

# Elective Home Education



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# What we will cover



- What is home education
- Relevant legislation
- Home visits
- How we determine suitability
- EHCPs
- Support
- Rapid Review



# What is home education?



- Home education is given equal weighting in law to a school based education (so long as it is efficient, full time and suitable to the child's age, ability and SEND).
- It is an education provided by parents at home instead of sending their child to a school.
- Parents take on full financial responsibility for their child's education.
- Home education does not have to follow the national curriculum or a set timetable.



# The legal duty of parents



## Section 7 Education Act 1996

Places a legal duty on parents to secure education of children of compulsory school age.

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

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

This means that while education is compulsory, schooling is not. Parents must make sure their children get a suitable education either at school or at home.



# The legal duties of local authorities



Section 436a of the Education Act 1996 says:

- “A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but-
  - (a) are not registered pupils at a school, and
  - (b) are not receiving suitable education otherwise than at a school”

This means we **must** try to identify children who are not receiving a suitable education at home or otherwise.



# The legal duty of local authorities



Section 437 of the 1996 Education Act says:

- “If it appears to a local authority that a child of compulsory school age is not receiving suitable education either by regular attendance at school or otherwise, they shall serve 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.”

This means where it appears that a child of school age is not receiving a suitable education, the child's parents are required to show us that the child is receiving a suitable education.



# Section 437 continued.....



- 437.— School attendance orders.

(3)If—

- (a)a parent on whom a notice has been served under subsection (1) fails to satisfy the [local 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”).....requiring him to cause the child to become a registered pupil at a school named in the order.

This means we can issue an enforcement order which names a school. Failure to comply with the Order may lead to a criminal conviction. The Order can last for the rest of a child’s statutory education.



# The legal duty of Local Authorities



- Section 13a of the Education Act 1996 says:
- “(1) A local education authority shall ensure that their functions relating to the provision of education to which this section applies are (so far as they are capable of being so exercised) exercised by the authority with a view to promoting high standards.
- (2) This section applies to education for –
- (a) persons of compulsory school age (whether at school or otherwise); and
- (b) persons of any age above or below that age who are registered as pupils at schools maintained by the authority.”

**This means we are responsible for promoting high standards for all children of school age in Plymouth, including children educated at school and at home.**



# The legal duty of local authorities



Section 175(1) of the Education Act 2002 says:

- "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 means we have a duty to safeguard all children in Plymouth in all education matters for which we are responsible.



# The legal duty of local authorities



The Education (Pupil Registration) (England) Regulations 2006 says:

- “...the name of a child who has under arrangements made by a local education authority become a registered pupil at a special school shall not be removed from the admission register of that school without the consent of that authority, or if that authority refuse to give consent, without a direction of the Secretary of State.”

This means that if your child is in a special school you must seek permission from us to withdraw your child. You do not need our permission to withdraw your child from a school that is not a special school.



# But the law is not always coherent



- There is no specific legal duty for LA's to monitor home education.
- There is no specific legal duty for LA's to see a child who is home educated.
- In order to discharge our legal duties, and in line with the DfE Guidance for LAs we make enquiries after 3 months and if the education appears to be suitable on an annual basis.
- Parents are under no legal duty to provide the LA with evidence of their home education, however it may appear to the LA that a suitable education is not taking place if they fail to do so when asked. This may lead to enforcement proceedings.
- In carrying out our duties we apply the public law principals i.e. we act in a way that is lawful, rational and procedurally fair.



# When will the LA home visit?



- When we are aware a child is or is about to be home educated.
- If there has been a lack of response to our enquiries and we are concerned about increasing risk of enforcement.
- If we have a safeguarding concern (CARAs)
- At the request of the parent/carer.
- We do not routinely visit home to look at the home education that has been taking place.



# What do we ask to see?



- We have to determine whether the education that is being provided is an efficient and full time education, suitable to the child's age, ability, aptitude and any special educational needs that the child may have. When we look at the examples that parents present, we look at it in this light.
- It is the parents responsibility to provide examples which clearly demonstrate the suitability of your child's education provision.
- It is helpful to understand the home educators approach to providing education.



# Is it efficient – a guide for parents



The information should demonstrate:

- approach to assessment and planning in order to facilitate academic progress.
- Progression expected across the period, whether this has been achieved and next steps to further extend knowledge.
- Opportunities for learning, including the range of subjects covered and information about a child's access to learning resources and social opportunities.
- The ways in which the child is being introduced to a wide range of knowledge, understanding and skills.
- Each topic should be allotted sufficient time but not to the detriment of other essential areas of learning i.e. literacy and numeracy.
- Opportunities for personal, social and health education, outdoor and environmental education, citizenship, careers, food technology and information and communication technology.



# Is it full time – a guide for parents



- The information should enable Plymouth City Council to assess the overall time devoted to home education of a child on the basis of the number of hours per week, and weeks per year. Home educator's should be able to demonstrate that the education is occupying a significant proportion of a child's life (making due allowance for holiday periods).



