

## Elective Home Education Policy

### **Acronyms list**

Elective Home Education	EHE
Special Educational Needs	SEN
Education Health Care Plan	EHCP
School Attendance Order	SAO
Child In Need	CIN
Child Protection	CP
Section 7 of the Education Act 1996	S7
Child or Young Person	CYP

# Walsall Children's Services

## Elective Home Education Policy

### 1. Introduction

This document is based on the guidance issued to local authorities by the Department for Education. ( See Appendix 1 Department of Education Elective home education guidance for Local Authorities)

The legal references for home education are section 7 of the Education Act 1996 and sections 436A to 443 of the same Act.

Section 436A of the Education Act 1996 relates to Children Missing Education; while sections 437 to 443 focuses on school attendance orders

*Throughout this policy the word "parents" will be used to indicate anyone with parental responsibility, including guardians and carers.*

**Elective home education** is the term used by the Department for Education, when parents decide to educate their children at home instead of sending them to school. This should not be confused with **home tuition** provided for children or young people (CYP) unable to attend school through illness or disability or with what is sometimes called education **other than at a school**, such as provided by Walsall Children's Services in hospital settings or our pupil referral units The Shepwell Centre and New Leaf Centre.

This policy refers only to elective home education and aims to clarify the balance between the right of the parent to educate their child at home and Walsall Children's Service's responsibilities.

Walsall Children's Services recognises that Elective Home Education is a parental right which requires significant commitment and aims to develop positive and supportive relationships with parents based on trust and mutual respect, working together to ensure the best educational outcomes in the interests of the child.

Parents are responsible for ensuring that their children receive a suitable education and when parents have chosen to home educate this works well when it is a positive choice and carried out with proper regard for the needs of the child. We believe this is best achieved when parents and Walsall Children's Services recognise each other's rights and responsibilities and work together.

## **2. Parental rights and responsibilities**

Education is a fundamental right for every child and it is the duty of all parents to secure an appropriate education for their children. In England, education is compulsory, but school is not and we recognise that parents have the right to educate their children at home.

Parents may decide to exercise their right to home educate their child at any stage up to the end of compulsory schooling, perhaps beginning even before the child is of the age to be first enrolled at school. If a child has never been enrolled at a school, parents are under no legal obligation to inform the local authority that their child is being home educated, nor do they need to gain consent for this. However, it is strongly recommended that parents do notify Walsall children's services of the fact, in order to facilitate access to any advice and support available

If a CYP is already registered with a school when the parents decide to begin home educating, they must (under Section 8 of the Education (Pupil Registration) regulation 2006) inform the school formally, in writing, of their intention to de-register the child in order to electively home educate.

The responsibility for a child's education rests with its parents and although they have a right to educate their children at home, Section 7 (S7.) of the Education act 1996 states that:

'The parent of every child of compulsory school age shall cause him/her to receive efficient full-time education suitable

- (a) to his age, ability and aptitude, and
- (b) to any special educational needs he/she may have, either by regular attendance at school or otherwise' and one that primarily equips a child for life within the community he/she is a member, rather than the way of life in the country as a whole, as long as it does not foreclose a child's
- (c) options later years to adopt some other form of life if he/she wishes to do so.

## **3. 'Efficient', 'Full-time' and 'Suitable' education**

The Education Act 1996 does not define what it means by an 'efficient' education however, it can be interpreted as meaning education that 'achieves what it is intended to achieve'. This is not the same as the education being 'suitable' - because it is possible to efficiently deliver an education that is not suitable for the child. Conversely, it is possible to deliver a suitable education inefficiently

There is currently no legal definition of 'full-time' when it comes to education. Children normally attend school for between 22 and 25 hours per week for 38 weeks of the year, but this is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place at any time. Home educating parents are not required to have a

timetable, set hours during which education will take place or observe school hours, days or terms. However parents should at least be able to quantify and demonstrate the amount of time for which their child is being educated. Education which clearly is not occupying a significant proportion of a child's life (making due allowance for holiday periods) will probably not meet the s.7 requirement

Similarly, the word 'suitable' is not defined in the Act. although as stated in s.7 , it must be suitable to the age, ability and aptitudes of the child, and any special educational needs. This means that it must be age-appropriate, enable the child to make progress according to his or her particular level of ability, and should take account of any specific aptitudes (for example if a child is very good at numeracy, it might focus more on that than some other subjects).

