

CONSULTATION DRAFT

GUIDELINES FOR LOCAL EDUCATION AUTHORITIES ON ELECTIVE HOME EDUCATION

Part 1

Introduction

1.1 Elective home education is where parents or guardians decide to provide education for their children at home instead of sending them to school. It is not home tuition provided by a local education authority or where a local education authority provides education otherwise than at a school.

1.2 Home-educated children are those who, for a range of reasons, are being educated at home and in the community by parents, guardians, carers or tutors, and are not registered full time at mainstream schools, special schools, Pupil Referral Units (PRUs), colleges, children's homes with education facilities or education facilities provided by independent fostering agencies.

1.3 The purpose of these guidelines is to encourage local education authorities (LEAs) and home educating parents to work together to develop trust, mutual respect and a positive relationship that functions in the best educational interests of the child. The guidelines recognise that elective home education is a key aspect of parental choice and therefore aims to encourage good practice in relationships between LEAs and home educators by clearly setting out the legislative position, and by providing advice on the roles and responsibilities of LEAs and parents in relation to children who are educated at home.

Reasons for Elective Home Education

1.4 Parents may opt for home education for various reasons. The reasons should not, in themselves, have a bearing on the LEA's treatment of home-educating families since the LEA's primary interest lies in how well the parents are providing education for their children at home and not their reason for doing so. The following, reasons for home-educating are common but by no means exhaustive:

- Distance or access to a local school
- Religious or cultural beliefs
- Philosophical or ideological views
- Dissatisfaction with the system
- As a short term intervention for a particular reason
- A child's unwillingness or inability to go to school

1.5 When a parent offers an account of their dissatisfaction with the public system of education provision, the education authority may wish to use this information as part of its ongoing supervision of specific problems in certain areas.

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Part 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 (for children aged 5 to 16), but schooling is not. The above phrase should be emboldened to emphasise the importance of the fact that regardless of how education is received it must be received as a matter of law.

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 right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions. .£W

This right is enshrined in English law. 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-**

fa) to his age, ability and aptitude, and (b).to any special educational

needs he may have, either by regular attendance at school or

otherwise. And Section 9 of the Education Act 1 996 provides that:

When exercising or performing all their respective powers and duties under the Education Acts the Secretary of State local education authorities and the funding authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, **so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.**

2.3 Thus, where a child is educated at home the parental responsibility for children's education, coupled with the Local Education Authority's responsibility to make sure that there is adequate provision for education in their areas, brings LEAs and parents into a relationship (as discussed in Part 4 of these guidelines).

There are omissions of case law showing balance various judges have ruled to define what can be classified as a suitable education e.g. Philips v Srown "it was held that the LEA is entitled to ask parents for information as a basis for making a decision as to whether the education they are providing

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is efficient etc. If the parent fails to provide information it could be prima facie the parents are in breach of their duty" and **Harrison v Stevenson** 1981 that "Education = the development of mental powers and character and the acquisition of knowledge through the imparting of skills and learning by systematic instruction" "Efficient = achieve that which it sets out to achieve"

Suitable = It prepares children for life in a modern civilised society and enables them to achieve their full potential"

(see Doncaster EAH policy doc for examples)

Parental rights and responsibilities

2.4 Parents may decide to exercise their right to home-educate their child from birth and so the child does not therefore need to be enrolled at school.

However, as noted above, this right requires the parents to provide an efficient education suitable to the age, ability and aptitude of the child and home educating may offer distinctive benefits for some children and young people. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described 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"¹. It is therefore recognised that there are many approaches to educational provision and what is suitable for one child may not be for another.

LEAs' responsibilities:

2.5 Where LEAs are aware of home-educated children within their area, we would encourage them, as many do, to provide information for the parents or guardians who have chosen to home-educate (see paragraphs 4.5-4,6). LEAs will also wish to make it clear to parents that if they choose to home-educate, they assume financial responsibility for their child's education, including the cost of public examinations, and that the child must continue to receive suitable education until the end of 'compulsory education'¹ (ie the last Friday in June in the academic year in which they reach age 16).

2.6 Under Section 437(1) of the Education Act 1996, LEAs can intervene if **they have good reason** to believe that parents are not providing a suitable education. This section states that:

LEA's should have measures in place to exercise their duty of ensuring that all children engaged in elective home education are receiving a full and efficient education according age ability and aptitude and any special education needs. Without these measures how will the LEA know that there are 'good reason' to believe or for it 'to appear'¹ that the child isn't being educated.

¹ Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Toran Machzikei Hadass School Trust (12 April 1985)

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If it appears (how is it to appear-or come to our attention if we take no action to determine that education is satisfactory?) to a local education 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) of the Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

2.7 Section 437(3) of the 1996 Act 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 education 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.

