



**Brighton & Hove**

**BRIGHTON & HOVE CITY COUNCIL**

**ELECTIVE HOME EDUCATION**

**POLICY AND PROCEDURES**

**October 2013**

## The Law relating to Home Education

Under *Section 7 of the Education Act 1996*, the parent of every child of compulsory school age has a responsibility to ensure their child receives efficient full-time education suitable:

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

*Section 436A of the Education Act 1996* (Children Missing Education)  
*175(1) of the Education Act 2002* (Safeguarding of children and young people)

## Introduction

This document applies to those young people whose parents have elected to educate them at home. Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe parents' decision to provide education for their children at home instead of sending them to school.

The purpose of this document is to outline the Local Authority's (LA) statutory responsibilities and the roles and responsibilities of the local authority and parents in relation to children who are educated at home.

It provides guidance on the procedures that will be used in Brighton & Hove for identifying and monitoring children who are home educated. This policy links with Brighton & Hove's Children Missing Education Strategy.

Parents may choose to home educate their children for a variety of reasons. The LA's primary interest should lie in the suitability of parents' education provision and not their reason for doing so. However, it is recognised that there are occasions when parents feel they have no alternative other than to home educate their child for a number of reasons including breakdown in communications between parent and school; allegations of bullying or to avoid prosecution for their child's non-attendance at school. In some of these circumstances, home educating would not be the parents' first preference. However, there are circumstances where others may choose to educate their children at home due to personal preference.

## Local Authority responsibilities

1. Under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, the LA have a statutory duty to identify, as far as it is possible to do so, any child living in the area who is not receiving suitable education. This is outlined further in Brighton & Hove's Children Missing Education Strategy.
2. Whilst this statutory duty does not apply to children who are educated at home and whilst there is no statutory duty on the local authority to monitor the quality of home education on a routine basis, under section 437(1) of the

Education Act 1996, the local authority can intervene **if it appears that parents are not providing a suitable education.**

3. Parents who elect to educate their children at home in Brighton & Hove will be encouraged to work with the Education Other Than at School Service (EOTAS) to ensure their child is receiving appropriate educational provision.
4. Local Authorities have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states: “*A local 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*”
5. As outlined above, local authorities have general duties to make arrangements to safeguard and promote the welfare of children (section 175 Education Act 2002 in relation to their functions as a local authority and for other functions in sections 10 and 11 of the Children Act 2004). These powers allow the local authority 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). However, such powers do not bestow on local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving suitable education.
6. EOTAS staff will always make enquiries with the Advice, Contact and Assessment Service (ACAS) regarding identified home educated children and will continue to share information with these colleagues during the time the child is home educated if that is appropriate. Should concerns arise around the safety and wellbeing of a child that is home educated, EOTAS staff will refer these concerns on to ACAS. Should ACAS become involved with a family where children are home educated, they will contact the EOTAS team to inform them of their involvement to ensure sharing of information.

#### Parental rights and responsibilities

7. Parents can exercise their right to educate their child at home either before they have enrolled at a school or at any time up to the end of their compulsory school age. Parents are not required to register or seek approval from the LA to educate their child at home, however we encourage them to do so.
8. Parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those whom they engage are suitable to have access to children.

#### Withdrawal from School

9. When a child is registered at a school, the parent will inform the school of their decision to remove the child to home educate. The school will remove the child's name from the register once written notification is received from

the parent. However, the school should not wait for this written notification before advising the local authority if the parent has informed them verbally.

10. If a child is registered at school as a result of a School Attendance Order, the parents must get the order revoked by the LA before the child's name can be removed from school's register.
11. We encourage parents to inform the LA directly of the withdrawal of a child from school but there is no legal right for us to do so. The only exception to this is where the child is attending a special school under arrangements made by the LA, in which case additional permission is required from the LA before the child's name can be removed from the school register.
12. Schools and LA staff must not seek to persuade parents to withdraw their child to home educate to avoid exclusion or because of poor attendance record.

