

**Support and Safeguarding Service**

**ELECTIVE HOME EDUCATION**

**POLICY AND PROCEDURES**

**February 2018**

## **Elective Home Education Policy**

This Elective Home Education Policy document relates to those children whose parents have chosen to educate their children at home. This policy does not refer to those children whose education is provided at home by the Local Authority as a result of their being unable to attend school due to exclusion, illness or any other reason.

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## **Policy Principles**

The Local Authority respects the rights of parents and carers who educate their children at home and are committed to providing an equal and accessible service to all home educating families, regardless of their social or economic circumstances, ethnic, racial or religious background, age, disability or sexuality.

The Local Authority respects and welcomes the wide diversity of educational approaches found among home educating families, and does not support any one approach in preference to another.

The Local Authority aims to:

- Promote positive relationships with parents and carers for the benefit and well-being of children.
- Support parents and carers who elect to educate their children at home
- Provide information and advice about Elective Home Education

## **Rationale**

This policy contributes to the overall aim of the Every Child Matters agenda of ensuring that all children and young people:

- Are healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

The purpose of this policy is to clarify the action that the Local Authority will take to fulfil its obligations and responsibilities.

## The Law

The law states that it is the duty of parents to ensure the education of their children. Parents may choose to educate their children at home instead of sending them to school.

The law requires a child to be educated from the beginning of the school term following their fifth birthday to the last Friday in June in the school year in which the child reaches age 16.

### **Section 7 of the Education Act 1996 states:**

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

- his age, ability and aptitude and
- to any special educational needs he may have,

either by regular attendance at school or otherwise”.

### **The United Nations Universal Declaration of Human Rights article 26(3) states that:**

“Parents and carers have a right to choose the kind of education that shall be given to their children”.

### **The European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 of Protocol No 1 states that:**

- Everyone has a right to education.
- Education shall be directed to the full development of the human personality.
- No person shall be denied the right to education...the state shall respect the right of parents and carers to ensure such education and teaching is in conformity with their own religious and philosophical convictions.

## **Parents Rights and Responsibilities**

The responsibility for a child's education rests with their parents, it is their decision whether to register them at a school or provide education at home.

Parents do not have to register or seek approval in order to educate their children at home, however if a child is registered at a school they must inform the school in writing of their intention to educate their child at home.

It is the parents' legal duty to ensure that their child receives a suitable full time education.

There is no absolute definition of what suitable education is. In the Court case DfES, ex parte Talmud Torah Machzikei Hadass School Trust (1985) a definition of suitable education was offered as follows:

"education is 'suitable' if it 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 years to adopt some other form of life if he wishes to do so."

There is no definition of full-time education and there is no direct comparison with the timetable and educational arrangements for children taught in schools.

## **Children with Special Educational Needs**

The law upholds the right of parents of children with special educational needs to educate their child at home. They do not need any particular qualification or training in relation to special educational needs to do so. If a child has a formal Education Health Care Plan (EHCP) it is possible for the EHCP to confirm that home education is the chosen approach.

If a child is registered to attend a special school, the consent of the Local Authority must be sought before a child is removed from school to be educated at home.

A parent who is educating their child at home may request the Local Authority to carry out a statutory assessment of their child's special educational needs and the Local Authority must consider the request within the statutory timescales in the same way as all other requests.

## **The Duty of the School**

Section 8 (1) and 13 (3) of the Education (Pupil Registration) Regulations 2006 made it a duty of headteachers to inform the Local Authority, and where possible, give the Local Authority a minimum of two working days notice before the child is de-registered.

Schools should advise parents that they must notify them in writing if they decide to withdraw their child from school to educate him at home. When a school receives the written notification they must inform the Local Authority before deleting the child from the register. If schools have verbal notification, they must notify the Local Authority immediately rather than wait for written notification. Wiltshire Council ask schools to complete a safeguarding form as well as send copies of the letter that parent has written and the response of the school. We also request an attendance certificate.

