

DRAFT WORKING DOCUMENT

Staffordshire EHE Policies & Procedures

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Abbreviations used in this document:

Elective Home Education (EHE)
Staffordshire County Council (SCC)
Local Authority (LA)
Department for Education (DfE)
Elective Home Education Family Partnership (EHEFP)
Special Educational Needs & Disability Family Partnership (SENDFP)
Inclusion and Disability Support Service (IDSS)
Targeted Services Local Support Team (LST)
Children Missing Education (CME)

1.0 Introduction

1.1

The purpose of this document is to set out the current legal position and to outline SCC's procedures as they relate to EHE of children / young people of compulsory education age.

2.0 What is Elective Home Education?

2.1

Elective Home Education is the term used by the Department for Education to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to home tuition provided by an LA or education provided by an LA other than at school.

2.2

Home education is an option that any family may consider for their children **being refused a place for their child at a preferred school.** The reasons for deciding on this approach are many, as are the styles of education undertaken. The following list is by no means exhaustive but does contain examples of some of the common reasons for home educating:

- a lifestyle choice
- religious or cultural beliefs
- philosophical or ideological views
- distance or access to a local school
- dissatisfaction with the current education system
- bullying
- a child's unwillingness or inability to go to school
- as a short term intervention for a particular reason
- special educational needs
- parents' desire for a closer relationship with their children

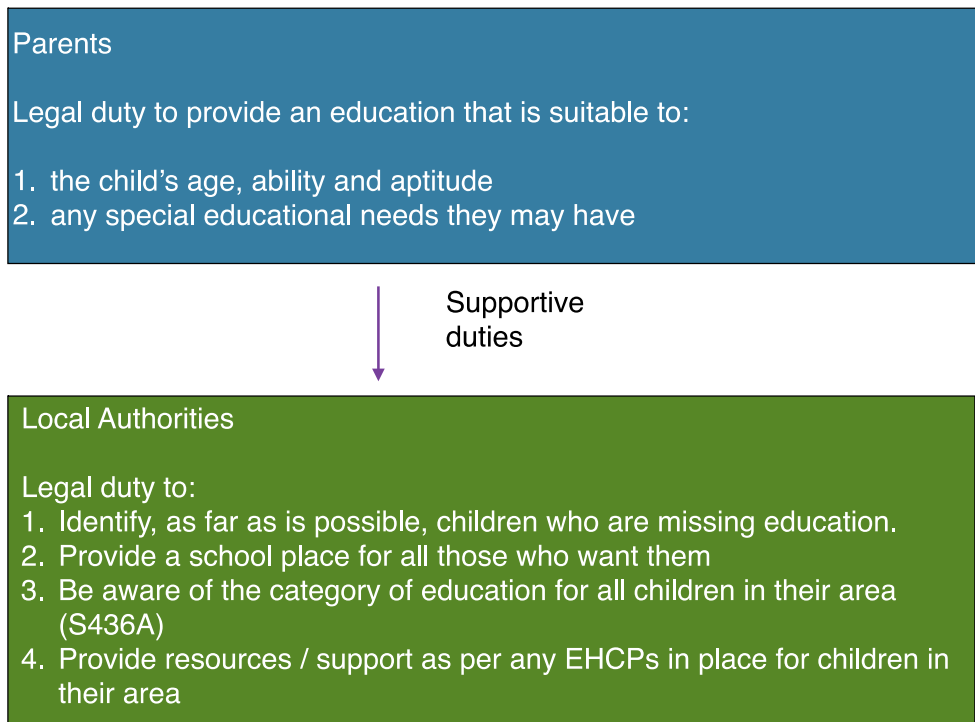
2.3

Home education comes in many different formats and can look different in every family.

3.0 Parents and the law relating to Elective Home Education

3.1

Figure 1: Hierarchy of legal duties of parents and local authorities



3.2

The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not

3.3

Parents have a duty to secure an appropriate full-time education for their children. Some parents choose to do this by educating their child at home.

