

North Tyneside Council

Elective Home Education
Procedure and Guidance

Date: July 2021
Version: 3



North Tyneside Council

Introduction

This document provides guidance for schools and Local Authority Services on the rights and duties of parents who choose to educate their children, otherwise than at school. It also sets out what checks the LA will take, to ensure that parents are aware of their obligation to provide both suitable and full-time education.

The DfE “Elective Home Education Guidelines for Local Authorities”, published in April 2019, emphasises the importance of LA’s building effective relationships with home educators, that function to safeguard the educational interests of children and young people; relationships that are rooted in genuine mutual understanding, trust and respect. This revised document seeks to build improved relationships with home educators and provide a means to effectively protect the educational and safeguarding interests of children being electively home educated where vulnerabilities are identified.

This document outlines procedures which North Tyneside Council will follow to comply with its duties to children and young people in the borough, whose parents have elected to educate them otherwise than in school.

Legal Context

Section 7 of the Education Act 1996 states:

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

- a) his/her age, ability and aptitude and
- b) any special educational needs he or she may have either by regular attendance at school or otherwise.

What is full-time, efficient and suitable education?

This is not defined in the Act and ultimately is a matter for the reasonable judgement of the LA. However, guidance suggests that education is ‘efficient’ if it achieves what it sets out to achieve and ‘suitable’ if it prepares the child for adult life and has appropriate breadth and challenge.

Children who are being educated otherwise are not required to follow the National Curriculum, however, because the parents may wish their child to attend a school at some point, it may be advisable for them to take the National Curriculum into account when planning programmes of work.

Full time education is also undefined but could reasonably be expected to match the time spent by children in full time education in school. For reference, a full school year is 38 weeks and the DfE recommended minimum hours per week of taught time are as follows:

Key Stage	Taught hours
KS1	21
KS2	23.5
KS3/4	24
KS4 (Year 11)	25

Compulsory school age begins on the next prescribed day following a child's fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31st December, 31st March and 31st August each year.

A child continues to be of compulsory school age until the last Friday of June in the school year that they reach the age of sixteen.

Parents have a legal right to educate their child at home and are not required to have any qualifications or training to provide their children with a suitable education.

The 1996 Education Act makes clear that it is a parent's duty to ensure a child receives suitable education in accordance with section 74. In addition, the Act provides that, generally, children are to be educated in accordance with the wishes of their parents.

Notification to Home Educate

Parents whose child is enrolled at a school, are advised to write to the Headteacher to inform them that they have elected to home educate them. If the school is named on the child's Education, Health & Care Plan, then the parents are required to seek approval from the Local Authorities SEND team first.

Parents whose child is not enrolled at a school, have no obligation to inform the Local Authority that they are home educating their child, however the DfE encourages the LA to make contact and develop a good relationship with all home educating families.

Parents may arrange for other people to tutor their child, though parents themselves continue to be responsible for the education provided.

Parents may arrange for other people to tutor their child, though parents themselves continue to be responsible for the education provided. It is recommended that parents ensure that such people are qualified and suitable, including Disclosure and Barring Service (DBS) checks.

Parents who elect to home educate, assume full financial responsibility for their child's education, including the costs of private tuition, courses, and public examinations.

The responsibilities of the Local Authority

Local authorities have a statutory duty, under section 436A of the Education Act 1996, to make arrangements to enable them to establish (so far as it is possible) the identities of children in their area who are not receiving a suitable education.

This duty applies to all children of compulsory school age, who are not on a school roll and do not appear to be receiving a suitable education otherwise than being at school.

Parents are not under a legal obligation to inform the LA of their intention to arrange education otherwise, although DfE guidance advises parents that it is helpful if they do this.

The LA has no automatic right of access to the parent's home in order to determine, whether or not the education is efficient and suitable. Parents may offer an alternative way of demonstrating that they are providing appropriate education, such as by showing samples of work and a programme of study, at a meeting held at a different venue.

The Local Authority has no legal power or duty, to monitor home education on a routine basis, although the LA will make enquiries if it is not clear that a child is receiving suitable education.

Where there is ambiguity in making a judgement defining the suitability of the education, North Tyneside Council will refer to the UN Convention of the Rights of the Child. Article 28 & 29 and as a minimum will expect to see evidence of literacy and numeracy progress.

'article 29 (1) underlines the individual and subjective right to a specific quality of education'.

Education must include not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner and develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents and other abilities which give children the tools needed to pursue their life options.

The Local Authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, to all the children in its area.

If it appears to the LA that a child of compulsory school age in their area is not receiving suitable education, either by regular school attendance or otherwise, then they must take action by requiring the parent to satisfy them that the child is receiving such education. Parents must respond within the period set down by the LA, which must not be less than 15 days. (***Education Act 1996, section 437 Paragraphs 1 and 2***)

If the parents fail to satisfy the LA within the time allowed, if the LA does not accept the evidence received, or where no other information suggests that the child is being suitably educated, because there is no information provided, or where the parents have refused to respond to the LA, the only conclusion which the LA can reasonably come to, is that the home education does not appear to be suitable, then the LA has the power to serve a School Attendance Order on the parent, requiring them to register the child at the school named in the order. (***Education Act 1996 Section 437, Paragraph 3***).