## The Duty of the Local Authority

Section 437 of the Education Act 1996 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/carer requiring him/her to satisfy them within the period specified in the Notice that the child is receiving such education.

The duty of the Local Authority is concerned only with those children who appear not to be receiving a suitable education. However, case law (Phillips v Brown (1980) unreported) established that a Local Authority may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided.

If a parent does not provide information on which the Local Authority can base its judgement as to whether a suitable education is being provided, the law is clear that it is open to the Local Authority to conclude *prima facie* that the education is not satisfactory. (Phillips v Brown, unreported, Divisional Court, 20 June 1980).

Parents of a child with an Education Health Care Plan (EHCP) can educate their child at home. If he/she is on the roll of a special school the child's name cannot be removed from the register of that school without the Local Authority's consent, however consent may not be unreasonably withheld. If the child is educated at home it remains the duty of the Local Authority to ensure that the child's needs are met. The EHCP must remain in place and it is the Local Authority's statutory duty to undertake an annual review of Special Educational Needs. This review includes assessing whether the EHCP is still appropriate, requires amendment or might cease to be maintained. If the decision is made to cease the EHCP the Local Authority is relieved of its duty to arrange the provision specified in the statement.

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

This section sets out the arrangements the Local Authority will make to ensure that it carries out its statutory duties for children who are educated at home.

1. To provide accurate information to parents enquiring about educating their children at home (or who are already educating their children at home) so that they can make an informed decision based on legal facts and what the Local Authority can offer.
2. To contact the parents of all children of whom they have been notified as being educated at home. The Local Authority may have been notified by parents, schools or by other means e.g. by Children's Service, Health Professionals etc.
3. Maintain a register of all children who are known to the Local Authority as being educated at home.
4. The Local Authority requests information from all EHE parents. The first letter has a suggested home visit time and parents are asked to complete an education plan. If parents decline a visit the Local Authority requests information from the parents to evidence their child is receiving education.
5. After making such enquiries the Local Authority will consider, based on the information available, whether it appears that the parents are providing an education suitable to the child's age, aptitude and ability, taking into account any special educational need the child may have.
6. If there are concerns about the suitability of the education provided by the parent, support and advice will be offered and a reasonable opportunity given to the parents to improve their provision, before formal action is taken.
7. When a child has an Education Health Care Plan the Local Authority will organise Annual Reviews.
8. Gypsy, Roma and Traveller families who elect to educate their children at home will be offered support by the Traveller Education Support Service.
9. If, despite supporting the parents to improve their provision it appears to the Local Authority that a child is not receiving an appropriate education then the Local Authority will follow procedures set out in Section 437 of the Education Act 1996 (School Attendance Orders).
10. Provide training for Education Welfare Officers on the law and methods in relation to home education.
11. Refer any child protection concerns immediately to the appropriate authority using established protocols.
12. Encourage, consult and develop relationships with local support groups for parents who educate their children at home.



## Elective Home Education Procedures

When the Local Authority is informed or becomes aware that a child is being educated at home the following procedures will be followed:

