

ELECTIVE HOME EDUCATION

Barnet Guidelines

Statement

London Borough of Barnet (LBB) recognises the conditional right of parents/carers to educate their children at home. Elective Home Education (EHE) is the term used by the Department of Education (DfE) to describe parents' decision 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 (LA) or education provided by a LA other than at a school.

1 Introduction

This guidance has been developed in accordance with the statutory framework and taking account of relevant Government guidance, including:

Elective Home Education – guidelines for local authorities

School Attendance – Guidance for maintained schools, academies, independent schools and local authorities.

School attendance parental responsibility measures – Statutory guidance for local authorities, school leaders, school staff, governing bodies and the police.

Children missing education – Statutory guidance for local authorities

It is produced to assist parents or carers who choose to home educate.

- 1.1 The purpose of these guidelines is to assist parents or carers who may be considering educating their child at home or who have already taken the decision to do so and to inform parents of the legal position and the role of the LA.
- 1.2 Throughout this guidance, 'parents' should be taken to include all those who have parental responsibility, including guardians and carers. The term 'child' or 'children' refers to all children and young people who are legally required to receive an education.
- 1.3 LBB is unable to offer any financial support to parents who elect to home educate.

2 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 this can be arranged outside of a school setting. The key statutory duties are set out below:

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

- to his age, ability and aptitude and
- to any special educational needs he may have, either by regular attendance at school or otherwise'.

Section 436A of the Education Act 1996 states:

- (1) A local authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—
- (a) are not registered pupils at a school, and
 - (b) are not receiving suitable education otherwise than at a school.
- (2) In exercising their functions under this section a local authority must have regard to any guidance given from time to time by the Secretary of State.
- (3) In this Chapter, "suitable education", in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.

Section 437 of the Education Act 1996 states:

- (1) 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.

LBB will work collaboratively with parents to ensure that parents and LBB are meeting their respective statutory duties.

LBB also has general duties in relation to safeguarding and promoting the welfare of children. If a school or an officer of LBB becomes aware of any safeguarding concerns, this will be reported to the appropriate team or partner agency.

3 What is a full time 'efficient' and 'suitable' education?

- 3.1 The length of time children should be involved in learning is not specified in law. As guidance, children in school spend between 21 and 25 hours on schoolwork for 38 weeks of the year.
- 3.2 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 law¹ 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". Mr Justice Woolf in the case of *R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust* (12 April 1985)

3.3 It is up to parents to fulfil their duty according to a reasonable interpretation of the term. Certainly what is provided need not be the same kind of “lessons” as are provided at school; it will be up to the parent to show that the child is making appropriate progress.

3.4 What is suitable for one child might not be for another, but all children should be involved in a learning process.

3.5 The DCSF guidance on Elective Home Education 2007 states:

3.14 It is important to recognise that there are many, equally valid, approaches to educational provision. Local authorities should, therefore, consider a wide range of information from home educating parents, in a range of formats. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.

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

- *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.*

4 What should parents do if they elect to home educate?

4.1 If your child is below compulsory school age, you do not need to inform the LA. However, our intention is to be supportive and to work in partnership and we would be grateful if you would let us know if you intend to continue home educating your child once they reach compulsory school age.

4.2 If your child is on the roll of a mainstream school, you must inform the head teacher in writing of your intention to withdraw your child from school in order to educate him/her ‘otherwise than at school’. The school will delete your child’s name from the register and inform LBB.

4.3 If your child has a statement of special educational needs or an education health care plan and attends a school, whether this is a state or independent school, mainstream or a special school, you must also inform the Special Educational Needs Team senadmin@barnet.gov.uk. LBB will need to assure itself, in consultation with parents, that the proposed arrangements for elective home education provide a suitable and efficient education which meets the child’s special educational needs. It is likely to be necessary to have a formal review of the plan to ensure it reflects how the special

educational provision is to be met in the future. Once this has been established, amendments can be made to the statement/EHCP.

