

Children & Young People

Elective Home Education

Policy and Procedure

Purpose:

This document aims to clarify for LA officers, schools, parents and other related agencies, the legal framework and policy and procedures to be followed when a parent elects to educate their child who is of compulsory school age outside of the school model. It also sets out the arrangements City of Wolverhampton Council will make in order to carry out its statutory duties.

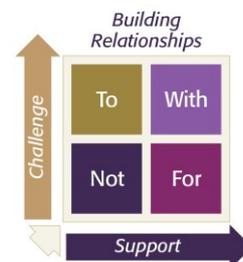
Approved by – Children and Young Management Team
(18.01.18)

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RESTORATIVE PRACTICE

All contact and work received by families from the City of Wolverhampton Council within the City will be based around restorative practice principles. This is to ensure we improve the life outcomes for all children, young people and families we work with. In Wolverhampton we intend to use restorative principles and behaviours with colleagues as well as children and families, to help develop positive working relationships.



REVIEW LOG			
Date	Version	Comments	Approved by
December 2009	1.0	New policy introduced	Children & Families Team
May 2012	1.1	Policy reviewed. No amends	Children and Family Support Management (01.05.12)
May 2014	1.2	Policy reviewed. Amended to reflect funding for Year 10 aged young people to access College funding and revised titles owing to implementation of the new structure. Template letters added as appendices.	
August 2015	1.3	Added a section in about where professionals have concerns that a multi-agency meeting must take place. (Section 5.0)	August 2015
January 2018	1.4	Policy reviewed. Amended to take into account the changes to the processes in place for working with families who choose to home educate and revised title of the EHE and Travelling Children Support Officer owing to changes to the Vulnerable Young Persons Team.	Children and Young People Management Team (18.01.18)
This system of recording review dates is designed to ensure staff at all times use the correct version of the up to date Policy. This system is used on all City of Wolverhampton Council – Children and Young People Policies and Procedures.			

CONSULTATION

The following people have been consulted on this policy:

- **EHE and Travelling Children Support Officer**
- **Vulnerable Young Persons Manager**
- **SENSTART Manager**
- **Head of Special Education Needs and Disability**
- **Children & Young People Management Team**

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1.0 INTRODUCTION

- 1.1 This policy aims to inform Wolverhampton LA officers, schools, parents, carers and guardians and other related agencies about the policy and procedures to be followed where parents, legal carers or guardians make the choice to educate their children otherwise than at school, usually at home. This practice is known as Elective Home Education (EHE). The term “parent” is used throughout this policy to include all those with parental responsibility.
- 1.2 The policy does not apply to children receiving alternative educational provision from the Local Authority because they are not attending school as a result of illness, exclusion or any other reason.
- 1.3 Wolverhampton LA recognises that Elective Home Education is a parental right which requires significant commitment and aims to develop positive and supportive relationships with parents based on trust and mutual respect, working together to ensure the best educational interests of the child.
- 1.4 Parents may choose to home educate for various reasons. The following list is not exhaustive, but gives common reasons parents may have for making this choice:
- distance from or access to a local school
 - religious or cultural beliefs
 - philosophical or ideological views
 - dissatisfaction with the system
 - bullying
 - a short-term intervention for a particular reason
 - a child’s unwillingness or inability to go to school
 - Special Educational Needs
 - parents’ desire for a closer relationship with their children
- 1.5 The LA’s primary interest does not lie in the reason for choosing home education, but in ensuring that all children, including those educated at home, are receiving an education which meets the legal requirements outlined in Section 2 of this document.
- 1.6 This document details the Local Authority’s policy and procedures with respect to the following:
- the legal position regarding Elective Home Education
 - the rights and responsibilities of parents
 - the responsibilities of the LA
 - the procedures which will be followed by the LA when a family choose to home educate
 - the support, resources and guidance provided for home educating families by the LA
 - EHE and Safeguarding
 - the role of the EHE and Travelling Children Support Officer

- EHE and Children with Special Educational Needs
- EHE and Traveller Children

- 1.7 The policy and procedures have been written with reference to the (Department for Education) DfE “Elective Home Education Guidelines for Local Education Authorities” which were published in November 2007 following widespread public consultation. The policy and procedures should be read with reference to the relevant legislation outlined in Section 2 of the policy, the LA’s “Guidance on School Attendance” and “Children Missing from Education” policies and procedures. Other relevant DfE publications include “Statutory guidance for local authorities in England to identify children not receiving education” and “Ensuring Children’s Right to Education”.
- 1.8 The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and to share information appropriately. This principle underpins this policy and there is an expectation that all agencies and professionals will work together and with parents to ensure that all children are receiving an appropriate education.