2.8 The Department sees the taking of the above measures as 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 the LEA (or the court) that they are now providing an appropriate education and apply to have the Order revoked.

2.9 LEAs also have a duty under Section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states:

A local education authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children.

This will require a multi-agency approach by ensuring that all agencies working with children, young people and families are aware of the LEA duty to ensure every child of compulsory school age is receiving a suitable education. However, Section 175(1) does not extend LEAs' functions themselves, only that in the course of the functions conferred upon them should consideration be given to safeguarding and promoting children's welfare. Section 175(1) does not, for example, give LEAs powers to enter the homes of, or otherwise see, children undertaking elective home education.

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If LEA employees do not have a right to see children to ensure full and efficient education is taking place, they are unable to address the issues of child protection for the body of children whose parents educate at home. There should be no assumption that there are welfare concerns but powers are needed to ensure that education is taking place, it is not good enough to accept a written report or bibliography is evidence of education taking place. A written report does not mean that what is reported is taking place.

The LEA and Government have powers to ensure that teaching in schools is of a required standard why should parents be less accountable, potentially reducing the rights of their child to receive a satisfactory education

Part 3

Clear policies and procedures

3.1 All parties involved in home education should be aware of their roles, rights and responsibilities and be clear about the standards expected of them. Policies should be clear, transparent and easily accessible.

3.2 The Department recommends that each LEA should have a named senior officer with responsibility for the provision of education for children and young people who are unable to attend school because of medical needs (see DfEE circular 0732/2001 .Access to *Education for Children with Medical Needs*). Either the same officer or another who has responsibility for "education otherwise than at school" should have a role to play in the field of elective home education. •

3.3 We also recommend that each CEA should have a written policy statement on home-educated children and their families, and be willing and able to provide guidance for parents and carers who request it. In addition, LEAs should organise training on the law and home education methods for all their Education Officers who have contact with home-educating families in their area. Guidance and Policy on Elective Home education should be on the LA Web Site-i,

De-registration from School

3.4 First contact between LEAs and home educators often occurs when parents decide to home educate and approach the school (at which the child is registered) and/or the authority to seek guidance about withdrawing their child from school. It is important that this initial contact is constructive and positive. However, while parents must inform the school in writing of their decision, they are not legally required to inform the LEA about their intention to home educate unless they wish to remove a child from a special school (see section 3.22 onwards).

3.5 De-registration of a child from a school is covered by section 9(1)(c) of the Education (Pupil Registration) Regulations 1995. Parents who wish to

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home-educate their child who is registered at a maintained school or an independent school must inform the school formally and in writing of their intention to de-register. The school shall delete the child's name from their register upon receipt of written notification from the parents, guardians or legal carer, and make a return (giving the child's name and address) to the LEA within 10 school days of removal. Parents *should* be encouraged to inform the LEA, however, to enable the LEA to check that the child's name has actually been removed from the school register.

3.6 - 3.7 [spare] Reinserted the original text in the first draft, see below:

Parents are not legally required to inform the LEA of their intention to home-educate their child if the child:

- *has never attended a maintained school*
- *has never attended a maintained school in that authority's area*
- *is being withdrawn from an independent school*
- *has finished primary education in one school but has not started secondary education in another, or the school the child has been attending has closed (and no arrangements have been made to find an alternative school).*

In the last set of circumstances, it is recommended that parents simply notify the authority that they intend to home educa

3.7 Where parents apply to withdraw their child from school in order to make alternative educational provision such as educating him or her at

home, LEAs may also wish to consider any views expressed by the child. This is a requirement outlined in various Children Acts and emphasised in Every Child Matters.

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Withdrawing the child

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3.8 Any procedures for dealing with home-educating parents and children should be fair, clear, consistent and timely, in order to provide a good foundation for the development of trusting relationships. The LEA will wish to follow its own policies and procedures in this regard but the following suggestions may be helpful.

3.9 Where the child is enrolled at a school, parents have a responsibility to inform that school in writing that they are withdrawing their child in order to educate them at home. Although parents are not legally obliged to notify the LEA of their intentions, it is recommended that they do so as early as possible, in order to avoid unsettling the child unnecessarily and to ensure that support and advice can be offered as required or as requested. However, authorities should bear in mind that, in these early stages, parents' proposals may not be detailed and they may not yet be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision (see 3.12 onwards). If this is the case, a reasonable timescale should be agreed for the

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parents/carers to submit their proposals.

A reasonable time scale should be defined not left vague since taking a child out of formal education is an action that comes with responsibilities. In the majority of cases parents should have given thought to their decision and have an outline of a plan for delivering a suitable education to their child. The duty to educate commences on the day of withdrawal from formal education.