It is the responsibility of parents to be able to demonstrate to Walsall Children's Services that they have a programme of work in place that is helping their child to develop according to his or her age, ability and aptitude and any special educational needs he or she may have.

More generally, parents should bear in mind that:

- a. 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, and the education should aim at enabling the child, when grown-up, to function as an independent citizen in the UK - and furthermore, beyond the community in which he or she was brought up, if that is the choice made in later life by the child;
- b. to be 'suitable', education at home should not directly conflict with the Fundamental British Values as defined in government guidance although there is no requirement to teach these;
- c. Walsall children's services may use minimum expectations for literacy and numeracy in assessing suitability, whilst bearing in mind the age, ability and aptitude of the child and any special educational needs he or she may have;
- d. education may not be 'suitable' even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it very difficult to work (for example in very noisy premises). This might also affect whether it is 'efficient' and indeed, whether it is 'received' at all for the purposes of s.7; and
- e. education may also not be deemed suitable if it leads to excessive isolation from the child's peers, and thus impedes social development

Walsall Children's Services recognises that there are many approaches to educational provision, not just a 'school at home' model. What is suitable for one CYP may not be suitable for another, but all CYP should be involved in a learning process appropriate to their needs and abilities.

Educational activity can be flexible and varied.

Home educating parents under current legislation are not required to:

- teach the National Curriculum
- provide a broad and balanced education
- have a time-table
- 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 or set development objectives
- reproduce school type peer group socialisation
- match school based, age specific standards
- mark work done by the child
- formally assess progress

However, many home-educating families do some of these, at least, by choice. Furthermore, it is likely to be much easier for parents to demonstrate that the education provided is suitable if attention has been paid to the breadth of the curriculum and its content, and the concepts of progress and assessment in relation to their child's ability

Walsall Children's services is also happy to offer advice and guidance to parents on these matters if requested.

In order to fulfil its obligations Walsall Children's services will review the educational provision on an annual basis, or more frequently if deemed necessary.

We recognise that there are many, equally valid, approaches to educational provision, and because of this, Walsall Children's Services will consider a wide range of evidence from home educating parents and in a range of formats. This could include specific examples of learning such as pictures, paintings, models, diaries, projects, assessments, samples of work, books and evidence of educational visits such as photographs.

When considering the quality of home education, Walsall Children's Services will usually expect it to demonstrate the following characteristics:

- The consistent involvement of parents or other significant carers. It is expected that parents or significant carers will play a substantial role, although they may not necessarily constantly or actively be involved in providing education themselves.

- Recognition of the CYP's needs attitudes and aspirations.
- Opportunities for the CYP to be stimulated by their learning experiences.
- Access to the resources and materials required to provide home education such as paper and pens, books and access to libraries, arts and crafts materials, as well as to physical activities, ICT facilities where appropriate and
- The opportunity for appropriate interaction with other children and adults.

**See Section 6 'Contact with parents'**

If Walsall Children's Services considers that a suitable education is not being provided it will notify parents in writing specifying the grounds for concern. The parents concerned will then be given a reasonable opportunity to challenge and/or address the identified concerns and report back to Walsall Children's Services.

If Walsall Children's Services is still not satisfied that a suitable education is being provided or if the parents have not responded to the informal inquiries, Walsall Children's Services will issue a Section 437 (1) notice in writing on the parent requiring them to satisfy the Local Authority within 15 days that their child is receiving a suitable and full time education. The penalty for non compliance would be a referral to Children Missing Education (CME) panel.

The Walsall School Admissions service are responsible for Children Missing Education and they carry out the Local Authority's statutory duty under section 436A of the Education Act 1996 to make arrangements to establish (so far as it is possible to do so) the identities of children in Walsall who are not registered pupils at a school and are not receiving suitable education otherwise. They will consider implementing the School Attendance Order process.

