WIRRAL COUNCIL

ELECTIVE HOME EDUCATION POLICY 2023

# INTRODUCTION

* 1. Elective home education is a term used to describe a choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time. This is different to education provided by a local authority otherwise than at a school - for example, tuition for children who are too ill to attend school.
	2. Wirral Council is firmly committed to ensuring that children who are educated at home are safeguarded and supported with their education. In this regard, we have developed robust procedures to ensure there is contact and education oversight to ensure children can progress and achieve their potential.

# PURPOSE OF THE POLICY

* 1. This document aims to clarify Wirral Borough Council’s policies and procedures in place for when parents choose to educate their school age child at home. This document will set out the statutory duties of the Wirral Borough Council and schools in relation to home educated children. This document will enable Wirral Borough Council to comply with its duties towards children and young people living in Wirral whose parents have elected to educate them otherwise than at school. Within this document the term parent refers to parent, carer or legal guardian.

# THE LAW

* 1. The responsibility for children’s education rests with their parents. In England, education is compulsory, but going to schools is not. State-funded education is made available within Wirral for all children of compulsory school age whose parents request it. The law is set out in the European Convention of Human Rights and the Education Act 1996.
	2. Throughout this policy, ‘parents’ should be taken to include all those with parental responsibility, including guardians and care givers.
	3. Wirral Borough Council recognises that parents have the right to home educate in line with Section 7 of the Education Act 1996:

*"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable -*

* + 1. *to his age, ability and aptitude, and*
		2. *to any special educational needs he may have, either by regular attendance at school or otherwise."*
	1. Although the type and level of education is not defined within the Education Act 1996, there is a legal case. In the case of R v Secretary of State for Education and Science, (ex parte Talmud Torah Machzikei Hadass School Trust 1986), education is described as an activity that ‘achieves that which it sets out to achieve’ and ‘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 life to adopt some other form of life if he wishes to do so.’

# PARENTAL RIGHTS AND RESPONSIBILITIES

* 1. Parents have several responsibilities in relation to supporting their children who are educated at home:
* Parents are responsible for ensuring that their children receive suitable education.
* Parents may exercise the right to home educate their child.
* Parents may exercise their right to home educate their child at any time up to the end of compulsory school age. They may elect to never enroll their child at a school.
* Parents must ensure that their child is in receipt of suitable full-time education, but this does not require formal timetabling nor need to take place within a formal education setting.
	1. Although parents must provide education which is in line with section 7 of the Education Act 1996 (see section 1.2 above), there is flexibility in the way that this education is delivered. Wirral recognises the following for parents, but these are not required nor limited:
* Teach to the latest version of the National Curriculum
* Have set hours within a timetable
* Assess progress and develop objectives including marking work completed by the child
* Include peer group socialisation
	1. Parents do not need to be qualified teachers to home educate their child.

# NOTIFICATION TO ELECTIVELY HOME EDUCATE

* 1. If the child is currently on a school roll, the school must be notified in writing by the parent, that the child is being taken out of the school and the parent has taken full responsibility for their child’s education.
	2. Pupil registration regulations 8(1)(d) - in a case not falling within sub-paragraph (a) of this paragraph, that he 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.
	3. Parents are legally obliged to inform Wirral Attendance Service in the following circumstances;
* If the school in question is a special school and the child is attending under LA arrangements.
* If the child is currently enrolled at a school in accordance with a school attendance order.
	1. Parents who elect to educate their child at home will be taking on full financial responsibility for their child’s education. By this, the parent will be responsible for any costs of private tuition, additional activities and entry to any public examinations.
	2. There are no funds available from Central Government or the local authority for parents who elect to home educate.

# WIRRAL BOROUGH COUNCIL RESPONSIBILITY

* 1. Wirral Attendance Service has a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in there are who are not registered pupils at a school and are not receiving suitable education otherwise. This duty relates only to children of compulsory school age.
	2. The DfE states that “Schools should 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 relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.”
	3. Section 8(1) (d) and 13 (3) of the Education (Pupil Registration) Regulations 2006 state that: Headteachers must inform the local authority when they have been notified by a parent that a child will be home educated.
	4. The school must keep the EHE child’s school file. This file can be requested by the child’s parent.
	5. When notified, schools are required to notify the Wirral Attendance Service via the Elective Home Education notification form detailing any involvement from Social Care, SEND and any concerns about the child /young person that the child may have.
	6. Although there is no legal obligation for a parent to allow the LA access to the home, where the LA has any reasonable cause for safeguarding concern the LA will expect to see the child, usually in the main venue the education takes place. When there is a lack of engagement, a referral may be made to the Integrated Front Door. An enquiry may be considered to establish if a child is at risk. In some circumstances, a lack of engagement may justify service of a notice order s. 437(1) which requires parents to give information about their child’s education.