3.10 Where parents have notified the LEA or the LEA is otherwise made aware of a child's withdrawal from school with the intention of being home educated, the LEA should acknowledge the receipt of this notification and consider quickly whether there is any existing evidence, either in an authority's own records or from other services or agencies, indicating whether there may be cause for concern over the withdrawal. Previous irregular attendance at school is not of itself a sufficient cause for concern. In many cases, parents and their children have reached a crisis point, for example, with bullying, so advice should be sought from education welfare services where there is any doubt. Specific instances where they may be concerns include:

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- where a child has been referred to social services or the police for child protection reasons, and the matter is being investigated
- where a child is on the child protection register
- where the child is the subject of a supervision order
- where, ~~probably in a minority of cases,~~ there is a history of condoned absence, unmanaged truancy, exclusions from school or other ongoing, low level concerns that may lead to child protection procedures.

Otherwise, the LEA should assume that efficient educational provision is taking place, which is suitable for the child, unless there is evidence to the contrary. There is no express requirement in the 1996 Act for LEAs to

investigate actively whether parents are complying with their duties under Section 7. *There is a duty placed on LEA's to be satisfied that education is satisfactory it cannot legally just assume that the child is receiving an education and take no action to address its legal duty. For the LEA to take no action to exercise its duty would require a change in the law making the "duty a power".*

3.10 On the other hand, **if information exists** which may cast doubt on whether an "efficient and suitable education" can be provided, the LEA should seek to gather any relevant information that will assist them in reaching a properly informed judgement. This should include seeking from the parents any further information that they wish to provide explaining how they intend to provide a suitable education for their child(ren) and the parents should be given the opportunity to address any specific concerns that the authority has. The child should also be given the opportunity, but not required, to attend any meeting that may be arranged or express his or her views in some other way.

How might such information come to the notice of the LA ?

Denying access to the child in whatever venue that could be mutually agreed casts doubts. How can an LEA be satisfied if it is unable to meet with the

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child. EAH Consultants are experienced and sensitive to children's needs and normal child development would require a child with support to be able to talk with adults if they are to gain the skills that fit them for "life in a modern society"

Providing an "efficient and suitable" full-time education

3.12 Parents are required to provide an efficient education suitable to the age, ability and aptitude of the child. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described 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. This will require home educators to have some kind of philosophy, approach or framework for the education of their child(ren).

3.13 There is no legal definition of "full-time". *Children in other circumstances such as secure units and YOI's must receive a minimum 20 -25 hours education to deny a child whose parents have elected to teach them themselves access to a similar guarantee is a denial of their rights.* Children in school normally spend between 22 and 25 hours working at school each week. This measurement of 'contact time' is not relevant to home education where there is often almost continuous one-to-one contact and where education takes place outside 'normal school hours'. Nevertheless, the type of educational

- activity can be varied and flexible. It should be borne in mind that home-educating parents are not required to:

Whilst set hours are not required it is reasonable to expect that a minimum of 22 -24 hours per week is spent on educational activities and that this is recorded in a systematic way by the parent. The recording of what the parent deems to be an educational experience can be retrospective and outline what they think the child had gained from the experience. This does not require the • child to undertake formal studies as in the National Curriculum but does

require the parent to demonstrate that they are accountable for the provision of a suitable full-time education that answers all the judgements of Case Law Education Act and Every Child Matters.

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- teach the National Curriculum
- have a timetable
- have premises equipped to any particular standard
- mark work done by their child
- set hours during which education will take place
- have premises equipped to any particular standard
- have any specific qualifications

² Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Toran Machziker Hadass School Trust (12 April 1985)

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- cover the same syllabus as any school
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- reproduce school type peer group socialisation
- match school, age-specific standards.

However, LEAs should offer advice and support to parents on these matters if requested.

3.14 An important point to note is that there are many, equally valid, approaches to educational provision. LEAs should therefore consider a wide range of *evidence information* from home educating parents. The way in which parents provide information is entirely up to them. The *evidence information* may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of work, projects, assessments, samples of work, books, educational visits etc. Some home education consultants have been privileged to hear children read their own poetry, listen to musical instruments being played and even be an audience for a play. ¹i&.

Schools are required to provide evidence pdren&who elect to educate should be no less accountable if the rights of the child are to be safeguarded.

3.15 Thus, in their consideration of parents' provision of education at home, LEAs may reasonably expect the provision to include the following characteristics; >

consistent "involvement of parents or other significant carers - it is expected that parents or significant carers would play a substantial role, although not necessarily.,, constantly or actively involved in providing education, ^{**1}

^•presence of a philosophy or ethos (not necessarily a recognised

^•philosophy) - it is anticipated that the parents have thought through their reasons for home educating

- showing signs of commitment and enthusiasm, and recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences
- involvement in activities - a broad spectrum of activities to cater for wide varieties of interests appropriate to the child's stage of development
- access to resources/materials required to meet the objectives of the parents

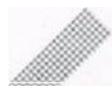
- such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.

