

WIRRAL COUNCIL

ELECTIVE HOME EDUCATION POLICY

2019

## 1. INTRODUCTION

- 1.1 Elective home education is a term used to describe a choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time. This is different to education provided by a local authority otherwise than at a school - for example, tuition for children who are too ill to attend school.
- 1.2 Wirral Council is firmly committed to ensuring that children who are educated at home are safeguarded and supported with their education. In this regard, we have developed robust procedures to ensure there is contact and education oversight to ensure children can progress and achieve their potential.

## 2. PURPOSE OF THE POLICY

- 2.1 This document aims to clarify Wirral Borough Council's policies and procedures in place for when parents choose to educate their school age child at home. This document will set out the statutory duties of the Wirral Borough Council and schools in relation to home educated children. This document will enable Wirral Borough Council to comply with its duties towards children and young people living in Wirral whose parents have elected to educate them otherwise than at school. Within this document the term parent refers to parent, carer or legal guardian.

## 3. THE LAW

- 3.1 The responsibility for children's education rests with their parents. In England, education is compulsory, but going to schools is not. State-funded education is made available within Wirral for all children of compulsory school age whose parents request it. The law is set out in the European Convention of Human Rights and the Education Act 1996.
- 3.2 Wirral Borough Council recognises that parents have the right to home educate in line with Section 7 of the Education Act 1996:

*"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."*

- 3.3 Although the type and level of education is not defined within the Education Act 1996, there is a legal case. In the case of *R v Secretary of State for Education and Science, (ex parte Talmud Torah Machzikei Hadass School Trust 1986)*, education is described as an activity that 'achieves that which it sets out to achieve' and '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 life to adopt some other form of life if he wishes to do so.'

## 4. PARENTAL RIGHTS AND RESPONSIBILITIES

- 4.1 Parents have several responsibilities in relation to supporting their children who are educated at home:

- Parents are responsible for ensuring that their children receive suitable education.
- Parents may exercise the right to home educate their child.
- Parents may exercise their right to home educate their child at any time up to the end of compulsory school age. They may elect to never enrol their child at a school.
- Parents must that their child is in receipt of suitable full-time education, but this does not require formal timetabling nor need to take place within a formal education setting.

- 4.2 Although parents must provide education which is in line with section 7 of the Education Act 1996 (see section 1.2 above), there is flexibility in the way that this education is delivered. Wirral recognises the following for parents, but these are not required nor limited:

- Teach to the latest version of the National Curriculum
- Have set hours within a timetable
- Assess progress and develop objectives including marking work completed by the child
- Include peer group socialisation

- 4.3 Parents do not need to be qualified teachers to home educate their child.

## 5. NOTIFICATION TO ELECTIVELY HOME EDUCATE

- 5.1 If the child is currently on a school roll, the school must be notified in writing by the parent, that the child is being taken out of the school.

- 5.2 There is no legal obligation on parents to provide such notification, either in writing or otherwise.

- 5.3 Parents are legally obliged to inform Wirral in the following circumstances;

- If the school in question is a special school and the child is attending under LA arrangements.
- If the child is currently enrolled at a school in accordance with a school attendance order.

- 5.4 Parents who elect to educate their child at home will be taking on full financial responsibility for their child's education. By this, the parent will be responsible for any costs of private tuition, additional activities and entry to any public examinations.

- 5.5 There are no funds available from Central Government or the local authority for parents who elect to home educate.

## 6. WIRRAL BOROUGH COUNCIL RESPONSIBILITY

- 6.1 As set out in s.13A of the Education Act 1996, Wirral Borough Council "... must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—  
(a) promoting high standards,  
(b) ensuring fair access to opportunity for education and training, and  
(c) promoting the fulfilment of learning potential by every person to whom this subsection applies."
- 6.2 The DfE states that "Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.."
- 6.3 Section 8(1) (d) and 13 (3) of the Education (Pupil Registration) Regulations 2006 state that: Headteachers must inform the local authority when they have been notified by a parent that a child will be home educated.
- 6.4 The school must keep the EHE child's school file. This file can be requested by the child's parent.
- 6.5 When notified, schools are required to notify Wirral's Education Social Welfare Service in writing detailing any involvement from Social Care, SEND and any concerns about the child /young person that the child may have.
- 6.6 Although there is no legal obligation for a parent to allow the LA access to the home, where the LA has any reasonable cause for safeguarding concern the LA will expect to see the child, usually in the main venue the education takes place. A refusal to allow a visit can in some circumstances justify service of a notice under s. 437(1). A referral may then be made to the Multi Agency Safeguarding Hub (MASH). An enquiry then may be considered to establish if the child is at risk.
- 6.7 Wirral will make reasonable action to find out so far as possible whether home educated children are receiving suitable full-time education to fulfil Wirral's statutory duty under s.436A of the Education Act 1996.
- 6.8 Schools must not persuade parents to home educate their child in order to remove them from the school register, as a way of avoiding an exclusion, because the child has a poor attendance record, or the child has poor academic achievement.