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

- a. his age, ability and aptitude, and*
- b. any special educational needs he may have,*

either by regular attendance at school or otherwise.

[From Section 7 of the Education Act 1996](#)

3.4

Parents have the right to ensure their child's education conforms to their own religious and philosophical convictions.

"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."

[Article 2 of Protocol 1 of the European Convention on Human Rights](#)

3.5

There is currently no legal definition of 'full-time' education and currently no set hours that amounts to a full time education. 'Full-time', therefore, does not mean being bound by school hours and terms, as this measurement of contact time is not relevant to home education where there is often almost continuous one-to-one contact.

"An 'efficient' and 'suitable' education is not defined in the Education Act 1996 but 'efficient' has been broadly described in case law [Harrison & Harrison vs Stevenson Appeal 1981] 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'.

From Elective Home Education Guidelines For Local Authorities

4.0 Deregistering From Schools

4.1

Parents are not legally required to inform the LA when they decide to EHE.

4.2

Mainstream Schools: Parents are required to notify the school in writing when withdrawing a child, registered at the school, for EHE
(See procedure flowchart 'School Deregistration' in appendix 1).

4.3

Special Schools: Children educated at Special Schools are done so under the terms of a contract between the parents/carers and the LA (Statement / EHCP). Both parties must agree changes to that contract in writing. As a result of this, agreement from the LA is required to deregister pupils currently educated at a special school.

4.4

School Attendance Orders: If a child is registered at a school as a result of a school attendance order the parents must get the order revoked by the LA on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.

4.5

The type of educational activity can be varied and flexible. It is recognised that home-educating parents offer a personalized curriculum but are **NOT** required to:

- teach the National Curriculum
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lesson
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards

4.6

Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the costs of any public examinations.

5.0 Local Authority Responsibilities Relating to EHE

5.1

The responsibilities placed on LA's relating to EHE are reactive duties, only to be used in prima facie cases, not as a blanket proactive duty. The duty to provide an education rests with the child's parents, in those rare cases where there are reasonable grounds to believe this duty is not being fulfilled, the LA can issue a School Attendance Order.

5.2

When the LA receives notification from a school that parents have elected to home educate, the procedure outlined in the flowchart 'School Deregistration' is activated (**Appendix 1**).

5.3

There are no statutory duties in relation to the routine monitoring of home education.

5.4

Concerns about the education or welfare of a home educated child should be referred to the correct department (**Appendix 3**).

6.0 Children with Special Educational Needs

6.1

Parents' right to educate at home applies equally where a child has special educational needs (SEN). This right is irrespective of whether the child has a statement of SEN or an Education, Health and Care Plan (EHCP).

6.2

A Statement or EHCP is a legal agreement between the LA and the parents of the child it relates to. As such, both parties must agree a change to it before that change happens to avoid breaking the terms of the agreement.

6.3

Parents can either request an early review (usually completed annually) of their child's Statement or EHCP (regardless of when the last review was completed) and state their desire to alter it to confirm EHE or parents can write directly to the SEND Assessment and Planning Team to request a change confirming EHE. The LA will sometimes request information regarding the provision. Unless there are exceptional circumstances that mean further investigation is required, the LA will write to the parents and school confirming the start date of EHE (**Appendix 3**)

6.4

On confirmation of a child's removal from roll for EHE, the LA will notify the SEND Assessment and Planning Team (SEND APT) who will, within 12 weeks, make arrangements to review the statement/EHCP considering the change in provision. SEND APT will advise parents that they can ask for a member of EHEFP and / or SENDFP to be invited to this review and to the Annual Review if they wish.

6.5

Where a child who is home educated has a statement of SEN or EHCP, the LA retains a duty to maintain and review it annually, following the procedures set out in the Code of Practice for SEN. Parents should always receive an invitation to the review process, however it is not mandatory to see the child, the parents or the home as part of the review.

6.6

Parents do not have to arrange provision detailed in the statement/EHCP, but do have a duty to provide an education suitable to their child's age, ability and any special education needs. Where parents elect to home educate a child with a Statement/EHCP, this change of placement will be reflected in the Statement/EHCP.

