

Swindon Borough Council

Elective Home Education

Guidelines for Parents

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Introduction

The government's aim is to ensure all young people receive world-class education which allows them to reach their potential, and live a more fulfilled life regardless of background, in a safe environment.

Educating children at home works well when it is a positive choice and carried out with a proper regard for the needs of the child. This guidance is intended to help parents who choose to educate a child at home, understand what their responsibilities are, and how those fit with the role of the local authority.

The government's hope is that parents who wish to educate their children at home and do it well, are helped to do so. However, if parents are in a position where they are educating a child at home but would prefer not to be doing so, or feel pressure to start educating a child at home, but know this will present difficulties, the guidance aims to set out what they need to consider and when they should seek help.

Information and guidance for parents and carers

Parents or carers may decide to provide home-based education for their children instead of sending them to school - this is referred to as 'elective home education'. Swindon Borough Council (SBC) recognises that home education is a key aspect of parental choice and is equal, in law, to education provided in school. SBC, as the local authority (LA), has a duty to be satisfied that all children are receiving suitable education. This document should be read alongside the Department for Education's (DfE) guidance for parents and local authorities:

www.gov.uk/government/publications/elective-home-education

SBC have EHE Support Officers that work with home educators and the young people who are being electively home educated in Swindon. However, the Education Welfare Service takes the lead role for SBC. Legislation makes it clear that parents who choose to educate their children at home take on full responsibility, including financial responsibility. SBC can only provide support where resources permit.

Why Elective Home Education

Home Education is an option that parents or carers may consider for their children. The reasons for choosing it are varied, as are the styles of education provided. For some families their decision may be based on their philosophical, spiritual or religious outlook; for others it is to meet what they consider to be the specific educational needs of their child. Some children are never registered at school. Others are registered but are then home educated, either for a limited period or permanently. Whatever your circumstances, the EHE Support Officers will be pleased to offer support, advice and guidance.

Deciding to educate your child at home is not an easy decision and some points to consider before you start are:

- Can I provide an efficient education suitable to my child's age, ability and aptitude?
- Do I have the time and ability needed to educate my child at home?
- Is my home suitable for undertaking teaching and learning? Is the general environment suitable and is there enough space?
- Can I take on the full financial responsibility for my child's education including things like; IT equipment and internet access, study materials, text books, exam entry fees or expert tuition?
- What does my child think about EHE?
- What would happen if I'm not available to provide suitable education for a short or long period?
- Have I considered the nature of the education I will be providing each day and how I'm going to do that?
- What is the long-term goal of the education and will my child sit exams such as GCSEs?
- Have I considered that if I change my mind there may not be a place at the school of my choice?
- If I want my child to have work experience am I aware that the employer must register the child's work and child employment regulations apply to children who are EHE? Apprenticeships are not available for compulsory school age children

Frequently asked questions

Is it legal to educate my child at home?

Yes, parents may educate their children at home. SBC recognises education is compulsory, but school is not. Parents' legal duty is set out in section 7 of the Education Act 1996 as follows: "The parent of every child of compulsory school age has a legal duty to ensure that he/she receives efficient full-time education suitable:

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

What is meant by 'full-time education'? DfE Guidance states: 'Full time' is not defined in the Education Act and it does not mean home educators are bound by school hours and terms. For information, however, full time education for children in school is considered to be between 23 and 25 hours of school time per week. Also 'education which is clearly not occupying a significant proportion of a child's life (making due allowance for holiday periods) will probably not meet the S.7 of the 1996 Education Act requirements.' 'Suitable' and 'efficient' are not defined either but the courts have given some legal guidance. They have said that education is efficient if it is "achieving that which it sets out to achieve" and it is suitable if it "prepares the child for life in a modern civilised society and enables the child to achieve his full potential". It is important to note

that parents have a right to educate their children from their own philosophical, spiritual or religious standpoint. The Human Rights Act 1998, Article 2 of the First Protocol states “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 in conformity with their own religious and philosophical convictions”. Justice Woolf’s finding about suitable education (1985) states an education is suitable if it ‘primarily equips the 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’.

