

London Borough of Bexley

Elective Home Education Policy

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London Borough of Bexley - Elective Home Education Policy

THE LEGAL POSITION

Full details of the current legislation and guidance surrounding Elective Home Education can be found on Department for Education website in a document entitled “Elective Home Education – Guidelines for Local Authorities 2007”.

- It is a parent’s responsibility to ensure a child is receiving an education. Most parents will chose to meet this responsibility by applying for a school place.
- Parents have a right to educate their children at home. 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 – (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.”
- Local Authorities have a duty under the same act (Section 436A) to identify, as far as is possible, children who are not receiving a suitable education otherwise than being at school (for example at home, privately, or in alternative provision).
- The London Borough of Bexley will therefore make enquiries in all cases where parents are home educating in order to satisfy itself that the child(ren) concerned are receiving a suitable education.
- The Education Act 1996 further requires the Local Authority, in cases where it appears a child of compulsory school age is not receiving suitable education, to serve a notice in writing on the parent requiring her / him to satisfy the authority within a specified period that the child is receiving such education.
- The information required of parents who are home educating is not specified in any guidance but it is the perspective of the London Borough of Bexley that parents should be able to provide sufficient, timely evidence and information that a suitable education is being provided. Some advice on how to provide evidence and information is given in “Elective Home Education-Guidance for Parents”.

Safeguarding

- Local Authorities 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.”

- Local authorities have general duties to make arrangements to safeguard and promote the welfare of children (section 175 Education Act 2002 in relation to their functions as a Local Authority and for other functions in section 10 and 11 of the Children Act 2004). These powers allow Local Authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern (sections 17 and 47 of the Children Act 1989). However, it is accepted that such powers do not allow local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.
- Although parent(s) can declare EHE at any time, the London Borough of Bexley does not consider it safe or acceptable for a child who is the subject of a child protection plan, or a child deemed to be a child in need, to be electively home educated.
- Where a child is made subject to a child protection plan or is already subject to a child protection plan the conference chair will make clear that if the parent has already declared EHE, or states an intention to do so, the risk will be re-considered in light of this information with the likelihood that the child is considered unsafe as a consequence. The chair will therefore immediately ensure the plan is changed or reviewed to protect the child which will include a stop to EHE with immediate effect. The chair will outline what harm is likely, what the risk is and how it is increased as a result of continuing to educate the child at home. The resulting plan will reflect the necessary actions that need to be taken including the immediate review of the EHE declaration.
- Where an education provision is not immediately available, the child protection conference chair and allocated social worker will ensure that the plan will include increased home visits to regularly check that the child is safe whilst not in education. In such circumstances, the Inclusion Officer will notify the relevant Chair of primary or secondary Fair Access Panel and ensure the child is presented for a school place at the next meeting.
- Where a school place is identified but the parent/carer fails to ensure that their child attends, the local authority will initiate legal action to obtain school attendance order and reconvene the child protection conference to consider next steps.
- For a child who is EHE and who is also a child in need (CIN), the CIN review chair will make clear that continuing EHE is a worry. It will be for the Chair to decide whether a strategy meeting is required where the child is at risk of harm and this is further compounded by the education of a child at home. This strategy meeting will include representation from education colleagues to inform the risk

assessment. The strategy meeting will review whether continuing EHE is a factor to any further impairment to the child's health, wellbeing and development. Where it is deemed so, the plan meeting will be reconvened to discuss next steps and the chair will make clear that if EHE continues, the likely harm is increased and outline the reasons why. Where EHE continues this may include escalation to child protection status following a child and family assessment where the above child protection arrangements for children who are EHE will be taken forward.

- All professionals should remember that elective home education as a parental choice is not of itself a risk to children. We have to be concerned about the extent to which already vulnerable children are further compromised where this is assessed to be the case.

Special Education Needs

- Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). This right is irrespective of whether the child has a statement of special educational needs/EHCP or not. Where a child has a statement and is educated at home, it remains the local authority's duty to maintain the statement/EHCP and to review it annually. The local authority will consider whether the educational provision being delivered by the parents is suitable for the child's special educational needs. It is not until the local authority is satisfied that it is relieved of its responsibility to arrange the provision in the statement. If the local authority is not satisfied then it remains responsible for ensuring that the child's special educational needs are met. The London Borough of Bexley has a separate SEN and Elective Home Education Protocol which describes the procedure and pathways regarding parents who may wish to educate their child who has SEN at home.

PRINCIPLES

- The Elective Home Education Officer believes a positive and supporting relationship with parents usually results in good outcomes for the child.
- The London Borough of Bexley encourages parents who are considering home education to contact the Elective Home Education officer prior to declaring Home Education. This allows them to access advice and information in order to fully understand their responsibilities as home educators.

- The London Borough of Bexley also encourages all schools to ask any parent considering home education to contact the Elective Home Education officer prior to declaring home education.
- The London Borough of Bexley encourages parents to inform them directly of the withdrawal of a child from school, even though schools will also notify the local authority. The only exception to this is where the child is attending a special school under arrangements made by the local authority, in which case additional permission is required from the authority before the child's name can be removed from the registers.
- Local authorities do not receive funding to support home educating families, but the London Borough of Bexley seeks, through a positive and enabling approach, to provide appropriate guidance, advice and support.
- The London Borough of Bexley strives to ensure that its policy and procedures on Elective Home Education are clear, consistent and non-intrusive.
- We have named officers with responsibility for implementing our policy and procedures.
- The Elective Home Education Officer will understand that a parent needs sufficient time to set their arrangements in motion and that home educating families may be taking a range of approaches in order to meet the individual needs of children.
- If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns will be immediately referred to the appropriate authorities using established local authority protocols.
- The London Borough of Bexley maintains a register of children it knows are being educated at home. This is so we can have a record of what contact we have had with a parent and child and also allows us to inform the police when they undertake truancy sweeps that we have a record of a child being educated at home.
- The London Borough of Bexley will provide up to date information and guidance to parents who opt to home educate.

Elective Home Education Procedures

- When a parent is considering educating a child at home it may be useful to discuss the matter with the child's school and the Elective Home Education Officer before taking actions.
- If a child is a registered pupil at a school when the decision is made to home educate the parent/carer should write to the head teacher advising the school of that decision. *(Although there is not duty placed upon parents to notify the Local Education Authority of this decision it is helpful if a copy of this letter could be sent to the Elective Home Education Team at Education and Social Care, Civic Offices, 2 Watling Street, Bexleyheath, Kent, DA6 7AT.*
- The school will then advise the London Borough of Bexley of the family's decision and remove the pupils name from the school roll. *In cases where the child has never been on a school roll it is advisable for parents to contact the Local Authority direct.*
- The Elective Home Education Service will write to the parents within 5 working days of them formally registering the pupils as home educated. Additional information will be supplied: -
 - Bexley Home Education Guidance Booklet
 - Advice on procedures
 - Information on Health Service and Prospects
 - Request for further details on the proposed education programme
- In order to establish the pupil's current attainment level the Elective Home Education Officer will request from the school details of the pupil's academic and attendance profile.
- In order to ensure that the procedures are carried out in accordance with the Bexley policy the pupil will be placed on the Elective Home Education Register. The Elective Home Education Officer will make an appointment with the family. Ideally this should be no more than three weeks from the receipt of the parent's original letter. This meeting will normally be carried out in the child's home. This meeting is solely to ensure parents understand what Elective Home Education involves and is NOT a review of the education in place. If parents prefer, this meeting can be arranged at another place other than the home.

- Following on from this initial meeting, a further appointment will be sent to the parents for a review of the education in place; this will take place about 12 weeks after Elective Home Education is declared.
- In order to assist the Authority in carrying out its duties it is helpful if the following can be made available for the Elective Home Education officer's visit:
 - Up to date samples of the child's work (*although work does not need to be dated it is a useful aid in demonstrating progress*)
 - If work is being carried out in accordance with a designated timetable or programme, details of this would be helpful
 - Details of practical work undertaken
 - The Elective Home Education Officer will want to discuss the child's educational programme with the parents/carers and wherever practicable, with the child
 - The Elective Home Education Officer will be keen to hear how parents are providing opportunities for learning outside the home and being with other children or young people
 - At certain times and for various reasons, parents may wish or may be asked to attend a meeting at a Council office. In these cases the Elective Home Education Officer will be keen to see samples of the pupil's work in the same manner as when the meeting takes place in the pupil's home.

Full details of the Elective Home Education Officer's process are shown in the parents' guidance document –

- Following the review visit, if there are concerns about the education being provided, the Home Education Officer will discuss this with parents and offer suggestions/advice. A follow up visit will be arranged with parents.
- The Elective Home Education Officer will write to the parent advising them of the time span for following visits. This will normally be one year. However, in some cases, the recommendation may require a visit be made sooner.

Procedure for Non Standard Cases

While the vast majority of parent/carers who choose to educate their children at home do so for very good reasons, the Council must be mindful that some choose this option as a method of negating their parental obligations to ensure that their child receives a suitable education. It remains the Council's duty to protect the right to education of **all** children who reside within that Council's area.

In cases that cause the Council concern or where the Council is not in a position to “satisfy itself that a child is receiving education suitable to the child’s age, ability and aptitude”, the following procedure will be employed.

If the Elective Home Education Officer fails to find the family at home for the agreed meeting:

- A letter will be sent asking the parent/carer to contact the Elective Home Education Officer in order to rearrange the meeting. This letter will allow 10 days for that contact to be made.
- Should the parent fail to make contact within the time span, the Head of the Elective Home Education Service may ask an Education Welfare Officer to make a home visit.
- In extreme cases the Elective Home Education Officer may consider initiating a School Attendance Order under Sect. 443 of the Education Act 1996.
- Each case will, of course, be considered on an individual basis taking into account all relevant details.

If the Elective Home Education Officer’s report suggests that the education provision is “not suitable”:

- The report will identify the areas of concern. A second appointment will be offered to allow the family time to improve the provision. The Elective Home Education Officer will write to the family to inform the recommended timing of a subsequent meeting. This meeting may be a joint visit with the Behaviour and Attendance Adviser.
- If the Elective Home Education Officer/Behaviour and Attendance Adviser are unable to identify sufficient improvement on that subsequent appointment, a recommendation will be made to return the child to mainstream schooling.
- Should the parent fail to take up this recommendation the Elective Home Education Service will initiate a School Attendance Order.

If there is evidence to suggest that there is no work being undertaken:

- The Elective Home Education Officer will initiate a SAO.

Alternative Educational methods

The Council is aware that families may choose to educate their children in a way that is sometimes termed ‘alternative’, e.g. child-centred learning

programmes. It is recognised that parents who facilitate autonomous learning normally have a firm understanding of their child/children's educational ability and are in no way viewed as negating their obligations with regard to an educational provision. However, in cases where such programmes have been followed, the responsibility remains for the Council to "satisfy itself" that the provision is appropriate. The Council will aim to work with the family in order to fulfil that commitment.

EHE and the Raising of the Participation Age

From 1st September 2013 all 16/17 year olds (equivalent to Y12 in schools) will have to remain in education, an apprenticeship or full time work with a training or education component. The key paragraph of guidance from the DfE states:

For young people who are being home educated, no hourly requirement of education applies: the amount and content of that education is at the discretion of the home educator. In most circumstances it will be the young person themselves who states that they are home-educated. If the authority believes there is some doubt in the matter they may wish to seek confirmation of this from the parent or guardian, but no on-going monitoring of the education is required.

From the above, Bexley will put in place the following:

- For those parents who are already home educating and whose children are in Y11 there would appear to be no changes. They can continue to home educate or try to get their child into post 16 education, either in a school or college, or an apprenticeship.
- Bexley will have to be aware that some young people will 'self-declare' EHE and we will keep a record of that, as well as showing whether we have checked with parents to confirm that this is, in fact, the case.
- As "no on-going monitoring of the education is required" Bexley's EHE Liaison Officer will not make visits or ask for reports. We will, however, ask EHE young people aged 16 (at the end of Y11 in school) to inform us how they are intending to continue their education/training.

Additional Information

Truancy Patrols:

Bexley Education Welfare Service, together with uniformed Police Officers, carries out a programme of Truancy Patrols within the Council's area. During designated patrol days, all children who appear to be of school age are approached by the patrols. Children who are educated at home should be advised by their parent/carer of these patrols in order to reassure them. The child should be advised to explain that they are educated at home. The officers will, however, continue to collect details of the child for statistical purposes and in order to check the validity (*additionally this offers a point of*

reference for parents who may wish to check the authority of the Officers). Parents and children should be assured that Education Welfare Officers will carry identity and the Police Officer will be in Uniform.

Home-educated families can be confident that the data from these patrols is confidential to the Elective Home Education Service and only statistical information will be published.

Careers Information:

Prospects offer careers advice in Bexley and all children residing in Bexley are entitled to free access to the service. Occasionally the service would wish to communicate with all families with children aged between 13 – 19 years. If parents/carers have an objection to their name and address being made available to the careers service they should advise the Elective Home Education Service in writing or via a “Consent to Share information“ form.

Local Health Services:

On some occasions it is necessary for Local Health Services to communicate with parents of all children residing within Bexley (for instance when there is a need to carry out a mass inoculation programme) and it is common practice for this communication to go via schools. In order to ensure that parents/carers of home-educated children receive any important information concerning school age children, the Health Authority will request contact information. If a parent/carer has an objection to this information being made available to the Health Authority they should advise the Elective Home Education Officer in writing or via the “Consent to Share Information” form.

Complaints Procedure

The Bexley Complaints Procedure can be found at www.bexley.gov.uk/feedback.

Or by contacting:-

**London Borough of Bexley,
Civic Offices,
Watling Street,
Bexleyheath,
Kent
DA6 7AT**

Elective Home Education Contact Details

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