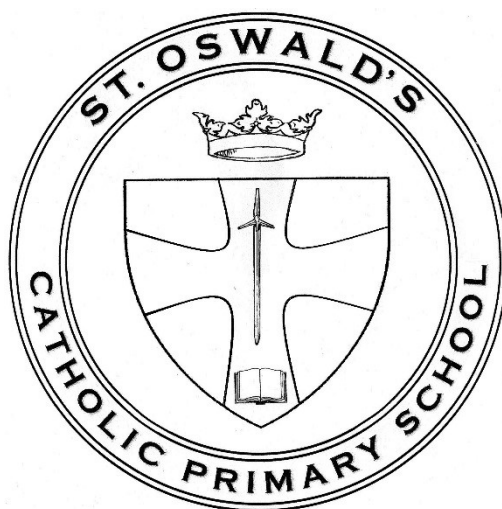


St Oswald's Catholic Primary School



Elective Home Education Policy

Approved by:	Approval date	Renewal date
Full Governors	December 2023	Autumn 2024

This Elective Home Education Policy is set within the context of the whole school aims and mission statement:



*Together with Jesus,
We will Learn and Grow in Faith*



**Liverpool
City Council**

Elective Home Education policy

Children and Young People's Service

Revised December 2020



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1 Introduction

Liverpool City Council believe that all children have a fundamental right to education (Article 28 United Nations Convention of the Rights of the Child). We aim to work in partnership with all parents to ensure children are able to achieve to their full potential, whether they are educated at home or at school.

This document outlines the policy and procedures to enable Liverpool City Council comply with our responsibilities towards children whose parents have decided to educate them at home. It is published for parents, schools and other agencies with an interest in EHE.

For the purpose of this policy the definition of a parent (section 576 Education Act 1996) is a parent of the child or anyone who has parental responsibility or care of the child.

In line with the DfE guidance for local authorities revised in April 2019, this policy and associated procedures seek to build positive relationships with home educators and provide a means to effectively protect the educational and safeguarding interests of children where vulnerabilities are identified.

Elective Home Education (EHE) is the term used to describe a parent's decision to provide education for their children, who are of compulsory school age, at home instead of sending them to school. This is different to home tuition and education other than at school provided by the local authority (LA). Children educated at home are not registered at mainstream, special or independent schools, academies, free schools, Pupil Referral Units (PRUs), colleges or children's homes with education facilities.

EHE is different to flexi-schooling arrangements, which are authorised at the discretion of the headteacher of the school where the child is on roll.

This document sets out:

- Parents' rights and responsibilities if they choose to educate their children at home

- The statutory duties on the LA and schools in relation to children who are educated at home

The LA recognises that there are many approaches to educational provision and that what may be suitable for one child will not be for another but all children should be involved in a learning process.

2 The Legal position

In law responsibility for a child's education rests with their parent/carer and parents have a right to educate their children at home under Section 7 of the Education Act 1996 which states that:

The parent of every child of compulsory school age shall cause him / her to receive efficient full-time education suitable –

- To his age, ability and aptitude and
- To any special educational needs, he/she may have, either by regular attendance at school **or otherwise**.

This means that whilst full-time education is compulsory school is not.

Compulsory school age begins on the next prescribed day following a child's fifth birthday (or on their fifth birthday if it falls on a prescribed day).

The prescribed days are 31st December, 31st March and 31st August each year.

A child continues to be of compulsory school aged until the last Friday of June in the school year that they reach the age of sixteen.

Young people need to then comply with the Raising Participation Age (RPA) legislation, 2013, and remain in education or training up until the age of eighteen.

There is no definition in the Education Act 1996 of what constitutes either an 'efficient' or a 'suitable' education. Case law from 1986 broadly described 'efficient' as "an education that achieves what it sets out to achieve" and 'suitable' as one that "primarily equips a child for life within the community of which they are 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".

The Local Government Association in a 2019 commissioned report on Children Missing Education, described a 'formal' education as one that is well-structured, contains significant taught input, pursues learning goals that are appropriate to a child or young person's age and ability and which supports them to access their next stage in education, learning or employment. Full-time was described as an education for at least 18 hours per week.