How do I remove my child from a school for elective home education?

Before making a decision to remove a child from school for elective home education parents may request a meeting with the headteacher so that any issues can be discussed. Whilst there is no provision in law for a ‘trial period’ of home education, the local authority recommends that the child’s school place should remain ‘open’ for ten (10) working days whilst the EHE Support Officer verifies with the parent that they have made an informed choice about educating their child at home. These meetings are not compulsory but are seen as best practice.

When parents have notified the school of their EHE decision, school will complete a School Leavers Form. This Leavers Form will be processed and the EHE Support Officers will be notified. It is strongly advised that you write to the school confirming your intention to educate your child(ren) at home. If you simply remove your child from school without informing them in writing, you could be prosecuted for non-attendance. The school cannot remove a child from roll without receiving written notification about the parents’ decision to provide education otherwise than at school (Pupil Registration Regulations 2006). The school must inform SBC of your decision.

If your child attends a special school or is subject to a School Attendance Order you will need SBC’s consent to remove your child’s name from the school roll. Consent from the local authority may not be unreasonably withheld. SBC keeps a register of children who are resident in Swindon and have been removed from school for elective home education. If your child has never been registered at a school, there is no requirement to inform us of your decision to home educate, although it would help us if you did. SBC wishes to work collaboratively with you and offer support. If your child is registered at a school, then a decision to home educate may not be the best way to solve an issue with the school or to overcome difficulties with attendance. You may be able to resolve these issues with the headteacher or governors at the school. Our EHE Support Officers can provide advice if you feel that any pressure is being put on you to take your child out of school to home educate.

Will I receive funding for home education?

SBC do not offer funding to home educators. Please remember that local authorities have no legal responsibility or obligation to fund parents or carers who choose to home educate. You will need to look at the costs that may be involved

Will I be offered any help?

An EHE support Officer will offer an appointment to each home educating family. This visit can be at your home or a suitable venue such as a local library or community centre. The purpose of the visit is to offer advice and guidance and provide you with a written report of the visit.

Do I need to be qualified to educate my child at home?

No, you do not need formal qualifications and you do not need to employ a qualified teacher. How your child learns is up to you, as long as the education is efficient, suitable and full-time. There is no one form of education; children learn in different ways, at different times and speeds. You need to consider how you will enable your child ‘...to participate fully in life in the UK by including sufficient secular education. This means that even if the home education is primarily designed to equip a child for life within a smaller community within this country it should not foreclose the child’s options in later life to adopt some other mode of living, and to be capable of living on an autonomous basis so far as he or she chooses to do so.’ DfE Departmental Guidance for LAs 9.4.

Elective home education does not need to be identical to school education and you do not have to follow the National Curriculum. If you would like your child to go on to further education, or to take public examinations such as GCSEs or IGCSEs we would recommend that you follow the relevant curriculum. We recommend that you research the curriculum and exams before you begin studies so that you can decide which examination board and syllabus you wish to follow. You will also need to arrange for your child to take exams at a registered examination centre.

What if my child has an Education Health and Care Plan (EHCP)?

You have a right to educate your child at home if they have special educational needs (SEN), an Education Health and Care plan or no identified special needs. If your child attends a special school, you must obtain permission from the SBC SEND Team before the child can be removed from the admission register. If SBC refuses consent, you can ask the Secretary of State to settle the dispute. Swindon’s SEND Team will contact you about arranging an Annual Review. Annual Reviews will continue for children who are electively home educated whilst the EHCP is maintained. If you later decide your child should return to school this should be raised via an Annual Review process and you can contact the SEND Team to enquire about this process. Further information about Elective Home Education for children with an EHCP is available in the DfE Guidance and the SEN Code of Practice, which has a chapter on home education.