# Is it suitable – a guide for parents



- It is important to include information about your child's ability and how this has been assessed.
- We also need to know whether or not the child has SEND and to what extent (if any) this impacts on their ability to meet age related expectations.
- The information provided should demonstrate what the child is taught, and how it is taught, taking into account of the child's age, abilities, aptitude and any SEND.



# When might the home education be considered to be unsuitable?



- The education provision described lacks detail and it is difficult to ascertain what is being taught / what subjects are being studied.
- There is no or very limited examples of work submitted.
- There is no or very limited information regarding resources used internally and externally.
- There is no or very limited detail of how the child's progress is being monitored or examples of work to demonstrate relevant progression.
- There is no clear academic or time structure.
- The child does not have suitable environment in which to learn.
- There are no or very limited opportunities for socialisation.
- Significant safeguarding concerns

It is important to note that the above is for guidance and by way of example only and is not an exhaustive list. Each case is judged upon its own individual circumstances. 

# What about children with EHCPs?



- Schools in Plymouth are required to hold an interim review before removing the child from roll
- Plymouth City Council will arrange annual reviews.
- The annual review will be the mechanism for making a decision as to whether the home education is suitable.
- There is no automatic entitlement to a personal education budget.
- There is no guarantee that a child who is deregistered from a special school will get a special school place if the parent wishes for the child to return to school.



# Is home education a positive choice?



- Home education can be hugely rewarding for families.
- Home education requires a significant time and financial commitment from home educators.
- No parent/carer should ever feel pressured into home educating their child.
- Home education should be a positive and informed choice.
- Arrangements for GCSEs are not always straightforward.
- Getting a child back into school following a period of home education is not always easy.
- In Plymouth children are kept on roll until the LA has completed their assurance checks



# What support is available?



- Active home education community in the City.
- Important that home educators are proactive in seeking out support and opportunities.
- Sessions for home educators and their children.
- City College 14-16 provision.
- Elective Home Education Officer
- Plymouth Information and Advice Service for SEND.
- Fair Access arrangements for complex school admission cases.
- National online resources.
- Advice, guidance and signposting from Plymouth City Council services.



# Rapid Review – Child C



- There is no evidence to suggest a direct causal link between home education and increased safeguarding risks.
- However, professionals do not necessarily see a home educated child on a regular basis. This can cause particular vulnerabilities for a small minority of home educated children.
- Plymouth and national safeguarding case reviews that feature home education have highlighted several learning themes.....



# Invisibility of Children and neglect



- Some families already struggling with a range of issues or trauma may use home education as a means of avoiding the attention and support of services.
- They may feel backed into a corner to choose home education to avoid negative experiences related to school such as repeated suspensions and associated meetings which may impact on their wellbeing or ability to work for example
- Children can become invisible, especially if the family also moves across areas. In the case presented today Child C had not left their home or seen a professional for 3 years.
- The levels of neglect can be significant for children home educated by parents/carers who struggle with their own complex trauma, e.g. adult mental health



# Non-Engagement & Professional Curiosity



- Patterns of family non-engagement add to a child's vulnerability. For example, families may not respond to Local Authorities attempts to see evidence that a suitable education is being provided. It may be that parents request to rearrange appointments regularly or answer a phone call after a period of no contact.
- Parents are under no legal obligation to have contact with Local Authorities, or provide information requested.
- This could result in a false reassurance can develop that a child is receiving a suitable education when they are not.
- Even where professionals don't think that EHE is appropriate the CME procedures take many months to get a child back into school
- Showing Professional Curiosity can help gain a true picture of what like is life for a child and gather a more accurate picture of family engagement which can support referrals to other



# Learning into practice



## Be the Voice of the Child:

- Always think ‘What does that child need me to do?’ as they may be living in a family that is struggling with a range of complex issues who think home education might relieve some of the pressures on them
- They may need you to act as their champion, advocating for their needs, education and otherwise, to be met.
- This is usually achieved by keeping the child in school, maintaining a good relationship with their family and having a flexible approach to provision
- If through your contact with families, or otherwise, you become aware that a child isn’t in school during usual school hours ask yourself why not? Ask the family in a polite way ‘How are the children being educated?’
- If you are not in a position to ask you can notify and get advice from the Education Welfare Department on 01752 307405  
[educationwelfare@plymouth.gov.uk](mailto:educationwelfare@plymouth.gov.uk)



# Rapid Improvement Board



- Increased multi-agency focus on **preventing** home education for vulnerable pupils
- Multi-agency arrangements in place where there are concerns about home educated children.
- Technical papers setting out processes for professionals.
- EHE Guidance for Families
- Professional Practice Guidance
- Professional development and awareness raising
- Inclusion Strategy Board working group

[www.plymouth.gov.uk/schoolroom/inclusionattendanceandwelfare/electivehomeeducation](http://www.plymouth.gov.uk/schoolroom/inclusionattendanceandwelfare/electivehomeeducation)



# Questions



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