#### **4. The Process for Parents.**

If the child is not yet of statutory school age, we understand that under current legislation, parents do not need to do anything, though it would help us to keep in contact with home educating families. We would like parents to contact us, stating that they intend to educate their child at home from a particular date and give the following information:

- The child's name and date of birth.
- The home address
- The telephone number and email address.

If the CYP is of statutory school age and already attends a Walsall school, the parent has to write to the Headteacher of the school stating their intent to educate their child at home. The Headteacher is then required to notify Walsall Children's Services at the earliest opportunity. We also encourage parents to contact the Elective home education service, before making the decision to home educate their child, and before de-registration from school takes place. In order to assist parents in making the right decision in the best interests of their child, parents are encouraged to attend Pre EHE meetings. These would be attended by a senior member of school staff, the EHE service, Other relevant professionals and parent and (if appropriate) the CYP.

If the CYP is registered at a school because a school attendance order has been issued, parents must:-

- Arrange for the order to be revoked on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school.

Once this has been done the CYP can be deleted from the school's register and educated at home.

Parents may choose to employ other people to educate their children, but they will still continue to be responsible for the quality of the education provided. They will also be responsible for making sure that the people they employ are suitable by:-

- Securing appropriate references
- Arrange a Disclosure and Barring Service (DBS) check where appropriate.

If at any stage, it becomes apparent to parents that they cannot provide suitable home education, they should contact Walsall Children's Services as soon as possible with a view to securing a suitable school place for the child, and minimising any interruption to studies. If a child is of compulsory school age, we will collaboratively work with School Admissions to find a suitable school place.

School Admissions are available at [Schooladmissionsadvice@walsall.gov.uk](mailto:Schooladmissionsadvice@walsall.gov.uk)

## **5. EHE and a CYP with a Statement of Special Educational Needs (SEN)**

Walsall Children's Services has a duty under s.22 of the Children and Families Act 2014 to try to identify all children in its areas who have SEN. This includes home-educated children.

The fact that a CYP has special educational needs does not affect the parent's right to educate their child at home. However when a child has been issued with An Educational Health Care Plan (EHCP) Walsall Children's Services has a duty to ensure that the educational provision specified in the plan is made available to the child - but only if parents have not arranged for the child to receive a suitable education in some other way. Walsall Children's Services does not assume that because the provision being made by parents is different from that which was being made or would have been made in school, the provision is necessarily unsuitable. Therefore if the home education parents provide is suitable, the local authority has no duty to arrange any special educational provision for the child

If the education provided at home does not meet the needs of the CYP, as set out in the EHCP, Walsall Children's Services will judge that the parents are not making 'suitable arrangements.' In these circumstances Walsall Children's Services still has a duty to make sure that the child's needs are met and have to take actions to ensure that this happens.

Even if Walsall Children's Services is satisfied with the home education provision, Walsall Children's Services has a duty to review all EHCPs annually, following procedures set out in chapter 9 of the SEN Code of Practice and this duty still applies to children educated at home. It will, therefore, be necessary to hold an annual review meeting which will be arranged in consultation with the parents. We hope that this review can take place in the home. If parents do not wish the review to take place in the home, Walsall Children's Services will set the venue and make it clear to parents that they are welcome to attend, but are not obliged to do so. Where Walsall Children's Services is satisfied that the child's parents have made suitable arrangements it does not have to name a school in the child's EHCP, though it should state the type of school it considers appropriate and that, '**parents have made their own arrangements under section 7 of the Education Act 1996**'. The EHCP can also specify any provision Walsall Children's Services has agreed to make under section 319 to help parents to provide suitable education for their child at home.

If parents are already electively home educating their child and come to believe their child may have special educational needs, they can ask Walsall Children's Services Special Educational Needs team (SEN) to carry out a statutory assessment or reassessment of their child's special educational needs and Walsall Children's Services will consider the request within the same statutory timescales and in the same way as for all other such requests.

## **Special school**

If the CYP who is to be withdrawn from the school is a pupil registered with a special school, the special school must obtain consent from Walsall Children's Services before the child's name can be deleted from the school roll. The process for consent will not be complex and lengthy. When deciding whether



to provide consent Walsall Children's Services will need to be satisfied that the home education provided will meet the CYP's special educational needs.