3.16 If, on considering the educational provision, one or more of the above characteristics appear to be lacking, LEAs may choose to further investigate whether or not an efficient and suitable education is, in fact, being provided. We recommend that a full written report on the findings should be made and

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copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable. If the authority is not satisfied that efficient education is being provided, and the parents, having been given a reasonable *defining reasonable is fraught with difficulty and could be a basis for legal argument, my definition of reasonable might be 3 months someone else might expect 12 months to be reasonable, whilst arguments about the definition ensue, children may have significant gaps in education* opportunity to improve their provision and report back to the education authority, have not done so, the authority should consider instituting formal attendance procedures in accordance with the provisions of Section 437 of the Education Act 1996.

Access to the home



3.17 Parents are not legally required to give the LEA access to their home.

They may, for example, choose to meet a LEA representative at a mutually convenient and neutral location instead, or may choose not to meet at all. If the LEA chooses to approach a family and ask for information, parents can provide evidence that a child is receiving an efficient and suitable education in a number of ways. It should be in any form sufficient enough to convince a reasonable person of its appropriateness for the child's age, aptitude and ability. Parents might, for example:

- write a report
- provide samples of work
- invite a LEA advisor/consultant to their home, with or without the child being present
- meet a LEA advisor/consultant elsewhere, with or without the child
- have the educational provision endorsed by a recognized third party
- provide evidence in any other appropriate form.

Being denied the ability to speak with a child about the work they have done seriously weakens the proof that their right to an education is being respected. A recent experience with a family evidences this: the parent opted to educate the children at home the parent provided copious amounts of reading materials and reports on the children's education activity. One of the children left the family home on reaching 16 years and asked to see the EAH consultant he reported that his parent had not done any of the work outlined in the reports and bibliographies sent to the LEA. The same young person received threats of violence if he disclosed to the authorities the true home situation. Whilst the above example is rare it does indicate that at the very least an independent person should verify that the work done is a true record of children receiving a full and efficient education. In the rare cases where the parent does not trust the LEA appointed person to judge their provision an independent advisor could be appointed to speak with the child. The independence of the advisor should

be acceptable to both the parent and the LEA.

3.18 The frequency with which an authority will wish to contact parents to discuss their ongoing home education provision will vary depending on the

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individual circumstances of each family. It is for the LEA to decide how often to make contact with a family. However, it is recommended that the authority should ordinarily make contact on an annual basis. Contact should normally be made by writing to the family to request an updated report or, if thought necessary, to seek a meeting. A written report should be made after such contact and copied to the family stating whether the education authority has any concerns about the education provision. Where there are concerns about the efficiency or suitability of the education being provided for the child, more frequent contact may be required. Where concerns merit frequent contact, the authority should discuss these concerns with the child's parents, with a view to helping them improve their provision in the best interests of the child.

School Attendance Orders ;

3.19 Where there is conflicting evidence as to the home-educating characteristics noted in paragraph 3.15 above, the only way the LEA can reasonably clarify these contradictions may be to seek access to the home environment. However, the authority must have demonstrable grounds for concern and must outline those grounds to the parents when requesting access to their home. If the parents refuse to allow access to their home, the authority might reasonably conclude in these circumstances that they have insufficient information to satisfy themselves as to the efficiency and suitability of the parents' education provision, and consequently serve a School Attendance Order (SAO) on the parents under Section 437(3) of the Education Act 1996.

3.20 A SAO continues to be in force for as long as the child is of compulsory school age. If there is a continued failure to register the child, the LEA has the option of referring to Social Services for consideration of care proceedings. In exceptional circumstances, the case may be taken to the Family Proceedings Court instead of the Magistrates Court where an application can be made for an Education Supervision Order (ESO - under Section 36(5)a of the Children Act 1989). Where an ESO is in force with respect to a child, the duties of the child's parents under section 7 and 444 of the Education Act 1996 (duties to secure education of children and to secure regular attendance of registered pupils) are superseded by their duty to comply with any directions in force under the ESQ....

3.21 However, parents' wishes to educate their children at home should be respected and, wherever possible, efforts should be made to resolve issues about provision by a process of ongoing dialogue before Section 437(3) is invoked as a last resort. Only in extreme cases, where the education is clearly not efficient and suited to the age, ability and aptitude of the child, should a SAO be served (see paragraph 2.6 to 2.8 above). More information about School Attendance Orders is contained in *Ensuring Regular School Attendance* paragraphs 6 to 16 -(available at www.dfes.gov.uk/schoolattendance/prosecutions/index.cfm).

