

Denbighshire County Council - Education & Children's Services

Elective Home Education

Protocol

This information is designed to help parent(s)/carer(s) who are either considering educating their child(ren) at home or alternatively are already educating their child(ren) at home. This is referred to as 'education otherwise' in Section 7 of the Education Act, 1996.

Some first thoughts for you:

Do:

- Think long and hard. You alone will be responsible for ensuring that your child(ren) receive a broad and balanced education suitable to his/her age, aptitude and ability;
- Plan what you intend to do with your child(ren) before making a decision;
- Consider the costs involved – books, equipment, examination entries, visits, tutors;
- Remember that your child(ren) may miss the social aspect of school including activities, group work, friendships, as well as access to specialised facilities and equipment.
- Think carefully as significant pressure on school places may mean that your child(ren) will be unable to return to their previous school once withdrawn.

Don't decide to educate your child(ren) at home because:

- You have not been sending your child(ren) to school on time or on a regular basis;
- Your child(ren) is putting pressure on you to allow them to stay at home;
- Because you have had a disagreement with a Head teacher, member of staff or school governor;

If any of the above applies to you or your family the issues may be resolved through contacting the Inclusion Officer within the Local Authority Education and Children's Services on 01824 708064.

What do I need to check before making a decision?

- Your child(ren) is positive about the decision
- You are convinced it is the best course of action for your child(ren)
- You have the time to devote to your child(ren)'s education on a regular basis
- You have the necessary ability to teach your child(ren) effectively
- You are prepared to buy the necessary resources or have access to them
- You have some support available
- You have the space available for a quiet working area
- There are opportunities for physical exercise
- Social experiences with other children that are available

Parents Responsibilities

All parent(s) have a duty to ensure that their children receive an efficient, full time education suitable to their age, ability and aptitude, either by regular attendance at school **or** otherwise **(under Section 7 of the Education Act 1996)**. However, the law allows parents to educate their children at home instead of sending them to school, if they fulfil certain conditions. Parents may find the following guidelines useful when considering educating their children at home.

When a parent decides to withdraw their child(ren) from school to home educate, it is important that they notify the school where the child(ren) is registered. The school will then remove the child(ren) from their register and inform the local education authority **within 10 working days** (LA). Although parent(s) are not legally required to inform their LA, we suggest that they do so to ensure that the LA is aware of the change. Additionally, it is recommended that parent(s) also inform their LA of any significant changes in their circumstances relevant to the effective education of their child(ren) e.g. a change of address, change of contact number or email address.

LAs' responsibilities

The LA will maintain a register of pupils being educated at home. This will enable Officers to make contact with parents to offer support and work in partnership.

The LA will ask to meet with the family in order to talk to the parents and to look at examples of work and learning. **LA's have no automatic right of access to a parent's home.** However, parents may, if they wish to, permit access to their home, or offer an alternative venue for a meeting. At the initial meeting, the nature and frequency of future contact should be agreed – this will ordinarily be on an annual basis. Where it appears to a LA that a child(ren) of compulsory school age is not receiving efficient or suitable full-time education, either by regular attendance at school or otherwise, the LA is under a duty to serve a notice on the parent(s) requiring them to satisfy the authority that their child(ren) is receiving suitable education “otherwise than at school”. If the parent’s reply is unsatisfactory, or if they fail to reply, the LA may issue a School Attendance Order **(under section 437(1) of the Education Act 1996)**. LA's may also apply to the Court for a child(ren) assessment under the **Children Act 1989**, if they have reasonable cause to do so.

When alerted to parents who may be home educating, particularly those children who may never have been registered at a school or have moved into County, the LA **may** ask an Education Welfare Officer to pay a home visit and be the first point of contact. **S436A** of the Education Act, 1996, places a duty on LA's:

- a) To identify all learners of compulsory school age who are not registered at a school and not receiving education otherwise than at school
- b) To establish if such learners are receiving a suitable education.

