

Bradford Elective Home Education Procedures

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1.0 Introduction

- 1.1 Elective home education (EHE) is the term used by the Department for Education (DfE) to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to home tuition provided by a Local Authority or education provided by a Local Authority other than at a school.
- 1.2 Home education is an option that any family may consider for their children. The reasons for deciding on this approach are many, as are the styles of education undertaken. The Local Authority's primary interest lies in the suitability of the education provision and not the family's reason for doing so. Whatever the circumstances, the Local Authority aims to support parents in their choice.
- 1.3 The purpose of this document is to set out the current legal position and to outline Bradford's procedures.
- 1.4 These procedures relate to elective home education of children and young people of compulsory school age.
- 1.5 In compiling this document the Local Authority has drawn on government guidelines and information provided by other Local Authorities.

2.0 The Law relating to elective home education

- 2.1 The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not.
- 2.2 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."

Parents have a right to educate their children at home. 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."

2.2 The responsibility for a child's education rests with his or her parents. An "efficient" and "suitable" education is 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".

3.0 Parental rights and responsibilities

3.1 Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age. Parents are not required to register or seek approval from the Local Authority to educate their children at home.

3.2 Where a child has been registered at a mainstream school, parents are required to notify the school in writing when withdrawing a child for EHE. This is to confirm that provision is being made for the child's education otherwise than at school and requesting removal from the school's roll (see section 6 for more detail).

3.3. Consent of the Local Authority is required to de-register pupils placed at a special school under arrangements made by a Local Authority (see section 5.2.) Where a child is registered at a school as a result of a school attendance order parents must ask the Local Authority to revoke the order.

3.4 Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of "full-time".

3.5 The type of educational activity can be varied and flexible. It is recognised that home-educating parents are not required to:

- teach the National Curriculum
- provide a broad and balanced curriculum
- 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 their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards.

3.6 Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations.

4.0 Local Authority responsibilities and outline of procedures

4.1 Bradford recognises that there are many approaches to educational provision. What is suitable for one child may not be for another, but all children should be involved in a learning process.

4.2 When the Local Authority becomes aware that parents have elected for home education initial contact will be made in order to establish that provision is being made. A home visit will be offered, but parents may wish to meet at another venue, with or without their child. Alternatively they could provide a report to let the Authority know the provision they are making.

4.3 The Local Authority has no statutory duty to monitor the quality of home education on a routine basis. However, contact will normally be made on an annual basis so that the Authority may reasonably inform itself of the current suitability of the education provided. The Local Authority's Elective Home Education officers may be available to provide more frequent support.

4.4 Under Section 437(1) of the Education Act 1996, Local Authorities are required to intervene if it appears that parents are not providing a suitable education. The Local Authority will seek to gather information in order to make a properly informed judgement. This will include making informal enquiries about the education the parents are providing. Whilst parents are under no duty to respond to such a request, DfE guidelines comment that:

'it would be sensible for them to do so'

and refers to the legal case *Philips v Brown* (1980).

4.5 When a child first becomes electively home educated we will normally telephone or write to the parent and offer a visit or request further information. Families should be aiming to offer satisfactory home education from the outset. If the Local Authority has concerns these will be specified and appropriate time will be given to address these. Local Authority officers will strive to address concerns informally.

4.6 Some parents may welcome the opportunity to discuss the provision that they are making for the child's education during a home visit but parents are not legally required to give the Local Authority access to their home. They may choose to meet a Local Authority representative at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. Where a parent elects not to allow access to their home or their child, this does not in itself constitute a ground for concern about the educational provision being made. Where we are unable to visit homes, officers should, in many cases, be able to discuss and evaluate the

parents' educational provision by alternative means. If they choose not to meet, parents may be asked to provide evidence that they are providing a suitable education. Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form.

4.7 Whilst there are no statutory duties in relation to the routine monitoring of the quality of home education, 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:

“If it appears to a Local Authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.”

Section 437(2) of the 1996 Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served. In considering whether it is satisfied by the parent's response to this notice, it is open to the Authority to consider any other relevant information available to it – not only through contacts with the family, but also information provided by other agencies and other sources and the child's former school (if any).

Section 437(3) of the 1996 Act provides for the serving of School Attendance Orders:

If –

- (a) a parent on whom a notice has been served under subsection (1) fails to satisfy the Local Authority, within the period specified in the notice, that the child is receiving suitable education, and
- (b) in the opinion of the Authority it is expedient that the child should attend school,

the Authority shall serve on the parent an order (referred to in this Act as a "school attendance order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order.

