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| London Borough of Newham |
| Standard Operating Procedure |
| Elective Home Education |

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| June 2018 |

**Version ControlStandard Operating Procedure**

**Elective Home Education (EHE)**

**FIRST DRAFT June 2018**

**Local Authority Duties**

**Education Act 1996 Section 436A (inserted by Education and Inspections Act 2006 Section 4)**

LAs must make arrangements to enable them to establish the identities of children in their area who are of compulsory school age but are not registered at a school and are not receiving a suitable education otherwise than at school.

**Education Act 1996 Section 437(1)**

LAs should intervene if it appears that parents are not providing a suitable education.

**Children’s Act 2004 Section 11 (2) and Education Act 2002 Section 175 (1)**

LA’s must ensure their functions are discharged in regard to the need to safeguard and promote the welfare of children.

**Education Act 1996 Section 13A (substituted by Education and Inspections Act 2006 Section 1)**

LAs should ensure that their functions relating to the provision of education...are exercised with a view to promoting high standards, ensuring fair access to educational opportunity and promoting the fulfilment by every child concerned of his educational potential. This applies to education for children of compulsory school age whether at school or otherwise.

**School Duties (Including Academies)**

**Education (Pupil Registration) (England) Regulations 2006, Regulation 8 (1)(d):**

Schools can only remove a child from the admissions and attendance roll when the child has “ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school”

**Education Act 2002 Section 175(2)**

Schools have a duty to safeguard and promote the welfare of children.

**Parental Duties**

**Education Act 1996 Section 7**

The parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable to their age, ability and aptitude, and to any special educational needs they may have, either by regular attendance at school or otherwise.

**Purpose**

* To ensure appropriate information is gathered by the Local Authority about children and young people whose parents have elected to educate them at home.
* To ensure that parents have early access to accurate advice and guidance about procedures and responsibilities prior to making a decision to educate their child at home.
* To ensure that appropriate advice and guidance continues to be available to parents during the period of Elective Home Education and that this advice and guidance is provided by a qualified teacher.
* To ensure that the Local Authority intervenes when there are concerns that a suitable education is not being delivered to the child.
* To ensure that children receiving Elective Home Education benefit from the support of agencies and professionals, including early help and intervention.
* To work with all statutory agencies to ensure electively home educated children are appropriately safeguarded.

**Note:** Throughout this document ‘parents’ should be taken to include all those with parental responsibility, including guardians and carers, and those that “care” for children.

**Pre Elective Home Education Notification Procedures**

All pre EHE enquiries must come through the Elective Home Education (EHE) Team via email [elective.homeeducation@newham.gov.uk](mailto:elective.homeeducation@newham.gov.uk) or telephone 0203 373 4304 in the first instance.

**Children on a School Roll**

For parents who are considering EHE, it is recommended that they go into school to discuss the situation with an appropriate member of school staff in the first instance. School should seek to resolve any problems that are brought to their attention. The school should provide the parent with a copy of the LA’s EHE information leaflet and signpost them to the EHE Team to access accurate advice and guidance about EHE. EHE is a complex and specialist area so schools should not provide information about EHE themselves.

If parents approach the EHE team for advice and guidance, A member of the team will contact them for a telephone discussion and/or meeting depending on the circumstances.

If it is parent’s final decision is to proceed with EHE, then parents will be informed to write to the Headteacher[[1]](#footnote-1) stating their intention to educate their child at home. The EHE team will not write letters on behalf of parents, or provide a template, but advice will be given about possible wording and content.

Schools 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 poor attendance record. In the case of exclusion, they must follow the statutory guidance, with support accessible via the Behaviour Support Service (BSS)[[2]](#footnote-2). If the pupil has a poor attendance record, the school and local authority must address the issues behind the poor attendance and use the other remedies available to them.

Until a parent notifies the school in writing (deregistration letter) that they are home educating, it is imperative that the child continues to attend school, and this should be made clear to parents by the school’s Attendance Officer or appropriately designated person. The deregistration letter is a legal document so schools should not write this on behalf of parents or provide a template. This letter is also an important first piece of information from parents which should be written independently as it may flag up early concerns about the suitability of the EHE.