If a child does not attend regularly after the parent has been served a School Attendance Order, then the matter is treated according to law relating to school non-attendance, generally.

Safeguarding

Safeguarding LA duties in relation to safeguarding are the same for all children, however they are educated. If the LA is not satisfied that a child is receiving adequate, safe, or appropriate/suitable education at home, and where this is likely to impair a child's intellectual, emotional, social or behavioural development, statutory powers may well be required to address the situation.

The Attendance and Placement team will follow North Tyneside's Multi-Agency Safeguarding Hub's (MASH) safeguarding procedures at all times and work with relevant agencies and individuals to proactively safeguard and promote the welfare of children and, in the event of any concerns about the welfare of a home educated child, initiate and follow established procedures. Children's services will work collaboratively to proactively safeguard and promote the welfare of children and in the event of any concerns about the welfare of a home educated child, initiate and follow through established safeguarding procedures, which will include sharing information with GPs, health visitors and other health professionals in the interest of a child or young person.

The Attendance and Placement Team may liaise with the MASH team on those occasions where there is uncertainty about the welfare of a child or young person. The Attendance and Placement Team will explain the reasons for any welfare concerns to the parents in accordance with referral procedure.

Withdrawing a child from school

There is no legal requirement for parents to discuss home education with the school, however if a parent does approach the school to discuss the possibility of home educating, North Tyneside Council expects the school to respond positively and constructively. If parents are considering home education because of a dispute with the school, the Local Authority expects the school to take all necessary steps to resolve the issue.

It is expected that schools will advise parents intending to home educate, to contact the Attendance and Placement Team to allow further support to be offered to parents.

Data will be held in relation to

- the school a child is removed from
- the child's attendance prior to EHE and
- the reason a child becomes EHE

This data may be shared with colleagues and Ofsted if required.

The DfE guidelines make it explicit that:

“Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.”

Schools must maintain a register in respect of all pupils at school. Names may be deleted from the register only on certain prescribed grounds. (*Education Act 1996, Section 434*).

...a pupil of compulsory school age shall be deleted from the admission register ... (if the head teacher) ...has received written verification from the parent that the pupil is receiving education otherwise than at school.

The Headteacher must also inform the Local Authority, within 10 working days of receiving written notification from the parents, that a child has been removed from the school's register because the parents have assumed the education of their child for themselves. (*Education (Pupil Registration) Regulations, 1995, Section 9, Paragraph 1c and in accordance with Section 8(1) (d) of the Education (Pupil Registration) (England) Regulations 2006*).

It is a school's responsibility to send the Attendance and Placement team written notification of EHE from the parent/carer, plus the LA form "school notification of EHE", within 10 days.

The school must retain the child's school file. Parents can request a copy of this file from the school to assist them in planning their child's education.

Support for Parents who Home Educate

The Attendance and Placement Team will contact parents who are educating their children other than at school. Support provided will include:

- Provision of EHE guidance booklet
- Discussion of the implications and responsibilities of EHE with parents
- Promoting positive relationships with EHE families, based on mutual understanding, respect and trust
- Facilitating parents to meet and feedback to the LA on the current levels of support and guidance
- Regular, but not intrusive contact with families to ensure education is full time and suitable
- Visits from the Attendance and Placement Team to discuss the child's education at home and to offer the parent support and advice when family vulnerabilities are identified (Parents are not obliged to accept a visit, although this is encouraged)

If the arrangements are satisfactory, reviews will normally be arranged – as a minimum, at 6-month intervals in the first year, then annually thereafter.

More frequent reviews will be arranged for children with EHC plans or where the arrangements being made by the parents are considered to need more careful monitoring.

Parents may exercise their right not to allow the Local Authority access to the home, the child or the child's work. The duty on Local Authorities to intervene under section 437(1) of the Education Act 1996, applies if it appears that parents are not providing a suitable education.

Children with an Education Health and Care Plan

Parents of children with EHC plans may choose to arrange education for their children otherwise than at school. However, it remains the LA's duty to ensure that the child's needs are met.

If the child is on the roll of a special school or mainstream school specified by the child's EHC plan, the child's name may not be removed from the school register without the LA's consent, or if the LA refuses to give its consent, at the Secretary of State's direction [*Regulation 8(2) Education (Pupil Registration) (England) Regulations 2006*]. Schools/academies should call an early review as soon as they are aware of an intention to home educate and invite the Attendance and Placement Team.

The plan remains in force, subject to review, and the LA must ensure that parents can make suitable provision, including provision for the child's EHC plan.

If the parents' arrangements are suitable, the LA is still required to review the plan annually and may amend or cease to maintain it, according to normal procedure. The Local Authority will only be relieved of its duty to arrange the provision specified in the child's EHC plan, if it is satisfied that the parents' arrangements are suitable.

