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**Shropshire Council**

**Elective Home Education Guidance**

**2023 – DRAFT v1**

**EHE webpage:** https://www.shropshire.gov.uk/schools-and-education/school-attendance-or-exclusion/elective-home-education/

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| *This policy has been developed in line with national guidance to local authorities issued by the DfE in April 2019. This document should be read in conjunction with the DfE guidance.*  *Under section 576 of the Education Act 1996, a parent is defined in relation to a child or young person as also including any individual:*  *(a) who is not a parent of his but who has parental responsibility for him, or*  *(b) who has care of him.* | | |

**Section 1**

**Introduction and Reasons for Elective Home Education**

All children of compulsory school age have a right to an education. However, this does not have to take place in a school.

Elective home education (EHE) is the term used by the Department for Education (DfE) when parents decide to provide education for their children at home instead of sending them to school. It is not home tuition provided by a local education authority, or where a local education authority provides education otherwise than at a school.

Shropshire Council respects parents’ choices and will routinely accept and support their decision to home educate their children.

The purpose of this document is to set out the current position and outline the processes and procedures in Shropshire.

These procedures relate to the home education of children of compulsory school age and aim to promote constructive contact between the local authority and parents to ensure the best outcomes for children.

Parents opt for home education for a variety of reasons. The following reasons are common but by no means exhaustive:

* distance or access to a local school
* religious or cultural beliefs
* philosophical or ideological views
* dissatisfaction with the education system
* as a short-term intervention for a particular reason
* a child’s unwillingness or inability to go to school.

**Section 2**

**The law relating to elective home education**

The responsibility for a child’s education rests with their parents. In England, education is compulsory for children aged 5 to 16, but school is not.

Article 2 of Protocol 1 of the European Convention on Human Rights states that:

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions”.

This right is enshrined in English law and parents have a duty to secure an appropriate full-time education for their children. Section 7 of the Education Act 1996 provides that:

“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”.

Whilst home education should be full-time, it does not have to follow school hours and terms.

**Section 3**

**Parental responsibilities**

Home education is enormously rewarding but it will undoubtedly also make huge demands on a family. It requires financial resources, time, energy and commitment and is a significant undertaking for anyone. Parents are advised to thoroughly research what is involved and are encouraged to talk to the local authority EHE team when considering their options. Families are encouraged to access the resources provided by the EHE team available at: https://www.shropshire.gov.uk/schools-and-education/school-attendance-or-exclusion/elective-home-education/. It is often beneficial to talk to other home educators and national EHE organisations that can offer advice and support when parents first consider home education and throughout their journey.

Parents have the responsibility to ensure their children receive a suitable education. This includes the option of electing to educate their children at home at any point during their children’s compulsory education.

Where a child has been registered at a mainstream (maintained or independent) school, parents must notify the school’s headteacher, in writing, that their child is receiving education otherwise than at school and that their child should be removed from the school’s roll.

Parents are not required to register or seek approval from their local authority in order to educate their children at home with the following exceptions:

(a) consent to de-register a pupil must be obtained if a child is placed at a special school under arrangements made by the local authority.

(Regulation 8(2) of the Education (Pupil Registration) (England) Regulations 2002).

(b) when a child is registered at a school as a result of a school attendance order (SAO), parents must ask the local authority to revoke the order.

(Ensuring Regular School Attendance – DfES, 2003, paras 6 - 16).

The type of educational activity can be varied and flexible. Parents who educate their child at home may choose to, but are not required to (Elective Home Education Guidelines for Local Authorities – DCSF 2007):

* teach the National Curriculum
* provide a broad and balanced curriculum
* have a timetable
* have premises equipped to any particular standard
* have set hours during which education will take place
* have any specific qualifications
* make detailed plans in advance
* observe school hours, days or terms
* provide formal lessons
* mark work done by their children
* formally assess progress or set development objectives
* reproduce school type peer group socialisation
* match school-based age-specific standards.

Parents who choose to educate their children at home must be prepared to assume full financial responsibility. Although there is no obligation for parents to use any specific resources to support home education, costs incurred could include:

* books/resources/stationery
* tutoring
* registration for e-learning courses/online schools
* alternative provisions
* public examinations/qualifications.