1. The Education Welfare Service will write to the family within two weeks enclosing an Elective Home Education information booklet, a blank education plan and a business reply envelope. A home visit date is also offered in this first letter.
2. On receipt of a registration form the child's name, date of birth and address will be recorded on the register of children living in Wiltshire who are educated at home. Children are registered when the Local Authority first becomes aware of them, usually via a school referral.
3. Within two weeks of receipt of the registration form an Education Welfare Officer will contact the parents to make informal enquiries to satisfy themselves that the parents are providing a suitable education. The Local Authority would prefer to visit the parents at home and a home visit will be offered within twelve weeks. If there are particular concerns we would visit earlier. However, parents may satisfy the authority in any of the following ways:
  - Meet with an Education Welfare Officer at their home with or without their child.
  - Meet with an Education Welfare Officer at another venue with or without their child being present.
  - Send a letter or a report setting out their educational plans enclosing if they wish samples of their child's work.
  - Send a letter or a report from a reputable third party acceptable to them and the Local Authority endorsing their educational plans.
  - Send in representative samples of their child's work.
  - Provide evidence in another appropriate form acceptable to the Local Authority.
4. No visit will take place unless parents agree to one and an appointment has been made or confirmed in writing. The purpose of the visit is to offer support and advice and to discuss the educational provision that the parent is making. However, Wiltshire Council will undertake unannounced door knocks to make sure families are still living at given addresses if we have been unable to engage families, or if we think they may have moved.
5. Following this initial contact the Education Welfare Officer will write a report. This report will include one of the following:
  - A statement that the education is satisfactory.
  - A statement that there are concerns as stated in the report.
  - A statement that the education is unsatisfactory for the reason stated in the report.
6. A copy of this report will be sent to the parents.
7. If there are concerns or if the Local Authority considers the education to be unsatisfactory then the Education Welfare Officer will discuss this with the parents during the visit, or following receipt of the parental report, and suggest areas of improvement. If following a period of advice and support (up to 3 months), the education still remains unsatisfactory then the Local Authority may take steps to ensure the education of the child through the use of a School Attendance Order.

8. Following an initial assessment, regular contact will take place (usually every 6 to 12 months) by home visits or submission of evidence by parents. In response, the parents will be sent a written report.

## Safeguarding Form - Elective Home Education

### Pupil details as held on school record

School					
Surname/Legal Surname				Forename	
Middle name			Chosen name		
Date of Birth			Gender	<input type="checkbox"/> F <input type="checkbox"/> M	Year

Address					
Post Code		Admission Date		Leaving Date	

Reason for Leaving	<input type="checkbox"/> Waiting placement	<input type="checkbox"/> Bullying	<input type="checkbox"/> Moved out of county		
	<input type="checkbox"/> Lifestyle	<input type="checkbox"/> Not known	<input type="checkbox"/> Other		
Please give details: _____					

Is there a safeguarding concern? <i>(If Yes please complete box below)</i>	<input type="checkbox"/> NO	<input type="checkbox"/> YES	Are parents aware of your concerns?	<input type="checkbox"/> NO	<input type="checkbox"/> YES
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### Details of any safeguarding or child protection concerns, including dates of any referrals to Children's Social Care

### Parents/Carers contact details as held on school record

Priority	Name/Relationship	Home Address/Phone/Mobile/Fax	Work Address Phone/Email
1		Tel  Mobile	Tel  Email

2		Tel Mobile	Tel Email
Other Agencies involved			
Please indicate with a tick if the following agencies are involved with the student			
<input type="checkbox"/> Education	<input type="checkbox"/> Education	<input type="checkbox"/> Social	<input type="checkbox"/> Youth Offending
Child and Adolescent Mental Health Services	<input type="checkbox"/> SEN	<input type="checkbox"/> Health	<input type="checkbox"/> Other
Details of involved Agencies (name and contact telephone numbers)			
<b>Does the student have a EHCP?</b> <b>Does the student have SEN Support needs?</b>		<input type="checkbox"/> YES <input type="checkbox"/> NO	SEN Start Date
In LA Care?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Care Authority	
Has the child been subject to a CAF	<input type="checkbox"/> YES <input type="checkbox"/> NO	CAF lead	
If you are the lead professional who will assume this role when the child starts EHE?			
Contact details of the new lead professional			
Ethnicity		Home Language	Religion

**Data Protection Act 1998: The school is registered under the Data Protection Act for holding personal data.  
The school has a duty to protect this information and to keep it up to date.  
The school is required to share some of the data with the Local Authority and with the DfE**

<b>Headteacher's signature</b>		<b>Date</b>	
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**Please return this form with the parental letter of instruction and school acknowledgement letter and accompanying registration certificate to [IYSReferrals@wiltshire.gov.uk](mailto:IYSReferrals@wiltshire.gov.uk) or County Hall, Bythesea Road, Trowbridge BA14 8JN**