The Statement/EHCP may identify provision to be secured by the LA, where the LA considers it necessary to assist parents to fulfill their responsibilities.

7.0 School Responsibilities When Deregistering to EHE

7.1

The school must delete the child's name from their admission register immediately upon receipt of written notification from the parents that the pupil is receiving education otherwise than at school. Schools must make 2 returns to the LA no later than the point at which they delete the pupil's name from the register, using the 2 exit forms. The LA will provide parents with a copy of the notification from the school.

7.2

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

7.3

A child receiving a suitable education at home is not a child missing education.

*'There are many reasons why a child stops attending a school. It could be because the parent chooses to home educate their child. However, where the reason for a child who has stopped attending a school **is not known**, the local authority must investigate the case and ensure the child is receiving suitable education. Investigation **isn't warranted** where the reason for a child not attending school is **known**.'*

CME Guidance – 6. Children who cease to attend school

8.0 Reviewing Procedures and Practices

8.1

Staffordshire County Council will arrange and advertise twice yearly open meetings with the EHE community and send out an annual satisfaction survey to those EHE families known to them.

8.2

Staffordshire County Council will review these guidelines and practice in relation to EHE at least every three years. Service users will be invited to be involved in the process of review in order to ensure the most effective practice and to strengthen partnerships.

Appendices

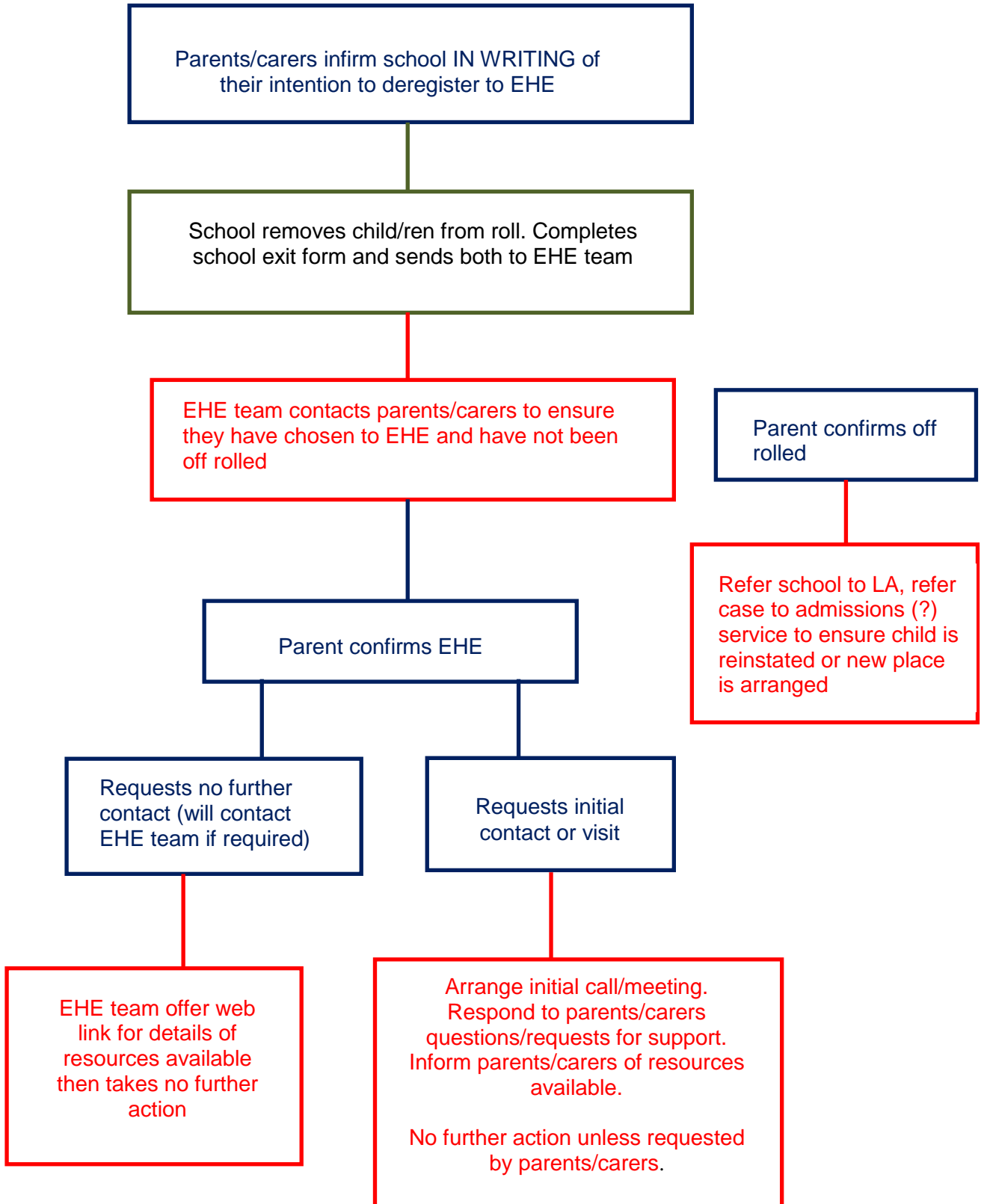
List of Appendices

Original Appendix 1 removed as repeats 3.1

1. Procedure for Deregistration from Mainstream Schools
2. Procedure for Deregistration from Special Schools
3. Copy of School Exit Form: Targeted Services LST

**Appendix 1
Procedure for Deregistering from Mainstream School**

- Parents/carers
- Schools
- EHE team



Appendix 2

Procedure for Deregistering from Special School

1. Consent to deregister from a special school:

a. Who decides if a child can be deregistered from special schools?

- Best practice would be for an early Annual review of the statement usually held at the school with parents and a representative of the EHE service, SEND assessment and planning team .