## 7. WIRRAL BOROUGH COUNCIL ARRANGEMENTS

- 7.1 Responsibility for monitoring the welfare and progress about children electively home educated in Wirral is with the Council's Attendance Service. In such circumstance, once notification has been received that the child is being home educated, the child's name is then removed from the school roll and placed on the Elective Home Educated register which is regularly monitored and updated by Wirral's Attendance Service.
- 7.2 The Attendance Service will ensure checks are made with Social Care and other agencies as appropriate to ensure that a full understanding of the child's circumstances can be ascertained.
- 7.3 A designated Statutory Officer (Elective Home Education) from the team will arrange to visit the parent to discuss with them and the child /young person the reason for choosing to electively home educate and clarify plans.
- 7.4 Following the initial visit, a Statutory Officer will undertake a further Education Progress visit within two to three months by one of the two allocated teachers who do sessional work for the Attendance Service. This visit will inspect the work completed by the child/young person and find evidence of progress.
- 7.5 A further monitoring visit is made by a teacher within 12 months.
- 7.6 If the work is satisfactory a further monitoring visit is made within a further 12 months. The teachers prepare a report to summarise the progress and work being undertaken by the child. The teacher may also review and comment on whether the environment for the child is a safe and secure one and appropriate safeguarding action is taken if they deem it not to be so.
- 7.7 If the education progress is deemed to be unsatisfactory at and stage, then Wirral will serve the s.437(1) notice on parents and consider the response.
- 7.8 If Wirral is not satisfied that education is suitable etc. and believes the child should attend school then Wirral a) will serve a school attendance order on the child's parents after taking steps in sections 438/9 relating to the named school, or b) Wirral and the parent agree to return the child to school without Wirral serving a school attendance order.
- 7.9 If Wirral is not satisfied that home education is suitable etc. but does not believe that it is expedient for the child to attend school, then Wirral will provide sources of advice / support or make alternative provision unless the child is very close to the school leaving age.
- 7.10 If a parent refuses an initial visit from the Attendance Service or subsequent Education Progress visits, we consult with other agencies including Integrated Front Door, Social Care and Health and any further action to be taken is agreed with those agencies.

- 7.11 Half termly meetings are held where all the children/young people on the EHE register are discussed with the School Nurse Service and the Teachers who undertake the Progress visits and appropriate action is decided.
- 7.12 The Attendance Service also undertake communication with Social Care to understand any further involvement/concerns made by the local authority.
- 7.13 The list of children who are electively home educated are included on the 'EHE register' and this includes details of those children who are in CP/CIN and those who have EHCP.
- 7.14 Where children are known to Social Care, the designated Statutory Officer attends all Case conferences, CP reviews and CIN meetings for any child on the EHE register who is subject to these meetings.

## 8. SAFEGUARDING

- 8.1 Wirral Borough Council recognises that the welfare and protection of all children is essential and a paramount concern for all. As within s. 175 of the Education Act 2002, Wirral Borough Council has a duty to make arrangements to ensure that the functions conferred on them are undertaken with a view to safeguarding and actively promoting the welfare of all children and young people who reside within Wirral.
- 8.2 Where there are concerns about a child's education, Wirral's Attendance Service will contact the Integrated Front Door when circumstances are justified under s. 437(1) of the Education Act 1996. The Statutory Officer will detail the welfare concerns to the parent in accordance with procedure.
- 8.3 In the event of any welfare concerns for a EHE child, Wirral's Attendance Service will initiate and follow established safeguarding procedures.

## 9. CHILDREN WITH SPECIAL EDUCATIONAL NEEDS (SEN)

- 9.1 Parents have the right to educate their child at home, including children with SEN, as detailed under s.7 and 19 of the Education Act 1996. Home education must be suitable for the child's SEN.
- 9.2 Parents have the right to request an EHCP assessment. Parents have the right to appeal any decision. More information is available via the Wirral Local Offer Website.
- 9.3 Wirral Borough Council, under s. 22 of the Children & Families Act 20014, do not have a duty to assess every home educated child to identify whether or not they have SEN.

### 10. LOOKED AFTER CHILDREN (LAC)

- 10.1 Advice will be obtained from the Social Care team and the Virtual Head about educational progress where children are in care.

## 11. CHILDREN ON CHILD PROTECTION (CP) PLANS AND / OR CHILD IN NEED (CIN) PLANS

11.1 The views of the child and parent will be used in conjunction with advice from the Social Care team before any decision are made.

### Elective Home Education Flowchart