**Elective Home Education Report**

**DATE OF VISIT:**

**NAME OF EWO:**

<b>Pupil Name:</b>			
<b>Date of Birth:</b>		<b>Male/Female:</b>	
<b>Address:</b>			
<b>Telephone No:</b>			
<b>Parent/s Names:</b>			
<b>Persons present at time of visit</b>			
<b>Commencement date of EHE</b>			

**Background information / reasons for Home Educating**

**Who else is involved with the home education arrangements?**

- Tutor
- Home Education Support Group
- Cultural Group
- Family Friend
- Relative
- Church group
- Other(*please specify*)

**Does the parent have any comment relating to the particular qualifications of any of the above?**

**Has the parent any comment regarding any safeguarding measures?**  
*Such as parent is always present? Persons are DBS checked?*

## Styles of teaching and learning adopted

### Resources utilised

Computer		Television		CD's / downloads	
Websites		Radio		DVDs	
Apps		Library		Newspapers	
Museums		Educational Visits		Other Resources	

### Subjects studied - a description of topic / material covered

English

Maths

History

Geography

Languages

ICT

Art / Design

Technology

Other project work – *please detail*

**Formal Accreditation Plans - *if appropriate***

**Physical Activities**

**Social Activities**

**Visits / Other interests**

**Pupil comment**

**Parent comment**

*Such as any particular achievements, successes, concerns.*