Children with Special Educational Needs

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Children with Special Educational Needs

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3.22 Parents' right to educate their child(ren) at home applies equally where a child has special educational needs (SEN) (see Section 319 of the Education Act 1996). Some children with special educational needs are statemented but others are not.

3.23 Where a child has a statement of special educational needs and is home-educated, it remains the LEA's duty to ensure that the child's needs are met. The statement must remain in force and the LEA must ensure that parents can make suitable provision, including provision for the child's SEN. *LEA's must have the powers to exercise their duty this I would argue requires access to speak with the child.*

3.24 If the parents' arrangements are suitable, the LEA is relieved of its duty to arrange the provision specified in the statement. If, however, the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making 'suitable arrangements' and the LEA could not conclude that they were absolved of their responsibility to arrange the provision in the statement.

3.25 Even if the LEA is satisfied, it remains under a duty to maintain the statement and review it annually, following procedures set out in Chapter 9 of the SEN Code of Practice. Where the LEA is satisfied that the child's parents have made suitable arrangements it does not have to name a school in part 4 of the child's statement though it should state the type of school it considers appropriate and go on to state that "parents have made their own arrangements under section 7 of the Education Act 1996".

3.26 The statement can also specify any provision that the LEA has agreed to make under section 319 to help parents to provide suitable education for their child at home. If the child to be de-registered is a pupil at a special school, the school must inform the LEA before the child's name can be deleted from the school roll and the LEA will need to consider whether the home education is suitable before amending part 4 of the child's statement.

3.27 A parent who is educating their child at home may ask the LEA to carry out a statutory assessment of their child's special educational needs and the LEA must consider the request within the same statutory timescales and in the same way as for all other requests. The views of the designated medical officer for SEN should be sought by the LEA where a child with a statement is educated at home because of difficulties related to health needs or a disability.

Relevant references in the 1996 Education Act:

Section 324 (4) of the Education Act 1996

"the statement [of special educational needs] shall specify any provision for the child for which they make arrangements under section 319 and which they consider should be specified in the statement."

Section 324(4A) of the Education Act 1996

"does not require the name of a school or institution to be specified [in a
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child's statement] if the child's parent has made suitable arrangements"

Section 324(5)(a) of the Education Act 1996

"Where a local education authority maintain a statement then, unless the child's parent has made suitable arrangements, the authority (i) shall arrange that the special educational provision specified in the statement is made for the child, and (ii) may arrange that any non-educational provision specified in the statement is made for him in such a manner as they consider appropriate."

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Part 4

Developing relationships

4.1 As noted in the Introduction to these guidelines, the central aim of this document is to assist local education authorities and home educators to build effective relationships that function to safeguard the educational interests of children and young people; relationships that are rooted in mutual understanding, trust and respect. The guidelines outline a number of recommendations that are geared towards the promotion of such relationships.

4.2 Whilst there is no current legal obligation on education authorities or home educators to develop such relationships, doing so will often provide parents with access to any support that is available and allow authorities to better understand parents' educational provision and preferences. A positive relationship will also provide a sound basis if the authority is required to investigate assertions from any source that an efficient and suitable education is not being provided. ~~This will be true whether or not parents are required to demonstrate that suitable home education provision is being made available.~~

Acknowledging diversity



4.3 Parents' educational provision will reflect a diversity of approaches and interests. Some parents, especially those who have other children attending school, may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child. One approach is not necessarily any more efficient or effective than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, LEAs should not specify a curriculum which parents must follow. *However LEA's must advise parents that the education provision must fit the child for life in a modern civilised society and must not foreclose future options and enable them to reach their full potential*

4.4 Children learn in different ways and at different times and speeds. It should be appreciated that parents and their children might require a period of adjustment before finding their preferred mode of learning. *The adjustment time must have some rationale timescale framework and be part of an overall plan or the requirement in law of the parent to provide a full and efficient education is not being fulfilled.* Parents are not required to have any qualifications or training to provide their children with an appropriate education. Their commitment to providing an efficient education that is suitable for their child may be demonstrated by them providing some indication of their objectives and resources (see paragraphs 3.12 to 3.15).

Providing information for parents

4.5 The provision of clear information has an important role to play in
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promotion of positive relationships. LEAs should provide written information and website links for home-educating parents that is clear and accurate and which sets out the legal position, and roles and responsibilities, in an unambiguous way. We also recommend that contact details ~~fer-~~ *of all known home education support organisations should be provided.* A selection of these is included in

Part 5. All written information should be made available to parents in community languages and alternative formats on request.