2.0 THE LAW RELATING TO ELECTIVE HOME EDUCATION

- 2.1 The responsibility for a child’s education rests with their parents. Education is compulsory in England for children from the start of the term following the child’s 5th birthday until the last Friday in June of the academic year in which the child is 16; attendance at school is *not* compulsory.

- 2.2 Section 7 of the Education Act 1996 states 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 education needs he may have, either by regular attendance at school or otherwise.”

- 2.3 This legal duty is underpinned by the European Convention on Human Rights, Article 2 of Protocol 1, which 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 rights of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.”

- 2.4 Section 9 of the Education Act 1996 states that:

“In exercising or performing all of their respective powers and duties under the Education Acts the Secretary of State, local education authorities and the funding authorities shall have regard to the general principle that pupils are to

be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.”

2.5 The right of a parent to choose to home educate is therefore enshrined in law.

3.0 PARENTAL RIGHTS AND RESPONSIBILITIES RELATING TO ELECTIVE HOME EDUCATION

3.1 As outlined in Section 2, parents have a legal right to home educate their child. The key definitions of such an education are that it must be “efficient”, “full time”, “suitable to the age, ability and aptitude of the child”, and “suitable to any special educational needs”.

3.2 This definition gives parents considerable freedom in determining the scope of education provided and is not prescribed by the 1996 Education Act. Case law has however established some clarity about the interpretation of these words. The particular conditions relating to the home education of children with Special Educational Needs are discussed in Section 8.

3.3 “*Efficient*”. Education is considered to be efficient if it achieves that which it sets out to achieve.

3.4 “*Suitable*”. A suitable education is one which “*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 chooses to do so*”¹

3.5 Education has also been ruled to be suitable “*if, and only if, the education is such as:*

- (i) to prepare the child for life in modern, civilised society, and*
- (ii) to enable the child to achieve his full potential*”²

Home educating parents are therefore required to have some kind of philosophy, approach or framework for the education of their child(ren).

3.6 There is no legal definition of what constitutes a “*full-time*” education, although children in school usually spend between 22 and 25 hours working each week for 38 weeks of the year. Measurement of “contact time” in this way is not relevant in the context of elective home education, where the child often has continuous one to one contact with the parent/educator and the types of educational activity which the child follows may be varied and flexible.

3.7 There is no legal requirement for home educating parents to:

¹ Mr Justice Woolf, R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (1985)

² Harrison & Harrison v Stevenson, Worcester Crown Court (1981)

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

3.8 When parents engage a third party (e.g. tutor) to deliver part of their child's education, they are responsible for ensuring that the person is appropriately qualified and suitable, including Disclosure and Barring Service (DBS) checks.

3.9 When parents elect to home educate, they assume full financial responsibility for their child's education, including the costs of private tuition, courses and public examinations.

4.0 RESPONSIBILITIES OF THE LOCAL AUTHORITY RELATING TO ELECTIVE HOME EDUCATION

4.1 The Local Authority has a duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children of compulsory school age resident in Wolverhampton who are not on a school roll and *are not* receiving a suitable education otherwise than being at school. The statutory guidance makes it clear that the duty does not extend to home educated children who *are* receiving a suitable education.

4.2 In order to fulfil this duty the Local Authority will adopt a multi-agency approach to ensure that all agencies working with children are aware of the authority's duty and that consideration is given to safeguarding and promoting the child's welfare.

4.3 Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. If it appears that a suitable education is not being provided, case law has established that the Local Authority can make reasonable enquiries to gather relevant information to assist them in reaching a properly informed judgment and that although parents are under no duty to respond to such requests for information or a meeting, it would be sensible to for them to do so.

- 4.4 The Local Authority has the power to intervene if it is not satisfied that parents are providing a suitable education. Section 437(1) 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 a 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.”

The period given to the parent should be not less than 15 days, beginning on the day on which the order is served.

- 4.5 Having been served with a notice, if the parent does not satisfy the Local Authority within the specified period that the child is receiving a suitable education, **AND** in the opinion of the local authority is expedient that the child should attend school, the authority then has the duty under Section 437(3) of the 1996 Education Act to issue a School Attendance Order. Details of these procedures can be found in Wolverhampton LA’s *“Guidance on School Attendance”*, October, 2012.

