; it is their responsibility to report their concerns using their own established protocols.

7. Reviewing procedures and practices

- 7.1 Sunderland City Council will review this policy and practice in relation to EHE on a regular basis.

8. Contact details

- 8.1 For enquiries relating to this policy, please contact ehe@sunderland.gov.uk
- 8.2 Further information can be found on the Elective Home Education page of Sunderland City County Council's website www.sunderland.gov.uk.

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