Remember:

If it appears that a child of compulsory school age is not receiving a suitable education, the Local Authority is able to serve a notice in writing requiring the parent to provide evidence that the child is receiving a suitable education. If no response is received within 15 days the Local Authority is able to issue a school attendance order to ensure a suitable education.

Contact:

Once the Local Authority has received notification of a parent's intent to withdraw their child and electively home educate, the Local Authority will apply the following procedure within 10 working days:

- i. Update our records accordingly.
- ii. Contact the parent/guardian to share the Elective Home Education Protocol, Welsh Government Guidance and to send an initial questionnaire. (to be completed and returned within 15 working days)
- iii. Contact the school to confirm that the child's name has been removed from the school's register and ensure the school completes the Elective Home Education School Information Form.
- iv. Contact other agencies to seek clarification of any involvement with the child:
 - a. Education Welfare Service
 - b. Additional Learning Needs Team
 - c. Behaviour Support Service
 - d. Educational Psychology Service
 - e. Youth Justice Service
 - f. Children's Services
- v. Following the above, the Inclusion Officer will arrange to offer a meeting with the parent and child at the home address, or another mutually convenient venue.
- vi. After the meeting, the Inclusion Officer will collate a report which will be sent to the parent outlining the discussion and next steps.

Alternatives to a meeting

Parents may wish to decline a meeting in their home or alternative venue. Where this is the case, the Local Authority will request that the parent provides them with evidence that a suitable, full time education is taking place. This could take the form of:

- Examples of work
- A report outlining the provision in place
- A copy of time tables
- Having their provision endorsed by a recognised third party
- Providing evidence in some other appropriate form of the education being provided.

Suitability

Where the Local Authority is not satisfied that a child is receiving a suitable education, the Local Authority will:

- Contact the parents in writing, explaining the concerns and reasons for concluding that the provision in place is unsuitable, and serving the parents a notice requiring them to provide evidence of a suitable education taking place within 15 days.
- If there is no reply, or an unsatisfactory response, a further letter will be delivered. The letter will include a notice stating which school the Local Authority will name in a school attendance order and giving the parents seven days, the opportunity to choose an alternative school or provide evidence of a suitable education.
- If there is no response, a School Attendance Order naming the school where the child should be registered will be issued.

Remember: If a parent on whom a School Attendance Order has been served fails to comply with the requirements of the Order, they are guilty of an offence under Section 442 of the Education Act 1996.

Children with Statements of Special Educational Needs (SEN)

Children and young people with statements of special educational needs can be home educated. When a child has a statement of special educational needs which names a **special** school, the child's name may **not** be removed from the register of that school without the agreement of the education authority.

Section 7 of the Education Act 1996 recognises parents' right to choose to educate their child(ren) at home. Such arrangements are described as 'education otherwise than at school'. In such cases, **if the child has a statement of special educational needs, it remains the LA's duty to ensure that the child's needs are met.** The statement must remain in force and the LA must ensure that parent(s) can make suitable provision, including provision for the child(ren)'s special educational needs. If the parent's arrangements are suitable the LA are relieved of their duty to arrange the provision specified in the statement. If, however, the parents' attempt to educate the child(ren) at home results in provision which falls short of meeting the child(ren)'s needs, then the parent(s) are not making 'suitable arrangements' and the LA could not conclude that they were absolved of their responsibility to arrange the provision in the statement. Even if the LA is satisfied, the LA remains under a duty to maintain the child's statement **and to review it annually**, following the procedures set out in the Special Needs Code of Practice, 2004, Chapter Nine.

In such situations section 324 (4A) of the Education Act 1996 does not require the **name** of a school to be specified in Part 4 of the statement. Part 4 should state the type of school the LA considers appropriate but go on to say that: "*parents have made their own arrangements under section 7 of the Education Act 1996.*" The statement can also specify any provision that the LA have agreed to make under section 319 to help parent(s) provide suitable education for their child(ren) at home.