- 4.6 The issuing of a School Attendance Order (SAO) will be used by Wolverhampton LA as a last resort, in rare cases, after all reasonable steps have been taken to resolve unsatisfactory situations. Prior to this, the EHE and Travelling Children Support Officer will have made extensive enquiries and worked with the family and other agencies, where necessary, to resolve the situation informally.

- 4.7 At any stage following the issue of an Order parents may present evidence to the LA or the court that they are providing an appropriate education and apply to have the Order revoked. If the LA refuses to revoke the Order the parent can choose to refer the matter to the Secretary of State. If the LA prosecutes the family for not complying with the Order, then it will be for a court to decide whether or not the education being provided is suitable and efficient.

- 4.8 Rarely the alternative course of an Education Supervision Order (ESO) might be considered. An ESO would last one year and would enable a supervisor, social worker or education welfare officer to advise, assist and befriend both the child and the parents. They are intended to be supportive in situations where the parent is failing to address their child’s educational entitlement, especially in the case of younger children. An example may be a parent who has special educational needs or mental health problems, rather than a situation where the parent is willfully refusing to respond to the LA.

- 4.9 Where an ESO is in force with respect to a child, the duties of the child’s parents under Sections 7 and 444 of the Education Act 1996 (duties to secure education of children and to secure regular attendance of registered pupils) are superseded by their duty to comply with any directions in force under the ESO.

- 4.10 Wolverhampton LA's policy is not to routinely make use of these legal powers in but to aim to resolve difficulties through multi-agency work and procedures such as an Early Help Assessment (See Section 6.0)

5.0 PROCEDURES TO BE FOLLOWED BY PARENTS, THE LOCAL AUTHORITY AND SCHOOLS RELATING TO ELECTIVE HOME EDUCATION

- 5.1 Where a child has never been registered at a school and is being home educated, the parent is under no legal obligation to inform the local authority of the child's existence or the fact that they are home educating, although many parents do so voluntarily. If any LA Officer becomes aware of such a situation, they should forward any details known to the EHE and Travelling Children Support Officer.
- 5.2 The parent is not legally obliged to inform the LA directly if they make the decision to home educate (unless the child is a pupil at a special school) but early contact with the EHE and Travelling Children Support Officer can help the parents to make an informed decision and satisfy the LA that parents are making suitable arrangements for the child's education.
- 5.3 When a child is registered at a LA school and the parent approaches the school to discuss the possibility of EHE, the school should respond to the parent positively and constructively. The school should firstly seek to establish that the reason for considering EHE is based on a positive parental choice, not on a dispute with the school. If this is the case, the school should ensure that all steps have been taken to resolve the issue with the parent and pupil.
- 5.4 In order to provide as much support as possible to parents, the school should encourage the parent to informally discuss the situation with the EHE and Travelling Children Support Officer for further advice and guidance to enable them to make an informed choice. Parents are however, under no obligation to do so.
- 5.5 The DfE guidelines make it explicit that: *“Schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the school and local authority must address the issues behind the absenteeism and use the other remedies available to them.”*
- 5.6 If a parent formally requests the deregistration of a pupil for Elective Home Education, the school should inform the EHE and Travelling Children Support Officer immediately so that enquiries can be made about the pupil's whereabouts and safety, before the child's name is deleted from the register.

The EHE and Travelling Children Support Officer will need to be satisfied that there are no specific concerns, such as:

- the child is subject to a School Attendance Order which has not been revoked.

- the child has been referred to social care or the police for child protection reasons and the matter is under investigation
 - the child is on the child protection register
 - the child is the subject of a supervision order
 - there is a history of condoned absence, unmanaged truancy or other low level concerns that may require further LA intervention by Education or Social Care professionals.
- 5.7 In such a situation, the EHE and Travelling Children Officer should obtain information from the parents, so as to be satisfied that an “efficient and suitable education” can be provided by the parents. The parent should be given the opportunity to discuss any specific concerns the LA has and the child will also be given the opportunity to attend meetings and express his or her views, if he or she is able to so.
- 5.8 When a school receives formal, written notice from a parent, that a child is being withdrawn from school in order to be home educated and the child has ceased to attend the school the Headteacher should ensure that the pupil’s name is removed promptly from the admissions register in accordance with Section 8(1)(d) of the Education (Pupil Registration)(England) Regulations 2006.
- 5.9 Regulation 12 (3) the Education (Pupil Registration)(England) Regulations 2006 states that *“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 any 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”*.
- 5.10 In practice the school should inform the EHE and Travelling Children Support Officer as soon as a child has been withdrawn from school and parents have indicated in writing that they intend to home educate. This should be followed as soon as possible by a copy of the “Request for Off Register form”, a copy of the letter from the parent and written confirmation of the date when the pupil’s name is to be removed from the register. The responsibility is on schools to act promptly in such circumstances.
- 5.11 At this point the school should also encourage the parent to inform the EHE and Travelling Children Support Officer independently that their child is being home educated and should copy the parent into the notice to the LA. The SIMS/ONE database must be updated immediately by the school through the Data Exchange process. For children and young people with SEN statement please refer to Section 8.
- 5.12 When the EHE and Travelling Children Support Officer receives formal confirmation from a school or directly from a parent that a child is being home educated, a check will be made on the “ONE” database to ensure that the off-registration has been correctly recorded and an EHE Referral will be created in