- 4.4 A school must not seek to persuade parents to educate their child at home as a way of avoiding an exclusion or because the child has a record of poor attendance.
- 4.5 If there are problems with school, we would encourage parents to utilise the school's complaints policy and if necessary contact LBB before confirming that their child will be withdrawn from school to be home educated. If following withdrawal from a school, home education does not work out, the parents will have to make an application for admission to a school. This will be dealt with through the normal in-year admission processes.

5 What will LBB do?

- 5.1 When LBB first becomes aware that parents have elected to home educate the child's name will be added to the elective home education register.
- 5.2 The EHE advisory teacher will contact the parents to suggest an initial meeting to discuss what education provision has been made and what might be expected from LBB.
- 5.3 LBB will undertake their duty to ensure that no children are accessing an education that is deemed to be 'unsuitable'. Parents can demonstrate the suitability of the education being delivered in a meeting with LBB's EHE advisory teacher. Parents would be expected to provide evidence of a suitable education that would on the balance of probabilities convince a reasonable person that a suitable education is being provided for the individual child.
- 5.4 In the meeting it would be beneficial to illustrate the suitability of the education by providing appropriate and relevant evidence (e.g. a comprehensive report about the education provided, an assessment by a qualified third party or examples of their child's learning supported with input from the child).
- 5.5 Many families find a home visit helpful but some parents may wish to meet at another venue. If this is not considered a suitable approach, an alternative method of communication will be agreed upon.
- 5.6 LBB notes that whilst some home education parents choose to submit a written report to demonstrate that the education which they are providing is suitable, the authority believes such reports in isolation have limitations of any judgement that the authority might be called to make – from an education (as well as a safeguarding) perspective. The authority will, in consequence always seek to meet with the parents and child in person.
- 5.7 The legal duty of LBB is concerned with establishing whether children are receiving a suitable education. LBB will seek to work with parents in establishing this and it will often be in parents' interests to provide information to demonstrate to LBB how they

are meeting their legal duty. However, it is up to parents to determine what information should be submitted and whether to allow LBB officers to attend the home to assure itself of the sufficiency of education.

- 5.8 Although LBB has no specific statutory duty to monitor the quality of the home education on a routine basis, it will contact parents annually to request up to date information.
- 5.9 Where the education is deemed to be unsuitable, the LA will write to the parents to request further information and to highlight improvements that might be made. If, following a further visit, it is still deemed to be unsuitable, the LA will make a referral to the Education Welfare Team (EWT).
- 5.10 The EWT may begin the process of serving a School Attendance Order requiring the parents to send their child to school. This could only be revoked if parents present evidence to the LA that a suitable education is being provided
- 5.11 From the initial information collated by the EHE service, if any of the following criteria are met, LBB will request a meeting between the parents and EHE officer.
- a) the child has a history of persistent unauthorised absence from school (by persistent absence, the LA means absence of 10% or higher);
 - b) the child has a record of poor attainment at school as measured by progression in performance using prior attainment and National Curriculum Test Results as the basis for assessment (where available)
 - c) the child has previously been permanently excluded from school(s) or has been subject to more than one fixed term exclusion whilst at school
 - d) there are additional welfare or safeguarding concerns about the child
- 5.12 The purpose of the meeting is for LBB to be assured of the suitability of the education provision and for the home education programme to be explained by parents in a meeting with the EHE Advisory Teacher at a mutually agreed time and place.
- 5.13 To ensure the critical voice of the child is heard and to establish education suitability LBB will request that the parent, child and evidence of learning are seen. If this meeting is not facilitated LBB will seek to use alternative methods to assure itself that the home education is suitable.

6 Special Educational Needs (SEN)

- 6.1 Children with SEN may be educated at home whether or not they have a statement or an Education Health Care Plan (EHCP).
- 6.2 While a statement of SEN/EHCP remains in force the LA has a duty to review it annually.
- 6.3 If a parent believes their child to have a SEN they can request an assessment by an educational psychologist by contacting the educational psychology team in the LA.