**Future Plans**

**Recommendations /Suggestions / Improvements Required**

**Further Actions**



**Education Welfare Officer comment regarding the suitability of the provision in place.**

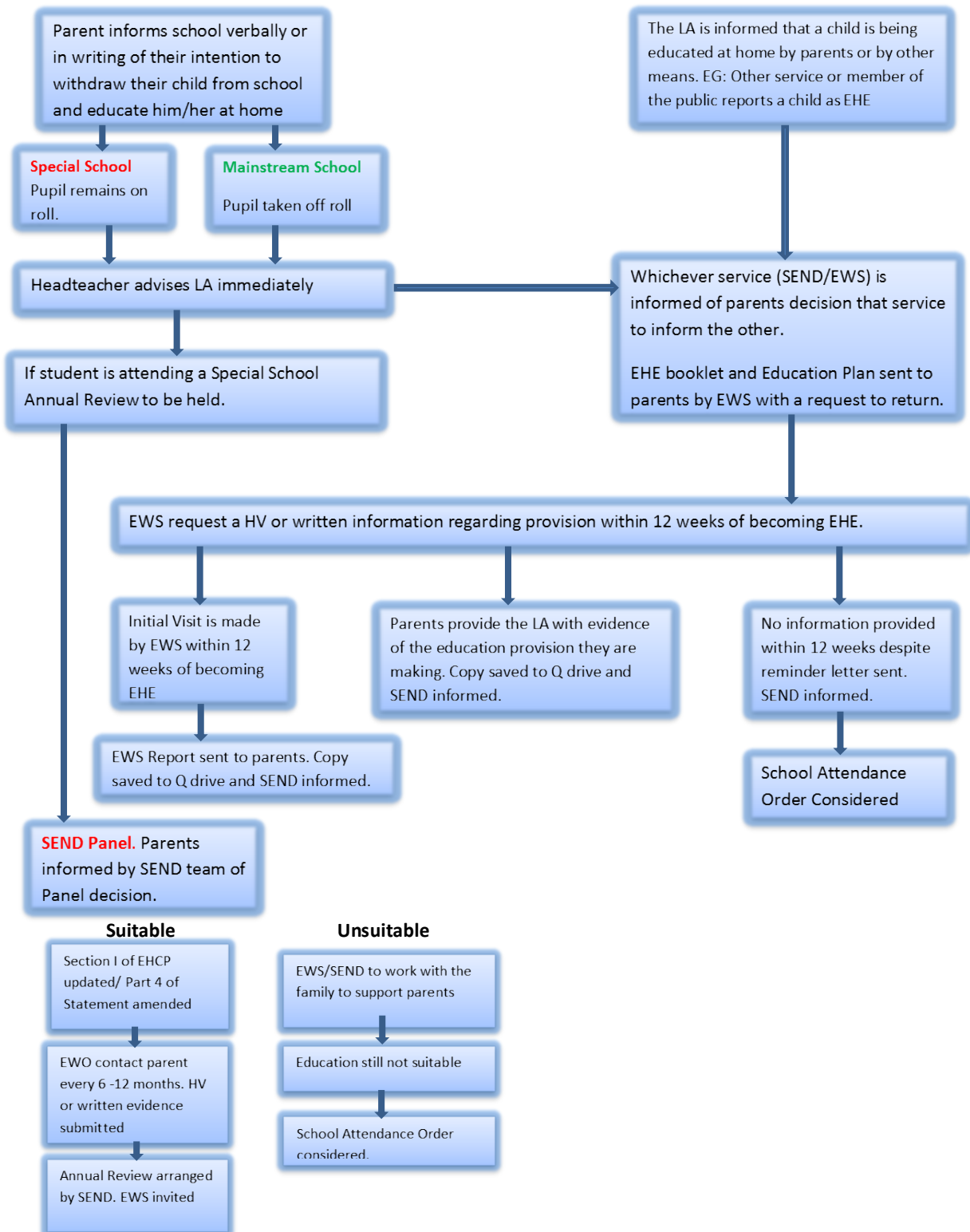
**Timescale of next report**

**Signed:**

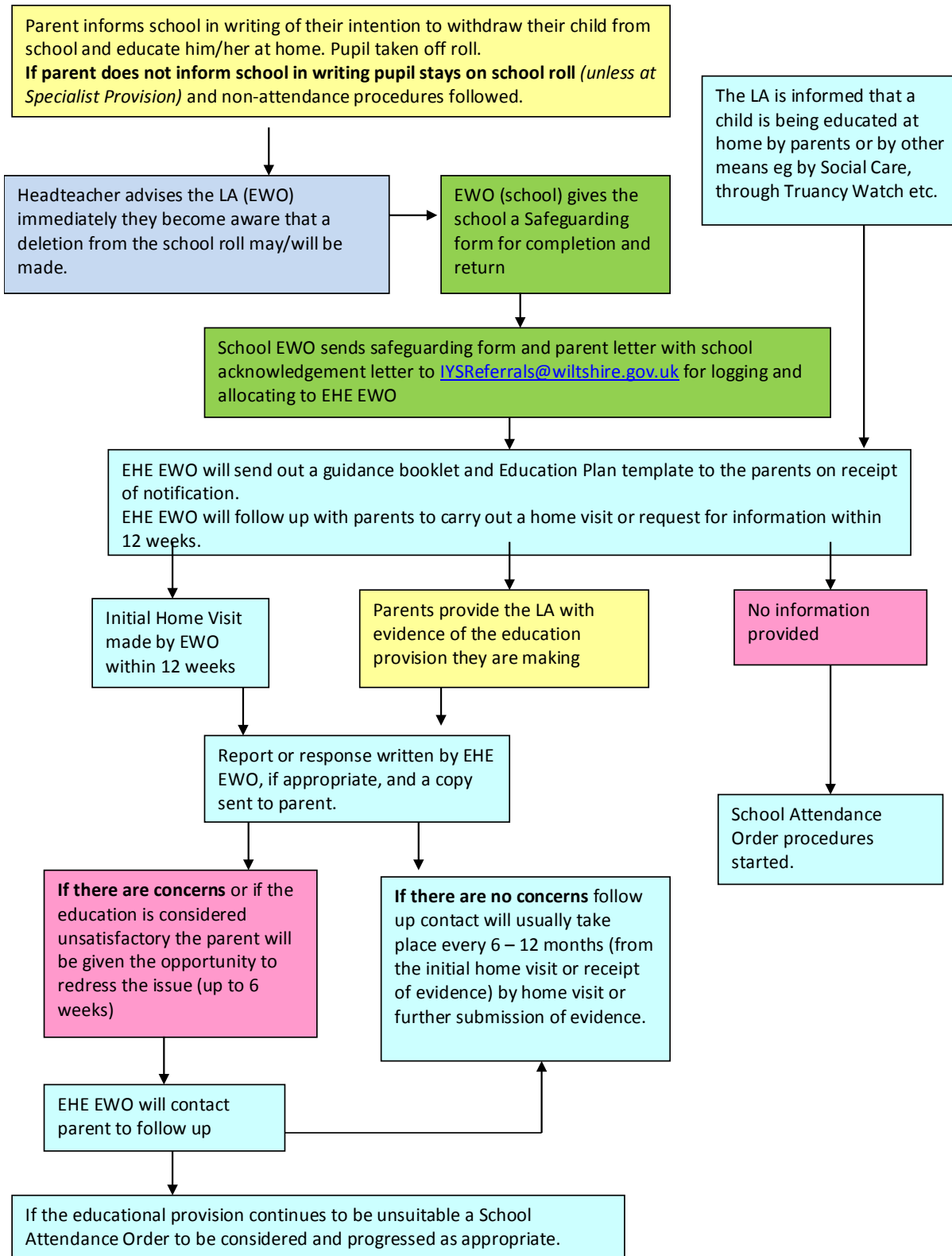
**Name of EWO:**

**Date:**

### EHE action flowchart for children with an EHCP



## Elective Home Education EWO Action Flowchart



Education Welfare  
Support and Safeguarding Services  
2<sup>nd</sup> Floor  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JN

Address

Date

Your ref:  
Our ref: 001

Dear

Dear

**Re: Forename SURNAME (dob)  
Elective Home Education**

I understand that you are now educating..... at home and I enclose an EHE booklet that will provide some initial information for you.

The council needs to satisfy itself that ..... is receiving an appropriate education and in order to do this, I would like to make an informal home visit to offer support where I can and answer any questions you may have.

I can offer a visit on:

..... at .....

This visit is several weeks away to give you and ..... time to adjust to education at home. However, if this time/date is not convenient, please contact me and we can rearrange.

I also enclose an Elective Home Education Plan, which would be helpful to complete giving your initial thoughts on the education provision you hope to provide for ..... Please return this in the pre-paid envelope provided.

Your details will be shared with Health Providers to ensure your child is offered statutory health services available to all young people of statutory school age. If you wish to opt out of this service, please contact me in writing at the address above.

I look forward to meeting you and .....

Yours sincerely,

Education Welfare Officer

Education Welfare  
Support and Safeguarding Services  
2<sup>nd</sup> Floor  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JN

Address

Date

Your ref:  
Our ref:

Dear

**Re: Forename SURNAME (dob)  
Elective Home Education**

I would like to visit you to enable me to complete my informal enquiry to ascertain that.....is receiving a suitable education, and propose visiting on.....

If this is inconvenient, or if you would like to provide information about 's education in another way, please contact me. Ways in which information can be provided can be found in Section 2.4 of the information booklet sent to you.

I look forward to meeting you.

Yours sincerely

Education Welfare Officer

Education Welfare  
Support and Safeguarding Services  
2<sup>nd</sup> Floor  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JN

Address

Date

Your ref:  
Our ref:

Dear

Re: Forename SURNAME (dob)  
Elective Home Education

Further to my contact with you, you have indicated that you would like to provide information about ..... 's education by.....(*method of information giving*).

The Local Authority needs to be satisfied that suitable education is provided to ..... therefore please will you forward a report or evidence of the education provision.