- At this meeting parents would be asked to provide information regarding their plans to provide suitable education.
- Agreement can be given at the meeting.

b. What is the involvement of EHEFP?

- The purpose of EHEFP contact information etc. needs to be shared by the community.
- At this moment in time I am assuming that the newly developed service has plans to support in a similar way to the SEND family partnership Information and advice service.
- If that is the case then one role would be supporting the family in sharing their plans for the suitable education in likelihood pre and during the meeting

c. What are the criteria for the decision and where are they written in policy?

- Criteria is not written down in policy at present its based on case law.
- Currently the following guidance is worked with
- “SEND key worker requests the parents provide information which suggests that they have plans to provide their children with a suitable education and take into consideration the child’s needs on statement/EHC plan.”
- This may be an area of work that in consultation we could move forward on
- e.g. clarity in partnership on the following :
- *consent to be given on the basis of the ability of the parent to provide a suitable education for that child taking into account their age, ability, aptitude and SEN, and therefore it would seem sensible for a trial period to exist whilst the child is in the home, but without attendance enforcement action being taken.*

Appendix 3

School Exit Form: Targeted Services LST

STAFFORDSHIRE EDUCATION TARGETED SERVICES (LST)
PUPILS ELECTIVELY HOME EDUCATED
SCHOOL EXIT FORM

The purpose of this form is to determine whether the school has identified any welfare/safeguarding concerns which the LA or other agencies should be aware of when the child deregisters to EHE.
(Please report "No concerns" where applicable).

Name of child: _____ Dob: _____

Unique Pupil Number: _____ Student ID: _____ NCY: _____

Name of Parent: _____

1. _____ PR Y/N

2. _____ PR Y/N

3. _____ PR Y/N

Address (1st parent): _____

Telephone (1st parent): _____

School: _____

Detail of any concerns or "No concerns": _____

Bullying issues raised with school? Y/N

History of exclusions? Y/N

History of attendance below 85%? Y/N

History of a Child Protection Plan? Y/N

Has the school raised welfare/safeguarding concerns in the past? Y/N

Information given by: _____

Designation: _____

LST: _____

Date: _____