

EDUCATION WELFARE SERVICE

Guidance for Parents and Carers for Elective Home Education

This information is for parents and carers who are considering or have decided to educate their child(ren) at home. It includes information to help you to make an informed decision about whether home education is the best option for your child and yourself.

The Local Authority believes that the majority of pupils are best served within the education system. However, we respect the right of parents who wish to educate their children at home. It is their legal right, but it is also a great responsibility that takes a lot of time and commitment.

Some parents may decide when their children are very young that they wish to educate them at home. Others may wish to home educate on a temporary basis, for example while they are awaiting the outcome of an appeal. Whatever your situation, a clear understanding of your rights and duties as parents is essential. It is also important to know what the role of the Local Authority is when pupils are educated at home.

Quite often, pupils or their parents find out that home education is not for them. It is important that you know how to get your child back in to school, if you decide at any time that home education is not your best option. As pupils get older it can be harder to meet their learning needs. The Education Welfare Service/Admissions Team will be pleased to advise and support you.

DfE Guidance on Elective Home Education

3.12 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.

Once you have decided to home educate your child you must write to the Head teacher at your child's school regarding your intention to home educate. The Headteacher will forward a copy of your letter to the Education Welfare Service and your child's name will be removed from the school roll. From this point the Local Authority is no longer responsible for providing your child's learning or for provision of books or materials or

marking or assessing work, all of this becomes your responsibility. If you do not hear anything from Hull City Council within 2 weeks of sending your letter in to the Headteacher of your child's school, please contact Hull City Council to check your letter has been received.

When the Education Welfare Service is notified of your intention to home educate your child, you will be contacted by a Local Authority Officer/Access and Inclusion Officer (AIO) who will discuss your decision with you and explain your responsibilities and those of the Local Authority. We also inform the Health Service and Connexions (for pupils aged 13-16) that your child is being taught at home. This is so that possible areas of support and entitlement are not lost to your child.

At this point if you decide that home education is not something you wish to undertake the AIO can support you to apply for a school place so your child can return to school quickly to minimise disruption to their learning.

If following the visit from the AIO you decide to continue to home educate you will be advised of when the next visit to review the work being provided will take place. This visit is to establish that a suitable education is being provided and to give you the opportunity to discuss your programme of work and seek any support or advice you may need. There is no obligation to accept this visit to your home. You may wish to arrange to meet elsewhere if this is more appropriate or provide samples of your child's work and the books and resources you are using along with a written report.

The AIO will need to make a judgement that the education you are providing is satisfactory. They will find it difficult to do this unless sufficient information is provided to make this judgement.

If the education your child is receiving is satisfactory, you will be told so by the AIO. You will be sent a copy of the report, and you will then be contacted annually to arrange a visit or meeting. If the AIO feels that it would be useful, a visit will be arranged sooner. This will also be discussed with you and will be one of the recommendations in the report.

If the Local Authority considers that your child is not receiving a suitable education, you will be told during the visit. Reasons will be given and suggestions for improvement. Another visit may be arranged after you have been given a reasonable amount of time to adapt your programme. This is usually about three months. If there is no improvement, or if parents/carers repeatedly are unavailable for discussions and meetings to take place, the Local Authority may have to start proceedings for a school attendance order.

Even if you have reservations about how things are going, it is recommended that you meet an AIO to discuss what could be improved, then to avoid a meeting.

The questions and answers below will hopefully clarify the situation and help you in making your decision.

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 attends school. However, for a variety of reasons, a small minority of parents decide to take on the duty to educate their child/children themselves.

What are the parents'/carers responsibilities/duty?

It is the duty of parents of every child of compulsory school age "to cause the child to receive efficient full-time education suitable to his/her age, ability and aptitude and to any special educational needs he/she may have either by regular attendance at school or otherwise" (Education Act 1996 Section 7)

What is compulsory school age?

Compulsory school age is from the beginning of the school term after the fifth birthday until the last Friday in June in the school year in which the sixteenth birthday falls.

Who do I inform if I decide to educate my child at home?

If your child is registered at a school, you should inform the head teacher in writing of your intention. It is the head teacher's responsibility to forward this to the local authority; however, it would be helpful to forward a copy of your letter to the Education Welfare Service.