the database which will enable the LA to track communication with the home educating family.

- 5.13 The EHE and Travelling Children Support Officer will write to parents within two weeks, during term time, offering the opportunity to book home visit to discuss their child's education at home or for families to provide written evidence about work to be completed by their child(ren).
- 5.14 Where parents agree to a home visit the EHE and Travelling Children Support Officer will meet with parents and the child, usually within four weeks, to offer informal advice and guidance on EHE and to inform the parents about the LA's monitoring process.
- 5.15 Wolverhampton LA respects the fact that parents' plans may not be detailed at this stage and they may not yet be able to demonstrate all the characteristics of "efficient and suitable" provision. The EHE and Travelling Children Support Officer will in such situations agree a reasonable timescale for parents to develop their provision.
- 5.16 During any meeting or conversation with parents, actions may be discussed and agreed between parents and the EHE and Travelling Children Support Officer regarding the child's education at home. The EHE and Travelling Children Support Officer will make written notes during the meeting. This will be copied to parents as standard practice. The information on the form may be shared with other LA officers with an interest in the child's welfare (e.g. Social Workers, Educational Psychologists), in accordance with the Data Protection Act and Wolverhampton LA's Information Sharing Protocols.
- 5.17 Following an initial meeting, parents will be encouraged to return the EHE Planning Questionnaire and any supporting information to the EHE and Travelling Children Support Officer, this is however a voluntary request.
- 5.18 Where a child is newly registered as being educated at home, a follow up meeting will be arranged, with the parents' agreement, within three months. The purpose of this meeting is to establish that the child is receiving the education planned by the parent, and to offer the parent further advice and support.
- 5.19 Where parents decline a home visit, the EHE and Travelling Children Support Officer may offer to meet the parents at an alternative venue and will inform parents of alternative appropriate ways of satisfying the LA that a suitable, efficient, full-time education is being delivered. The EHE and Travelling Children Support Officer will continue to make regular, written contact with parents, at least every six months, to ascertain that this is the case.
- 5.20 If, following the second meeting with the EHE and Travelling Children Support Officer it is evident that the child is receiving a suitable education, a third review meeting will be arranged during the following school term. From this point, where there are no causes for concern, review meetings will be offered on a twice yearly or yearly basis, per parental preference, until the child ceases to be of compulsory school age.

- 5.21 If, following the second meeting with parents no evidence or insufficient evidence has been provided by the parents to satisfy the EHE and Travelling Children Support Officer that a suitable education is being delivered the Officer will advise the parent, in writing of the LA's concerns and make recommendations with timescales to ensure that the child receives a suitable education. The parent will also be advised of the possible consequences of not providing such an education, both for themselves and in terms of the impact on the child. The EHE and Travelling Children Support Officer will continue to offer advice and guidance to support parents in delivering a "suitable and efficient" education.
- 5.22 Where it is clear following all reasonable attempts to address concerns progress has not been made, the EHE and Travelling Children Officer will refer the matter to the Behaviour and Attendance Coordinator and a formal notice may be issued. The EHE and Travelling Children Support Officer will aim to keep a constructive relationship with parents during this process and to act in the interests of the child's welfare. In a minority of cases the outcome of this process may result in School Attendance Order proceedings being initiated. The aim will always be to resolve difficulties without recourse to this.
- 5.23 In considering the suitability of the education provided the EHE and Travelling Children Support Officer will also expect provision to include the following characteristics, as described in the DFE guidelines:
- consistent involvement of parents or other significant carers – it is expected that parents or significant carers 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 provide home education for the child – 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 other adults.
- 5.24 If following a request for alternative information and advice, the EHE and Travelling Children Support Officer receives no contact from the family to provide evidence that a suitable, efficient, full-time education is being delivered, then the officer will make further reasonable attempts to contact with the family, including telephone calls and visits to establish that a suitable, efficient, full-time education is being delivered.
- 5.25 Following all reasonable attempts to make contact with the family, the EHE and Travelling Children Support Officer receives no contact from the family to provide evidence that a suitable, efficient, full-time education is being delivered, then this will then be referred to the Behaviour and Attendance Coordinator, as per the LA's "Children Missing from Education Policy and Procedures". If considered appropriate, the EHE and Travelling Children Officer may also refer the matter to the relevant LA officers in particular the

Strengthening Families Hubs Team or MASH and a formal notice (see Sections 4 may be issued).