4.6 As noted as paragraph 3.2 we recommend that LEAs should, if the parents wish, provide parents who are, or who are considering, home-educating with a named contact within the authority who is familiar with home education policy and practice and has an understanding of a range of educational philosophies. The authority may invite the parents to meet with a named education authority officer to discuss their provision. Any such meeting should take place at a mutually acceptable location and the child concerned should also be given the opportunity to attend that meeting, or otherwise to express his or her views. Either during such a meeting, or otherwise, the parents and the authority should consider and agree what future contact there will be between them. ;

Contact with parents and children

4.7 LEAs should acknowledge that learning takes place in a wide variety of environments and not only in the home. Where the education is taking place in the home, it may be thought desirable for an education authority to have the opportunity to see the child in that learning environment, to enable them to see the provision at first hand. Seeing the child responding to the educational provision of the parents may provide a strong indication that an efficient and suitable education is indeed being provided. The authority does not, however, have a legal right of access to the home and the matter should not be forced. Some parents may not feel comfortable in allowing an education officer access to their child or family home. Trusting relationships may need time to develop before a parent is happy to invite an officer to visit. It is only in the context of a supportive and trusting partnership that the opportunity to meet the child and visit the home will arise. *Trust is a two way process and LEA officers must be trusted to also have the interest of the child at the centre of their work. EAH consultants are experienced professionals with an understanding of child development and would only seek to act in the best interest of the child. They fully understand and accept that there are a multitude of approaches to ensure that a child receives an education and are professionally objective when assessing that learning is taking place.*

4.8 In any event, it should be remembered that, where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made. Although it is recognised that the learning environment can have a bearing on the effectiveness of learning, LEAs should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. 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

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independent home tutor) or provide evidence in some other appropriate form (see paragraph 3.14).

4.9 It may also be helpful in developing positive relationships for the 'contact person' within, or employed by, the LEA to be referred to as an 'adviser', 'home-educating consultant' or 'facilitator' rather than as an 'inspector', 'examiner' or 'assessor' even where the usual term may be 'educational welfare officer'.

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independent home tutor) or provide evidence in some other appropriate form (see

paragraph 3.14).

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Child protection

4.10 The welfare and protection of all children, both those who attend school and those who are educated by other means, are of paramount concern and the responsibility of the whole community. As with school-educated children, child protection issues may arise in relation to home-educated children. If any child protection concerns come to light (*how would it come to light if there is no access to the child?*) in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to the appropriate authorities using established protocols.

It would surely be preferable for the EAH consultant to be exercising his normal non-threatening duties in relation to education provision by being given access to speak with the child in whatever location deemed appropriate, as an added safety measure in early identification and prevention of abuse.

4.11 In terms of safeguarding the welfare of children who are educated at home by parents, all agencies should work together in accordance with the principles in '*Working Together to Safeguard Children*' (Home Office/Department of Health/DfES/Welsh Office, 1999). LEAs may take a lead on these issues because of their responsibility duty to assure themselves of the quality of education received by children educated at home. Thus, when a practitioner or professional becomes aware that a child is being educated at home, local information sharing arrangements should help them inform the LEA, so that they can fulfil their duty to ensure the quality of that education.

4.12 Concerns may arise where a child has been referred to social services or the police for child protection reasons and the matter is under investigation, or where a child is on the child protection register, or where the child is the subject of a supervision order. LEAs may also apply to the Court for a child assessment under the Children Act 1989, if they have reasonable cause to do

so.

4.13 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. A small number of LEAs choose to assist home-educating parents in this task by undertaking Criminal Records Bureau (CRB) checks free of charge, for example, on independent home tutors. Tutors employed by an LEA may also undertake work for home-educating parents, in which case, CRB checks ought to have been made already.

4.14 [spare]

Reviewing policies and procedures

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4.15 Authorities will wish to review all of their procedures and practices in relation to home education on a regular basis to see if improvements can be made to further develop relationships and meet the needs of children and parents. Home

education organisations and home-educating parents should be involved in this process of review. Effective reviews, together with the sensitive handling of any complaints, will help to secure effective partnership.

4.16 LEAs will also wish to bear in mind that Ofsted will report on the way local authorities cater for home-educating families within their areas.

