



# **WOKINGHAM BOROUGH COUNCIL**

## Elective Home Education Policy

UNCLASSIFIED

**Document Control Information**

Title: Elective Home Education Policy

Date: August 2020

Review date: August 2021

Version: 2

Classification: Unclassified

Owner: Melissa Perry, Principal Education Welfare Officer

<b>Version</b>	<b>Date</b>	<b>Description</b>
Version 1	March 2018	Policy originally produced in March 2018.
Version 2	August 2020	Policy refreshed throughout and updated to reflect the Department for Education’s guidance on Elective Home Education (April 2019).

## CONTENTS

<b>Executive Summary</b>	<b>4</b>
<b>Policy Context</b>	<b>5</b>
1. Introduction	5
2. The Wokingham Context	6
3. The Law and Suitability of Educational Provision	6
4. Roles and Responsibilities	7
4.1. Parents	7
4.2. Wokingham Borough Council	8
4.3. Schools	9
5. Special Educational Needs and Disabilities	9
6. Safeguarding	10
7. Procedures	11
7.1. Unsuitable Education and Failure to Provide Information	11
8. School Attendance Orders	12
9. Ceasing Elective Home Education	13
10. Post-16 Provision	13
11. Complaints	14
12. Contacts	14
<b><i>Appendix A: Elective Home Education Process Flowchart</i></b>	<b>16</b>

## Executive Summary

Wokingham Borough Council has statutory oversight for children and young people's education, employment and training up to the age of 18.

Wokingham Borough Council recognises the right of all parents to choose to educate their child at home and aims to develop positive and supportive working relationships with families of school-aged children who are being home educated.

The Council is committed to understanding approaches to home education by outcomes, not on the basis that a different way of educating children must be wrong. It recognises that there are many approaches to educational provision and that the suitability of education varies from child to child – depending on their individual ability, aptitude and needs.

Regardless of where a child is being educated, if it is not clear that a child is in receipt of a suitable education, the Council will take all reasonable steps to engage with the family to satisfy itself that provision is suitable. In cases where educational provision is unsuitable and fails to improve, Wokingham Borough Council has a duty to act to remedy the position – including through the use of safeguarding powers, where necessary.

As parents have for their own children, the Council has high aspirations for the educational outcomes of children and young people across the Borough and is committed to championing their rights to ensure they have fair access to suitable, effective full-time education which gives them the opportunity to fulfil their potential.

Overall legal responsibility for a child's education rests with their parents, however the Council has moral, social and statutory duties to ensure that education is suitable and there are no risks to the child's welfare.

This document sets out the various roles and responsibilities in relation to Elective Home Education and outlines Wokingham Borough Council's policy and procedures.

*Any questions or concerns about the contents of this policy should be raised with the Quality Assurance and Policy Team via email at: [ImpactAndInspectionTeam@wokingham.gov.uk](mailto:ImpactAndInspectionTeam@wokingham.gov.uk).*

## Policy Context

This policy is underpinned by national legislation and guidance:

- *Elective Home Education, Department for Education Guidance (April 2019)*
- *School Attendance, Department for Education Guidance (July 2019)*
- *European Convention on Human Rights (Article 2 of Protocol 1, Article 8)*
- *Education Act 1996, Sections 7, 319, 436A (inserted by the Education and Inspections Act 2006) and 437-443*
- *Education (Pupil Registration) Regulation 9(2) 1995*
- *Education Act 2002, Section 175(1)*
- *Children Act 1989, Sections 17 and 47*
- *Education (Pupil Registration) (England) Regulations 2006*
- *SEND Code of Practice: 0 to 25 years*
- *Children and Families Act 2014, Section 42(2), Section 61*
- *School Attendance Parental Responsibility Measures, Department for Education Statutory Guidance (January 2015)*
- *Data Protection Act 2018*
- *General Data Protection Regulation (GDPR)*

It should be read in conjunction with other local procedures:

- *Children Missing Education (CME) Policy*
- *Wokingham Borough Council Levels of Need and Thresholds Guidance*

Systems affected and used to store information:

- CAPITA ONE
- MOSAIC
- Elective Home Education (EHE) Spreadsheet
- Child's Individual Files

***This policy applies to all Wokingham Borough Council staff and external partner agencies (e.g. Health and Police) who have contact with compulsory school-aged children; and parents and their children, where they are of compulsory school age and education is accessed at home. The term 'parents' should be taken to mean those with parental responsibility for the child.***

### 1. Introduction

All children have the right of fair access to a suitable and effective full-time education, however there is no legal requirement for this to take place in a school setting. Families are

permitted to provide an education for their children at home if they choose to do so, rather than sending them to school full-time (Section 7 of the Education Act 1996). This is referred to as Elective Home Education (EHE).

Where families elect to home educate, Wokingham Borough Council is committed to developing positive and supportive working relationships with them. This forms part of the Council's duty to ensure the needs of all children and young people are met – and enables safeguarding responsibilities to be fulfilled.

This policy aims to:

- Set out a clear, fair and proportionate procedural approach in relation to elective home education for professionals and families.
- Demonstrate that Wokingham Borough Council is committed to developing positive, supportive and respectful working relationships with all parents of school-aged children who are being home educated, without impeding families' right to home educate.

### **2. The Wokingham Context**

The Council's Virtual School and Education Welfare Service has responsibility for championing educational outcomes across the Borough. Within the Service, the Education Officer is the named officer responsible for EHE policy and procedures, who is available to offer advice and support to all families registered as EHE within the Borough, overseen by the Principal Education Welfare Officer.

Wokingham Borough Council is committed to working with partner agencies to raise awareness of EHE and associated policies/procedures and is working with local partners (e.g. Health bodies, GPs and Social Care) to develop information sharing protocols to ensure that the most accurate reflection of children not attending school is generated. The Education Officer arranges training on the law and diversity of EHE methods for all Council staff and external partners who come into contact with home education.

### **3. The Law and Suitability of Educational Provision**

The Council is committed to understanding approaches to EHE by outcomes, not on the basis that a different way of educating children must be wrong.

Section 7 of the Education Act 1996 requires parents to provide an efficient, full-time education which is suitable to the age, ability and aptitude of the child and any special educational needs the child may have. There is no legal definition of what constitutes such education, or a legal requirement for parents to follow the National Curriculum, therefore Wokingham Borough Council will follow national guidance and use professional opinion to judge the suitability of home education on a case-by-case basis.

The following will be taken into account when assessing the suitability of home education:

- EHE should enable a child to participate fully in life in the UK by including sufficient secular education.
- The Council will interpret suitability in light of its general duties, particularly in relation to:
  - Section 13 of the Education Act 1996, relating to the development of their community.
  - Section 175 of the Education Act 2002, requiring that education functions are exercised with a view to safeguarding and promoting the welfare of children.
- The fundamental right to an effective education (Article 2 of Protocol 1 of the European Convention of Human Rights), which achieves what it sets out to achieve.
- The individual child's ability and aptitude.
- The need for provision to ensure socialisation.
- The environment in which home education is being provided.
- Education should take up a significant proportion of the child's life, with allowances for holiday periods.
- There are many approaches to educational provision and what is suitable for one child may not be for another. The provision will likely involve variation and flexibility in the type of educational activity and when it is undertaken – reflecting the home educator's philosophy, approach or framework for the education of their child.

#### **4. Roles and Responsibilities**

##### **4.1. Parents**

The responsibility for a child's education rests with their parents. In England, all parents have the right to educate their child at home, should they wish to do so (Section 7 of the Education Act 1996).

Before electing to home educate, parents should consider the time, resource and energy they will need to dedicate to the child's education. Consideration should also be given to involving the child in the decision-making process.

Families should provide education that is of a satisfactory standard from the outset. Where families choose to home educate, parents assume full financial responsibility for the child's education – including bearing the cost of any public exams.

Parents may elect to home educate their child from a very early age so the child may never be enrolled at a 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 and ends on the last Friday in June during the academic year in which the child turns 16.