- 5.26 At any stage where the EHE and Travelling Children Support Officer or parent identifies concerns about the child's welfare or progress, the frequency of meetings may be increased to address particular issues about the child's education and other agencies may be contacted by the EHE and Travelling Children Support Officer. This will be an opportunity to encourage the family to engage in the support that can be provided via an Early Help Assessment. The EHE and Travelling Children Support Officer will aim to maintain a positive and constructive relationship with parents.
- 5.27 Should a parent refuse contact with the EHE and Travelling Children Support Officer and there is no further reason to suspect that a suitable, efficient, full-time education is not being delivered, then the EHE and Travelling Children Support Officer will undertake regular checks across all relevant agency systems to ensure concerns or issues have not been raised. In this instance families, will be contacted again within 6 months.

6.0 ELECTIVE HOME EDUCATION AND SAFEGUARDING

- 6.1 Section 11 of the Children Act 2004 places a statutory duty on key people and bodies to make arrangements to safeguard and promote the welfare of children. Revised Statutory Guidance on the duty was issued in April 2007.
- 6.2 The Revised Statutory Guidance states in its introduction that: "*The support and protection of children cannot be achieved by a single agency... Every Service has to play its part. All staff must have placed upon them the clear expectation that their primary responsibility is to the child and his or her family.*" Lord Laming in the Victoria Climbié Inquiry Report, paragraphs 17.92 and 17.93.
- 6.3 Chapter 2.2 of the Government Publication "*Safeguarding Children and Safer Recruitment in Education*" defines "*Safeguarding and promoting the welfare of children*" as:
- protecting children from maltreatment;
 - preventing impairment of children's health or development;
 - ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and
 - undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.
- 6.4 The same publication states in Section 2.12 that "*Responsibility for safeguarding children who are educated at home by their parents, or who are employed, are not solely education issues. These matters are best dealt with by a multi-agency approach and should be addressed in locally agreed procedures in accordance with the principles set out in Working Together to Safeguard Children (DfES 2006) and the Framework for the Assessment of Children in Need and their Families (DH 2000).*"

- 6.5 The EHE and Travelling Children Support Officer will have particular regard to the relevant guidance and Wolverhampton Children's Safeguarding Board's Safeguarding Procedures when considering what action to take where there are serious concerns about the welfare of a home educated child.
- 6.6 If the EHE Children and Travelling Children Officer considers that there are safeguarding or welfare issues as defined in paragraph 6.3 above, or is made aware of such issues by other professionals, the appropriate referral will be made to MASH.
- 6.7 If safeguarding concerns or welfare issues are raised with the parents, the EHE and Travelling Children Officer will make immediate contact with the relevant LA Officers and ensure that with the consent of the parents a MARF is completed to provide additional support to the family.
- 6.8 It should be acknowledged that home educating families in need of additional services may be unwilling to engage with the Early Help process. The EHE and Travelling Children Officer will encourage them to consent, but there is no requirement for them to do so.
- 6.9 If a home educating parent does not consent to an Early Help Assessment and does not engage with other agencies (e.g. health professionals) the EHE and Travelling Children Officer will re-consider, in consultation with other professionals, whether it is appropriate to make a referral to **MASH**.

7.0 SUPPORT, GUIDANCE AND RESOURCES PROVIDED BY THE LOCAL AUTHORITY TO PARENTS

- 7.1 The EHE and Travelling Children Officer is the lead officer responsible for ensuring that parents are given accurate and relevant information, support and guidance relating to Elective Home Education. This role includes:
- Developing, maintaining and managing the delivery of Wolverhampton LA's EHE Policy and Procedures.
 - Attendance at Regional and National EHE Conferences and developing a body of professional knowledge in this field.
 - Developing a positive relationship with home educating families and EHE Support Groups,
 - Discussing the implications of EHE with parents before they make the decision to leave or enter the school system.
 - Responding to parental requests for educational advice, including topics such as the National Curriculum, suitable educational resources and preparation for examinations.

