

Elective Home Education

Isle of Wight Policy and Procedure

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Welcome to this guidance pack, which aims to explain your parental responsibility and Isle of Wight Local Authority procedures regarding Elective Home Education (EHE) and to offer advice to parents or carers who are, or who are considering, elective home education.

POLICY STATEMENT

Some parents choose to educate their children at home. They do so because they judge it to be the best way to carry out their duty to educate their children. Parents may decide to home educate their child from an early age and need not enrol them at any school. They may also elect to home educate at any other stage up to the end of compulsory school age¹.

The Isle of Wight Local Authority recognises that there are many approaches to providing education. What is suitable for one child may not be for another, but all children should be involved in a learning process. The Local Authority also recognises the importance of building positive relationships to support parents in their aim of providing their children with an effective education.

Parents are not required to register or seek approval from the Local Authority to educate their child at home if the child attends a mainstream school. However, where a child has been registered at a school, parents are asked to notify the school in writing if withdrawing their child from the school roll. Best practice is for the school to identify the forward destination of any child leaving the school so, if withdrawing a child for EHE, the school will send a notification to the Lead Officer for EHE or if no destination is identified, the school will refer to the Local Authority's Child Missing Education (Education and Inclusion) Service and will not be permitted to remove the pupil's name until the case is investigated. This is to confirm that provision is being made for the child's education and that they are not missing education or simply not attending. In the case of a child who attends a special school, parents must have the consent of the Local Authority before a child can be de-registered from the school and home educated, but this request cannot be withheld unreasonably.

The Local Authority has a duty to promote the welfare and wellbeing² of children for whom it has responsibility, including children who are home educated. The Isle of Wight Safeguarding Children Partnership (IWSCP) has the statutory responsibility for ensuring that all agencies within the Isle of Wight promote the safeguarding of children in **ALL** settings. The IWSCP expects all agencies working with parents who elect to home educate their children, to promote the children's wellbeing and ensure children are being adequately safeguarded in their educational setting and, where appropriate, to notify other agencies of any concerns.

Local authorities do not receive funding to support home educating families, but the Isle of Wight Local Authority will be as supportive as possible where there are no resource implications. The Local Authority employs a Lead Officer for EHE to support families and in our dealings with all parents we seek to be as respectful, timely and non-intrusive as possible. Information is available on our website:

www.iow.gov.uk/Council/OtherServices/Educating-at-Home/Elective-Home-Education-EHE/

When the Local Authority first becomes aware that parents have elected for home education, initial contact will be made to establish that provision is being made. Although the Local Authority has no statutory duty to monitor the quality of home education on a routine basis, contact will be made with parents at least once a year to update our information on provision and to offer support.

¹ Children must receive full-time education from the start date of what would be the school term following their fifth birthday. Compulsory education currently continues until the last Friday in June of Year 11.

² Section 175(1) of the Education Act 2002)

This guidance includes the perspective of the Isle of Wight Local Authority in fulfilling its duties and includes extracts from 'Elective Home Education – Guidance for Local Authorities', published in April 2019 by the Department for Education:

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

POINTS TO CONSIDER BEFORE DECIDING TO HOME EDUCATE

Most parents think long and hard about taking the step to educate at home and it is worth considering the issues below before a final decision is made:

- Pressure should never be put on you as parents by a school to remove your child from a school to avoid formal exclusion, or because your child is having difficulty with learning or behaviour. This practice - sometimes called 'off-rolling' - is unacceptable, and if pressure of this sort is put on you by any state-funded school you should inform the local authority;
- If you are considering home education for your child due to a disagreement with the school or a teacher, talk to the teacher concerned, or to the head teacher if appropriate, before you make your decision. This is particularly important for children in Years 9, 10 and 11 who are already preparing for public examinations;
- Educating a child outside the school system will require a major commitment of parents' time, energy and money. There is no financial assistance for home educators, so some expense will be incurred, including resources and any exam entries;
- Attending school is about more than just schoolwork and many of the lessons learned are about how to get on with other people and developing other skills;
- Think about the curriculum you will provide, and whether it will allow your child to reach his or her potential;
- Is your home suitable for undertaking teaching and learning, in terms of noise, space and the general environment?
- If a home educated child wishes to return to school at some point, progress to post-16 education/training or take public exams, you will need to think about how to prepare them for this;
- Home educated students can sit examinations as external candidates, but may not be able to sit the same GCSEs as they have been studying in school, so it is important to take advice on this before removing a child from school, especially if they are in Years 9, 10 or 11;
- Part-time provision may be available at the IW College for some home educated pupils in Year 10 and/or Year 11 but only if home education has been assessed as suitable for at least 6 months before the start of the course in September. This is not an alternative to school, as provision is part-time and only a limited number of vocational courses and/or GCSEs are available. This is unlikely to be a suitable option for students with an EHCP;
- If you remove your child from a school to educate at home, but then change your mind, there is no guarantee that a place would still be available at the school your child left.