# WIRRAL BOROUGH COUNCIL ARRANGEMENTS

* 1. Responsibility for monitoring the welfare and progress about children electively home educated in Wirral is with the Council’s Attendance Service. In such circumstance, once notification has been received that the child is being home educated, the child’s name is then removed from the school roll and placed on the Elective Home Educated register which is regularly monitored and updated by Wirral’s Attendance Service.
	2. The Attendance Service will ensure checks are made with Social Care and other agencies as appropriate to ensure that a full understanding of the child’s circumstances can be ascertained.
	3. Senior Locality Attendance Officer and Lead Officer for the Elective Home Education from the team, will arrange to visit the parent to discuss with them and the child / young person the reason for choosing to electively home educate and clarify plans.
	4. Following the initial visit, an Elective Home Education monitoring officer will undertake a visit within 3 - 6 months. This visit will inspect the work completed by the child/young person and find evidence of progress.
	5. A further monitoring visit will then take place on an annual basis by the Elective Home Education Monitoring Officer.
	6. If the work is satisfactory, a further monitoring visit is made within 12 months. The Elective Home Education Monitoring Officer will prepare a report to summarise the progress and work being undertaken by the child. The Elective Home Education Monitoring Officer will review and comment on whether the environment for the child is a safe and secure one and appropriate safeguarding action is taken if they deem it not to be so.
	7. If the education progress is deemed to be unsatisfactory at this stage, the Elective Home Education Monitoring Officer will make recommendations on how the provision could be improved and then arrange to visit within 6 weeks. If Wirral Attendance Service is not satisfied that home education is suitable etc. but does not believe that it is expedient for the child to attend school, then Wirral will provide sources of advice / support.
	8. If despite the extended period Wirral Attendance Service is still not satisfied that the child’s education is suitable, Wirral Attendance Service and the parent agree to return the child to school without the need of a school attendance order. Alternatively, the Wirral Attendance Service may look to serve a school attendance order on the child’s parents if the informal steps are not successful.
	9. If a parent refuses an initial visit from the Attendance Service or subsequent Education monitoring visits, we may consult with other agencies including Integrated Front Door, Social Care and Health to ensure that the child is safeguarded.
	10. Half termly meetings are held where all the children/young people on the EHE register are discussed with the School Nurse Service and the Elective Home Education Monitoring Officers, who undertake the progress visits and appropriate action is decided.
	11. The list of children who are electively home educated are included on the ‘EHE register’ and this includes details of those children who are in CP/CIN and those who have EHCP / SEN support.
	12. Where children are known to Social Care, the Senior Locality Attendance Offer / Lead Elective Home Education Officer or Elective Home Education Monitoring Officer may attend Case conferences, CP reviews and CIN meetings for any child on the EHE register who is subject to these meetings.

# SAFEGUARDING

* 1. Wirral Borough Council recognises that the welfare and protection of all children is essential and a paramount concern for all. As within s. 175 of the Education Act 2002, Wirral Borough Council has a duty to make arrangements to ensure that the functions conferred on them are undertaken with a view to safeguarding and actively promoting the welfare of all children and young people who reside within Wirral.
	2. Where there are concerns about a child’s education, Wirral’s Attendance Service will contact the Integrated Front Door when circumstances are justified under s. 437(1) of the Education Act 1996. The Senior Locality Attendance Offer / Lead Elective Home Education Officer will detail the welfare concerns to the parent in accordance with procedure.
	3. In the event of any welfare concerns for a EHE child, Wirral’s Attendance Service will initiate and follow established safeguarding procedures.

# CHILDREN WITH SPECIAL EDUCATIONAL NEEDS (SEN)

* 1. Parents have the right to educate their child at home, including children with SEN, as detailed under s.7 and 19 of the Education Act 1996. Home education must be suitable for the child’s SEN.
	2. Parents have the right to request an EHCP assessment. Parents have the right to appeal any decision. More information is available via the Wirral Local Offer Website.
	3. Wirral Borough Council, under s. 22 of the Children & Families Act 2014, do not have a duty to assess every home educated child to identify whether or not they have SEN.

# LOOKED AFTER CHILDREN (LAC)

* 1. Advice will be obtained from the Social Care team and the Virtual Head about educational progress where children are in care.

# CHILDREN ON CHILD PROTECTION (CP) PLANS AND / OR CHILD IN NEED (CIN) PLANS

* 1. The views of the child and parent will be used in conjunction with advice from the Social Care team before any decision are made.

**Elective Home Education Flowchart**

Parent writes to Head Teacher to indicate intention to Electively Home Educate

Wirral Attendance service becomes aware that a child is being Electively Home Educated

LA suggests source of advise / support, or makes alternative provision unless child is very close to leaving school age

Further monitoring visit arranged within 12 months

Education progress satisfactory

Education progress unsatisfactory

Arrangements made for education monitoring visit within 3 – 6 months

Wirral Attendance Service has concerns re a child’s wellbeing or parent refuses visit

Wirral Attendance Service not satisfied that education is efficient, full-time and suitable

Head Teacher forwards a copy of parents’ letter to Local Authority / Attendance service

Wirral Attendance Service contacts parent offering a home visit to discuss reasons for choosing Elective Home Education

Parent returns child to school

Parent confirms intention to continue EHE

Parent accepts visit from the Wirral Attendance Service

Wirral Attendance Service writes to parents regarding education concerns

Wirral Attendance Service process for School Attendance Order

Parent agrees to return child to school

Further action agreed with agencies

Wirral Attendance Service consult with other agencies including Health and IFD / Social Care