Parts

Support and resources

5.1 When parents elect to home-educate their children they assume financial responsibility for their children's education. There are a number of sources of advice and practical assistance available to such, parents. The Department for Education and Skills provides an information sheet for parents on elective home education, available from the Department's website at: www.parentcentre.gov.uk. *LEA guidance should give the DfES Web site in documents that they produce and include a hyperlink to the site in e-versions of the document available on the WEB Once the information is in the public domain it meets the standards of..c.pmpietnce with the FOI Act 2000.*

5.2 LEAs do not receive funding to support home-educated families, and the level of support will therefore vary between one LEA and another. However, we recommend that all LEAs should adopt a reasonable and flexible approach in this respect, particularly where there are minimal resource implications. As a minimum, LEAs should provide written information (which is also available through the internet) on home education that is clear and accurate and which sets out the legal position (see previous paragraphs 4.5-4.6). LEAs may also be able to offer additional support to home educating parents such as the following: •>

- Provision of a reading or lending library with resources for use with the children, on home schooling and related topics
- Free, or discounted, admission into community programmes (including local authority owned community and sports facilities)
- Access to resource centres (including local school resources where feasible)
- National Curriculum materials and curricula offered by other educational institutions
- Information about educational visits and work experience

The National Curriculum

5.3 Although home-educated children are not legally required to follow the National Curriculum it is thought that a number do, especially if the home-educated child has siblings attending ~~normal~~ school. National Curriculum

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tests and assessment arrangements are developed and administered by the Qualifications and Curriculum Authority (QCA) on behalf of the Secretary of State. Information to support these arrangements is provided both electronically and in hard copy through the QCA's website at www.qca.org.uk or by telephoning their publications office on 01787 884 444.

5.4 In addition, the DfES's website at www.dfes.gov.uk will allow access to the National Curriculum and associated schemes of work, aimed at setting standards across all schools. Some documents are also distributed via Departmental

publications which can be accessed through links on The Stationery Office site at www.the-stationery-office.co.uk or by telephoning Prolog on 0845 602 2260.

Connexions Service

5.5 The Connexions Service is for children and young people aged 13-19 years living in England (see www.connexions.gov.uk, its services and responsibilities cover children and young people who are being educated at home. The LEA is a key partner in a local Connexions Partnership and each must review how it will bring coherence to the different services and agencies within the area. The Connexions Service needs to maintain an overview of the learning and work status of all young people of a relevant age and ensure that individuals do not fall between the responsibilities and remit of different agencies and thus become marginalized or lost to the system. LEAs may be asked (as partners of Connexions) to provide details of children and young people being home educated; the Learning and Skills Act 2000 gives powers for various partners to share information with Connexions, subject to normal data protection principles. *LEA staff should check with the data analyst for the LA what data sharing protocol is in place. They must check what it says about passing details of name address D.O.B. on children who are not being educated within the state sector to an external agency prior to passing on client details to a partner agency.*

Flexi-schooling



5.6 "Flexi-schooling" or "flexible school attendance" is an arrangement between the parent and the school where the child is registered at school in the normal way but where the child attends the school only part time; the rest of the time the child is home-educated (effectively on authorised absence from school). This is sometimes done as a short-term measure for a particular reason. "Flexi-schooling" is a legal option provided that the head teacher at the school concerned and, in many cases, the LEA as well, agree to the arrangement. Some of the advantages and disadvantages of "flexi-schooling" are referred to on the Home Education UK's website at www.home-education.org.uk/articles-flexi-school.htm.

LEAs' role in supporting work experience

5.7 Work experience is not a statutory requirement. However, the Government's objective is for all Key Stage 4 pupils to undertake work

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experience in the last two years of compulsory schooling. Over 95% of Key Stage 4 pupils go on placements each year. The law relating to the employment of children generally places statutory restrictions and prohibitions on employers in this regard. But where the employment is in accordance with arrangements made by an LEA or a governing body these restrictions will generally not apply³ where the work experience is arranged only with a view to providing pupils with work experience as part of their education in their last two years of compulsory schooling.

5.8 Children educated at home have no entitlement to participate in work experience under arrangements made by an LEA but we wish to encourage LEAs to assist the parents of such children who wish to do so to pursue work experience through such arrangements. Where home-educated children do participate in such schemes, consideration should be given to the extent to which such children are covered by, for example, insurance provision.

Parents can make their own provision for work experience but must also take full responsibility for ensuring that safety at work issues and insurance are in place before they allow the child access to the placement.

5.9 Schools and LEAs have a prime responsibility for ensuring pupils are placed in a safe environment for their work experience. Employers are responsible for carrying out risk assessments in respect of young people on work experience placements as if they were members of their staff.

Other Issues

Education Maintenance Allowance

5.10 Education Maintenance Allowance is a means-tested grant available to learners over the age of 16, if they stay on in education at school or college after GCSEs. It is not available to learners whose parents elect to educate them at home.

Truancy Sweeps

5.11 When planning and running truancy sweeps, LEAs should refer to the DfES "Guidance for Truancy Sweeps" and the Home Office guidance "Police Power to Remove Truants" both of which are available at www.dfes.gov.uk/schoolattendance/truancysweeps.