7 Conclusion

- 7.1 LBB is committed to a successful education for all children and recognises that elective home education can work well for some children. If, after careful consideration, parents decide to educate at home, we hope that it proves to be a happy and constructive experience. LBB is not able to provide teaching support or detailed curriculum plans, but will offer encouragement and advice. Information on what is available for children and young people with SEND can be found on the Local Offer website. <https://www.barnet.gov.uk/citizen-home/children-young-people-and-families/the-local-offer-and-special-educational-needs.html>
- 7.2 If at any time parents decide not to continue to elect to home educate, an application for a school place can be made online. <https://www.barnet.gov.uk/citizen-home/schools-and-education/school-admissions>

8 Complaints

- 8.1 Any concerns should in the first instance be taken to the Officer for Elective Home Education - Mary Helmore mary.helmore@barnet.gov.uk
- 8.2 If concerns still remain, parents are able to make a complaint to LBB in accordance with its complaints policy. Information on LBB's complaints process can be found on the website www.barnet.gov.uk or by contacting the Complaints Officer childrens.service.complaints@barnet.gov.uk

9 Registration

Registration form and statement of provision can be completed on line via the following link:

<https://www.barnet.gov.uk/citizen-home/schools-and-education/schools-and-colleges/home-schooling>

Appendices

Appendix 1

Useful contacts:

Advisory Centre for Education (ACE)

1C Aberdeen Studios

22 Highbury Grove

London

N5 2DQ

Tel: 0808 800 5793 (advice line)

Tel: 0808 800 0327 (exclusion advice line)

www.ace-ed.org.uk

- ACE is an independent information and advice service for parents/carers of children age 5-16 in state-funded education in England and Wales. ACE can give information on a wide range of issues including exclusion, admissions, special educational needs, bullying and attendance.

Education Otherwise

PO Box 3761

Swindon

SN2 9GT

Helpline: 0845 478 6345

www.education-otherwise.net

- Education Otherwise give support and information to families whose children are being educated out of school or who are considering home-based education. There are local groups, individual contacts and information leaflets.

Oxford Home Schooling

Oxford Open Learning

4 Kings Meadow

Oxford

OX2 0DP

Tel: 0800 0111 024

<http://www.oxfordhomeschooling.co.uk/contact/>

- Oxford Home Schooling provides Home education courses & Home schooling resources covering a range of Qualifications in Key stage 3, GCSE IGCSE & A level

Structured Home Learning

<http://structuredhomelearning.com/>

Structured Home Learning offers a comprehensive, fully timetabled plan and resources for any stage all the way from Foundation to Year 9.

The European Academy for Christian Homeschooling

Tel: 01793 783783

www.christian-education.org

World-Wide Education Service

<http://www.weshome.com/>

An accredited UK- based education organisation providing home schooling courses and materials based on the National Curriculum of England.

National Association of Gifted Children (NAGC)

Tel: 0845 450 0295

www.nagcbritain.org.uk

Bullying UK

www.bullying.co.uk

Bullying UK offers advice and support to pupils, parents/carers and teachers on ways of dealing with bullying at school

The British Dyslexia Association

www.bdadyslexia.org.uk

UK national organization, offering a wide range of information for parents, **dyslexic** adults and teachers

SENDIASS

SENDIASS offers free, confidential, impartial information, guidance, advice and support for parents/carers of children with special and additional needs.

Tel: 020 8359 7637

SENDIASS@barnet.gov.uk

Examination boards

<http://www.educationalresources.co.uk/examboards.html>

Appendix 2

Some websites that families have found useful:

General

www.bbc.co.uk/schools/bitesize/

<http://www.bbc.co.uk/learning/>

<http://www.bbc.co.uk/schools/>

www.timetoteach.co.uk/links/homeschoolresources.html

<http://www.echoeducation/> KS3 and IGSE courses and tutoring for home educators

www.time4learning.com

<http://www.futureschool.com/>

<http://www.homeworkelephant.co.uk/>

<http://www.crickweb.co.uk/>

<http://www.enchantedlearning.com/Home.html>

<http://www.happychild.org.uk/>

www.muddlepuddle.co.uk

www.clever-dragons.com

English

<http://www.bibliomania.com/>

<http://www.aquila.co.uk/>

Maths

<http://www.woodlands-junior.kent.sch.uk/maths/timestable/>

<http://www.mathszone.co.uk/>

Geography

<http://mapzone.ordnancesurvey.co.uk/mapzone/>

<https://www.littlepassports.com/uk/> (learning about the world)

