

**Home Education Policy & Procedures**

**September 2023**

This policy and procedure has been updated following the DFE Consultation (2018) and latest publications @Elective Home Education: guidance for local authorities’ (April 2019) and Elective Home Education: guidance for parents (April 2019). Reference has also been made to Strengthening Home Education (Oct 21) and Out of Sight and Out of Mind (Nov 22). This will be reviewed July 2024.

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**1.Policy statement**

1.1 We believe that education is a fundamental right of every child and aim to work in partnership with all parents to ensure that their children are able to achieve their full potential, whether they are educated at home or at school.

1.2 We respect that parents have the right to home educate in conformity with their own philosophy or religious convictions and we wish to work with parents who home educate in order to ensure that their children are provided with full time education which is suitable to their age, ability and aptitude and to any special needs they may have.

1.3 We also wish to ensure that parents who choose to home educate their children do so for the right reasons and are well prepared from the point they begin, which may be either from the decision not to send their child to any school or by the removal of their child from a school roll.

**2. Introduction**

2.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe parents decision to provide education for their children, who are of compulsory school age, at home rather than sending them to school.

2.2 EHE is different to home tuition and education other than at school provided by the local authority. Children educated at home are not registered at mainstream, special or independent schools, academies, free schools, Pupil Referral Units (PRU’s), full time college courses or children’s homes with educational facilities.

2.3 EHE is different to flexi schooling arrangements, which are authorised at the discretion of the headteacher of the school where the child is on roll.

2.4 This document outlines our policy and procedures to enable the authority to comply with our responsibilities and duties towards children who live within the local authority whose parents have decided to educate them at home. It is published for parents, schools and other agencies with an interest in EHE

2.5 As stated in the DFE Guidance for LA’s, April 2019, ‘Educating children at home works well when it is a positive choice and carried out with proper regard to for the needs of the child’. We recognise there may be many approaches to educational provision and that what may be suitable for one child will not be for another, but all children should be involved in the learning process.

 2.6 In line with new DfE Guidance for LA’s April 2019, this policy and procedures seek to build positive relationships with home educators and provide a way to effectively protect the educational and safeguarding interests of children where vulnerabilities are identified.

2.7 This document sets out:

* Parents’ rights and responsibilities if they choose to educate their children at home
* The responsibility and statutory duties of the LA and schools in relation to children who are educated at home
* Our procedures in relation to EHE

**3. The Law and DfE Guidance**

3.1 The legal responsibility for a child’s education rests with their parents. In England, education is compulsory, but school is not. The law is set out in the European Convention on Human Rights in the Education Act 1886.

3.2 Compulsory schooling age begins on the next prescribed day following the child’s fifth birthday (or their fifth birthday if it falls on the prescribed day). The prescribed days are 31st December, 31st March and the 31st August each year. A child continues to be of compulsory school age until the last Friday of June in the school year they reach the age of sixteen.

3.3 Young people need to then comply with the Raising Participation Age (RPA) legislation, 2013, and remain in education, or training up until the age of eighteen.

3.4 Article 2 of the Protocol of European Convention on Human Rights, 1953, 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 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.’

3.5 Section 7 of the Education act, 1996, states that ‘the parent of every child of compulsory school age shall cause him to receive efficient full time education suitable to a) age, ability and aptitude and b) any special needs, he may have either by regular attendance at school or otherwise.’

3.6 An ‘efficient’ and ‘suitable’ education is not defined in the Education act 1996 but has been described in case law (case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Haddass School Trust 1986) as an education that ‘achieves that which it sets out to achieve’ and ‘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 life to adopt some other form of life if he wishes to do so.’

3.7 The DfE Guidance for parents, April 2019, makes a number of points in Section 2.10, ‘What is a Suitable Education’, including:-

- ‘education must be age appropriate, enable the child to make progress according to his or her level of ability and should take account of any specific aptitudes’

- ‘even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard which is aimed at’

- ‘education at home should not directly conflict with the Fundamental British Values as defined in government guidance

-‘education may not be suitable (or efficient) even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which makes it difficult to work’ eg – very noisy.

- ‘education may also not be deemed suitable if it leads to excessive isolation from the child’s peers, and thus impedes social development’

- ‘it is likely to be much easier for you to show that the curriculum provided is suitable if attention has been paid to the breath if the curriculum and its contents, and the concepts of progress and assessment in relation to your child’s ability’.