5.12 Those taking part in the sweeps, including police officers, should be fully familiar with this guidance. They should be aware that there is a range of valid reasons why school-age children may be out of school. In particular, they may encounter children who are educated at home and that these children can have legitimate reasons to be out and about. By the same token, home-educating parents need to be made aware that professionals involved in truancy sweeps will need to verify any information given to them. To make sure this is a fast and efficient process, it would be advisable that the LEA maintains a list of all school-age children known to them who are home-educated. This list can then be checked by the LEA staff as part of a truancy sweep.

Traveller Children

5.13 LEAs should be sensitive to the distinct ethos and needs of traveller communities. The duties of LEAs to ensure that children residing in their areas are provided with suitable education (described elsewhere in these guidelines) apply equally to Traveller children residing with their families on temporary or unauthorised sites. *Although Travelling children of school age have the same legal right to education as anyone else. The compulsory education period for all children is the September following a child's 5 birthday and September 1st to of 31st August in the year they reach their 16th birthday. Most LEAs provide a Traveller Education Support Service to offer assistance and guidance on ensuring that Traveller children are not disadvantaged as a result of exercising their right to adopt a particular lifestyle or by experiencing difficulty finding a permanent or legal place to stop.* Therefore, when a Traveller family with children of school age move into an area they are strongly encouraged to contact the local LEA Traveller Support Service.

~~it is obviously practically difficult to claim or seek these rights without a permanent or legal place to stop.~~

5.14 Traveller children can be educated at home in the same way as other home-

educated children. *LEA's must make every effort to enable parents of Traveller children to access information about the wide range of support on offer from the Traveller Support Services. However, particular care may be required in the handling of Traveller children in view of their communities' culture and lifestyle. All professionals must work in an anti-oppressive way towards all children families and colleagues of disparate ethnic, religious or cultural backgrounds therefore LEA's have a responsibility to ensure that their staffs are aware and sensitive to the needs of Travellers and other minority groups living within their communities.* So, for example, before deciding to prosecute the parents for failing to provide a "suitable and efficient" education for their children, *the LEA should consider in all cases whether it would be appropriate to take the alternative route of making an application in the family proceedings court for an education supervision order (ESO) which would last one year and would enable a supervisor or education social worker to advise, assist and befriend both the child and the parents.* Where an ESO is in force with respect to a child, the duties of the child's parents under section 7 and 444 of the Education Act 1996 (duties to secure education of children and to secure regular attendance of registered pupils) are superseded by their duty to comply with any directions in force under the ESO.

5.15 Further guidance can be obtained from the DfES Guide to Good Practice on the education of Traveller children - "Aiming High: Raising the

³ see section 560 of the Education Act 1996, as amended by section 112 of the School Standards and Framework Act 1998

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Achievement of Gypsy Traveller Pupils" which can be obtained from DfES Publications (reference DfES/0443/2003). Another (external) source of information is www.qvDsv-traveller.org/education/.

Part 6 Re-insert Darlington's good practice guide

Darlington - recommends that parents produce an outline plan for at least 3 months ahead, which it will then use to monitor provision.

Examples of good practice

6.1 The following is a list of LEAs which provide good general advice or information on one or more specific issues. It is not an exhaustive list, but covers some of the good practice which the Department is aware of. Website addresses are shown where information is available electronically:

Bedfordshire - provides an extensive list of web-based resources and contacts for various social and other activities, eg cycling proficiency, swimming, music, first aid. www.bedfordshire.gov.uk_____m:.

Coventry - provides information on arrangements for external examinations and suggests students are attached to qualified tutors who would be responsible for marking coursework. Home educators registered with the LEA may borrow books from the School Library Service for a small charge.
<http://www.coventry.gov.uk/ccm/navigation/education-and-learnina/home-education/>

Cumbria - offers to carry out Criminal Records Bureau checks free of charge on behalf of parents seeking to engage private tutors.

Derbyshire[^]- describes the three broad teaching strategies used by most home educators. The LEA also offers an extensive list of educational websites which have been reviewed by a local home educator.

Herefordshire - provides short leaflets on Key Stages 1-3 for parents wishing to follow the National Curriculum: the Key Stage 1 & 2 leaflet outlines the learning objectives for Literacy and Numeracy; the Key Stage 3 leaflet suggests readily available books which home educating parents have found easy to understand:

Lancashire - offers a variety of comprehensive information sheets for home educators on work experience, careers advice, computer and video resources, correspondence and open learning courses, further and higher education.

North Yorkshire - provides good general advice, www.northyorks.gov.uk

Staffordshire - provides good general advice, including suggestions to help record achievements.