In the case of children deemed to have Special Educational Needs, the Authority will consider each applicant separately. As such cases are generally very complex, it is impossible to deal with the wide range of circumstances in this document.

De-registration from school

If the child(ren) is currently or has previously been educated at a maintained school and parent(s) wish to withdraw them to home educate, it is essential that the parent(s) inform the school in writing so that the child(ren)'s name can be removed from the register. A Unique Pupil Number (UPN) will have been allocated for the child(ren) and it is important therefore for the school and LA to be aware of any changes in case the child(ren) returns to schooling in future.

If the child has never attended school they will not have been allocated a UPN and although there is no statutory requirement for home-educating parents to register their child(ren) with LAs, they are strongly encouraged to do so as this will enable the LA to carry out its duties and responsibilities. Information may be shared with appropriate authorities to ensure the health and well being of young people of compulsory school age. For example the Health Service may be alerted to ensure that your child(ren) benefits from regular wellbeing screening and inoculations.

Costs of home educating

Parents are strongly encouraged to plan ahead and think carefully about the costs associated with educating children at home (especially in the longer term when they may wish to take public examinations).

There are no funds directly available from the Welsh Government for parents who decide to home-educate their children. LAs do not have a duty to provide financial support to parents who choose to home educate their children.

Safeguarding

Parents' electing to educate their child(ren) at home does not mitigate the responsibility of the local authority to safeguard and promote the welfare of all children.

The welfare and protection of all children, both those who attend school and those who are educated by other means, are a paramount concern and are the responsibility of the whole community. As with school educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, these concerns will be referred to the appropriate authorities using established protocols.

Our partner agencies, including the School Health Service, Education and Children's Services and Careers Wales may be notified that you are educating your child(ren) outside the school system.

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. However, the responsibility to ensure that tutors/teachers are suitably qualified and have the required Disclosure and Barring Service (DBS) check rests with parents.

Social Services & Wellbeing Act 2014

In addition to the previously mentioned Acts, the Social Services and Wellbeing Act 2014 places the following duties onto Local Authorities that have links to Elective Home Education:

3) If a local authority has reasonable cause to suspect that a child within its area at any time is a child at risk and is living or proposing to live within the area of another local authority (or a local authority in England), it must inform that other authority.

(4) In this section, "a child at risk" is a child who— (a) is experiencing or is at risk of abuse, neglect or other kinds of harm, and (b) has needs for care and support (whether or not the authority is meeting any of those needs).

(5) For the purposes of this section a relevant partner of a local authority is— (a) a person who is a relevant partner of the local authority for the purposes of section 162; (b) a youth offending team for an area any part of which falls within the area of the authority.

(6) For provision about a local authority's duty to investigate children at risk, see section 47 of the Children Act 1989.

Young Person Advocacy

All young people can have their 'say' and seek advice, guidance and support from the Young People's Advocacy Service. More information can be found at: <http://trosgynnal.org.uk/>

Frequently Asked Questions about Elective Home Education

Is it legal? Yes. Home-Education is legal in all parts of the UK. You do not need to be a teacher or have any other special qualifications.

How do I start? If your child(ren) has never been to school, **there is no action** for you to take prior to starting home education, however, it would be advisable for you to notify the LA. However, if your child(ren) is in school **you must formally de-register by writing to the head teacher** and say that you intend to teach your child(ren) at home.

Can my child return to school?

Yes, you can apply for your child to return to school by completing a School Transfer Form or by calling School Admissions on 01824 708064 or online at www.denbighshire.gov.uk. There is no guarantee that a place will still be available in the previous school that your child attended.

What happens when I withdraw my child(ren) from school? The LA will contact you after they receive a copy of your deregistration letter from the head teacher to obtain information regarding the educational provision you have planned.

Can I home educate a child with a Special Needs Statement? Yes. There is no law prohibiting the home education of statemented children provided they are not attending a special school, in which case you will need the agreement of the LA. However, you need to be able to show that you can provide for these special needs should the LA enquire.