**Section 4**

**Local authority role and responsibilities**

There are many, varied approaches to provide a suitable education. What may be suitable and successful for one child, may not be for another. The law requires that each child receives an education suitable to them as individuals (Section 7 of the Education Act 1996).

The local authority will have a named officer who is responsible for elective home education.

Guidance for parents and carers and their families will be provided by the Local Authority.

Training and regular updates will be provided for the EHE team who work with home educated children and their families.

Under Section 437(1) of the Education Act 1996, the Council can intervene if there is good reason to believe that parents are not providing a suitable education. The local authority also has a duty under Section 175(1) of the Education Act 2002. This section states:

“A local authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local authority are exercised with a view to safeguarding and promoting the welfare of children”.

Section 175(1) does not extend local authorities’ functions. It does not, for example, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

Schools must not persuade parents or influence their decision to educate their child at home as a way of avoiding: exclusion, poor attendance, challenging behaviour and/or potential poor academic success. In the case of exclusion, statutory guidance must be followed. If the child has a poor attendance record, the school and local authority must seek to address the issues behind the absenteeism and use other interventions available to them.

When a parent chooses to home educate due to dissatisfaction in the public education system, Shropshire Council may use this information to investigate and challenge the causes.

**Section 5**

**Procedures and De-registration from School**

De-registration of a child from a school is covered by paragraph 8(1)(d) of the Pupil Registration Regulations (England) 2006.

Parents who wish to home educate their children who are registered at a maintained/ independent school, must inform the school formally and in writing of their intention to de-register.

When a parent notifies the school in writing that they are home educating, the school must delete the child’s name from the admission register and inform the local authority. However, where parents orally indicate that they intend to withdraw their child to be home educated, the school should consider notifying the local authority at the earliest opportunity.

Shropshire Council recognises that home educating parents are under no legal duty to register their details with the local authority. However, by doing so parents assist the local authority in ensuring that all children in Shropshire are receiving the education they are entitled to. Parents who elect to home educate are therefore requested to contact the local authority either by telephone, email or letter:

Email address: ehe@shropshire.gov.uk

Address: EHE Team

Education Access Service

The Shirehall

Abbey Foregate

Shrewsbury

SY2 6ND

Phone number: 01743 254397

When the local authority is notified that a child is being withdrawn from school, it will acknowledge receipt of this notification. Further contact will be made to provide information and documents. The EHE team are available to address any questions or concerns parents and children may have. A variety of information can be found on the EHE webpage at: <https://www.shropshire.gov.uk/schools-and-education/school-attendance-or-exclusion/elective-home-education/>.

The local authority will consider whether there is any indication, either in their own records or from other services/agencies, that there may be a cause for concern over the withdrawal of the child. The local authority also consider the views expressed by the child. Previous irregular attendance at school is not of itself a sufficient cause for concern.

In some cases, parents and their children have reached a crisis point, for example, with bullying. In these circumstances, it is strongly recommended that parents seek advice and support from the Education Access Service.

Specific instances where there may be concerns include:

* where a child has been referred to Children’s Services or the police for child protection reasons and the matter is being investigated
* where a child is subject to a Child Protection Plan
* where the child is the subject of a Supervision Order
* where there is a history of condoned absence, unmanaged truancy or other on-going, low-level concerns that may lead to child protection procedures.

The local authority should otherwise assume that efficient educational provision is taking place, which is suitable for the child, unless there is evidence to the contrary. There is no express requirement under Section 7 of the Education Act 1996 for the local authority to investigate actively whether parents are complying with their duties.

The local authority under section 436A of the Education Act 1996 has a duty to establish the identities of children in its area who are not receiving a suitable education. Being educated at home does not in itself, mean that children are not receiving a suitable full-time education. However, in order to fulfil their section 436A duty, local authorities are entitled to make informal enquiries of parents to establish what education is being provided. Shropshire Council makes informal enquiries initially through the offer of a visit. When parents prefer not to have a visit, an alternative educational report will be requested.

With regard to the informal enquiry, the DfE Elective home education guidance for parents document advises:

“As parents you are under no legal obligation to respond, but if you do not, the local authority is entitled to conclude from the absence of any response that it appears that your child is not receiving a suitable education, with all the consequences which can follow”.