**4. Parental Rights and Responsibilities**

4.1 Parents may decide to exercise their right to home educate their child from a very early age and not to enrol the child at a school. They may also elect to home educate at any stage of compulsory school age and may continue to post 16 in order for their child to participate in education and training until the age of 18. In the case of joint parental responsibility, both parents must agree to this.

4.2 If the child is attending school, then parents must notify the headteacher, preferably in writing, that they are withdrawing their child. They do not have to give a reason. However, as stated in the DfE Guidance, it would be sensible to so, both in order to avoid any future misunderstanding about how they plan to fulfil their parental responsibility and also, to facilitate access to advice and support.

4.3 If the child attends a special school which is named in their Education Health & Care Plan (EHCP), parents must seek approval from the Local Authority (LA) in writing. See section 11 for further information regarding children with Special Educational Needs and Disabilities (SEND)

4.4 Parents whose child is not enrolled at a school have no obligation to inform the LA that they are home educating. However, as in 3.2 above, it would be sensible to do so.

4.5 Parents do not need to be qualified teachers to home educate and there is no requirement to teach the National Curriculum, match age-specific standards, observe school hours, days or terms, make detailed lesson plans, give formal lessons or reproduce school type peer group socialisation.

4.6 As is clear in the 1966 Education Act, Section 7, they must however ensure that their child receives efficient and suitable full time education. See 2.7 above.

4.7 Parents can choose to engage private tutors or other adults to assist them in providing a suitable education, although there is no requirement to do so and learning may take place in a variety of settings, not just the family home.

4.8 It is strongly recommended that parents ensure that they are making appropriate checks on any settings that they use, as there may be no external assurance that they comply with basic standards such as vetting of staff and safeguarding children. Similarly, it is recommended that parents ensure that any tutors they employ are qualified and suitable, including whether they have a clear Disclosure & Barring (DBS) Service check.

4.9 Parents who home educate assume the full responsibility for their child’s education. This includes the cost of resources, private tuition, courses and public examinations.

4.10 However, children who are in year 10 and above may be able to access part time college courses in certain areas as part of their home education and the college may be able to claim the costs of courses and exam fees from the Education & Skills Funding Agency. These arrangements would be negotiated individually between parents and the college.

4.11 LA’s do have a duty under the Education Act 1996 to establish whether home educated children are receiving suitable full time education and the DfE Guidance is clear that it would be sensible for parents to respond to enquiries.

**5. Children’s Rights**

5.1 The United Kingdom has ratified the United Nations Convention on the Rights of the Child (UNCRC), November 1989, which includes the right to be safe, to an education, the right to express their views and for due weight to be given to those views.

5.2 We actively promote children’s right to be heard, as stated in the UNCRC, and in the statutory guidance ‘Listening to and involving children and younger people’. January 2014.

5.3 We will listen to the child’s opinions on the home education they receive in order to make informed decisions about the suitability.

**6. School’s Responsibilities**

6.1 Sections 8(1) (d), 12(3) and 13(3) of the Education (Pupil Registration) Regulations 2006 place a duty on head teachers to inform the LA when a parent notifies them of their decision to withdraw their child from the school roll.

*‘the proprietor (Headteacher) of the school must make a return to the Local Authority for every such pupil giving the full name, the address of the parent with whom the pupil normally resides and the ground upon which their name is to be deleted from the admission register as soon as the ground for deletion is met in relation to that pupil, and in any event no later than deleting the pupils name from the register’*

6.2 Where possible, before a child is removed from the roll of a school, there is an expectation for all professionals involved to engage with the LA, when a parent is considering withdrawing their child to EHE before they are removed from the school roll. This will enable the LA to coordinate a meeting ahead of the child being withdrawn from school. DfE Guidance ‘Elective Home Education (EHE): your duties, our expectations’. (October 2020)

6.3 Schools should follow the LA off-rolling procedures, informing the LA prior to removing the child from the school register and forwarding any written notification from the parents. The child can be de-registered 2 working days after the receipt of the parent’s notification. However, the Badman Report (June 2009) did recommend that a two weeks period is left to allow parents to change their mind before finally removing them from roll. See Section 11 for procedures if a child has a special need or disability (SEND)

6.4 There is no legal requirement for parents to discuss home education with the school, but if a parent informs the school of their intention, schools should respond positively and constructively.