## **6. Contact with parents and children**

We want to establish a good working relationship with all parents. Informal contact and enquiries will be made by the Elective Home Education service as soon as we are made aware that parents have decided to home educate. This is to ensure parents understand the implications of elective home education and in order to offer support, guidance and advice. However, parents are under no obligation to accept support or advice from Walsall Children's Services, and refusal to do so is not in itself evidence that the education provided is unsuitable.

An initial visit at home will also be offered to parents. This will be scheduled for a mutually convenient time and will take place approximately 6 weeks after we have been notified of a child becoming elective home educated. Parents are not legally required to give Walsall Children's Services access to their home. They may choose to meet an Elective Home Education officer at a mutually convenient and neutral location instead, with or without the CYP 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 in itself constitute a ground for concern about the education provision being made. Where we are not able to visit the home, we will discuss and evaluate parents' educational provision by alternative means. If parents choose not to meet, they will be asked to provide evidence that they are providing a suitable and full time education. The information provided by parents should demonstrate that the education actually being provided is full time and suitable and demonstrates achievements and expected progression. It should not be simply a statement of intent about what will be provided, or a description of the pedagogical approach taken. This would not enable Walsall Children's Services to reach a legitimate conclusion that a suitable education is actually being provided. Parents might choose 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. We will consider all evidence produced, should this situation arise. (See Appendix 2 Initial enquiries when on roll EHE)

If we ask parents for information they are under no duty to respond; however if a parent does not respond or responds without providing information about the child's education then it is justifiable for Walsall Children's services to conclude that the CYP is not receiving a suitable education.

In subsequent years, if all is well, there will be one informal enquiry per year regarding educational provision, although parents may find more frequent contact helpful in the early stages of elective home education. If this is the case and time permits, then Walsall Children's Services will be very happy to oblige

and offer guidance and advice. It may also be necessary to have more frequent contact if there are any doubts about the quality of provision until issues are resolved (please see Appendix 3 Annual review process- Annual visit and Appendix 4 Annual review process- Annual report)

### **Advice to Parents**

It is not unreasonable that good home education develops with experience, as a child becomes used to being in a different learning environment and parents 'find their feet'. It would be unrealistic to make a judgement about the suitability of home education provision merely a few days after it began. However, parents should be aiming to offer suitable home education from the outset, and to have made preparations with that aim in view, as any educational time lost can be difficult to retrieve. A reasonable timescale should be agreed for the parents to develop their provision; it is easier to do this if the parents are engaging constructively with the Local Authority but in any event, there should be no significant period in which a child is not receiving suitable education, other than reasonable holiday periods at appropriate points.

Walsall Children's Services will ask parents to consider the following before opting to de-register CYP in order to EHE.

- To think long and hard about their decision to educate their child at home. It is a major commitment in terms of parent's time and energy.
- Look at the costs involved, including the cost of visits, books and other resources.
- Talk to their child about the decision and find out what he/she wants to do.
- To plan what they intend regarding the child's education before making a decision. We recommend that parents research home education by reading books, websites, contacting support organisations and meeting or talking with other home educators if possible.
- Consider the social side of growing up, the need to provide opportunities for a CYP to be involved in social activities and benefit from the stimulus of seeing other children's work. The benefits from such activities may provide a source of motivation for the CYP to succeed.
- Keep their options open as their child's needs may change at different ages and stages. Walsall Children's Services will always be willing to work with parents to find a suitable place for the CYP in a Walsall School.
- Consider the CYP's best interests if deciding to home educate. It might not be in their child's best interest to choose EHE because of a disagreement with a teacher or a school. Parents are encouraged to talk through the problem and attend Pre EHE meetings which allow parents an opportunity to discuss any concerns or queries they may have.
- Home education should not be seen as a solution to the problem of getting a reluctant child to school. The Education Welfare Officer will be very happy to help with this problem.

Parents need to prepare their child for opportunities beyond the school leaving age. We recommend that a programme of education is planned around the core subjects of English, Maths, Science and ICT. This will equip the CYP for any future option he/she may wish to pursue.