When a parent has submitted a letter to school notifying of their intention to home educate their child, the school has a **legal duty[[3]](#footnote-3)** to inform the Local Authority. Schools **must** submit an electronic *Removal from School Roll* form[[4]](#footnote-4) along with a copy of parent’s deregistration letter via [www.newham.gov.uk/offschoolroll](http://www.newham.gov.uk/offschoolroll) . The child can then be removed from roll from the date at which the letter was dated. If a letter is sent undated, it is the school’s responsibility to clarify the EHE start date with the parent. The removal date cannot be backdated to cover any unauthorised or authorised absence prior to the official EHE start date.

**Children who reside out of borough**

If a school refer a child for EHE who lives out of borough, the EHE Co-ordinator will follow standard cross border protocol and refer the child to the relevant Local Authority. Once the receiving LA has acknowledged they are now responsible for the child, the EHE Co-ordinator will update the child’s record in Impulse to reflect this change in provision.

**EXCEPTIONS: Removal from Roll for EHE Requiring Consent from the Local Authority**

**Previous School Attendance Order**

If a child is registered at a school as a result of a School Attendance Order, parents must get 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. If a child is inadvertently removed from roll under these circumstances, the Local Authority will instruct the school to return the child to the school roll immediately.

**On Roll at a Special School**

For parents of a child registered at a special school, Local Authority consent is required to delete the child’s name from the register. Please refer to SEN section.

**Recording**

Notes of contact prior to a child becoming EHE will be added to the general notes section in the Impulse database. If there is more than one child, notes will be added to the oldest child’s record and a general note made in younger sibling’s record(s) signposting to them. Any documents which need to be kept, will be filed in the EHE area in the Shared Drive in the Pre-EHE folder.

**Flexi-Schooling**

Flexi-Schooling describes an arrangement between parents and school where a child is registered at school in the usual way but attends school only part time. The rest of the time, parent’s home educate the child. If a school is considering entering into a Flexi-Schooling arrangement with parents, they will need to consult with the Teacher for Elective Home Education before proceeding. The Teacher for Elective Home Education will:

* Offer advice and guidance.
* Attend a meeting with school and parents to clarify roles and responsibilities.
* Provide the school with a Flexi-schooling contract template.
* Conduct a safeguarding check on AzeusCare.
* Visit the home.
* Attend any review meetings.

The child must be marked as absent whilst receiving EHE and a “C” code entered into the register. The B and D codes **must not** be used. Any non-attendance issues for the period of time the chid is expected to attend school, can be dealt with in the usual way. The school will also continue to be accountable for the safeguarding of the child whilst away from the school. This is why the contract is important as it will clearly detail the expected attendance and safeguarding arrangements. A school can withdraw the Flexi-Schooling arrangement at any time if it is failing, on the understanding that a review is held first to discuss other options, including re-integration.

Once Flexi-Schooling has been agreed, the EHE Co-ordinator will update Impulse to indicate a dual registration between school and EHE with school continuing to being the main place of attendance.

**Children who are not on a School Roll**

Referrals are sometimes received for children who are not on a school roll. These referrals can come from many sources, including; Local Authority officers, other professionals, members of the public, Early Help, Triage, etc. If it is unclear that a child is EHE, then this needs to be referred to the Children Missing Education Officer for further investigation.

Although parents currently have no duty to inform the Local Authority that they are home educating, once this information has come to our attention, it is captured and usual procedures followed as detailed below.

**Elective Home Education Notification Procedures**

All EHE notifications from schools will be checked by passed to the EHE Co-ordinator. EHE referrals from other sources will be subject to the same procedures.

**Referral Acknowledgment and Initial Recording.**

The EHE Co-ordinator will:

* Ensure Impulse reflects the change of education provision and open a referral on Impulse SI using the relevant referral reason.
* Set up an e-folder for each child in the EHE space on the Shared Drive.
* Email a copy of the *Exit from School Roll Review Form* (which requests information about education and safeguarding) to the school for completion. This will be sent via email to the referrer. If the form is not returned within 10 working days, the form will be sent again. If the form is still not returned within a total of 20 working days, this will be brought to the attention of the Group Manager.
* Provide the school with information on how to securely share the child’s safeguarding file with EHE.