www.gov.uk/government/publications/elective-home-education

www.gov.uk/government/publications/send-code-of-practice-0-to-25

‘When a child has an EHCP, it is the local authority’s duty to ensure that the educational provision specified in the plan is made available to the child but only if the child’s parents have not arranged for the child to receive a suitable education in some other way. Therefore, if the home education is suitable, the local authority has no duty to arrange any special educational provision for the child; the plan should simply set out the type of special educational provision that the authority thinks the child requires but it should state in a suitable place that parents have made their own arrangements under s.7 of the Education Act 1996.’ [Referring to DfE guide for LA s8.4] The DfE Guidance states ‘As with other children educated at home, local authorities do not have a

right of entry to the family home to check that the provision being made by the parents for a child with special educational needs is appropriate and may only enter the home at the invitation of the parents.

However, parents should be encouraged to see a process of engagement with the child as part of the authority's overall approach to home education of pupils with SEN, including the provision of appropriate support, rather than an attempt to undermine the parents' right to home educate. Local authorities should not assume that because the provision being made by parents is different from that which was being made or would have been made in school, the provision is necessarily unsuitable. [DfE guidance for LA s.8.7] If you feel your child needs an EHCP you may contact SBC to request assessment of their SEN.

What about private tuition?

If you use a private tutor you remain responsible for the welfare and education of your child. We advise you to check the tutor's identity and qualifications, take up appropriate references and ensure that the tutor has a recent Disclosure and Barring Service (DBS) disclosure certificate that you are satisfied with. We advise you to monitor the teaching and learning.

My child wants to take examinations, is there any funding for this?

SBC does not fund examinations for children that are home educated. If you want your child to sit examinations, you need to find a centre that will allow your child to sit their exams there, such as a school or college.

What if I want to return my child to school?

Some home educators may decide that their child should return to school. If you would like your child to return to a school, you will need to complete an 'In-Year transfer form'. If needed, the EHE support Officer can help you with completing your application. Please remember, it may not always be possible for 'School Admissions to allocate a place at your child's preferred school. By law, a school cannot 'hold' a place for you.

Can I enrol my child at a further education college?

Swindon's New College offer a Pre-16 programme to home educated children who are within national curriculum years 10 and 11. These students are embedded within the further education college as it allows them to have access to a wide range of courses. Courses must be agreed by the college. Availability and entry requirements vary and applications should be made directly to New College. The courses are to enhance a child's learning at home. It remains the responsibility of the parent for home education to take place alongside the pre-16 programme at New College.

The role of Swindon Borough Council

Swindon Borough Council have EHE Support Officers that offer support to families that have made the decision to or thinking of, educating their children at home. They can be contacted by telephone 01793 465778 or email EHE@swindon.gov.uk. Once registered, we will write to you providing information and an EHE Support Officer will offer of a home visit. If you decline a home visit you may prefer to send a report detailing the education that you are providing. You must

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provide efficient, full-time education suitable for your child's age, ability and aptitude. The Elective Home Education Support Officer will contact you annually in order to be satisfied the education you are providing is suitable. The DfE Guidance for LA's has some information about this in section 7 of the online document. You are not required to follow a specific curriculum but some parents find the National Curriculum is useful.

Department for Education (DfE) 2019 guidance for local authorities, requires SBC to find out about the education of all children in the area and recommends contact with home educated parents annually. Further details are here: 'The duty under s.436A [of the Education Act 1996] ... means that local authorities must make arrangements to find out as far as possible whether home educated children are receiving suitable education. [DfE Guidance for LA 5.1]' 'The current legal framework is not a system for regulating home education or forcing parents to educate their children in any particular way. The current system is for identifying and dealing with children who, for any reason and in any circumstances, are not receiving an efficient suitable education. If a child is not attending school full-time, the law does not assume that child is not being suitably educated. It does require the local authority to enquire what education is being provided and local authorities have these responsibilities for all children of compulsory school age.' [DfE Guidance for LAs 3.5]