6.5 This is particularly important if it appears that the decision to home educate may be related to a dispute with the school eg regarding attendance, behaviour or alleged bullying. It would be helpful if the school invites the parents to discuss the decision and takes all the necessary steps to resolve any issues. Parents’ attendance at such a meeting should be entirely voluntary.

6.6 Schools must not seek to persuade parents to educate their child at home as a means of avoiding exclusion or because of poor attendance. It would be helpful is schools share with them the ‘Information for Parents’ and also what you need to know guidance from the DfE ( October 2020) to help them to make an informed choice.

6.7 If the child is registered at a school as a result of a School Attendance Order, the parent must obtain the permission of the LA on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be removed from the school’s register and educated at home.

6.8 Home education is not in itself a safeguarding concern. The expectation is that schools will have previously referred to Early help or to Social Care and Health if they have serious concerns about a child. However, they may be asked to share with the LA any recent concerns or risks they are aware of about this child that may impact on the suitability of home education.

6.9 Schools should retain the child’s school file in line with normal guidance. Parents can request a copy of this in order to assist with planning their children’s education.

6.10 If EHE is considered unsuitable, the expectation is that the child will return to their former school where there are places available, either through the ‘In year access arrangements’ or through the statutory EHCP arrangements.

**7. The Local Authorities Responsibilities**

7.1 The LA has a statutory duty under Section 436(A) of the Education Act 1966 to make arrangements to enable us to establish (so far as possible) the identities of children of compulsory school age in their area who are not receiving a suitable education.

7.2 The LA has a statutory duty under Section 437(1) pf the education act 1996 to intervene if it appears that a parent is not providing a suitable education to the age, ability, aptitude and special educational needs of the child. This section states that:

*‘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 an education’.*

If evidence of a suitable education is not received, the LA may then commence statutory action, including the issue of a School Attendance Order (SAO), penalty notices and fines.

7.3 The LA has no legal power to monitor home education on a routine basis, although we do have a duty, as 5.1 and 5.2 above to make enquiries if it is not clear that a child is receiving a suitable education.

7.4 The LA, in partnership with other agencies, including Social Care & Health, has a statutory duty to safeguard and promote the welfare of all children resident in the area under section 175(1) of the Education Act 2002 and under statutory guidance ‘Working Together to Safeguard Children’ updated February 2019.

7.5 The LA monitor trends in EHE in a wider strategic context and has a key role in identifying any shortcomings in local school provision and in challenging failures by schools to manage attendance and behaviour in an appropriate way.

7.6 The LA is monitored by Ofsted, which looks at the way that LA’s identify children who may not be receiving a suitable education and what steps they take to deal with this.

7.7 The LA will ensure that all officers who engage with home educating families have received appropriate information that they understand EHE and that LA procedures are followed consistently.

**8. The process for this authority**

8.1 Information is available to parents on ST Intranet to support them with their decision to EHE their child and to begin to plan a curriculum which is suitable to the needs of their child.

- A named officer responsible for EHE has been identified.

- On receipt of a notification of EHE, a record will be made which enables the LA to record any involvement with the family.

- A designated nurse within the School Nursing Service can provide information and support to parents who home educate their child.

- In line with the Raising the Participation Age (RPA) information will be shared with the Connexions Team who will provide options and responsibilities for children of Year 11 age. Joint appointments will be offered with the LA officer and a representative from Connexions.

- A LA officer will be assigned to liaise with parents, to offer support and advice and to gather any relevant information to assist in reaching a properly informed view that the education is suitable. Evidence could include discussions of parents plans, a written report, telephone conversations, the child’s views, samples of the child’s work, information about educational settings attended, a home visit or a meeting at another venue.

- The LA officer will offer a home visit or meeting at another venue or by telephone, email and/or by sending a letter. The aim of the contact is to build a positive and constructive relationship with parents, to ensure that EHE is a positive choice and that the educational needs of their child are being met. Discussions will also focus on ‘next steps’ if the parent / child decides to return to education or training.

- It would be helpful for LA officers to see the child so their views can be gathered and contribute to the suitability of being EHE.

8.2 Parents are not obliged to respond to LA enquiries, to accept a visit or allow LA officers to meet with their child. However, as stated in the DfE Guidance, ‘ you should consider carefully the reasons for not doing so, what is the best interest of your child and what is the most sensible approach’. If you do not do enough to satisfy the local authority about the education being provided at home it may have no option but to conclude that the education does not meet the section 7 requirement.