**Triage and Initial Contact**

The EHE Co-ordinator will:

* Check Early Help, AzeusCare (Social Care) and Impulse databases to identify any current Education Support, Early Help, Child in Need or Child Protection Plan involvement. A historic check will also be made to identify any previous involvement that may be a cause for concern now the child is being educated in the home rather than in a school community. If the safeguarding check raises a concern that the child has been, or may be at risk of significant harm, the child’s case will be handed over immediately to the Teacher for Elective Home Education who will make contact with either the allocated Social Worker or Triage for advice and guidance.
* Check if there is any current or previous involvement with the Attendance Management Service for non-school attendance.
* Make initial contact with parents via telephone to establish their main reason for EHE and to check they understand their responsibilities as a home educator. The reason for EHE will be added to Impulse. Information will also be given about leaving children alone at home and child employment. Newham specific EHE procedures will be explained to them. If an interpretation service is required, a home visit will be offered. A home visit will also be offered if the parent can’t be contacted via telephone after 3 attempts. If the parent has already received advice about EHE prior to opting for EHE this step may be omitted with the agreement of the Teacher for Elective Home Education.
* Write to parents (standard letter and contact card) providing contact details for the Teacher for Elective Home Education and arranging a meeting together with a request for information about the child’s educational provision. If no response is received after 10 working days, a follow-up letter will be sent out renewing this request. Information can be provided preferably via a meeting (home or alternative venue), but can also be provided in written form.
* All of the information gathered will be recorded against the child via events in Impulse SI. Any relevant documents will be added to the child’s e-folder in the EHE area on the Shared Drive. The case will then be handed over to the Teacher for Elective Home Education via an email notification.

**Case Review and Initial Monitoring**

On receipt of the handover email, the Teacher for Elective Home Education will review the case and undertake an initial risk assessment. Risk will be indicated as follows:

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| Level of Risk | Possible Risk Indicators |
| Low | No Safeguarding / Early Help Concerns, School / Parental Compliance with EHE Process and no reason to suggest parental coercion. No concerns over suitability of parent to EHE. |
| Medium | No Safeguarding Concerns, but possible Early Help Involvement. No / Possible Parental Coercion. No concerns over suitability of parent to EHE. |
| High | Safeguarding Concerns, Parental Coersion, Non-Compliance with EHE process. Concerns over suitability of parent to EHE, Child has SEN |

High Risk cases will always be allocated to the Teacher for Elective Home Education, whilst Low and Medium cases will be shared between the Teacher for Elective Home Education and EHE Co-ordinator.

It is expected that parents will have made contact at this stage either to provide the information requested or to make arrangements to provide it.

If a meeting is requested, parents will be telephoned to make the arrangements and an appointment letter will be sent out via the post to confirm. Meetings can take place at the home, a LBN office or an alternative venue of the parent’s choice e.g. local library. If there is a known health and safety risk associated with visiting the property, a paired visit will be arranged with a colleague, or the visit will take place away from the family home.

If after contact with parents:

* There are no concerns, the education will be marked as suitable and the case will become passive / low risk. An annual contact flag will be set up in the Outlook calendar.
* There are concerns, the case will be stepped up, marked as high risk and informal enquiries will be started (see paragraph below).

Once the telephone appointment or meeting has taken place, an event will be recorded on Impulse. A brief record of discussionwill be written up by the Teacher for Elective Home Education and added to the child’s e-folder in the Shared Drive and shared with parent. If parent’s send in written information this will be added in the same way.

**Concerns – Informal Enquires for “High Risk” children**

If at any time there are concerns that the educational arrangements may be unsuitable, the child will be marked as “High Risk”, and the Teacher for Elective Home Education will start informal enquiries, including a home visit to take place within 2 weeks. (this applies equally to cases that have been passive if new concerns are highlighted). A letter will be sent to parents to inform them about the situation, to inform them that a home visit will be arranged and to inform them that further information about their educational provision will need to provided. It is likely that multiple contacts may be required, and the timeline will be established and agreed between the Teacher for Elective Home Education and parents as enquiries develop. The timeline will be set up in the Outlook calendar in order to maintain the momentum and track progress. If the information provided satisfies the Teacher for Elective Home Education that the education is in fact suitable, the case will be marked as passive and an annual contact flag set up in the Outlook calendar as normal.

If parents refuse to cooperate with the request for information or based on the information provided the education appears unsuitable, the case will be stepped up and formal procedures will be started (refer to paragraph below).

**Unsuitable Education - Formal Procedures**

If after a period of informal enquiries, it is clear that the education is unsuitable, the parent will be informed in writing via a “Notice to Satisfy” and they will be encouraged to make alternative, suitable arrangements for the child’s education. This could include:

* employing a private tutor
* applying for a school place
* applying for a place at college or alternative provider (offering ESFA funded courses for EHE in Key Stage 4)
* seeking medical evidence to support a referral to the Pupil Referral Unit (PRU)

Should parent’s fail to provide evidence of a suitable education following the notice to satisfy, the Teacher for Elective Home Education will discuss the situation with the Group Manager and a decision will be made about serving a School Attendance Order (SAO).