In the absence of a response, the local authority will initially work to resolve this by verifying that the contact details of the family are correct. They will attempt a range of different methods of communication which may include a visit, telephone call, an email and a letter.

When a visit is not conducted, a report is not received and no other method is provided to satisfy the local authority, the EHE team will make a referral to the CME team. They may then institute formal attendance procedures in accordance with the provisions of Section 437 of the Education Act 1996.

**Section 6**

**Providing an “efficient and suitable” full-time education**

There is no definition of a ‘suitable’ education in English statute law. Although ‘suitable’ education has been described as 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’. To support the local authority to reach the decisions called for in section 437 of the Education Act 1996 as to the suitability of education, DfE guidance for local authorities (April 2019) suggests that the term ‘suitable’ should be seen in the following light:

* it enables a child to participate fully in life in the UK by including sufficient secular education
* it supports the development of the local and wider community (section 13 of the Education Act 1996), and promotes the welfare and safeguarding of children (section 174 of the Education Act 2002)
* it includes opportunities for literacy and numeracy development
* it seeks to promote meaningful contact with peers and to reduce risks of isolation
* it takes place within environments that are safe and supportive
* although not a legal requirement, many families choose to follow the National Curriculum or the independent school standards prescribed by the Secretary of State.

An efficient education within the meaning of section 7 is one which achieves what it sets out to achieve. It should be noted that this is not the same as the education being ‘suitable’. It is possible to deliver an efficient education which is not suitable for the child; conversely it is possible to deliver a suitable education very inefficiently.

There is no legal definition of full-time in terms of education at home. Children attending school normally have about 5 hour’s tuition for 190 days a year, spread over 38 weeks. Home education does not have to mirror this. Education which occupies a significant proportion of a child’s life will probably meet the section 7 requirement. The local authority will use discretion in reaching a judgement, as home education is often more flexible than mainstream schooling and includes continual one-to-one contact and education outside of normal school times and during holiday periods.

The frequency with which the local authority will contact parents to discuss their ongoing home education provision will vary depending on the individual circumstances of each family.

Ordinarily, contact is made by the EHE team on an annual basis to offer a meeting in the home or to request a written report. Parents are not legally required to give access to their home or for their child to be present. They may, for example, choose to meet the EHE team member at a mutually convenient/neutral location instead.

When the EHE team ask for information, parents can provide evidence that their children are receiving a full-time, efficient and suitable education in a number of ways. It may be presented in any form, as long as this would demonstrate its appropriateness for the child’s age, aptitude and ability. As outlined in the 2007 EHE guidelines, parents might for example:

* write a report
* provide samples of work
* invite the EHE team member to their home, with or without the child being present
* meet the EHE team member elsewhere, with or without the children
* have the educational provision endorsed by a recognised third party
* provide evidence in any other appropriate form.

In their consideration of parents’ provision of education at home, the local authority may reasonably expect the provision to include the following characteristics:

* consistent involvement of parents - it is expected that parents would play a substantial role, although not necessarily constantly or actively involved in providing education
* recognition of the child’s needs, attitudes and aspirations
* opportunities for the child to be stimulated by their learning experiences
* access to resources/materials required to meet the objectives of the parents – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and adults.

Following a visit/meeting or on receipt of a written report, the local authority will provide a response to parents stating whether or not there are any concerns about the education provision. Where there are concerns about the efficiency or suitability of the education being provided for the child, more frequent contact may be required. Where concerns merit frequent contact, the local authority will discuss these concerns with the child’s parents, with a view to help them improve the provision in the best interests of the children.

If, when further considering the educational provision, one or more of the above characteristics detailed appears to be lacking, the local authority may choose to further investigate whether or not an efficient and suitable education is, in fact, being provided. A full written report on the findings will be made and copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable. Once parents have been given a reasonable opportunity to improve their provision and report back and the local authority continues to not be satisfied that efficient education is being provided, consideration will be given to a referral to the Children Missing Education (CME) team. They may institute formal attendance procedures in accordance with the provisions of Section 437 of the Education Act 1996.

**Section 7**

**Safeguarding**

The welfare and protection of all children, both those who attend school and those who are educated by other means, are of paramount concern and the collective responsibility of the whole community. As with school educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to the appropriate authorities using established protocols.