Science

<http://www.sciencewithme.com/>

<http://www.sciencekids.co.nz/gamesactivities.html>

http://home-ed.info/Resources/science_resources.html

<http://physics.org>

<http://www.krampf.com>

www.sciencemuseum.org.uk

<http://www.superchargedscience.com>

ICT

http://www.teach-ict.com/programming/scratch/scratch_home.htm

www.codeacademy.com

Internet Safety

BBC – www.bbc.co.uk/webwise/topics/safety-and-privacy

CEOP - <http://www.thinkuknow.co.uk/>

Childnet International – www.childnet.com

Mumsnet – www.mumsnet.com

The Parent Zone – www.theparentzone.co.uk

Internet Matters - <http://www.internetmatters.org>

Appendix 3

Frequently asked questions

Does my child have to go to school?

The 1996 Education Act states that 'it is the duty of parents to secure an appropriate full time education for their children of compulsory school age'. Most parents carry out this duty by ensuring their child attend school. However, for a variety of reasons, some parents decide to take on the duty to educate their child/children themselves, that is to 'educate at home'.

What are the responsibilities of the parents/carers?

Section 7 of the 1996 Education Act states that: 'It shall be the duty of the parent of every child of compulsory school age to cause her/him to receive efficient full-time education suitable to her/his age, ability and aptitude (and to any special educational needs s/he may have) either by regular attendance at school or otherwise'.

What is the local authority's duty under the 1996 Education Act?

The local authority has a duty to take action if it appears a child is not receiving education either by regular attendance at school or otherwise. Therefore if your child is not on a school roll, the local authority will ask you for some information about your educational provision.

What is compulsory school age?

The law requires a child to be educated from the start of the school term following their fifth birthday until the last Friday in June in the school year in which a child reaches 16. The participation age was raised in 2013 and 2015 and home education is a legal option post-16 just as it is for under -16s.

What is full-time education?

The length of time children should be involved in learning is not specified in law. As guidance, children in school spend between 22 and 25 hours on schoolwork for 38 weeks of the year.

What is efficient education?

This is not legally defined. It is up to parents to fulfil their duty according to a reasonable interpretation of the term. What is provided does not need to be the same kind of lessons as are provided in school. It will be up to the parent to show that the child is making appropriate progress.

Do I need to be a trained teacher to educate my child at home?

You do not need to have formal qualifications or be a teacher to educate your child at home. Qualities such as patience, enthusiasm and flexibility are invaluable.

What happens if I do not inform the local authority of provision for education or the local authority is not satisfied with the provision?

The LA has a legal duty to satisfy itself that suitable provision is being made. A refusal to provide evidence may lead to the local authority taking steps to return a child to school. However, the local authority would first wish to take all reasonable steps to work together with parents.

Where the local authority is not satisfied that the parents are meeting legal requirements, parents will be given this information in writing and a reasonable period of time will be allowed to improve the situation. Again if the provision does not improve then this may lead to the local authority taking steps to return a child to school. However, we would hope to reach agreed improvements by detailed discussion with parents and will make all reasonable efforts to do so.

If your child has never attended a school there is no legal requirement to inform the local authority, however it is in a parent's interests to inform the local authority to avoid the child being classed as missing education.

What if my child has special educational needs?

Children with special educational needs may be educated at home whether or not they have a Statement of Special Educational Needs or Education Health Care Plan (EHCP). If your child has a Statement or EHCP which names a school, you should inform your SEN case officer, as it is likely that a formal review of the plan will need to take place. The local authority will then contact you to ask for some information.

If your child is educated at home and you believe s/he may require a formal assessment of his/her special educational needs, you can request this from the local authority.

Does the local authority help financially in any way?

If a parent/carer elects to home educate, they assume financial responsibility for their child's education including the cost of public examinations. If your child has a statement of SEN or an education health and care plan, the funding of any special education provision will be considered as part of a formal review of the plan.

Who can help?

There are number of independent and support agencies. **Appendix 1** provides information about some contacts that families may find helpful.