At any point during this process, including if the case goes to court, parents can present new evidence to demonstrate that a suitable education is taking place. Any new evidence will be considered by the Teacher for Elective Home Education and the Group Manager and a joint decision made about next steps. If it remains unsuitable, then parents will be informed and the legal process will continue. If it is suitable, parents will be informed and the legal process will be ceased. Normal procedures for a child receiving a suitable education will then be followed.

If a parent decides that they no longer wish to home educate, parents will be issued with School Admission Application Forms and the case will be referred to Pupil Services by the EHE Team.

**Annual Contact**

Following a reminder from the Outlook calendar**,** an annual contact letterwill be sent out to all passive / low risk cases along with a print out of basic details held on the database. This is an opportunity to check if the child continues to be home educated and also to verify current address and contact details. Parents will also be asked to provide updated information about their educational provision. If the child is no longer EHE, the EHE Co-ordinator will be notified and normal procedures will be followed for removal of the child from EHE.

**Special Educational Needs**

The procedures for removing a child with a Statement of Special Educational Needs (Statement) or Education, Health and Care Plan (EHCP) from the school roll are no different unless they are on roll at a special school.

If a child is on roll at a special school, parents will require LA consent for the child to be deregistered. On receipt of an online referral from a special school, the EHE Co-ordinator will start a consultation period with the SEN Team Manager regarding consent. Consent is required in these cases for two reasons; to ensure that a removal from special school would not cause significant harm to the child’s health and development (this would require involvement from Children’s Services) and to smooth the transition to home education for children with complex needs. It is **not** consent to home educate as there is no trial period under any circumstances. Once a referral has been received, the EHE Co-ordinator will contact the SEN Team to confirm the name of the SEN Case Officer and request copies of all relevant paperwork for the child.

If the SEN Team have any educational concerns at any time about a child with an EHCP, then these need to be brought to the attention of the EHE Team in order that the Unsuitable Education procedures can be followed. Likewise, if the EHE Team has any concerns, then these will be shared with the SEN Case Officer and SEN Team Manager. It is expected that the EHE Team and SEN Case Officer will work closely together. The Teacher for EHE will attend all Annual Review meetings or Statement to EHCP transfers as part of the information gathering process and to offer advice and guidance about EHE to all present.

If a child without a Statement or EHCP is identified as having significant SEN by the Teacher for Elective Home Education, they will contact the designated Educational Psychologist (EP) for EHE for advice and guidance. If appropriate, and parents consent, an EP will be allocated to conduct an assessment.

If parents request a statutory assessment, they will be expected to provide the educational information required on the paperwork, as they are the educator in place of a school. If the Teacher for Elective Home Education has been involved with the child, this will also be submitted. The Teacher for Elective Home Education should be kept fully informed about any developments, including if the child has left EHE.

In order that children are not able to go missing from the system, **all** removals from EHE **must** be actioned by the EHE Co-ordinator. The EHE Co-ordinator will notify the SEN Team in the following circumstances:

* it is thought the child is on roll at a school
* the child has been referred to the CME Team
* the child has moved to a new address outside of Newham
* it is thought the child no longer resides at the address (whereabouts unknown)

**School Admissions**

The Elective Home Education Team will be notified of all school applications for EHE children.

All children who are moving from EHE to a either a mainstream Primary or Secondary School should be allocated a place via Fair Access Panel (FAP) to ensure they receive the support necessary to achieve a successful transition back into a mainstream education placement(To consider). The Teacher for Elective Home Education will provide a summary of the child’s educational background and any involvement.

**Connexions**

Connexions will support Year 11 EHE learners

**Work Experience and Child Employment**

Parents should be aware that the exemptions relating to child employment legislation to enable young people to undertake work experience only apply with respect to work experience arranged by a governing body or local authority. Consequently, there is currently no option for EHE families to arrange work experience opportunities that would be lawful where such activities are in conflict with the legislation restricting child employment.

Any instances of child employment will be reported to the Child Employment Officer for licence checks and further investigation.

**Pupil Referral Unit (PRU)**

It is possible to refer EHE children with medical conditions to the PRU for their consideration. This referral has to be made by the Teacher for Elective Home Education and accompanied by appropriate medical evidence. Referrals must be completed during a home visit or meeting and cannot be done on the telephone. The referral must be sent to the Head of Education Standards (??) for funding approval before being submitted to the PRU.