When I have received your report I will contact you again,

Yours sincerely

Education Welfare Officer

Education Welfare  
Support and Safeguarding Services  
2<sup>nd</sup> Floor  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JN

Address

Date

Your ref:  
Our ref:

Dear

**Re: Forename SURNAME (dob)  
Elective Home Education**

Please find enclosed a copy of the EHE Report following my home visit on..... I am pleased to inform you that the LA deems that the education you are providing for..... is suitable.

Please read the report carefully and if there are any inaccuracies please contact me on the number below.

A recent change to our service means that your details will be shared with Health Providers to ensure your child is offered statutory health services available to all young people of statutory school age. If you wish to opt out of this service please contact me in writing at the address above.

I will contact you in 12 months to arrange another home visit but in the meantime if you would like to discuss any aspect of EHE with me please do not hesitate to contact me.

Yours sincerely

Education Welfare Officer

Education Welfare  
Support and Safeguarding Services  
2<sup>nd</sup> Floor  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JN

Address

Date

Your ref:  
Our ref:

Dear

Re: Forename SURNAME (dob)  
Elective Home Education

Following my visit I am writing to inform you that the Local Authority is not satisfied that a suitable education is being provided for. Please read the enclosed report which gives details of why the education provision is not deemed suitable. Please contact me if there are any inaccuracies.

You will be given the opportunity to address the issues raised and I will contact you again in six weeks time to consider any changes made to the education provision.

If you would like to discuss this with me please do not hesitate to contact me on the number below.

Yours sincerely

Education Welfare Officer



Education Welfare  
Support and Safeguarding Services  
2<sup>nd</sup> Floor  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JN

Address

Date

Your ref:  
Our ref:

Dear

Re: Forename SURNAME (dob)  
**Elective Home Education**

We agreed, at our previous meeting, that you would be happy for me to visit again to discuss and review .....’s home education programme.

I would like to visit you on .....at.....

If this is inconvenient, please contact me to arrange a mutually convenient time.

I look forward to meeting you again.

Yours sincerely

Education Welfare Officer

Education Welfare  
Support and Safeguarding Services  
2<sup>nd</sup> Floor  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JN

Address

Your ref:  
Our ref:

Date

Dear

Re: Forename SURNAME (dob)  
**Elective Home Education**

Further to my previous contact with you, you have indicated that you would like to provide information about..... 's education by.....(*method of information giving*).

The Local Authority needs to be satisfied that education continues to be provided to ..... Please will you confirm that your home education programme is still in place and forward a report or evidence of the education provision.

If you would prefer to meet with me then please do not hesitate to contact me.

I look forward to hearing from you.

Yours sincerely

Education Welfare Officer

## ELECTIVE HOME EDUCATION PLAN

The questions may not all be relevant to your child's age or the form of education you are intending to provide for your child, however it would be helpful if you could complete the form as fully as possible.

Section 7 of The Education Act 1996 states: 'The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and attitude and to any educational needs he may have'. The education provided should promote the child's physical, intellectual, social and emotional development.

<b>Pupil Name:</b>			
<b>Date of Birth:</b>		<b>Male/Female:</b>	
<b>Address:</b>			
<b>Post Code:</b>		<b>Telephone No:</b>	
<b>Parent/s Names: Address: (if different)</b>			
<b>Email address</b>			

<b>What activities will make up your child's day?</b>

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<b>Subjects covered/topics and projects</b>	
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<b>Maths</b>	
<b>English</b>	

**What resources will be available to your child?**

**How will you help your child with topics that you find difficult yourself?**

**Are there other's who will be helping with your child's education?**

**How much time will you devote to your child's education?**

**Where will your child study?**

**How will you monitor your child's learning and progress?**

**How and where will you keep records of your child's work and progress?**

**What support groups or other support and advice will be available to you?**

**Do you want your child to take GCSEs or other examinations / qualifications?**

**How will you encourage contact with other children?**

**What are your child's views about being educated at home?**

**Any other information?**

Name..... Date.....

Signed.....