### **Support for parents**

Where possible, the Elective home education service aims to establish positive relationships with home educating parents to offer the appropriate support, including signposting to 14-16 educational provision, advising regards teaching and learning strategies, providing information regards exams and qualifications and referring young people to a careers advisor. We do this by working closely with various partners including: Special educational needs team, Walsall Parent Partnership Service, Black Country Impact, local schools & colleges, school health, Black Country consortium, Early help, Educational psychologists, Social workers, and other neighbouring authorities.

Where possible, the service offers parents guidance and support before they formally decide to home educate. Parents, professionals and schools are encouraged to contact the service if parents are considering EHE. Furthermore the officers attend Pre-elective home education meetings coordinated by the school. These would involve school, the CYP, parent, an EHE officer and other relevant professionals. The aim of the meeting is to resolve potential issues in school which may be the cause for the decision to home educate. The pre-elective home education meetings are also an ideal opportunity to remind parents they are taking on a duty of care to ensure their child's educational, social, emotional and mental health needs are met when they elect to home educate.

Moreover the Elective home education policy and information booklet are also available on the Local Authority website, which ensures parents have easy access to the appropriate information to help them make an informed choice.

If parents decide that they would like for their child to return to school we support parents in returning their child to school by working collaboratively with local schools and school Admissions. Parents are also further supported as the Elective home education service offer parents a meeting within 6 weeks of them formally deciding to home educate and Annual visits. These are an opportunity for parents to discuss any concerns and to identify further support required.

## **7. Walsall Children's Services responsibilities**

Walsall Children's Services understands that the primary responsibility for ensuring that children are properly educated belongs with parents, Walsall Children's Services have a moral and social obligation to ensure that a child is safe and being suitably educated. If it appears that a CYP is not receiving an adequate, safe, or appropriate education Walsall Children's Services will act to remedy the position

If it seems that a CYP is not being provided with a suitable education we will try to gather information to help us reach a properly informed judgement. This will include asking parents for any further information that they wish to provide which explains how they are providing a suitable education. Parents will always be informed in writing of any specific concerns that Walsall Children's Services has and given the opportunity to address or challenge these concerns within a reasonable period of time. The child will also be given the opportunity to attend any meetings that may be arranged or invited to express his or her views in some other way. Parents are not obliged to respond to such requests but we hope that they would engage with us in the best interests of their children.

If this approach does not seem to be working, the law makes it clear that the Local Authority - Walsall Children's Services has a duty to act:

*"If it appears to Walsall Children's Services that a child of compulsory 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/her to satisfy them within the period specified in the notice that the child is receiving such education."*

We believe that the best interests of a CYP are served when parents and the representatives for Walsall Children's Services work together and so, before issuing such a notice we will try to address the situation informally and co-operatively.

If however, representatives of Walsall Children's Services are still not convinced that a suitable education is being provided for a child being educated at home then in these circumstances and when all other possibilities have been exhausted, Walsall Children's Services may serve the parents with a School Attendance Order (SAO.)

A SAO will only be served after all reasonable steps have been taken to try to resolve the situation and even after an order has been issued parents may still present evidence to Walsall Children's Services that they are now providing an appropriate education and apply to have the Order revoked.

If Walsall Children's Services decides to prosecute the parents for not complying with the Order, then it will be for a court to decide whether or not the education being provided is suitable and efficient. The court can revoke the

order if it is satisfied that the parent is fulfilling his or her duty. It can also revoke the order where it imposes an education supervision order.

Where Walsall Children's Services imposes a time limit every effort will be made to make sure that both the parents and the named officer with responsibility for elective home education are available throughout this period. We will endeavour to make sure that the time limit does not expire during or near to the school holidays when there may be no appropriate point of contact for parents Walsall Children's Services.

## **8. Safeguarding Children and young people**

Safeguarding and promoting the welfare of CYP is everyone's responsibility.

Safeguarding and promoting the welfare of CYP is defined for the purposes of this policy as:

- protecting CYP from maltreatment;
- preventing impairment of CYP's mental and physical health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all CYP to have the best outcomes.

Walsall Children's Services has the same safeguarding responsibilities for CYP educated at home as for CYP who are school educated.