The Teacher for Elective Home Education will be invited to all meetings called by the PRU which relate to the child in order that progress can be monitored.

Please refer to PRU Service Level Agreement (SLA) for EHE children for further details (??).

**Education and Skills Funding Agency (ESFA) Funded Courses in Key Stage 4**

??????? offer part time courses to EHE children in Years 10 and 11. The Teacher for Elective Home Education will be the main contact in the LA for the college and training provider.

If a child is attending because the EHE is unsuitable, regular attendance updates will be requested.

Courses are funded by the Education Standards Funding Agency (ESFA) not the Local Authority.

**Health**

Parents will be made aware via the LA information leaflet and website that there is a designated School Nurse for EHE. Referrals requesting the support of a School Nurse must be made via the Teacher for Elective Home Education.

**Safeguarding and Early Help**

The primary role of the Teacher for Elective Home Education is an educational one. Children will be prioritised based on the procedures described above i.e. according to the level of concern about their education, however children with significant current or historic safeguarding concerns will be prioritised.

Elective Home Education should not be viewed as a safeguarding concern. The Local Authority does not have powers to see or question the child so capturing child voice/wishes and feelings is especially challenging in this field of work. However, those working to safeguard or improve the well being of the child must also be aware that neither the child, nor the family, will be seen or visited on a regular basis, and that there is no legal obligation for the child to be seen by an education professional once a parent has elected to home educate.

If a Social Worker has concerns about a child’s educational arrangements, then these concerns should be reported to the Teacher for Elective Home Education in order that they can be properly investigated. Social Workers must not make official judgments about the suitability of the educational provision as this is the role of the Teacher for Elective Home Education.

If the child receiving their education at home is in itself considered to be a risk by children’s social care, then it is their role to assess that risk and take appropriate steps to safeguard the child.

A request may be made to the Teacher for Elective Home Education for either a report or to attend meetings relating to child protection e.g. case conferences, Child in Need, Early Help, etc., in order to give educational advice. If a child’s education is a concern or unsuitable, then regular attendance at such meetings would be expected. If the education is suitable, then regular attendance may not always be necessary.

It is not the Teacher for EHE’s role to visit families to make safeguarding checks or monitor safeguarding concerns where Children’s Social Care or Early Help have closed their involvement and concluded that there is no role for them.

Professionals reporting safeguarding concerns to the Teacher for Elective Home Education will be advised to report these concerns directly to Triage or the allocated Early Help/Social Worker if it is not a new case. A note of this advice will be recorded in Impulse.

Any safeguarding concerns as a result of contact with the family by any member of the EHE team will be reported to Triage or the allocated Social Worker if it is not a new case.

**EHE Website**

The EHE website will be a source of advice and information for parents. It will be regularly maintained and updated by the designated administrator - <http://www.newhamconnect.uk/Services/3072>

**Training**

Training for professionals in relation to Elective Home Education law, methods and the role of the Local Authority is available on request for all those who have contact with home educating families.

**London EHE Forum and National Association of Elective Home Education Professionals (AEHEP)**

The Teacher for Elective Home Education will represent the Local Authority at the Regional EHE Forum (termly). The Teacher for Elective Home Education is also a member of the AEHEP. Two elected representatives from the Forum represent the London region at AEHEP meetings.

**BIBLIOGRAPHY**

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Ed Law (2016) – *‘Out of School Education’ and radicalisation: Home Education Revisited* by Daniel Monk, Reader in Law at Birbeck , University of London

1. In compliance with Regulation 8(1)(d), Education (Pupil Registration) Regulations 2006 <http://www.legislation.gov.uk/uksi/2006/1751/regulation/8/made> [↑](#footnote-ref-1)
2. <http://www.newhamconnect.uk/Services/3069> [↑](#footnote-ref-2)
3. In compliance with Regulation 8(1)(d), Education (Pupil Registration) Regulations 2006 <http://www.legislation.gov.uk/uksi/2006/1751/regulation/8/made> [↑](#footnote-ref-3)
4. EIS referral forms can be found @ [http://www.Newham.gov.uk/resident/learning-school/parental-support/Newham-education-investigation-service/school-referral-form/](http://www.dudley.gov.uk/resident/learning-school/parental-support/dudley-education-investigation-service/school-referral-form/) [↑](#footnote-ref-4)