The DfE Guidance for parents, April 2019, makes a number of points of 'What is a Suitable Education', including:

- 'education must be age appropriate, enable the child to make progress according to his or her level of ability and should take account of any specific aptitudes'
- 'even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard which is aimed at'
- 'education at home should not directly conflict with the Fundamental British Values as defined in government guidance'
- 'education may not be suitable (or efficient), even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it difficult to work'
- 'education may also not be deemed suitable if it leads to excessive isolation from the child's peers, and thus impedes social development'
- 'it is likely to be much easier for you to show that the education provided is suitable if attention has been paid to the breadth of the curriculum and its content, and the concepts of progress and assessment in relation to your child's ability'.

3 Parental rights and responsibilities

A parent can opt to electively home educate their child up to the end of compulsory school age and may continue post 16 in order for their child to participate in education and training until the age of 18. In some cases, children will never have been enrolled at a school at all and therefore never known to any local authority or educational establishment.

Parents whose child is not enrolled at a school have no obligation to inform the LA that they are home educating. However, it would be sensible to do so. Parents who wish to inform the LA that they are choosing to home educate their child can do so by emailing EHE@liverpool.gov.uk or contacting the team on 0151 233-3916.

If the child is attending a school, then parents must notify the headteacher, in writing, that they are withdrawing their child. in order to avoid any future misunderstanding about how they plan to fulfil their parental responsibilities and also, to facilitate access to advice and support.

The DfE guidance recommends that although only pupils with an Education Health Care Plan, who are attending specialist provision must seek approval from the LA prior to becoming home educated, they also recommend, that it is good practice for all home educating parents and the local authority to engage positively with regards to children who are being home educated.

Parents who are electively home educating may ask their local authority to carry out a statutory assessment (or reassessment) of any special needs their child may have. The LA must consider and respond within all statutory timescales.

Parents do not need to be qualified teachers to home educate and there is no requirement to teach the National Curriculum, match age-specific standards, observe schools' hours, days or terms, make detailed lesson plans, give formal lessons or reproduce school type peer group socialisation.

Parents can choose to engage private tutors or other adults to assist them in providing a suitable education, although there is no requirement to do so, and learning may take place in a variety of settings, not just the family home.

It is strongly recommended that parents ensure that they make appropriate checks on any settings that they use, as there may be no external assurance that they comply with basic standards such as vetting of staff and safeguarding children.

Similarly, it is recommended that parents ensure that any tutors they employ are qualified and suitable, including whether they have a clear Disclosure & Barring (DBS) Service check.

Parents have to be prepared to assume all financial responsibilities, including the costs of any public examinations.

Children who are Year 10 and above may be able to access part-time college courses as part of their home education and the colleges may be able to claim the costs of course and exam fees from the Education & Skills Funding Agency. These arrangements would be negotiated individually between parents and the college.

LAs do have a duty under the Education Act 1996 to establish whether home educated children are receiving suitable fulltime education and the DfE Guidance is clear that it would be sensible for parents to respond to enquiries. **(Section 7)**

4 Children's rights

The United Kingdom has ratified the United Nations Convention on the Rights of the Child (UNCRC), November 1989, which includes the right to be safe, to an education, the right to express their views and for due weight to be given to those views.

Liverpool City Council actively promotes children's right to be heard, as stated in the UNCRC and in the statutory guidance 'Listening to and involving children and young people' January 2014.

The EHE Officers will wish to gain the child's opinions on the home education received in order to help inform decisions about suitability. **(Section 7)**

5 School's responsibilities

Sections 8(1) (d), 12 (3) and 13(3) of the Education (Pupil Registration) Regulations 2006 place a duty on head teachers to inform the LA when a parent notifies them of their decision to withdraw their child from the school roll.

'The proprietor (Headteacher) of the school must make a return to the local authority for every such pupil giving the full name of the pupil, the address of the parent with whom the pupil normally resides and the ground upon which their name is to be deleted from the admission register as soon as the ground for deletion is met in relation to that pupil, and in any event no later than deleting the pupil's name from the register'.

Schools are required to inform the LA prior to removing the child from the school's register and forwarding any written notification from the parents. The school will also be required to complete the EHE1 referral form and submit this to the local authority. The child can be de-registered following receipt of the parent's notification. (***For procedures relating to SEND pupils see section 9***)

Schools should not remove a child from roll for EHE if any safeguarding concerns have been raised or concerns exist. It is important for schools when completing the EHE1 referral form all concerns are referenced. (***Section 10***)

If the child is registered at a school as a result of a School Attendance Order, the parent must obtain the permission of the LA on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be removed from the school's register and educated at home.