8.3 The LA officer will support the parent in any actions identified within the meeting.

8.4 A LA officer will maintain contact with the family on a regular basis. This will usually be at least annually. There may be changes in circumstances for the family and the LA named officer is available if parents have any questions or wish to discuss any educational matter.

8.5 The LA Officer can support any parent in their decision to apply for a return to school.

**9. What will happen if EHE is unsuitable**

9.1 Parents will receive written notification if the LA considers that suitable home education is not being provided, specifying the grounds for concern and any reasons for concluding why that provision is unsuitable.

9.2 Parents will have the opportunity to address the identified concerns and provide further evidence to the LA within 14 working days, or other agreed timescales, identified within the LA’s letter of notification. A Pre School Attendance Order meeting will be arranged for parents to provide information of the work that has been completed while their child is being educated at home.

9.3 If, after this the education is still not considered suitable, the LA will identify suitable provision for the child through CME procedures where the expectation is that the children will return to their former school where possible, either through the In Year Protocol or through the statutory EHCP arrangements.

9.4 Following the Attendance Regulations, if the parent fails to register the child at the school which ahs been offered, they may receive formal notice that a school attendance order (SAO) will be served. This step will only be taken if all reasonable steps have been taken to resolve the situation. At any stage during the process, parents may present evidence that they are now providing suitable education and can apply for the order to be revoked.

**10. Children with Special Educational Needs or Disabilities (SEND)**

10.1 Under Section 7 and 19 of the Education Act 1996, parents have the right to educate their children, including children with SEND, at home. Home education must be suitable for the child’s age, ability, aptitude and special needs.

10.2 Parents have a right to request an EHCP assessment and the right to appeal is available to all parents, including those who feel that the SEND support being provided by the school is insufficient to meet the child’s needs.

10.3 LA’s do not have a duty under Section 22 of the Children & Families Act 2014 to assess every home educated child to identify whether or not they have SEND.

10.4 If the child is on the roll of a special school the child’s name may not be removed from the school register without the LA’s consent.

10.5 It remains the duty of the LA to ensure the child’s special educational needs are met if they have an EHCP.

10.6 In cases where an EHCP is maintained, the LA will review it annually to ensure itself that the provision set out continues to be appropriate and the child’s special needs continue to be met. The LA may name the type of school that would be suitable for the child, but state that the parents have made their own arrangements under Section 7 of the Education Act 1996.

10.7 Under SEND arrangements, and in line with DfE guidance, the LA will carry out annual reviews for all children with EHCP’s, including those who are home educated. The child and the parents will be involved in this process and the plan will be amended to reflect parental choice.

10.8 If the LA decide to maintain an EHCP, it would be expected that this would cease when the child reaches the end of compulsory school age.

10.9 The LA will not assume that because the provision being made by parents will be different from that which was being made or would have been made in school, that the provision is necessarily unsuitable. However, in some cases, the LA may conclude that elective home education does not meet the child’s SEN. The process of unsuitable EHE will be followed.

**11. Looked after Children (LAC)**

In most cases, if a child is looked after, the LA would not expect the child to continue to be educated at home. Advice would be sought from Social Care & Health and the Virtual Headteacher.

**12. Safeguarding**

12.1 The LA, in partnership with other agencies, including Social Care and Health, has a statutory duty to safeguard and promote the welfare of all children resident in the authority under Section 175(1) of the Education Act 2002 and under statutory guidance ‘Working together’. February 2019

12.2 The EHE Officer and all LA Officers will follow South Tyneside’s safeguarding procedures at all times and work with partner agencies to pro-actively safeguard and promote the welfare of all home educated children.

12.3 In the event of any concerns, in line with procedures, LA Officers will discuss them with parents (providing that this does not pose an increased risk to the child) and signpost / link the family to sources of support, including the School Nurse or Early Help Team.

12.4 If the concerns present an immediate and serious risk of harm to the child, LA Officers will make a referral to the ISIT Team

12.5 LA Officers do not have an automatic right to access the home to discuss home education. However, under the safeguarding duties held by the LA, a LA Officer will wish to see the child and ideally the home, as this is usually the main venue where education is taking place. Elective Home Education may not be considered suitable if this is refused and if there is any reasonable cause for concern.

12.6 In most cases if a child is subject to a Child Protection (CP) Plan or is Child in Need (CiN) Plan, the LA would not expect home education to be suitable. However, both the child’s and the parents views will be considered and advice sought from Social Care before any decision is made.