There is no legal requirement for parents to inform Wokingham Borough Council of their intention to home educate. However, the Council encourages parents to:

- Notify Wokingham Borough Council when they elect to educate their child at home.
- Respond to informal requests made by Wokingham Borough Council for information about the child's education. Parents are asked to provide information such as plans, records of work and progress made, to satisfy the Council that a suitable and effective education is being provided.

Where a child is currently on a school roll, parents should inform the school, in writing, of their intention to home educate and request the child's removal from the school roll. This is not a legal requirement, however it will prevent prosecution for the child's non-attendance at a school where they are technically still on roll.

If parents employ others to educate their child at home, it is recommended they ensure that such people are qualified and suitable to have access to children, including requesting Disclosure and Barring Service (DBS) checks.

Parents can submit evidence that a suitable education is being provided to the Education Officer at any time, in any format.

#### **4.2. Wokingham Borough Council**

Wokingham Borough Council recognises that home education is a key aspect of parental choice and is equal, in law, to education provided at school. The Council is committed to working with and supporting families who choose to home educate by providing advice and guidance, where requested – including exploring possible alternatives to suit families' individual needs.

Local authorities are not required to monitor the quality of home education on a routine basis. However, the Council has a statutory duty to make reasonable arrangements that enable it to establish the identities of children within the local authority area who are not in receipt of a suitable education (Section 436A of the Education Act 1996). Initially, the Council will request information informally from parents to determine whether the education provided satisfies legal requirements.

Where it is unclear to the Council how/if a suitable education is being provided, it will serve a 'notice to satisfy' to parents requiring them to provide evidence to that effect (Section 437(1) of the Education Act 1996). 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. If parents fail to satisfy the Council that a suitable education is being provided, or the Council believes it is expedient that the child should attend school, then it will serve a School Attendance Order (see **Section 8**).

Wokingham Borough Council maintains and regularly reviews its Elective Home Education Policy. The Council also provides written guidance to parents who decide to home educate, along with details about the Council's complaints procedure.

While responsibility for a child's education rests with parents (Section 7 of the Education Act 1996), the Council has statutory oversight of the education, employment and training of young people up to the age of 18. In order to satisfy itself that parents are meeting their statutory duty, the Council maintains a database of all children known to be home educated, which is held under Article 6(e) of the GDPR (Public Task Basis). This enables a record of all contact made with parents and children to be kept and ensures that when a truancy sweep is undertaken by the Police and Education Welfare Service that no formal action is necessary. The objective of the database is not for the Council to interfere with parents' right to home educate, but is to help ensure that every child within the Borough is in receipt of a suitable education.

When a child registered as EHE in Wokingham moves out of the Borough, the Education Officer will inform the new local authority.

### **4.3. Schools**

When written notification of an intention to home educate is received by a school, the school must submit a copy of this notification to the Education Welfare Service, accompanied by a *CME and Pupil Exit Referral Form* (available via the Wokingham Schools Hub), without delay.

Schools have a duty to inform the local authority of all deletions from the admissions register outside of standard transition times. Standard transition times are identified as the point when a child is enrolled at a school at the beginning of compulsory school age; between Years 1 and 2; and between Years 6 and 7.

## **5. Special Educational Needs and Disabilities**

Parents of a child with Special Educational Needs and Disabilities (SEND) have an equal right to elect to home educate. However, if on roll at a special school under arrangements made by the local authority, the child's name can only be removed from the admissions register with consent from Wokingham Borough Council. If the Council refuses to give its consent, then consent may be granted at the Secretary of State's direction.

Where parents provide education at home for a child with SEND who has an Education, Health and Care Plan (EHCP), Wokingham Borough Council still has a statutory duty to maintain the EHCP and undertake annual reviews. Parents are welcome to attend annual reviews, but are not obliged to do so.

If the home education being provided for a child who has an EHCP is suitable, Wokingham Borough Council has no duty to arrange any special educational provision for that child. Where this is the case, the EHCP will simply set out the type of provision that the Council determines the child requires and state that parents have made their own arrangements under Section 7 of the Education Act 1996. Wokingham Borough Council will continue to monitor the suitability of the home education and ensure that the special educational provision specified in the EHCP is made available if the home education becomes unsuitable.