What if my child has never been registered in a school?

If your child has never attended school, you do not need to tell anyone, but we do ask you send details to us so that we know you are making arrangements for your child's education. If you do not tell us that you are educating your child at home and we find out that you have a child who is not on a school roll, we will contact you to ask how you are educating your child as part of our Children Missing Education process and add your child's details to our home education register.

What is the Local Authority's duty under the 1996 Education Act?

The Act places the obligation on Local Authority's to intervene if it appears that a child is not receiving an efficient education, which takes into account age, ability, aptitude and any special needs that the child may have. Hull City Council undertakes this duty by offering visits at times that are agreed with parents/carers. These visits will usually take place during term time and during the working day.

What is “efficient” and “suitable” education?

These words are not defined, but education can be regarded as “efficient” if it achieves what it sets out to achieve and “suitable” if it prepares the child for life in modern society and enables the child to achieve his/her full potential. It is not necessary to provide the same kind of lessons as school, but it is up to parents/carers to show that the programme of work is helping their child to learn and there is evidence that your child is developing according to his/her age, ability, and aptitude.

What if my child has Special Educational Needs?

Under Section 7 of the Education Act 1996 parents have the right to educate children, including children with SEN, at home. Home education must be suitable to the child’s age, ability, aptitude and SEN. Local authorities should work in partnership with, and support, parents to ensure that the SEN of these children are met where the local authority already knows the children have SEN or the parents have drawn the children’s special needs to the authority’s attention. Local authorities do not have a duty under section 22 of the Children and Families Act 2014 to assess every home educated child to see whether or not they have SEN.

In cases where **local authorities and parents agree that home education is the right provision** for a child or young person with an EHC plan, the plan should make clear that the child or young person will be educated at home. If it does then **the local authority, under Section 42(2) of the Children and Families Act 2014, must arrange the special educational provision set out in the plan**, working with the parents. Under Section 19 of the Act, a local authority must have regard to the views, wishes and feelings of the child and his or her parents, or the young person.

In cases where the EHC plan gives the name of a school or type of school where the child will be educated and the parents decide to educate at home, the local authority **is not under** a duty to make the special educational provision set out in the plan provided it is satisfied that the arrangements made by the parents are suitable. The local authority must review the plan annually to assure itself that the provision set out in it continues to be appropriate and that the child’s SEN continue to be met. Where the local authority has decided that the provision is appropriate, it should amend the plan to name the type of school that would be suitable but state that parents have made their own arrangements under Section 7 of the Education Act 1996.

Where a child or young person is a registered pupil and the parent decides to home educate, the parent must notify the school in writing that the child or young person is receiving education otherwise than at school and the school must then remove the pupil's name from the admission register.

If the school is a special school, the local authority must give consent for the child's name to be removed. If the local authority do not agree that home education is the best provision for the child the local authority will not amend

section I of the plan to name home education and the local authority will expect the child or young person to attend the special school named in the plan.

In Hull before we consent that a child may be removed from the role of a special school and electively home educated the following must take place

1. The school the child is registered at calls an Emergency Review of the plan, and completes the necessary review paperwork. The school should review all sections of the plan and confirm they are still able to meet the identified needs in the plan.
2. Parents should write to the school and the manager of the SEN team/ Head of Service and request consent for their child to be removed and that they wish to EHE.
3. The parent must satisfy the Local Authority that they can make suitable arrangements to provide appropriate provision to meet the child's needs and make progress towards meeting the outcomes identified in the plan. Parents should complete the home education form outlining what they are going to put in place for their child to support their education. This is sometimes called a provision map.
4. The Local Authority does not require parents to replicate the provision identified in section F, if the child was attending a special school , but it must be satisfied that the parent/carers are going to deliver suitable provision to meet the child's special educational needs
5. Parents will be invited to review the EHC Plan that will be reviewed annually.

Local authorities do not have the right of entry to the family home to check that the provision being made by the parents is appropriate and may only enter the home at the invitation of the parents. Parents should be encouraged to see this process 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 that the provision is necessarily unsuitable. Local authorities should also consider using their power to help parents make suitable provision.

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.