If the Local Authority is satisfied with the parents' arrangements, it will continue to have a duty to maintain and review the EHC plan annually until –

it decides to cease the EHC plan, or

the EHC plan automatically lapses, or

the EHC plan is transferred to another Local Authority.

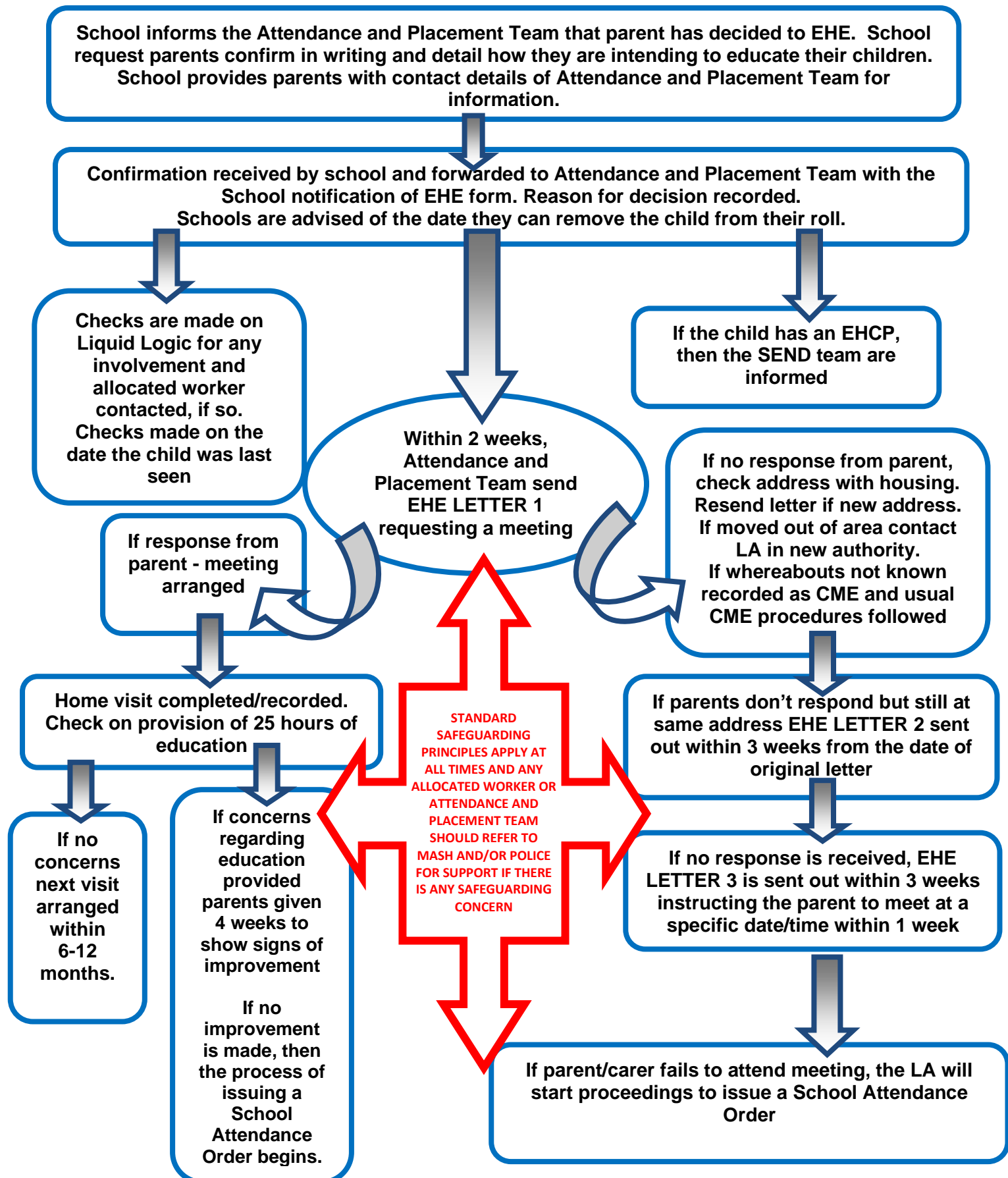
Parents wishing to arrange education for a child with an EHC plan who is registered at a special school must seek the consent of the LA before withdrawing their child from school.

If the child has an EHC plan, the above procedure will follow, except for the following:

- a) The SEN Panel will also be advised of any request to educate at home.
- b) Education provided must be efficient and suitable to meet the child's needs as indicated in the child's EHC plan.
- c) The SEN Panel will confirm whether or not it considers the provision to be appropriate, and if so, will amend the statement accordingly and agree a timescale for the annual review.

Please refer to the Council's Privacy Statement for further information on how personal data is used.

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Review and Evaluation

This procedure will be reviewed annually.

Consultation with parents who home educate will take place where there are significant changes to law or procedure.

North Tyneside Council will work to ensure effective partnerships with home educators based on respect and consent, whilst putting the safeguarding of children in the borough at the centre of all our work.

References

<https://www.gov.uk/government/publications/elective-home-education>

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