

## **WOKINGHAM POLICY RE: ELECTIVE HOME EDUCATION (EHE)**

### **Also known as Education Other Than At School (EOTAS)**

#### **Wokingham Context**

In Wokingham Borough Council, responsibility for Elective Home Education (EHE) sits within Children's Services, in the Virtual School Team. The Virtual School champions the education of particular groups of pupils across the Borough. The EHE team consists of an Administrator and an Education Coordinator (the named officer responsible for Elective Home Education), overseen by the Virtual School Head Teacher.

Wokingham Borough Council is keen to develop supportive and positive working relationships with all parents/carers of children who are home educated. Our aim is to ensure that policy and procedures regarding home education are easily understood, fair and non-intrusive. Wokingham Borough Council has the same high aspirations for the achievement of children who are electively educated at home as for all other children and young people.

#### **The Law**

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

Article 2 of Protocol 1 of the European Convention on Human Rights states that:

*"No person shall be denied the right to education. In the exercise of any functions 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."*

All parents/carers can choose to educate their children at home should they wish to do so. Section 7 of the Education Act 1996 states that:

*"The parent of every child of compulsory school age shall cause him/her to receive efficient full time education suitable-*  
*(a) to his/her age, ability and aptitude, and*  
*(b) to any special educational needs he/she may have, either by regular attendance at school or otherwise".*

"Efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been 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/she 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."

Wokingham believes that school-based education provides a broad and balanced curriculum, which promotes social development, moral and spiritual awareness and equal opportunities. However, Wokingham also values other educational provision available for children, including those arrangements made by parents through Elective Home Education (EHE). It is recognised that there are many approaches to educational provision and what is suitable for one child may not be for another. The provision will reflect the home educator's philosophy, approach or framework for the education of their child.

#### **The Role and Responsibilities of the Parents**

Parents may elect to home educate their child from a very early age so the child may never be enrolled at school. They can also choose to exercise their right to home educate at any other stage up until the end of compulsory school age. Compulsory school age starts at the beginning of the term after the child turns 5. Compulsory school age ends on the last Friday in June during the academic year in which the child turns 16.

Parents are not required to register or seek approval from the Local Authority to educate their children at home. If a child is currently on a school roll, parents must inform the school **in writing** of their intention to home educate and request the removal of the child from the school roll.

Parents who decide to educate their children at home must assume full financial responsibility, including the cost of any public examinations. The Local Authority will provide advice and support as resources allow.

Parents who employ others to educate their child at home are strongly advised to ensure that such people are deemed suitable to have access to children. References should be taken up and in some cases, upon request, Wokingham Borough Council will assist by undertaking a DBS (Disclosure and Barring Service) check free of charge. This practice is endorsed by the Department for Education.

Although there is no specific legal requirement to do so, parents are encouraged to:

- notify the LA when they elect to educate their children at home.
- provide information when the LA asks for information about a child's education.

Parents are asked to provide information that would persuade a reasonable person that the child is being educated effectively, such as plans, records of their child's work and progress made as well as professional reports in some instances.

### **Children with Special Educational Needs**

Parents/carers of a child with Special Educational Needs can also educate them at home. However, if on roll at a special school, their name can only be removed with consent from the Local Authority. Consent may not unreasonably be withheld and Wokingham Borough Council's statutory duty to undertake annual reviews for children with Education, Health and Care Plans (EHCPs) continues even when they are home educated as laid out in the SEND Code of Practice.

The Education (Pupil Registration) Regulation 9(2) 1992 states:

*"a child who has under arrangements made by a Local Authority become a registered pupil at a Special School shall not be removed from the admission register of that school without the consent of the Authority or, if that Authority refuses to consent, without a direction of the Secretary of State".*

The LA has a duty to maintain a child's EHCP and to review it annually. Parents are welcome to attend the annual review but are not obliged to attend.

Where the child's Special Education Needs have been related to a school setting and those needs are being readily met at home without Local Authority supervision then consideration will be given to ceasing to maintain the Education, Health and Care Plan. Should parents/carers attempts to educate their child at home fall short of meeting the child's needs then the Local Authority is not absolved of their responsibility to arrange provision in the EHCP. In such circumstances Wokingham Borough Council will "consider providing access to additional resources or treatments where appropriate".

Where the LA is not satisfied that provision is sufficient to meet the needs identified in the EHCP, the SEND team will determine whether it is appropriate to make provision under Section 319 of the Education Act 1996. As a general rule, no funds are available to support the EHCP other than in exceptional circumstances as in most instances the LA will have identified a school placement where all the needs set out in the EHCP can be met.

Parents/carers educating their child at home may ask their Local Authority to carry out a statutory assessment or re-assessment of their child's special educational needs. Wokingham LA will consider any such request within the same statutory timescales and in the same way as for all other requests.