Should parents educating their child at home request a statutory assessment or reassessment of their child's SEND, Wokingham Borough Council will follow the same process as for all other requests. *See Wokingham Borough Council's [Local Offer for 0-25 Year Olds with SEND](#) for further details.*

Where parents and the Council agree that home education is the correct provision for a child with an EHCP, it should be clearly recorded in the EHCP that the child will be educated at home. Where this is the case, the Council will arrange the special educational provision set out in the plan, in consultation with parents. However, Wokingham Borough Council does not class this as EHE.

### **6. Safeguarding**

Wokingham Borough Council has the same safeguarding responsibilities for children educated at home as for other children.

The Council recognises that EHE alone does not constitute a safeguarding risk, however, when a child becomes home educated, the Education Officer will liaise with relevant family members, professionals and agencies to determine whether there are any current safeguarding concerns for the child.

Where there are grounds for concern over the child's welfare, the Education Officer will discuss this with the parents in the first instance. Wokingham Borough Council is permitted to insist on seeing the child and will exercise its powers under safeguarding law, where this is deemed necessary to address a risk to the child's welfare (e.g. referral to Children's Social Care). This will be in line with Wokingham Borough Council's [Levels of Need and Threshold Guidance](#).

## **7. Procedures**

### ***See Appendix A: Elective Home Education Process Flow Chart***

Upon notification of the intention to home educate being received from a school, the Education Welfare Service will write to parents to confirm their contact details; send parents a home education guidance document; and update Wokingham Borough Council's records accordingly. The Education Officer will check for the involvement of other agencies/professionals and liaise with them as appropriate – in line with information sharing protocols.

The Education Officer will contact parents to arrange a home visit within 12 weeks of receiving notification of the intention to home educate from the school – prioritising families where concerns are highlighted through the Education Welfare Service's initial checks. Parents are not legally obliged to allow a home visit or engage with the EHE Team, however they are encouraged to do so to enable the Council to satisfy itself that an efficient and suitable education is being provided.

During a home visit, the Education Officer will assess the suitability of the education being provided and offer advice/guidance around home education. Following the visit, the Education Officer will complete a report, which will be shared with parents and indicate whether the educational provision is deemed to be suitable.

Where a home visit has been agreed, but parents are not available when the Education Officer arrives, a compliment slip will be left and the Education Officer will write an informal request for information letter to the family to rearrange the visit or suggest alternative arrangements for providing information about the child's education.

If, following a home visit, the child's education is deemed suitable then annual home visits will be requested to ensure continuing suitability of provision – however parents can request more frequent contact and extra support (e.g. advice and guidance on curriculum or SEND, information on further education and examinations, additional funding, etc.) at any time.

#### **7.1. Unsuitable Education or Failure to Provide Information**

In cases where parents fail to respond to the Education Officer after 3 attempts to make contact, an attempted home visit and an informal request for information letter, a referral will be made to the Children Missing Education (CME) Officer to consider any further action. A referral to the CME Officer will also be made in cases where there is evidence to suggest that a child is not receiving any education. Parents will be informed in writing of any such referral.

Where a referral to the CME Officer is made, the child will remain on the CME register until it can be determined that they are receiving a suitable education. The CME Officer will attempt to contact the family to arrange a joint home visit with the Education Officer and may serve a 'notice to satisfy' to the parents, which must be responded to within 15 working days.

If evidence is not provided to satisfy the Council that the child is receiving a suitable education, a referral will be made to Children's Social Care and a School Attendance Order will be issued (*see Section 8*).

In cases where education provided at home is deemed insufficient, the Education Officer will agree a plan for improvement with the parents and discuss this with the Virtual Head Teacher. The Education Officer will then write to the parents outlining the concerns and confirming the agreed improvement plan. A meeting will be requested within 4-6 weeks, at a mutually convenient time, to review the plan and reassess the suitability of the educational provision. If the educational provision is still deemed unsuitable at the first review meeting, further improvements will be agreed and a second review meeting will be held within 2 weeks. If the educational provision is still deemed unsuitable at the second review meeting, consideration will be given to issuing a School Attendance Order.