- Supporting and monitoring the educational provision of home educating families through a programme written contact with parents and meetings with parents and children.
- Producing and distributing accurate written records of meetings with home educating parents and children
- With consent, exchanging contact details for EHE families in Wolverhampton to facilitate networking and organising networking events for EHE families.
- On request and with consent, facilitating contact between parents and other agencies (such as Wolverhampton Parent Partnership, Connexions Careers Service, Education Welfare Service, Educational Psychology Service, School Admissions).
- Co-ordinating a multi-agency approach to working with EHE families with unmet needs. This may include Early Help Assessment procedures.
- Advising parents of local sources of information and educational activities and places of interest (e.g. libraries, museums and public buildings).
- Maintaining the “One” database with accurate details of known home-educated children within the authority for the purpose of facilitating Children Missing Education (CME) procedures.

8.0 ELECTIVE HOME EDUCATION AND SPECIAL NEEDS

- 8.1 Parents' right to educate their child(ren) at home applies equally where a child has special educational needs (SEN) (see Section 10.30 of the SEND Code of Practice 2015 for further details). Some children with special educational needs have Education, Health and Care Plans (EHCP) but others do not.
- 8.2 If the child to be de-registered is a pupil at a special school, the school must inform the Special Educational Needs Statutory Assessment and Review Team (SENSTART) before the child's name can be deleted from the school roll and the LA will need to consider whether the home education is suitable before amending part I of the EHCP. The child's name will remain on the school roll until the LA agrees that parents can provide a suitable education.
- 8.3 Where a child has an EHCP and is home-educated, it is the Local Authorities (LA) duty to ensure that the child's needs are met. The EHCP must remain in force and the LA must ensure that parents can make suitable provision, including provision for the child's Special Educational Needs (SEN). This specific SEN provision will be reviewed annually by the SENSTART team to ensure its effectiveness, suitability and to confirm that the child's specific SEN are being met.

- 8.4 If the parents' SEN arrangements are suitable, the LA is relieved of its duty to arrange the provision specified in the EHCP. If, however, the parents' attempts to educate the child at home results in provision that falls short of meeting the child's SEN needs, then the parents are not making 'suitable arrangements' and the LA could not conclude that they were absolved of their responsibility to arrange the provision in the EHCP.
- 8.5 As outlined in Section 10.36 of the SEND Code of Practice 2015, where the LA feels that the provision provided for the child or young person does not meet their needs then "The local authority is required to intervene through the school attendance order framework 'if it appears...that a child of compulsory school age is not receiving suitable education' The serving of a school attendance order is a last resort if all attempts to improve provision are unsuccessful. 'Suitable education' means efficient full-time education suitable to the child or young person's age, ability and aptitude and to any SEN he or she may have."
- 8.6 Even if the LA is satisfied, it remains under a duty to maintain the child's ~~ECHP~~ EHCP and review it annually, following procedures set out in Chapter 9 of the SEND Code of Practice. The SENSTART team will coordinate the annual review of the child's EHCP, including gathering information from parents or guardians about the provision provided for the child and requesting comment from the EHE and Travelling Children Support Officer about interaction and evidence provided to the service. Those children who are both EHE and have an EHCP will also continue to be offered review visits as per EHE policy in addition to the annual review of their plan.
- 8.7 Where the LA is satisfied that the child's parents have made suitable arrangements it does not have to name a school in Part I of the child/young person plan-though it should state the type of setting/school/post 16 provisions it considers appropriate and go on to state that "parents have made their own arrangements under section 7 of the Education Act 1996".
- 8.8 If the LA agrees that EHE is a suitable provision for the child or young person then under Section 42(2) of the Children and Families Act 2014, the LA must arrange the special educational provision set out in the plan, working with the parents. The EHCP can also specify any provision that the LA has agreed to make under section 319 to help parents to provide suitable education for their child at home.
- 8.9 A parent who is educating their child at home may ask the LA to carry out a statutory assessment of their child's special educational needs and the LA must consider the request within the same statutory timescales and in the same way as for all other requests. The views of the designated medical officer for SEN should be sought by the LA where a child/young person with a EHCP is educated at home because of difficulties related to health needs or a disability.

- 8.10 Relevant references in the 1996 Education Act, noting Statement here has been replaced by the ECHP:

Section 324 (4) of the Education Act 1996

"the statement [of special educational needs] shall specify any provision for the child for which they make arrangements under section 319 and which they consider should be specified in the statement."