Parents may also home educate children who have SEN but do not have EHC plans. As with children and young people with EHC plans, local authorities should work with parents and consider whether to provide support in the home to help the parents

make suitable provision. Information about the right to request an EHC needs assessment and the right to appeal should be available to all parents including those who are considering home education because they feel that the special educational support being provided in the school is insufficient to meet the child or young person's needs.

Do I have to follow the National Curriculum?

No. The National Curriculum applies only to maintained schools. When a child is electively home educated it is the decision of the parent/carer as to what to teach and how the child learns. However, you may wish to be aware of the content of the National Curriculum as it does provide a framework, especially if you intend to return your child to state education or to pursue more formal qualifications, such as GCSE's.

These subjects are taught to pupils aged 5-11

- English (following the national literacy programme from 1998)
- Mathematics (following the national numeracy programme from 1999)
- Science
- Design and technology
- History
- Geography
- Art
- Music
- Physical education
- Religious education
- At age eleven, a modern foreign language is added
- At age fourteen, children start to specialise more and can drop some of the subjects

The QCA (Qualifications and Curriculum Authority) produces many publications, which you may find useful, such as the details of the National Literacy Programme and suggestions for schemes of work. You will have to pay for these publications.

Do I have to enter my child for tests and examinations?

No, there is no requirement for you to enter your child for any tests or examinations. For an older child, you may wish to consider their need for qualifications, for example at GCSE or GNVQ part one. On average fifty percent of sixteen-year-olds are expected to gain five or more GCSEs at A-C grades. If they do not get qualifications at 16, it is possible to complete an assessment course at college to catch up. Your records of the education you have provided, and your child's progress will be very valuable to your child when gaining access to post 16 provision.

Do I have to let the Access and Inclusion Officer visit my home?

The AIO is there for support and to confirm for you that you are meeting your legal requirement regarding your child's education. The AIO can support you and offer advice and guidance. It may be easier for you to meet at your home as usually this is where you will have the products of your child's education, but you can arrange to meet elsewhere if this is more appropriate.

You can also choose to send a report in the post or by e-mail to the Education Welfare Service which the LA will consider in accordance with its duty under s.436A of the Education Act 1996. The content of the report should include:

- Description of a timetable of learning, in order to illustrate how a full-time education is being provided
- Description of the resources and materials you are using which may include, books and libraries, arts and crafts materials, physical activity, ICT
- Description of the opportunities your child has had which may include activities interests, appropriate to your child's age, aptitude and ability.
- Description of the opportunities your child has had to interact with their peers and other adults.
- Description of how you will assess and monitor your child's progress
- Description of your aims and targets for the coming year
- Description of preparation arrangements for sitting GCSE exams, in particular English and Maths and preparation for destinations at post 16 (year 10 and 11 children only)

What is the role of the Access and Inclusion Officer?

The role of the AIO is to support you to provide an efficient" and "suitable" education so you are fulfilling your legal duty to your child. The AIO will offer you advice and information if you require it.

The AIO would like to talk to you and your child about the work that is being done. Here are some of the questions you may be asked: -

- How are you planning to ensure your child has a broad and balanced education?
- How do you provide for your child's physical development?
- How do you arrange for your child to mix socially with his/her peers?
- How is the work organised?
- Do you include practical activities as well as written work?
- How will you record your child's progress and difficulties?

For older children

- Will your programme allow them access to further or higher education?
- Will your programme give your child a wide range of career opportunities?

These questions are designed to challenge you and stretch the education you are providing, do not worry if you are struggling, the AIO will support you to look at how you can develop your teaching and your child's learning.

What do most successful home educators provide?

- They make the learning process active, practical, participative, and hopefully fun.
- They make systematic plans for their child's learning.
- They take full advantage of all available resources, such as museums, libraries, parks, computer, a range of adults, educational video and audio tapes, clubs.
- They encourage their child to read widely.
- They plan a programme of educational visits and broadcasts.
- They provide opportunities for physical development.
- They encourage their child to develop socially with other children and adults.
- They make learning enjoyable by using a variety of approaches.
- They give their child opportunities for independent learning.
- They make sure their child has a quiet area for studying.
- They have a coherent philosophy of education.

What if the Access and Inclusion Officer has concerns or reservations about the education I am providing?