Local authorities have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children:

“A local education 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.”

Section 175(1) does not extend local authorities’ functions. It does not, for example, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

Parents may choose to employ other people to educate their child, though they themselves continue to be responsible for the education provided. They will also be responsible for ensuring that those they engage are suitable persons to have access to children. Parents are strongly recommended to take up appropriate references and/or request the tutor completes a DBS check.

**Section 8**

**Children with Special Educational Needs and Disabilities (SEND)**

Parents' right to educate their children at home applies equally when their children have SEND. SEND children who are home educated will be supported by the EHE team. SEND children with an EHCP will be supported by the SEN team and this section refers to these children.

Where parents elect to home educate a child with an EHCP who is registered at a mainstream school, the child will be removed from roll on receipt of written notification from the parent. Local authority approval is not required, irrespective of whether or not the child has an EHCP, unless they are registered at a special school under local authority arrangements.

Where a child has an EHCP and is home educated, the local authority remains responsible for ensuring that the child's needs are met. They also have a duty to maintain the child’s plan and to review it annually following procedures set out in the 2015 SEN Code of Practice.

Local authority SEN case managers will organise an (interim) annual review to be held within four weeks of receipt of notification that a child is to be home educated. Parents will always be invited to attend and fully participate in the review in their role as lead educators of their child. – need to confirm with KL/FD

In some circumstances, the child’s special educational needs identified in the EHCP will have been related to a school setting and the child’s needs may be readily met at home without local authority supervision. Once this is established, it may be appropriate to consider ceasing to maintain the EHCP. This may be done at the annual review or at any other time.

If the parents’ arrangements are suitable, the local authority is relieved of its duty to arrange the provision specified in the statement. If, however, the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making 'suitable arrangements' and the local authority could not conclude that they were absolved of their responsibility to arrange the provision in the statement.

If an EHCP assessment is needed, a parent who is educating their child at home may ask the local authority to carry out a statutory assessment of their needs. The local authority must consider the request within the same statutory timescales and in the same way as for all other requests.

**Section 9**

**Flexi-schooling**

Flexi-schooling is an arrangement of providing a full-time education to a child where the child attends school part of the time and is educated elsewhere, usually by the parent, for the rest of the time. It is an individual arrangement made between the school and the parent.

Parents will need to prove to the head teacher that flexi-schooling is in the best interests of the child, for example by writing a proposal explaining the benefits for the child and practical examples of how the arrangement will work between the school and parent. However, the Headteacher will decide whether they are willing to enter into a flexi-school agreement. The governing body may be involved in agreeing and reviewing a general approach to requests for flexi-schooling, but this does not exempt the Headteacher from the need to consider each request individually.

Children who are flexi-schooled are treated by the law as being full-time pupils of the school, but a separate agreement is reached by parents with the school to allow the child to take part in ‘approved educational activities’ during school hours and away from the school. Legally the overall responsibility for the child receiving a suitable education and remaining safe sits with the school.

If it appears to the school that parents are not providing a suitable education as agreed, the school may ask the parent to take remedial action. If the parent declines to do so or the school continues to have concerns about the provision of education at home, the school may withdraw its agreement to the flexi-schooling arrangement. The child would then be required to return to school on a full-time basis whilst they remained registered or the parent makes a decision to electively home educate on a full-time basis.

**Section 10**

**Review and development**

Shropshire Council will review its procedures and practices in relation to home education on a regular basis. Improvements will be made to further develop relationships with parents and children in order to meet their needs. Home education organisations and home educating parents are encouraged to share their views and feedback with the local authority

The Education Access Service will, as required, deliver training and updates to local authority officers and other relevant services and agencies on matters relating to home education.

**Section 11**

**Contacts**

Responsibility for elective home education sits within Learning and Skills and is managed by the Education Access Service Manager. The elective home education team’s role is to liaise with parents regarding their children’s education. They are DBS checked and undertake specific and relevant training as required.

Email address: ehe@shropshire.gov.uk

Address: EHE Team

Education Access Service

The Shirehall

Abbey Foregate

Shrewsbury

SY2 6ND

Phone number: 01743 254397

Webpage: <https://www.shropshire.gov.uk/schools-and-education/school-attendance-or-exclusion/elective-home-education/>