### **8. School Attendance Orders**

A School Attendance Order (SAO) is a notice which is served to parents, requiring them to register their child at a named school. A SAO will only be issued if, after all reasonable steps have been taken by Wokingham Borough Council and parents have been given reasonable time and opportunity to explain or improve education arrangements, the educational provision remains unsuitable.

Meetings will be offered to parents prior to a SAO being served, however it may be activated if sufficient evidence is not provided to satisfy the Council that a suitable education is being provided.

Parents may present evidence of a suitable education to the Council at any point following the issue of the SAO and apply to have it revoked. Where the Council refuses to revoke the order and parents are dissatisfied with this, they should follow the complaints procedure in the first instance. If the parents remain dissatisfied after exhausting the complaints process, they should refer the matter to the Secretary of State.

Regardless of whether or not parents have sought revocation and intervention by the Secretary of State, if they do not comply with the SAO then Wokingham Borough Council will consider prosecution. Where prosecution occurs, the Court will determine the suitability and

efficiency of the education being provided. This could involve the Court issuing a Parenting Order.

Wokingham Borough Council may consider seeking an Education Supervision Order (ESO) in addition, or as an alternative to prosecution to give the Council a formal supervisory role in the education of the child, by imposing a duty on parents to allow the local authority reasonable contact with the child.

A SAO will only be served where Wokingham Borough Council considers that the child's return to school would be appropriate. Where it is considered appropriate, School Admissions will be consulted and parents will be offered the opportunity to submit a preference for a particular school.

## **9. Ceasing Elective Home Education**

When children return to school, move outside of the local authority area, or are no longer of compulsory school age, they will be removed from the Wokingham Borough Council EHE register.

Where young people who have been home educated reach compulsory school leaving age, the Council will send them an EHE Leaver's Evaluation Form asking them to provide feedback on the education they have received and the level of support offered by the local authority. Completion of the form is voluntary, but responses will assist Wokingham Borough Council in making improvements to procedures that support EHE.

The EHE Leaver's Evaluation Form will be accompanied by a letter signposting families to Elevate, which provides careers support and advice, along with assistance applying for Post-16 courses, apprenticeships and jobs.

## **10. Post-16 Provision**

It is a legal obligation for all young people in England to continue in education or training until at least their 18<sup>th</sup> birthday. They must therefore participate in one of the following post-16 options:

- Full-time education (e.g. school, college, or home education).
- Apprenticeship.
- Full-time employment with formal learning

Wokingham Borough Council has oversight of children and young people's education up to the age of 18, to ensure that suitable provision is in place. Therefore, parents may be

contacted by the Not in Education, Employment or Training (NEET) Prevention Team to enquire about the status of young people and provide support if necessary.

## 11. Complaints

Wokingham Borough Council is committed to developing good working relationships with parents who choose to educate their child at home and providing advice, guidance and support, as necessary. However, where parents have a complaint, in the first instance they should contact the Education Officer. If parents are not satisfied with the Education Officer's response, or the complaint relates to the Education Officer, they should contact the Principal Education Welfare Officer, who can also signpost to the Council's complaints process, where necessary.

## 12. Contacts

Key contacts in relation to EHE are provided below:

Education Officer	Learning & Achievement Partnership Alder Grove Church of England Primary School Alder Grove Shinfield RG2 9RA Tel: 0118 974 6055
Principal Education Welfare Officer	Alder Grove Church of England Primary School Alder Grove Shinfield RG2 9RA
Special Educational Needs and Disabilities Team	Learning & Achievement Partnership Alder Grove Church of England Primary School Alder Grove Shinfield RG2 9RA
NEET Prevention Team	Learning & Achievement Partnership Alder Grove Church of England Primary School Alder Grove Shinfield RG2 9RA Tel: 07710 117650 Tel: 0118 974 6900

## Elective Home Education Policy

Admissions Team	Shute End Wokingham RG40 1BN Tel: 0118 974 6000
Children's Social Care	Shute End Wokingham RG40 1BN Tel: 0118 908 8002

**Appendix A: Elective Home Education Process Flow Chart**