Section 324(4A) of the Education Act 1996

"does not require the name of a school or institution to be specified [in a child's statement] if the child's parent has made suitable arrangements."

Section 324(5)(a) of the Education Act 1996

"Where a local education authority maintains a statement then, unless the child's parent has made suitable arrangements, the authority (i) shall arrange that the special educational provision specified in the statement is made for the child, and (ii) may arrange that any non-educational provision specified in the statement is made for him in such a manner as they consider appropriate."

- 8.11 Relevant references in the SEND Code of Practice 2015

Section 10.36 of the SEND Code of Practice

In some cases, a local authority will conclude that, even after considering its power to provide support to home-educating parents, the provision that is or could be made for a child or young person with an EHC plan does not meet the child or young person's needs. The local authority is required to intervene through the school attendance order framework 'if it appears...that a child of compulsory school age is not receiving suitable education'. The serving of a school attendance order is a last resort if all attempts to improve provision are unsuccessful. 'Suitable education' means efficient full-time education suitable to the child or young person's age, ability and aptitude and to any SEN he or she may have.

- 8.12 The EHE and Travelling Children Support Officer will direct parents of home educating children with SEN or queries about the assessment process to Wolverhampton Information, Advice and Support Service (IASS) for advice and guidance, and will work closely SENSTART, Education Psychology Service and Early Help when assessing the suitability of home education provided for statemented children.
- 8.13 Where the parents of a child with a EHCP expresses an interest in Elective Home Education then the Elective Home Education and Travelling Children Support Officer will invite the Educational Psychological and/or a SEND Officer to the initial meeting who will be able to offer specialist advice on the suitability of the proposed provision.

9.0 ELECTIVE HOME EDUCATION AND TRAVELLER CHILDREN

- 9.1 Wolverhampton LA is sensitive to the distinct culture, ethos and needs of Gypsy, Roma and Traveller communities. Traveller parents have exactly the same right to educate their children at home as other families and will be treated in exactly the same way as any other families. The LA will take a broad and holistic view of the education being provided with reference to their communities' culture and lifestyle, when considering the suitability of the education.
- 9.2 As some Traveller families are highly mobile, if a LA Officer becomes aware of the traveller family who is home educating, a referral should be made to the EHE and Travelling Children Officer who will aim to make contact with the family for appropriate support and advice.
- 9.3 The duty of the LA to act if children are not receiving a suitable education (see Section 2) applies equally to traveller children residing with their families on temporary or unauthorised sites and to settled travellers. Although travelling children of school age have the same legal right to education as anyone else, it can be difficult to claim or seek these rights without a permanent or legal place to stop. Wolverhampton LA therefore seeks to positively assist traveller families (in the same way as other families) who do not appear to be providing a suitable education for their children, before taking action.
- 9.4 In accordance with DfE guidance, if it appears that a traveller family is not providing a suitable education for their children (after all reasonable attempts to engage the child have failed), the LA will consider whether it would be appropriate to follow School Attendance Order proceedings.

10.0 ADDRESSING UNSATISFACTORY ELECTIVE HOME EDUCATION (EHE)

- 10.1 Elective Home Education can be judged to be "Unsatisfactory" for the following reasons;
- The parent refuses or fails to respond to enquiries made by the EHE and Travelling Children Officer and further safeguarding checks raise concerns.
 - The parent responds to the enquiry but refuses or fails to provide evidence of any education verbally or in writing and further safeguarding checks raise concerns.
 - The parent responds to the enquiry but evidence presented does not suggest that the child is engaged in a programme of learning and further safeguarding checks and raise concerns.
 - The parent is given the opportunity and support by the EHE and Travelling Children Officer to improve the programme of learning over a set period of time but fails to do so.