After the AIO has visited you will receive a report. If the AIO is not satisfied that a suitable education is taking place, then further visits may be offered with the aim of helping you overcome the difficulties within an agreed time scale. If, in the end, the Local Authority still considers your child is receiving a less than satisfactory education this may result in an application for a School Attendance Order (Section 437, Education Act 1996) which will require the child to attend a named school. Please note that at any stage following the issue of an attendance order process you may present evidence to the Local Authority that you are now providing a suitable education and apply to have the order revoked. In cases where a school attendance order is initiated the child will be closed to home education and recorded as a child missing education as per published DfE documentation June 2022.

On rare occasions when Hull City Council is made aware of a concern for a child's wellbeing, they may make unannounced home visits. This may be as the result of a notification or referrals made to Early Help or Social Care. The local authority has a duty under the Children's Act 2004 section 11 to safeguard and promote the welfare of children in all its functions.

What if I decide to educate at home and then change my mind?

Your child can return to school at any time; however, it is important to remember that once your child's name has been removed from the school's register the school is not obliged to keep this place open for your child therefore this may result in your child attending a different school. If you are considering applying for a school place this should be as early as possible in year 9 as schools may find it difficult to accommodate your child's preferred options in Key stage 4. The Education Welfare Service and Admissions Team can give you advice on how to apply for a school place.

Finally – Please think very carefully about electively home educating your child. Taking control of your child's education is a huge responsibility and will take a great deal of your time and commitment.

The cost of books, materials, resources, examinations (if required) and educational trips are all the responsibility of the parent/carer as you are outside the public education system.

Plan what you intend to do with your child before making a decision to home educate.

One of the many benefits of school life is the social interaction between children and young people. You may, therefore, have to make a determined effort to maintain social networks for your child to prevent them from becoming isolated from other children.

Try to resolve any problems at school before taking such a big step. Make an appointment to speak to the head teacher.

If you do decide to educate your child at home, your decision will be respected.

If you have any further queries, please contact:

The Education Welfare Service

Room 128 2nd Floor Guildhall Alfred Gelder Street Hull HU1 2AA
Telephone: 01482 613842

Education Welfare Service Privacy Notice

This notice explains what personal information we hold about young people we are working with, how we collect, how we use and may share information about them. We are required to give you this information under data protection law.

We can be contacted by calling (01482) 300300 or at the address above

We collect information to allow us to assess and support young people in line with our statutory obligations and where parents have asked us to do so.

If you are home educating your child, we may collect the following information:

- Basic information (such as Name, Address, Dob, Gender) about the young person we are working with
- Information about the Special Educational Needs, including medical information where this is appropriate of the child we are working with
- Information about the previous school life (such as attainment and attendance) of the child
- Information about the home life of the child we are working with and their family, including any involvement with Social Services and any other Hull City Council departments
- Information collected during visits to your home and the views of the person visiting
- Details of the parent/carer and family of the child we are working with
- Any information from services that work or have worked with the child or family. We will process this personal information in accordance with the following conditions in the GDPR:
 - 6(1)(c) processing is necessary for compliance with a legal obligation to which the controller is subject;
 - 6(1)(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
 - 9(2)(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
 - 9(2)(f) processing is necessary for the establishment, exercise, or defence of legal claims or whenever courts are acting in their judicial capacity.

We will receive information relating to the child we are assessing and their family from, the child themselves, schools, the family and other agencies who are working or have worked with the child or family in the past.

We may share personal information with other agencies who might be able to support you or need to know that you are educating your child at home and also with members of our moderation panel (to allow them to make decisions about you). Some of these organisations are listed below, however this list is not exhausted.

- Special Educational Needs and Disabilities
- Social Care
- Early Help
- Schools and Educational Establishments
- Health Services
- Community Mental Health Service
- Connexions
- Housing

In line with our statutory obligations, we will keep any work that we do until the child the work relates to reaches 25 years of age

More details about how Hull City Council uses personal information can be found on our website: - <http://www.hull.gov.uk/help/privacy-notice>

If you would like to enquire about how your personal information is processed by us or wish to complain please contact –

Hull City Council
Data Protection Officer
Room 11
The Guildhall
HULL
HU1 2AA

You also have the right to complain to the regulator –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF