

Meeting: Children, Education and Skills Sub-committee

Date: 18 July 2016

Title: Elective Home Education

Author: Barbara Patterson
Senior Manager (Facilities and Fair Access) Tel: 0191 643 8340

Service: Health, Education, Care and Safeguarding

Wards affected: All

1. Purpose of Report

The purpose of this report is to provide background information on elective home education to inform the sub-committee's decision on the remit of a sub group into the subject.

2. Recommendations

To note the information presented and to determine the remit and membership of an Elective Home Education Sub Group.

3. Information

Elective Home Education (EHE)

3.1 Elective home education is the term used 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 a local authority or education provided by a local authority other than at a school.

3.2 Children whose parents elect to educate them at home are not registered at a school. Some parents may choose to engage private tutors or other adults to assist them in providing a suitable education, but there is no requirement for them to do so. Learning may take place in a variety of locations, not just in the family home.

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

3.4 The law covering EHE

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."

An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law 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".

3.5 **When can a parent decide to home educate?**

Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age.

3.6 Parents are not required to register or seek approval from the local authority to educate their children at home.

3.7 **What support is available for parents?**

When parents choose to electively home educate their children they assume financial responsibility for their child's education.

3.8 **Local authorities' responsibilities**

The government recommends that local authorities provide written information about elective home education and have a written policy statement on elective home education. North Tyneside's policy is in the process of being reviewed by the Attendance and Placement Team. Attached as appendix 1 is the guidance document which is issued to parents.

3.9 Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis, however, under Section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that parents are not providing a suitable education. Parents are under no duty to respond to informal enquiries.

3.10 The local authority:

- can serve a school attendance order if it is of the opinion that it is expedient that a child should attend school.
- are responsible for safeguarding and promoting the welfare of children.
- can not enter the homes of or otherwise see children to monitor the provision of elective home education.

3.11 Full Guidelines for Local Authorities can be found at the link below.

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

3.12 **North Tyneside Council Attendance and Placement Team**

The Attendance and Placement team have a named officer responsible for ensuring the authority's statutory responsibilities for elective home education are fulfilled. The EHE Attendance and Placement Officer also gives advice to parents relating to EHE. They hold data on the number of children known to be elective home educated.

3.13 The authority counts the children in the academic year who are of statutory school age and are being home educated. As at April 2016 there were 42 children who are electively home educated. 19 of these became electively home educated during this academic year.

4. **Appendices**

- North Tyneside Council's Elective Home Education Guidance for parents and carers.



North Tyneside Council

Elective Home Education

Guidance for parents & carers

What is Elective Home Education?

Elective Home Education is when parents or carers decide to provide education for their child(ren) at home instead of sending them to school. It is not home tuition provided by the local authority.

What is the Parents' Responsibility?

Parents have the primary responsibility for ensuring their child(ren) receive a suitable education. The majority of parents choose to use schools, but some parents exercise their responsibilities directly by providing an education based at home and/or in the community. Home educators undertake a considerable commitment and need to carefully consider all of the implications such as time requirements, planning and resources required, who will need to be involved in the education of your child, the cost involved, preparation for examination, social integration and your child's opinion.

Section 7 of the Education Act 1996 states that it is the duty of the parent of every child of compulsory school age "to cause the child to receive efficient full-time education suitable to his/her age, ability and aptitude, and to any special educational needs he or she may have either by regular attendance at school or otherwise." Suitable and efficient education is described as: equipping a child for life within the community ensuring it does not close down the child's options for their future. Although there is no legal definition of "full-time", children in school normally spend between 22 and 25 hours working at school each week. For home educated children less than 20 hours per week would not be considered full time.

Introduction

You have decided, or are considering, the option of home education for your child or children. This booklet is designed to be helpful to you.

Parents choose to educate their children at home for a variety of reasons. This is not a decision to be taken lightly as it means you will be responsible for all aspects of their education. It requires a considerable commitment of time and energy. You will not be entitled to any financial support for books or equipment, examination entries or work experience.

Guidance on the Law

Under the 1944 Education Act education was defined, for the first time, as compulsory. For the vast majority of families this was translated into an assumption that children had to be educated at school. However, it was, and still is 'education' that is compulsory, not 'school'. The 1944 Act clearly stated that it was the duty of parents to ensure their children were educated either at school or otherwise.

The responsibility of parents is recognised in section 7 of the Education Act 1996 - previously section 36 of the Education Act 1944

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

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

Although this responsibility is usually delegated to schools, parents may decide to educate their child/children at home. This may be for a range of reasons including religious, cultural and philosophical beliefs.

Home education can take many different forms. In some cases you might take on the task of teaching children yourselves, employ private tutors, subscribe to a distance-learning package and/or work together with other home-educating families. What is suitable for one child may not be suitable for another, but all children should make reasonable progress. It is reasonably expected that the provision should include the following characteristics:

- consistent involvement of parents or other significant carers
- recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences
- access to resources/materials required to provide home education for the child – 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

Local Authority Duties

The Local Authority – LA believes in the value of school-based education as it provides a broad and balanced curriculum that promotes pupils’ spiritual, moral, social and cultural, physical and mental development and prepares all pupils for the opportunities, responsibilities and experiences of life. National Curriculum 2000

However, we respect your right as a parent and carer to choose to educate your child/children other than at 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:

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

A “suitable” education is one that equips a child for life within their community.

Section 437 of the 1996 Education Act states:

“If it appears to a Local Education Authority that a child of school age in their area is not receiving a 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”

The LA’s legal duty is only concerned with children who do not appear to receive suitable education. The LA has no automatic legal right of access to the home. Parents may, if they wish to, permit access to the home, or offer an alternative venue for a meeting. At the initial meeting, the nature and frequency of future contact should be agreed.

In some exceptional cases – as a last resort - we will issue a school attendance order. This order specifies the school where your child should be registered. If you do not comply with a school attendance order you will have committed an offence, unless you can demonstrate that your child is receiving suitable education otherwise than at school.

Where the LA’s assessment is that the education is not suitable they will consider for an application to the courts for an education supervision order. This will enable home education to continue under supervision and allow education staff to engage, advise, assist parents and carers.

National Curriculum

The national curriculum does not apply to children educated at home. However, you may wish your child to re-enter the state system at some time in the future.

Curriculum Content

The national curriculum is a set of subjects and standards used by primary and secondary schools so children learn the same things. It covers what subjects are taught and the standards children should reach in each subject. It should provide opportunities for physical, intellectual, social, spiritual and emotional development.

It should be broad, balanced, relevant and differentiated:

Broad It should provide the pupil with a wide range of knowledge, skills and understanding

Balanced There should be sufficient time for each aspect, allowing for all essential parts of learning

Relevant This should be related to the pupil's experiences and to adult life.

The curriculum should be matched to the pupil's ability and aptitude. There should be opportunities to mix with, and relate to, other children, young people and adults and a possible mix of:

- national curriculum subjects
- information technology
- health education
- personal and social education
- citizenship
- careers education
- physical education

Children learn in different ways, at different times and at different speeds. It is a good idea to have a timetable or plan to show what you are doing.

Responsibility

It is your responsibility to plan and carry out your child or children's educational experiences

Procedures

The LA is notified of the parent/carer's intention to educate their child(ren) otherwise than at school. There is no legal obligation on the parent to notify the LA unless the child is already registered as a pupil.

De-registration of pupils is allowed if the head teacher has received written notification from you that your child is receiving education otherwise than at school.

When a school receives written notification of a parent's decision to home educate, they can remove a child from the school roll and the head teacher must inform the LA within 10 school days.

As a LA we respect your decision to educate your child at home and we would like to support you. The Attendance and Placement Officer is available to arrange a visit to see how you are getting on. This will usually take place within 12 weeks after you start to teach your child at home. If parents wish to they may inform the LA directly.

You may choose to meet the Attendance and Placement Officer at your home, or at a mutually convenient location, or you may choose not to meet at all. If we do not hear from you, an Attendance and Placement Officer will be in touch.

The purpose of the visit is to monitor the range of the curriculum you are offering and offer some advice. It is important to recognise that there are many, equally valid approaches to educational provision. The Attendance and Placement Officer will be keen to discuss with you the ways in which you feel that the education you offer is the most appropriate for your child. Our procedures are intended to provide a good foundation for the development of trusting relationships and mutual respect.

He/she will need to understand how you intend to fulfil your duties under the 1986 Education Act to provide an efficient full time education suitable to the age, ability and aptitude and any special educational needs of your child.

- A child may come to the attention of the Local Authority through an alternative route. In these circumstances, the admissions team will make contact.
- Where a child has a statement of Special Educational Needs, the Principal Educational Psychologist will identify a named Educational Psychologist.

Children with Statements of Special Educational Needs

Parents of children with statements of special educational needs 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. The statement remains in force, subject to review, and the LA must ensure that parents can make suitable provision, including provision for the child's SEN. If the parents' arrangements are suitable, the LA is still required to review the statement annually and may amend or cease to maintain it according to normal procedure.

Should disagreement arise between parents and the LA regarding the outcome of a review the parents continue to have the right of appeal to the SEN and Disability Tribunal. The LA must ensure that parents are advised of this.

Parents wishing to arrange education for a child with a statement of special educational needs and who is registered at a special school must seek the consent of the LA before withdrawing their child from school.

Elective Home Education for a child with a formal statement of SEN

It is possible for a child with a formal statement of SEN - under section 324 of the Education Act 1996 - to be educated other than at a school. The provision to be made and considered appropriate by the LA should be written in part 4 of the child's statement by the LA. The authority must ensure that parents can make suitable provision, including provision for the child's special educational needs.

When a child with a statement is educated other than at school, the general timetable and arrangements for the annual review of the statement will remain the same as for children in schools. However, the LA will convene the review meeting, and invite the child's parents. The range of professionals involved may be wider and, in some respects, different from those involved in a school-based review.

The LEA Responsibilities

The LA is required to monitor the number of children whose parents have arranged for them to be educated otherwise. They must also monitor the efficiency and suitability of the education. They are not expected to provide guidance in relation to curriculum or teaching approach nor are they required to fund any resources.

For enquiries relating to Elective Home Education please contact:

Rob Moffatt
Operational Manager, Attendance and Placement Service
rob.moffatt@northtyneside.gov.uk
0191 643 8392

Linda Sadler
Attendance and Placement Officer
linda.sadler@northtyneside.gov.uk
0191 643 8392

Other useful sources of information

It is hoped that the following information will be of some assistance to parents in the successful education of children at home. However, the local authority does not accept responsibility for the accuracy of this information or the quality of information provided by any of the contacts.

Parents choosing to educate their child at home should seriously consider the benefits of access to a computer with Internet facility. The internet enables parents and children to have access to a wide variety of information directly from websites and also from home educators from other countries.

Please note, some websites may contain "chat rooms" parents should check the safety of these and ensure that children do not give personal details over the web and never arrange to meet anyone without adult supervision.

Home education contacts:

Education Otherwise Association Limited

(A self-help group that supports home based education)

Website: <http://www.educationotherwise.net>

Home Education UK

www.home-education.org.uk/faq-carers.htm

Home Education Advisory Service

PO Box 98

Welwyn Garden City

Hertfordshire

AL8 6AN

Telephone: 01786 831066

Website: www.heas.org.uk

Christian Home School

(A Christian based site)

Website: www.homeschool.co.uk

Home Education Resources

Website: www.home-education-resources.co.uk

Connexions North Tyneside

For careers and post 16 advice:

<http://www.connexions-tw.co.uk/contact-connexions-north-tyneside-1>

Examination Boards

OCR Oxford Cambridge and RSA Examinations

1 Regent Street
Cambridge
CB2 1GG
Tel: 01223 552 552
Web: www.ocr.org.uk

OCR Birmingham Office (formerly Midland Examination Group – MEG)

Mill Wharf
Mill Street
Birmingham
B6 4BU
Tel: 0121 628 2950

OCR Coventry Office (formerly Royal Society of Arts Examination Board – RSA)

Progress House
Westwood Way
Coventry
CV4 8JQ
Tel: 0121 628 2870

IGCSE (International General Certificate of Secondary Education)

The IGCSE Co-ordinator, University of Cambridge Local Examinations Syndicate
1 Hills Road
Cambridge
CB1 2EU
Tel: 01223 553 311

AQA (Assessment and Qualifications Alliance)

Formerly :

Northern Examination and Assessment Board (NEAB)
Southern Examination Group (SEG)
Associated Examinations Board (AEB)
City & Guilds

Entry for GCSE and A level courses and syllabuses will be made through one of three AQA offices: Guildford, Manchester and London.

Assessment and Qualifications Alliance (AQA) AEB/SEG

Stag Hill House
Guildford
Surrey
GU2 5XJ
Tel: 01483 506 506
Web: www.aqa.org.uk

Assessment and Qualifications Alliance (AQA) NEAB

Devas Street
Manchester
M15 6EX Tel: 0161 953 1180
Web: www.aqa.org.uk

Assessment and Qualifications Alliance (AQA) City & Guilds

1 Giltspur Street

London

EC1A 9DD

Tel: 0171 294 2468

Web: www.aqa.org.uk

A useful free booklet: NEAB **Supplementary Information for Private Candidates** is obtainable from:

AQA

Devas Street

Manchester

M15 6EX

Tel: 0161 953 1180

Web: www.aqa.org.uk

Sources of additional information

National Curriculum Documents

Separate subject books or a complete set in one booklet, relevant for Key Stages 1 –3 can be bought from:

Stationery Office

PO Box 276

London

SW8 5DT

Tel: 0171 873 9090

Stationery Office

68 –69 Bull Street

Birmingham

B4 6AD

Tel: 0121 236 9696

Children's Legal Centre

University of Essex

Wivenhoe Park

Colchester

CO4 3SQ

Tel: 01206 873935 & 0845 120 2966

Advisory Centre for Education - ACE

ACE Education Advice & ACE Education Training

36 Nicholay Road

London

N19 3EZ