There is no legal requirement for parents to discuss home education with the school, but if a parent informs the school of their intention, schools should respond positively and constructively. This is particularly important if it appears that the decision to home educate may be related to a dispute with the school for example, regarding attendance, behaviour or alleged bullying. It would be helpful if the school invites the parents to discuss the decision and takes all necessary steps to resolve any issues. Parents' attendance at such a meeting should be entirely voluntary.

Schools must not seek to persuade parents to educate their child at home as a means of avoiding exclusion or because of poor attendance. The decision to home educate should be an informed choice made by the parent, based on what is in the child's best interest.

Schools should retain the child's school file. Parents can request a copy of this in order to assist with planning their children's education.

If EHE is considered unsuitable, the expectation is that the child will return to their former school, either through the In Year Fair Access Protocol (IYFAP) or through the statutory EHCP (Education, Health & Care Plan) arrangements.

6 Local Authority's (LA's) responsibilities

The LA has a statutory duty under Section 436 (A) of the Education Act 1966 to make arrangements to enable us to establish (so far as it is possible) the identities of children of compulsory school age in their area who are not receiving a suitable education.

The LA has a statutory duty under Section 437(1) of the Education Act 1996 to intervene if it appears that a parent is not providing a suitable education to the age, ability, aptitude and special educational needs of the child.

This section states that:

'If it appears to a local 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 to satisfy them within the period specified in the notice that the child is receiving such education.'

If evidence of a suitable education is not received, the LA may then commence statutory action, including the issuing of a School Attendance Order (SAO), Penalty Notices and prosecutions.

The LA has arrangements to ensure it carries out its statutory duties in relation to children educated at home and to safeguard and to promote the welfare of children.

These arrangements include:

- A named senior officer with responsibility for elective home education policy and procedures
- Availability of information to parents who are considering home educating their children and to parents who already do this, through the named EHE officers, whose role is to offer advice and support and build positive relationships with the families and communities who home educate

- Responsibility of all agencies and LA teams to report to the named senior officer if they have any concerns about the safety and welfare of a child who is being home educated
- Provision for LA officers who have contact with families who home educate to be trained in home education law, policies and practices
- Designated nurses in the School Nursing Service who can provide information and support to parents who home educate.
- In line with the legislation around Raising the Participation Age (RPA) information will be provided for parents and children of Year 11 age advising them of their options and responsibilities for post 16 education provision.

The LA has no legal power to monitor home education on a routine basis, although we do have a duty, to make enquiries if it not clear that a child is receiving a suitable education.

The LA, in partnership with other agencies, including Social Care and Health, has a statutory duty to safeguard and promote the welfare of all children resident in the city under Section 175 (1) of the Education Act 2002 and under the statutory guidance 'Working Together to Safeguard Children'.

The LA is monitored by Ofsted, who inspect local authority procedures for identifying children who may not be receiving a suitable education and what steps they take to deal with this.

7 Determination of suitability of EHE

On receipt of a notification of the EHE1 referral from a school, an EHE officer will be assigned to liaise with the parents, to offer support and advice and to gather any relevant information to assist in reaching a properly informed view that the education is suitable. Evidence could include discussion of parent's plans, a written report, telephone conversations, the child's views, samples of the child's work, information about educational settings attended and tuition sessions, a home visit or a meeting at another venue.

The EHE officer will offer a home visit or meeting at another venue by telephone, email and/or by sending up to 3 letters. The aim of the visit/meeting is to build a positive and constructive relationship with parents, to ensure that EHE is a positive choice and that the educational needs of their child are being met.

The EHE officer will request to see the child so that their views can be gathered and contribute to the assessment of suitability.

Parents are not obliged to respond to LA enquiries, to accept a visit or to allow LA officers to meet with their child. However, as stated in the DfE Guidance;

'You should consider carefully the reasons for not doing so, what is in the best interest of your child, and what is the most sensible approach. If you do not do enough to satisfy the local authority about the education being provided at home it may have no option but to conclude that the education does not meet the s.7 requirement'

The EHE officer will also make enquiries, where appropriate, with Social Care, the Health Authorities and any previous school/Early Years provision, to ensure that there are no concerns about the child's welfare or safeguarding, including whether they may be a Young Carer.

In order to minimise time out of education should EHE be deemed unsuitable, the EHE officer will aim to complete enquiries within 20 working days of the initial notification.