## **The Role and Responsibilities of the Local Authority**

Wokingham Borough Council has a statutory duty under Section 436A of the Education Act 1996 (inserted by the Education and Inspections Act 2006), to make arrangements to enable it to establish the identities of children in their area not in receipt of a suitable education, as far as it is possible to do so.

Wokingham Borough Council maintains a written policy statement regarding Elective Home Education which is regularly reviewed in consultation with local EHE families and other key stakeholders, such as schools. Wokingham Borough Council also provides written guidance to parents who decide to home educate and the complaints procedure will also be shared with all parents. Wokingham Borough Council employs a named officer responsible for Elective Home Education, who is available to offer advice and support to all families registered as EHE within the Borough.

Wokingham Borough Council maintains a database of all children known to be home educated by parents/carers. This enables a record of all contact made with parent/carer and child to be kept and it also ensures that when a truancy sweep is undertaken by Police and The Education Welfare Service that no formal action is necessary. When a child registered as EHE in Wokingham moves out of borough, the EHE Officer will inform the new Local Authority.

Wokingham Borough Council has no statutory duty in relation to monitoring the quality of home education on a routine basis. However, under Section 437(1) of the Education Act 1996, Wokingham Borough Council will intervene **if it appears that parents are not providing a suitable education.**

*“If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a 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 notice period given by Wokingham Borough Council shall not be less than 15 working days, beginning on the day that the notice is served, as provided in Section 437(2) of the Act.

Prior to service notice under Section 437(1), Wokingham Borough Council will attempt to address the situation informally. This would normally be by telephone, email, letter or meeting. If none of these address the situation, Wokingham Borough Council will send a written informal request for information about the education being provided to the parents with a 4 week notice period to respond. The information submitted by the parents can take any form, for example, written reports, diaries, examples of work, photographs, art work, etc.

Section 437(3) states that:

*(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local education authority within the period specified within the notice that the child is receiving suitable education, and*

*(b) in the opinion of the authority it is expedient that child attend school,*

*the authority shall serve on the parent an order...requiring him/her to cause the child to become a registered pupil at a school named in the order.”*

Please see the Procedures section for more information regarding School Attendance Orders.

## **Safeguarding**

Under Section 175(1) of the Education Act 2002 Wokingham Borough Council has a duty to safeguard and promote the welfare of children.

*“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”.*

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). Wokingham Borough Council recognises that Elective Home Education in itself is not a safeguarding risk.

When a child becomes home educated, Wokingham Borough Council will make every effort to determine whether there are any current safeguarding concerns regarding that child. The EHE team will liaise with other professionals or agencies involved in the safeguarding of the child, such as schools, Social Care, Education Welfare, Children Missing Education, the Traveller Education Service or the Special Educational Needs Team, for example.

Should the EHE officer have grounds for concern for the welfare of any child known to Wokingham Borough Council as being home educated, the officer will discuss these with the parents in the first instance. If appropriate, a referral may be made to Social Care or other appropriate agency.

## **PROCEDURES**

**Please see the Process Flow Chart at the end of this document for further clarification.**

When written notification of intention to home educate is received by a school, it should be copied to the Education Welfare Service within 10 working days along with a referral form.

The Education Welfare Service will undertake the following procedures upon notification from schools:-

- Write to parents/carers to confirm their contact details and send a home education guidance document
- Update records accordingly
- Inform the Elective Home Education Officer of contact details.

The EHE Officer will check for involvement of other agencies/professionals and liaise as appropriate. The EHE Officer will then contact parents/carers and request a meeting within 12 weeks (prioritising families with concerns) thus giving sufficient time for a suitable education to be put in place. Parents are not legally obliged to allow a home visit and can submit evidence of a suitable education to the EHE Officer at any time, in whatever form they wish. Parents do not have to engage with the EHE team, but it would be sensible for them to do so.

During the meeting with parents/carers, the EHE Officer will assess the suitability of education being provided and is also able to provide advice and guidance regarding home education and any matters relating to this. Following any meeting, the officer will write to the parents to confirm that provision is suitable and enclose a copy of the visit report.

In the vast majority of cases, where education is deemed suitable, annual visits will be requested. Parents can request higher levels of contact and extra support at any time. Once the LA is satisfied that suitable educational provision is being made for a child who is home educated, the question arises as to what further action, if any, is required.

