

Elective Home Education Policy

Children, Schools & Families – Schools & Learning - Inclusion

DRAFT

1. Introduction

This revised policy has been drafted in response to a request from a number of home educating parents who wanted greater involvement/consultation regarding elective home education in Surrey. Their representations were taken forward by members and officers and, as a result, over the last 6 months a working group of 2 home educators, 2 members and 2 officers, with support from democratic services, has consulted widely on a range of aspects relating to elective home education. The outcome of this work is presented as a separate report and this policy with a series of procedural guidelines to follow in the coming year.

2. The Law Relating to Elective Home Education

- The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not.
- The Education Act 1996, Section 7, requires parents of children not registered at school, to ensure their children receive efficient full time education suited to their age, ability and aptitude, and to any special educational needs either by regular attendance at school or otherwise.
- The words "efficient" and "suitable" are not defined in the Education Act 1996 but "efficient" has been broadly described in case law as an education that "achieves that which it sets out to achieve" and a "suitable" education is one that "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".

- Under 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, local authorities have a statutory duty to make arrangements to enable them to re-establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (for example, at home, privately or in alternative provision). The related guidance makes it clear that the duty does not apply to children who are being educated at home,
- Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis but under Section 437 (1) of the Education Act 1996 local authorities shall intervene if it appears that parents are not providing a suitable education.
- Section 437 (3) refers to the serving of school attendance orders to which the local authority has recourse after all reasonable steps have been taken to resolve the situation
- Local authorities have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This is further reinforced by Section 11 of The Children Act 2004 which places a duty on key persons and bodies to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children.
- When parents choose to electively home educate their children they assume financial responsibility for their children's education.

3. The Surrey Context

- The Elective Home Education team is a small team within the Inclusion Service which, in turn, is part of Schools and Learning within the Children, Schools and Families Directorate.
- Currently the team is staffed by 1 full time equivalent Elective Home Education Adviser supported by a team of sessional Elective Home Education Assistants and 0.5 FTE business support. The Elective Home Education Adviser reports directly to the Head of Inclusion.
- All staff working within the team have current CRB clearance and Surrey County Council identity passes. The staff involved in direct work with EHE families have access to a comprehensive programme of staff development and training including Surrey County Council induction, safeguarding, equality and diversity, domestic abuse, common assessment framework and safer lone worker training as well as specific training for work within the department. Additionally there are regular team meetings and involvement in performance management is a requirement for all SCC staff.
- The team work within the legal framework and, within given resources, will endeavour to work cooperatively and collaboratively with Surrey families who choose home education.
- Where appropriate, the team are receptive and responsive to guidance as issued, to approaches taken by other local authorities

and to feedback. This, in turn, assists in developing a climate of ongoing practice development and efficient, effective service delivery.

4. Aims

The Elective Home Education team respects the right of parents to provide education for their children and aims to:

- Provide impartial advice relating to Elective Home Education.
- Recognise and appreciate the full range of approaches taken by home educating families and, if required, provide opportunities for the sharing of ideas, resources, contacts etc
- Provide a menu of support/contact options from which parents can identify their preferred way(s) of working with the local authority.
- Work cooperatively with elective home education communities to encourage and develop self-help groups, communication networks and supportive working within and between groups and individuals
- Provide a range of opportunities for home educating families to update on the education they are providing.
- Offer a home visit following registration.
- Advise parents/professionals on aspects of elective home education policy and procedures.
- Work with parents who are involved in elective home education to develop a network of support links within each area.
- Work with relevant agencies and individuals to proactively safeguard and promote the welfare of children and, in the event of any concerns, initiate and follow through established procedures.
- Where appropriate, work with other agencies in the best interest of the child.
- Work in partnership with relevant stakeholders in order to develop the work of EHE to the benefit of home educated children. Relevant stakeholders include schools, special educational needs, education welfare, traveller education, child employment and children in entertainment, social care, police, health, borough councils, youth justice, partnership with parents and other local authorities.
- Work with the relevant area Special Educational Needs team to ensure that Annual Reviews are carried out in a timely way for those EHE children who have a statement of special educational need.
- Analyse available data relating to elective home education to understand and be responsive to any emerging patterns or trends and to follow up any concerns.
- Develop, implement and publicise procedural arrangements relevant to elective home education.
- Review and update the EHE website to ensure that it reflects the new policy and procedures as they are developed along with other relevant information.
- Try to 'reach' as many home educating families as possible.

5. Children with Special Educational Needs (SEN)

- Where a child has a statement of special educational need and is home educated, it remains the local authority duty to ensure that the child's needs, as defined in the statement, are met.
- The Elective Home Education team will have regard to the Special Educational Needs Code of Practice (particularly paragraphs 8.91-8.96 of the code) and will work in partnership with parents, the respective area SEN team, parents and the child to ensure that the child's needs, as defined in the statement, are met.
- Where parents of a child at a special school elect to home educate, the consent of the Local Authority must be sought. Before allowing this the local authority must be satisfied that the child will have its special educational needs satisfied through home education. The Local Authority may not withhold consent unreasonably.
- The Local Authority has a duty to maintain the statement and review it annually following procedures set out in the Code of Practice and agreed by the SEN team working with elective home education.
- Where appropriate, home-educating parents may ask the local authority to carry out a statutory assessment or re-assessment of their child's SEN. Staff in the Area SEN teams will be able to advise on procedure relating to this as will Partnership with Parents.

6. Policy Review

Policy and procedural documents in relation to Elective Home Education will be reviewed at least every 2 years, to see if improvements can be made to further develop efficient and effective working practice and to ensure that current legislative requirements are reflected. This will be achieved through involvement of home educating parents and other key stakeholders.