What if my child is in a special school? If your child has special needs and attends a special school, you need agreement from the local education authority to de-register and ensure you can otherwise cater for his or her special needs.

How does compulsory school age affect home educators? As a parent, you must provide an education for your child(ren) during "compulsory school age" (age 5 to 16). The law says that this can be at home. Compulsory education ends on the final Friday of June in the year your child has their 16th birthday.

Will I be checked or monitored in any way? The local authority (LA) will contact you annually to obtain information regarding the provision and to offer support and advice. We will ask you to provide us with information, you can provide evidence your child(ren) is receiving an efficient and suitable education by:

- Writing a report;
- Providing samples of your child(ren)'s work;
- A Local Authority Officer visiting your home with or without your child(ren) being present;
- Meeting a Local Authority Officer at an alternative venue. (By prior arrangement we are more than happy to book a meeting room in one of our Council Offices.

Do I have to teach the National Curriculum? The National Curriculum only applies to state schools. As a home educator it is up to you and your child(ren) **what, how** and **when** you study.

Suggested characteristics of an efficient and suitable education might include:

- Consistent involvement of parent(s) or other significant carer(s);
- Presence of a philosophy or ethos (not necessarily a recognised philosophy), with parents showing commitment, enthusiasm, and recognition of the child(ren)'s needs, attitudes and aspirations;
- Opportunities to support the child(ren)'s literacy and numerical skills;
- The opportunity for the child(ren) to be stimulated by their learning experiences;
- Involvement in a broad spectrum of activities appropriate to the child(ren)'s stage of development;
- Access to appropriate resources and materials;
- The opportunity for an appropriate level of physical activity;
- The opportunity to interact with other children and adults.

Can my child still take exams? Yes, you can arrange for children to take exams as external candidates at local colleges of further education or local schools. You will need to contact the college or school to make enquiries about which exams you would like to sit, the cost and whether it is possible to sit them at the school/college. There are no grants available to cover the costs of examinations. Home educated pupils can also access exams online through IGCSE's. Information on IGCSE's can be found on the following websites:

www.cie.org.uk/.../cambridge-secondary-2/cambridge-igcse/subjects

www.oxfordhomeschooling.co.uk/course/igcse Oxford home schooling is a package which has a cost depending on how many GCSE's your child(ren) is going to take.

In Wales, information is available on the Welsh Government website at <http://new.wales.gov.uk/topics/educationandskills> Information on primary and secondary curriculum and assessment is available through the "Curriculum and Assessment" link. You may also be interested in looking at GCSE at www.gov.uk under education and learning. This site provides information about education, apprenticeships and training for work.

The Careers Wales Service is for all children and young people aged 13-19 living in Wales. It's services and responsibilities cover children and young people who are being educated at home. Information is available on their website at www.careerswales.com

Curriculum online www.curriculumonline.ie/en gives pupils, parents and teachers access to thousands of resources and online activities relevant to Foundation Phase & Key Stage 2, Special Needs and Early Years.

Useful Websites

National EHE Websites:

www.education-otherwise.net

www.edyourself.org

www.ahomeeducation.co.uk

Examination Boards:

www.icq.org.uk

www.wjec.co.uk

Special Educational Needs:

www.HE-special.org.uk

www.bdadyslexia.org.uk

www.autism.org.uk

www.ADHD.org.uk

Resources:

www.tes.co.uk

www.senteacher.org

www.bbc.co.uk

www.curriculumonline.ie

www.gcsescience.com

www.learning.wales.gov.uk

<http://hwb.wales.gov.uk>

Please contact the Inclusion Officer with responsibility for Elective Home Education (Richard Hatwood) on 01824 708064, by email on Richard.hatwood@denbighshire.gov.uk or by post at Education & Children's Services, Level Three, County Hall, Ruthin. LL15 1YN should you require any further information.