If an EHE Support Officer has concerns about a child's home education, we may telephone you or write to you again offering a visit and asking you to provide us with details of how you are educating your child(ren). We want to support you with this process and work together. If the EHE support officer has not been successful in determining that an appropriate education is being accessed, this will be referred to a Senior Education Welfare Officer (EWO). The Senior EWO will contact you to discuss your child's education and identify any needs you may have. If the Senior EWO cannot be satisfied you are providing a suitable education, a formal warning notice will be issued to you under the Education Act 1996 which could lead to a School Attendance Order being issued.

DfE EHE Departmental Guidance for Parents says this: '5.6 If your local authority feels that it has not had sufficient information about the home education being provided, or has had no information, and it appears to the authority that your child is not receiving a suitable education at home, it must serve a notice (known as a s.437(1) notice), requiring that you as parents satisfy the authority that the child is receiving a full-time and efficient education at home suitable to your child's needs. Again, it would be sensible to respond to such a notice if you receive one; and you will have at least 15 days to respond so that you have time to gather suitable material that you may wish to supply. 5.7 The local authority must consider the response, if any, which you make to the notice, in order to decide whether your child is receiving an education which meets your responsibilities under s.7, taking account of any evidence you have provided and any other information it has about the education your child is receiving. *If parents make no response at all, then the local authority is entitled to conclude that the child is not receiving a suitable education.*'

What are the expectations of a suitable education?

- the home education provided must be age-appropriate, enable the child to make progress according to his or her level of ability, and must take account of any specific aptitudes;
- if your child has an Education, Health and Care Plan (EHCP), the home education provided should be appropriate for their special educational needs or disabilities. However, this does not mean that you must provide everything previously provided by the school. Your child may still be able to access physiotherapy, occupational therapy and speech and language therapy via the NHS;
- there should be an appropriate minimum standard which is aimed at, and the education should aim at enabling the child, when grown-up, to function as an independent citizen in the UK;
- parents should be able to demonstrate the amount of time for which a child is being educated and education which is not occupying a significant proportion of a child's life will probably not meet the s.7 (Education Act 1996) requirement;
- parents should be able to demonstrate progress and development and SBC may use minimum expectations for literacy and numeracy in assessing suitability, whilst bearing in mind the age, ability and aptitude of the child and any special educational needs he or she may have.

Article 29 of the United Nations Convention on the Rights of the Child states that Education must develop '...the child's personality, talents and mental and physical abilities to their fullest potential.' In addition, it states that education must develop the child's respect for human rights, as well as respect for their parents, their own cultural identity and that of other cultures or civilisations and the natural environment.

Post 16 choices – Planning ahead

The law requires all young people in England to continue in education or training until at least their 18th birthday, although in practice most young people continue until the end of the academic year in which they turn 18. The raised participation age (RPA) does not mean young people must stay in school; they can choose one of the following post-16 options:

- full-time education, such as school, college or home education;
- an apprenticeship;
- part-time education or training if they are employed, self-employed or volunteering full-time (which is defined as 20 hours or more per week). Young people who have been educated at home may want to take further education college courses. It is important to know that many courses have specific entry requirements, such as GCSE passes

What happens if I have concerns about the education or welfare of a child?

If you ever have any concerns about a child or young person contact **MASH** at swindonmash@swindon.gov.uk or call **01793 466903** during office hours and **101** outside of office hours. For more information visit [our website](#).

Complaints or concerns about children's education or welfare received from members of the public will be given appropriate consideration by the SBC.

Complaints process

We can only improve our service to you if you tell us about those areas that you are pleased with and those areas that you feel need improvement.

If you have a concern or complaint about the Elective Home Education Service please email: Elective EHE@swindon.gov.uk

Swindon Elective Home Education Process