Local Authority Officers within the Elective Home Education Team do not have the power to enter the homes of, or otherwise see, CYP for the purposes of monitoring the provision of elective home education under current legislation. However the Children Act 2004 allows local authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern.

If the Elective Home Education Officer has concerns about a CYP during the course of engagement with children and families or otherwise they will follow procedures as set out Walsall Safeguarding Partnership and the Continuum of Need procedures.

[Walsall Safeguarding Partnership procedures](#)

[Right Help, Right Time Continuum of Need](#)

## **9. Storing and sharing EHE information**

Walsall Children's Services has robust systems and processes to enable the efficient and secure storage and retrieval of information and the management of information risk. When a CYP is registered as EHE their School file is securely stored with the Local Authority. The CYP's file would be retained until they reach 25 years of age. This would be extended to the age of 35 if there has been involvement with the SEN or Educational Psychology service and assessments have been completed.

If a CYP returns to school or another Local Authority the School file would then be securely transferred to the new Local Authority or school.

## **10. Information sharing and General Data Protection Regulation (GDPR)**

Walsall Children's Services ensures any information or data processing undertaken complies with both the data protection and records management requirements or standards. All recorded information is adequate, relevant and not excessive, contains the minimum information required for the specified purpose, appropriate privacy notices ensure transparency over any data processing activity and justified, lawful and available on a need to know basis only

Walsall Children's Services complies with the data protection principles and standards as we are responsible for respecting and upholding confidentiality, using information for the purpose for which it was collected and sharing or accessing information in a secure and adequate manner on a need to know basis only.

We collect and retain personal data to enable us to provide an efficient and effective service. The council may also need to share this information with other organisations and third party service providers who are contracted to provide services on our behalf.

When parents provide information they are informed regards who is collecting it, what it is to be used for, and who it will shared with.

There are occasions when the council is obliged to share information, for example for the prevention and detection of crime or for the investigation of fraud.

For further details on how the council's uses personal data please see our [privacy statement](#).

Further information is available from the Information Governance and Assurance Team on Email: [informationmgmt@walsall.gov.uk](mailto:informationmgmt@walsall.gov.uk)

**For further information, regards EHE please contact us at [EHEmailbox@walsall.gov.uk](mailto:EHEmailbox@walsall.gov.uk)**