- There are additional factors to suggest that the child's welfare and development are at risk by non-attendance at school (e.g. poor home environment, social isolation, unmet SEN).
- 10.2 When EHE is judged by the EHE and Travelling Children Officer to be unsatisfactory the following procedure should be followed. In all cases the EHE and Travelling Children Officer will liaise with other professionals working with the child e.g. if the child is registered with a statement this will be the SEN Education Officer.
 - 10.3 If possible, the EHE and Travelling Children Officer will attempt to work with the family to improve provision over an appropriate period of time. The child remains registered on ONE with a base of EHE.
 - 10.4 Where the EHE and Travelling Children Officer identifies an immediate risk of significant harm to a child, the EHE and Travelling Children Officer will check whether the child is known to a social worker. If so, those concerns will be passed immediately to the social worker or duty officer in the relevant team; where the child is not known, an immediate referral will be made by the EHE and Travelling Children Officer to MASH.
 - 10.5 Where the EHE & Travelling Children Officer identifies a child living with and being home educated by somebody other than a parent or close relative, the EHE and Travelling Children Officer will ensure that a referral to MASH is made either by the parents, carers or the EHE and Travelling Children Officer (this will trigger a notification to the Private Fostering Social Worker).
 - 10.6 Where there is a lack of engagement by home educators, a failure to improve the provision over the period the case will be discussed in supervision between the EHE and Travelling Children Officer and Vulnerable Young Persons Team Manager to discuss escalation to the Behaviour and Attendance Team.
 - 10.7 During the above the EHE and Travelling Children Officer will liaise with other professionals.

APPENDIX A

Elective Home Education Notification Form

City of Wolverhampton Council respects your legal choice to educate your child at home. The information will be used by the Elective Home Education and Traveller Children Support Officer to support you in your decision to home educate your child.

Details of Parent/Carer with parent responsibility to whom correspondence should be addressed.

Title (Mr/Mrs/Miss) etc.	
First Name	
Family Name	
Street	
Town	
City	
Postcode	
Telephone	
Email Address	
Relationship to child	

Details of young person:

First Name	
Middle Name	
Family Name	
Date of Birth	
Gender	
Address (if different from above)	

Reasons for choosing Elective Home Education.

Please circle one of the reasons most appropriate to your reason for choosing Elective Home Education. Please circle one choice only.

1 Life Style/Cultural Choice	7 Bullying
2 Educational Philosophy	8 Racism
3 Childs Medical Needs	9 SEN not being met
4 Parents Medical Needs (Young Carer)	10 No place at preferred school
5 Religious Beliefs	11 Pupil almost excluded
6 Attendance related issues	12 Child has a special gift/talent

Connexions advice service

Would you be happy for us to pass on you and your child/young person's details to our Connexions Service?

Connexions supply support and advice to Electively Home Educated parents and children/young people between the ages of 14-16 to help them prepare for the next steps in their education. (Please circle one)

Yes

No

Health Advisor Service

Would you be happy for us to pass on you and your child/young person's details to our Health Advisor?

The Health Advisor provides support and advice to Electively Home Educated parents and children/young people in regard to aspects of health and well-being. (Please circle)

Yes

No

Declaration

Name of Parent/Carer _____ Date: _____

Signature of Parent/Carer _____

Thank you for providing this information

Personal Information Policy

City of Wolverhampton Council (the ('Council')) respects your privacy rights and is committed to ensuring that it protects your details, the information about your dealings with the Council and any other information about you available to the Council ('your information'). In accordance with the Data Protection Act 1998, the Council will use your information for the purpose of establishing details about your child's education at home, to (a) deal with your requests and administer its departmental functions; (b) meet its statutory obligations; and (c) to ensure the welfare of your child.

APPENDIX B

Elective Home Education: Record of Discussion

Child/Young Person	
D/O/B	
Year	
Type of Meeting	
Date of Meeting	

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Targets Set/ Achievements

<u>Date of Next meeting:</u>
<u>Signed (EHE and Traveller Children Support Officer):</u>

APPENDIX C

The Royal Wolverhampton

NHS Trust

School Nursing Service
Phoenix Health Centre
Parkfields
Wolverhampton
WV4 6ED
Tel: 01902 444164 /65
sharon.plested@nhs.net

Dear parent/carer;

My name is Sharon Plested and I am the designated Health Advisor for children and young people who do not attend mainstream education from 5 years to 16 years.

I am available to those who receive home tuition and education for advice and support in regard to **any** aspect of health and behaviors.

If you have any concerns regarding health or for example, *behavior, hearing, immunisations etc.*, please feel free to contact me on the number above or by email.

I am able to visit you and your child at home at your convenience.

EXTENDED ROLE OF THE HEALTH ADVISOR

Health Education: Asthma: Health Promotion: Health Assessment

Counselling: Doctor/Nurse Clinics: Special/Enuresis Clinics

Immunisations: Audiology: Health: Behaviour Problems:

Liaison with and Referral to Other Health Agencies.

Many thanks

SHARON PLESTED RGN
HEALTH ADVISOR

Chief Executive: David Loughton CBE
Preventing Infection - Protecting Patients

A Teaching Trust of the University of Birmingham

WCA 531 02.11.12