For the majority of Liverpool families who home educate, EHE is suitable and they continue to home educate for as long as they feel it meets the needs of their child.

Following agreement that EHE is suitable, the EHE officer will maintain contact with the family on a regular basis. This will usually be annually but could vary by agreement. There may be changes of circumstances for the family and the named EHE officer is available if parents have any questions or wish to discuss any educational matters.

8 Process for when EHE has been determined as unsuitable

Parents will receive written notification if the LA considers that suitable education is not being provided, specifying the grounds for concern and any reasons for concluding that provision is unsuitable.

Parents will have the opportunity to address the identified concerns and provide further evidence to the LA within 7 working days, or another agreed timeframe, of the LA's letter.

If, after this the education is still not considered suitable, the LA will identify suitable provision for the child through our admissions and CME procedures. The expectation is that children will return to their former school, either through the In Year Fair Access Protocol (IYFAP) or through the statutory EHCP arrangements.

Following the Attendance Regulations, if the parent fails to register the child at the school which has been offered, they may receive formal notice that a school attendance order (SAO) will be served. This step will only be taken if all reasonable steps have been taken to resolve the situation. At any stage during the process, parents may present evidence that they are now providing suitable education and can apply to have the order revoked.

9 Children with Special Educational Needs or Disabilities (SEND)

Under Sections 7 and 19 of the Education Act 1996, parents have the right to educate their children, including children with SEND, at home. Home education must be suitable for the child's age, ability, aptitude and SEND.

Parents have the right to request an EHC assessment and the right to appeal is available to all parents, including those who feel that the SEND support is being provided by the school is insufficient to meet the child's needs.

LAs do not have a duty under Section 22 of the Children & Families Act 2014 to assess every home educated child to identify whether or not they have SEND.

If the child is on the roll of a special school the child's name may not be removed from the school register without the LA's consent. It remains the duty of the LA to ensure the child's special educational needs are met If they have an EHCP.

In cases where an EHCP is maintained, the LA will review it annually to assure itself that the provision set out in it continues to be appropriate and the child's SEND continue to be met. The LA may name the type of school that would be suitable for the child, but state that the parents have made their own arrangements under Section 7 of the Education Act 1996.

Under SEND arrangements, and in line with DfE guidance, the LA will carry out annual reviews for all children with EHCPs, including those who are home educated. The child and parents will be involved in this process and the plan will be amended to reflect parental choice.

Parents will be invited to the review by the LA SEN officer, together with representatives from any other agencies for example, Health, Social Care that the LA deems appropriate and the LA SEN representative.

If the LA decides to maintain an EHCP, it would be expected that this would cease when the child reaches the end of compulsory school age.

The LA will not assume that because the provision being made by parents is different from that which was being made or would have been made in school, that the provision is necessarily unsuitable. However, in some cases, the LA may conclude that elective home education does not meet the child's SEN. The processes in Section 9 above will then be followed.

10 Safeguarding

10.1 Looked After Children (LAC)

In most cases, if a child is looked after, the LA would not expect home education to be suitable. Advice will be sought from Social Care and from the Virtual School Head for Looked After Children.

If a child is on either a Child Protection (CPP) or Child in Need (CiN) Plan, the LA would not expect home education to be suitable. However, both the child's and the parent's views will be considered and advice sought from Social Care before any decision is made.

The LA, in partnership with other agencies, including Social Care and Health, has a statutory duty to safeguard and promote the welfare of all children resident in the city under Section 175 (1) of the education Act 2002 and under the statutory guidance 'Working Together'.

The EHE Team follow the Liverpool Safeguarding Children's Partnership (LSCP) procedures at all times and work with partner agencies to pro-actively safeguard and promote the welfare of all home educated children.

In the event of any concerns, in line with LSCP procedures, the EHE staff will discuss them with parents (provided that this does not pose an increased risk to the child) and signpost/link the family into sources of support, including their designated School Nurse and the Early Help Hubs.

If the concerns present an immediate and serious risk of harm to the child, the EHE officers will complete a MARF and refer to Social Care.

The EHE officers do not have an automatic right to access the home to discuss home education. However, under the safeguarding duties held by the LA and our commitment to the UNCRC, the EHE officer will wish to see the child and ideally the home, as this is usually the main venue where education is taking place.

Elective home education may not be considered suitable if this is refused and if there is any reasonable cause for concern.

11 Contacts

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