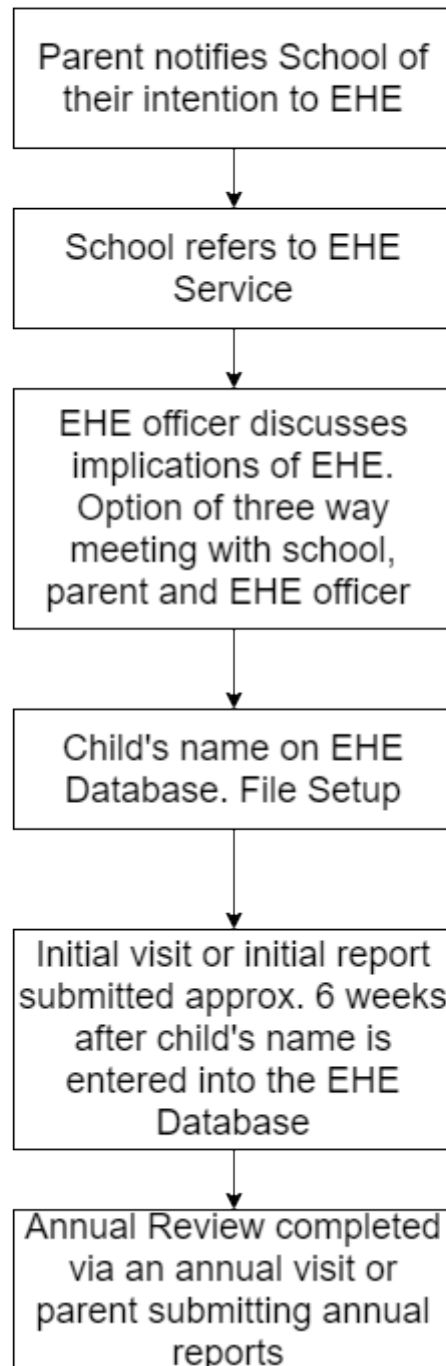
## Appendix 1

### Department of Education Elective home education guidance for Local Authorities



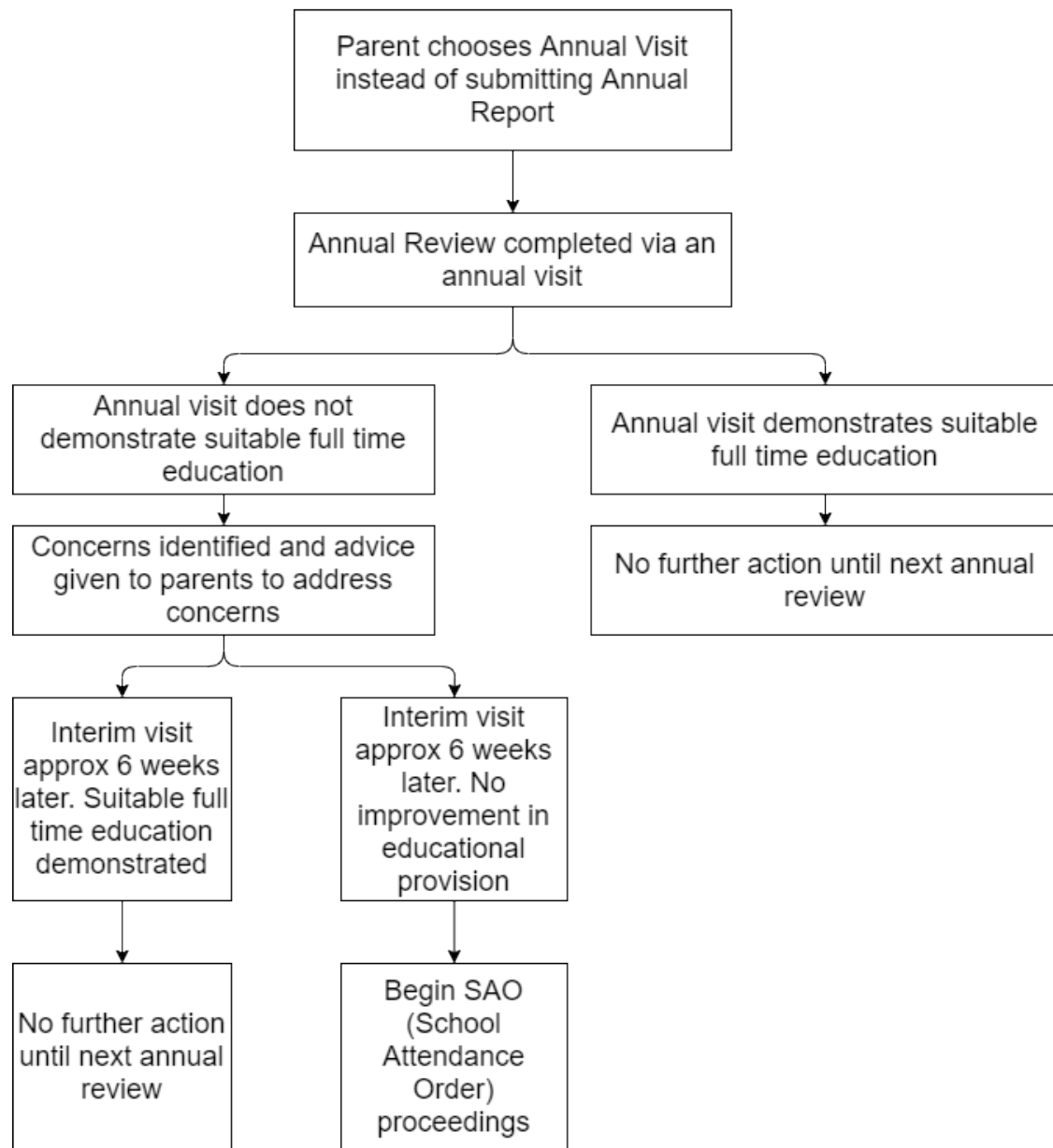


**Initial Enquires RE: Elective Home Education -  
When on roll of school**





## Annual Review Process - Annual Visit



## Annual Review Process - Annual Report