#### Contact between the local authority and parents

13. Brighton & Hove Council recognises that learning takes place in a variety of environments and not only in the home. However, if it appears that suitable education is not being provided, we will seek to gather relevant information that will assist us in reaching a properly informed judgement.
14. This will include seeking further information from parents, should they wish to provide it, to explain how they are providing a suitable education. Parents are under no duty to respond to such requests for information or to attend meetings, but it would be sensible to do so.
15. A number of parents welcome the opportunity to discuss the provision they are making for their child's education and welcome home visits from the EOTAS team. Where a parent elects not to meet with LA officers, this does not of itself constitute a ground for concern about the educational provision being made. In these cases parents may provide the LA with a report, samples of work or provide evidence in some other form.

#### Children with Special Educational Needs (SEN)

16. Parents' right to educate their children at home applies equally to children who are subject to a Statement of SEN. However, it remains the LA's duty to ensure the child's needs are being met as outlined in the Statement and the LA are responsible for undertaking the annual review of the Statement.
17. Any parent who is educating their child at home may ask the LA to carry out a statutory assessment or reassessment of their child's special education needs and the LA must consider this request in the same way as for all other request.
18. Further information can be found in the Special Educational Needs Code of Practice.

## Truancy Sweeps

19. Brighton & Hove Access to Education team together with Sussex Police undertake regular truancy sweeps across the city under S16 of the Crime and Disorder Act. All officers involved in these operations are informed and given guidance that there are a number of valid reasons why children may not be in school including those who are educated at home.
20. It is reasonable to expect these officers to stop and question any child, whether accompanied by a parent or not, as to the reason they are not in school. They will have no way of knowing that a child is home educated unless they ask these questions.

## Procedures

21. Following notification from either the parent or the school that a child has been withdrawn from school to be educated at home, the EOTAS Development Officer will make contact with the parent and offer to visit the home, send an information pack, or give advice and guidance during the telephone call. This contact will normally be achieved within 5 working days.
22. At the same time enquiries will be made to determine whether or not social services are actively involved with the family or have been previously. In these circumstances, social services will be informed of the decision by the parent to educate the child at home.
23. Where it is established that the child has been withdrawn from school due to difficulties in school with staff or pupils, where there are issues of bullying, exclusions or attendance issues, the EOTAS Development Officer will try and support the parent to resolve the issue and may refer to other professionals such as the Attendance Support Officer for the school.
24. If none of the above applies, the EOTAS team will write to the parent offering an appointment to meet with the parent and the child within 6 weeks of the decision to withdraw the child from school, in order to allow time for the provision to be set up. The purpose of the meeting is for the member of the EOTAS team to offer advice and guidance to the parent in order for them to ensure their child is receiving suitable educational provision.
25. At this meeting, we hope that parents will come to an agreement with the EOTAS team as to how we will continue to keep up to date with the child's educational provision.
26. Meetings are usually arranged to take place in the home but can be arranged at alternative venues.
27. The EOTAS team will endeavour to undertake a follow up visit within another 6-8 weeks, if the education is deemed as suitable then a visit will be offered annually.

28. Where a family do not wish to meet with us, we will ask them to provide information on what educational provision is in place for their children in another form; e.g. a written report.

29. Under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears** that parents are not providing a suitable education. This section states that:-

*“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 to satisfy them within the period specified in the notice that the child is receiving such education.”*

30. If the education is deemed unsuitable after the 2<sup>nd</sup> six weekly visit then the EOTAS teacher or the EOTAS coordinator will endeavour to work with the parent and School Admissions in order to put the child back on a school roll. A School Attendance Order will be served after all reasonable steps have been taken to try to resolve the situation, and the child is still not seen to be receiving a suitable education.

#### Monitoring and Reviewing the Policy and Procedures

This document will be monitored, reviewed and amended in line with any changes in legislation and DofE guidance.

Updated October 2013

**FLOW CHART FOR ELECTIVE HOME EDUCATION**