Although the EHE guidelines indicate that LAs have no statutory duties in relation to monitoring the quality of home education on a routine basis, we are required by Section 436A of the Education Act 1996 to "make arrangements" to enable us to identify, so far as it is possible to do so, children whose home education is unsatisfactory. The guidance for that duty states;

*"The purpose of the duty is to make sure that children not receiving, or at risk of not receiving, a suitable education are identified quickly, and effective tracking systems and support arrangements are put in place .....a speedy response when problems are first identified is crucial to implementing this duty. The longer a child misses out on education, the more likely those problems will become entrenched, and the more difficult it can be to respond effectively to their needs. Early intervention will enable the local authority and other partners in the Children's Trust to ensure that action is taken to provide any child identified with a suitable education ..."*

We are therefore clear that the follow up arrangements we have in place for EHE form a distinct and necessary part of the LA's arrangements for being able to determine that appropriate provision continues to be made for children whose parents have elected to home educate. This allows us to discharge our obligation to "make arrangements" to identify children whose home education is unsuitable or which has, over time, become unsuitable.

Where a visit has been agreed, if the parent is not available when the EHE Officer calls at the arranged time, he/she will leave a compliment slip and subsequently write requesting the parent to make contact so as to re-arrange the visit or suggest alternative arrangements for providing information regarding their child's education. This is an informal request for information.

### **Unsuitable Education or Failure to Provide Education**

Should parents fail to respond to the EHE Officer after three attempts to make contact and an informal request for information letter, the EHE team will refer the case to the Children Missing Education (CME) officer for consideration of further action. If there is evidence to suggest that the child is receiving no education at all, this will also result in a referral to CME. The parents will be informed by the EHE Officer of any such referral in writing. The child will remain on the CME register until it can be determined that the child is receiving a suitable education.

Where Elective Home Education is deemed insufficient, the EHE Officer will discuss this with the parents and agree a plan for improvement. The EHE Officer will also discuss the matter with the Virtual Head Teacher. The officer will then write to parents advising them of the concerns and confirming the agreed plan for improvement. A further meeting will be requested within 4-6 weeks to review the plan and assess suitability of the education provision. When a time limit is imposed, every effort will be made to ensure both the parents and EHE Officer are available throughout the period. Deadlines issued will not expire during school holidays.

If education is still unsuitable at the first review meeting, further improvements will be agreed and a second review meeting held within 4-6 weeks. Should evidence of a suitable education not be forthcoming in the second review meeting then consideration will be given to the issuing of a School Attendance Order.

### **School Attendance Orders**

A School Attendance Order (SAO) would be served after all reasonable steps have been taken to resolve the situation. An SAO is considered as an instrument of last resort. The parents/carers will be given a reasonable time and opportunity to explain or improve education arrangements (1996 Education Act, Section 437-443). Meetings will be offered to parents/carers, however, if sufficient evidence is not provided a School Attendance Order may be activated, but only after parents/carers have been given a clear recommendation that a return to a school would be appropriate. A preference for a particular school will be offered to parents, following consultation with School Admissions.

Parents may present evidence of a suitable education to Wokingham Borough Council at any point following the issue of the order and apply to have the order revoked. If Wokingham refuses to revoke the order, parents can follow the complaints procedure in the first instance and then refer the matter to the Secretary of State. If Wokingham Borough Council prosecutes parents for not complying with the School Attendance Order, it will be down to the court to decide whether or not the education being provided is both suitable and efficient.

### **Ceasing Elective Home Education**

When children return to school, move Local Authority or are no longer of statutory school age, they will be removed from the Wokingham Borough Council EHE register.

An EHE Leaver's Evaluation Form will be sent to every young person who reaches statutory school leaving age in order for them to comment upon the education they have received at home and the level of support that the LA has offered

them. Completion and return of this form is entirely voluntary, but we would encourage EHE children to take this opportunity to reflect and report on their experience of EHE. It will be an opportunity for them to tell the LA what they will be doing in the future and to suggest improvements to procedures to support elective home educators. In this letter, families will also be informed of the services at Elevate, who can provide careers support and advice as well as help applying for Post-16 courses, apprenticeships or jobs.

### **Complaints**

Wokingham Borough Council aims to work in partnership with parents/carers who have chosen to educate their child(ren) at home. It also looks to develop good working relationships along with providing advice, guidance and support as necessary. Should a complaint arise, however, in the first instance contact should be made with the EHE Officer, preferably in writing. If the response is not considered to be satisfactory or your complaint relates to the actions of the EHE Officer, contact should be made with the Virtual School Head Teacher either by telephone or in writing to:-

The Virtual School Head Teacher  
Highwood Annexe  
Fairwater Drive  
Woodley  
RG5 3RU

NB. Some of the text in this document has been taken directly from “Elective Home Education: Guidelines for Local Authorities” published by the Department for Children, Schools and Families (updated 2013 edition). This can be found on the DCSF website: [www.dcsf.gov.uk](http://www.dcsf.gov.uk)