4.8 A school attendance order would only be served after all reasonable steps have been taken to resolve the situation. At any stage following the issuing of an Order, parents may present evidence to Bradford (or the court) that they are now providing an appropriate education and apply to have the order revoked.

4.9 Local Authorities also 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 their education functions 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.

5.0 Children with Special Educational Needs

5.1 Parents' right to educate their child at home applies equally where a child has special educational needs (SEN).

5.2 Where parents elect to home educate a child with a plan who is registered at a mainstream school, the school will remove the pupil from roll following written confirmation from the parent that educational provision is being made otherwise than at school. Local Authority approval for removal from roll is not required irrespective of whether or not the child has an EHCP unless registered at a special school.

5.3 On confirmation of a child's removal from roll for EHE, the EHE team will notify the SEN Assessment team who will make arrangements to review the EHCP. EHE Officers may attend the review if a parent requests and where time allows.

5.4 Where a child who is home educated has an EHCP, the Local Authority retains a duty to maintain and review it annually, following the procedures set out in the Code of Practice for SEN. Parents should always be involved in the review process. It is not mandatory to see the child or the home as part of the review. Where parents wish for only minimal contact and there are no other concerns, the Annual Review can serve as annual contact for EHE purposes.

5.5 Parents do not have to arrange provision detailed in the plan, but do have a duty to provide an education suitable to their child's age, ability and any special educational needs. Where parents elect to home educate a child with an EHCP, the change of placement will be reflected in the plan. This may also identify provision to be secured by the Local Authority, where the Local Authority considers it necessary to assist parents to fulfil their responsibilities.

6.0 Withdrawal from school to home educate

6.1 First contact between the Local Authority and home educators often occurs when parents decide to home educate and approach the school (at which the child is registered) and/or the Authority to seek guidance about withdrawing their child from school. It is important that this initial contact is constructive and positive, and the Local Authority will provide information and may direct parents to a range of useful contacts.

6.2 The school must delete the child's name from their admissions register upon receipt of written notification from the parents that the pupil is receiving education otherwise than at school. However, schools should not wait for parents to give written notification that they are withdrawing their child from school before advising their Local Authority. Schools must make a return (giving the child's name, address and the ground upon which their name is to be deleted from the register) to the Local Authority as soon as the ground for deletion is met, and no later than deleting the pupils name from the register.

6.3 If a child is registered at a school as a result of a School Attendance Order the parents must have the order revoked by the Local Authority on the ground that arrangements have been

made for the child to receive suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.

6.4 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 the exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the school and Local Authority must seek to address the issues behind the absenteeism and use the other remedies available to them.

7.0 The Bradford EHE team

7.1 The EHE team is a small team within the Education Safeguarding Team. This service is within Bradford Council's Directorate of Children's Services.

7.2 Overall responsibility for the EHE team sits with the Lead Officer for Elective Home Education and the team consists of four Officers and an Administrator. Enhanced DBS clearance is mandatory for all EHE support officers and specific training will be delivered including Safeguarding, Equality and Diversity and Health and Safety including lone worker arrangements.

7.3 The EHE team will explore the options for access/signposting to other LA services and facilities, within available resources and will seek where possible to ensure EHE children have appropriate access to services and facilities from other agencies.

7.4 EHE officers understand that there is no one 'correct' education system. It is vital that parents and children choose a type of educating that is right for them, and it is important the EHE officers understand and are supportive of many differing approaches which are all feasible and legally valid.

7.5 The role of the EHE team is not to tell parents how to educate their children or to promote registration at school. It is to respond to concerns that a child is not receiving a full time education suitable to his or her age, ability and aptitude, and where appropriate, provide support and information for parents.

7.6 As young people cease to be of compulsory school age, they will still be required to remain in education or training. Currently, responsibility for the Local Authority's duty to promote effective participation post 16 lies with Connexions. The EHE team provide contact details for Connexions to Year 11 pupils.

8.0 Further information

8.1 There are many websites that provide information for anyone considering EHE. Using social media may also bring up organisations and support networks.

Education Otherwise: www.education-otherwise.net

Bradford Elective Home Education team:

<https://bso.bradford.gov.uk/Schools/CMSPage.aspx?mid=347>

Ed Yourself: www.edyourself.org

Home Schooling: www.home-schooling-uk.com

Ahome: www.ahomeeducation.co.uk

Home Education Advisory Service: www.heas.org.uk

Department for Education: www.education.gov.uk

HE in the UK – Special Educational Needs: www.he-special.org.uk

9.0 Covid-19 Update

During the Covid-19 pandemic, informal enquiries continue to be made and support offered to families where appropriate. Home visits will not usually be able to take place during this time. Telephone support including video calls may be available.