PROCEDURES

When the Local Authority is notified by the child's previous school or the School Admissions Team that the child is to be home educated, the following procedure will be implemented:

- A weblink to the Elective Home Education Guidance for Parents will be sent to parents, including a Contact Information Form which we ask to be returned to us (hard copy of the guidance can be requested);
- Routine notifications will be sent to Health, Children's Services and Police to inform them a named child is being electively home educated;
- Within 3 months, a review of the home education being provided will be held via telephone, a written report or a meeting, and contact made at least annually after that.

What will happen if the Local Authority has concerns about a child's home education?

Home education is often positive and rewarding for both children and parents. However, occasionally the Local Authority may have concerns about the home education being provided for a child:

- If contact cannot be made with parents, a letter will be sent notifying parents that a Child Missing Education referral will be completed; the Education & Inclusion Service will make further enquiries as to the location of the child;
- If evidence of a suitable home education being provided by parents is not received by the Local Authority when requested (within 3 months of a child becoming home educated or annually thereafter) or concerns are raised by agencies or the general public regarding the education of a home educated child, the Local Authority will make informal enquiries that will assist it to reach an informed judgement. This will include seeking further information from parents that explains how they are providing a suitable education for their child;
- If the Local Authority remains unable to satisfy itself that a child is receiving a suitable education, then a formal letter (known as a s.437(1) notice) will be sent to the parents who will then have 15 days to provide evidence that a suitable education is being provided or make an application for a school place for their child;
- The Local Authority must consider the response to a s437(1) notice, in order to decide whether a child is receiving an education which meets parental responsibilities under S.7, taking account of any evidence provided and any other information it has about the education the 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;
- If parents are unable to satisfy the Local Authority that their child is receiving a suitable education and do not make a school application, the Local Authority has a legal obligation to serve parents with a school attendance order (SAO). This will name a specific school and require you to register your child at that school.

Anti-social behaviour and links with other agencies

If it becomes apparent from other agencies, for example, Police, Youth Offending, Children's Social Care, or from reports by members of the local community, that a home educated young person is at risk of harm, not receiving a suitable education or participating in anti-social behaviour, the Local Authority will contact parents in order to review their child's educational progress.

Additional Notes:

- It would be very helpful if parents would contact the Lead Officer for EHE to provide any updates such as a change of name/address or if a home educated child starts at/returns to school so that any information or attempts to contact are not misdirected);
- The Lead Officer for EHE is available to provide advice and can be contacted by email: electivehomeeducation@iow.gov.uk or by telephone: 01983 821000 ext 8401

Please refer to FAQ section for detail on parent and LA roles and responsibilities

PRIVACY NOTICE

The Elective Home Education Service based at Thompson House, is a department of the Isle of Wight Council and, as such, the Isle of Wight Council is the Data Controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and other agencies. We hold this personal data and use it to:

- support our duties in line with the DfE Elective Home Education Guidelines for Local Authorities (2007) and any new government guidance we are obliged to follow.

This information includes your contact details, and may include national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical and safeguarding information.

We will not give information about you to anyone outside Children's Services without your consent unless the law and our rules permit it. Some information will be passed to the Department for Education, where we are required to do so by law.

If you want to see a copy of the information we hold and share about you then please contact the Lead Officer for EHE, at Thompson House. Alternatively, please contact the Corporate Information Unit, Legal Services, County Hall, High Street, Newport, IW PO30 1UD.

www.iow.gov.uk/Council/OtherServices/Website/Privacy

WHAT IF I AM UNHAPPY WITH ANY ASPECT OF THE HOME EDUCATION SERVICE?

If you have a concern or complaint about the Elective Home Education Service, in the first instance please contact the Lead Officer for EHE or the Inclusion Manager; karen.pothecary@iow.gov.uk

Further information about complaints can be viewed on the following website:
www.iow.gov.uk/Council/OtherServices/Council-Complaints/Making-a-complaint1

FREQUENTLY ASKED QUESTIONS

As a parent, what responsibility do I have for my child's education?

In England, education is compulsory, but attending school is not. As a parent you have a legal duty, as set out in section 7 of the Education Act 1996, to ensure that your child receives: *"efficient full-time education suitable:*

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

An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law as an education that "achieves that which it sets out to achieve", and a "suitable" education as one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".

Article 2 of Protocol 1 of the European Convention on Human Rights states that:

"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 is in conformity with their own religious and philosophical convictions."

At what age is it compulsory for children to receive full-time education?

Children must receive full-time education from the start of what would be the school term following their fifth birthday. Compulsory education continues until the last Friday in June of Year 11 (any child who is sixteen years of age between September and 31 August is of compulsory school age until the last Friday of June in that year). Recent legislation means that since 2013, all young people in England are required to stay in some form of education or training until their 18th birthday. This can include home education if a young person was home educated when they left compulsory education.

Do I need anyone's permission to educate my child at home?

No, but once you have made the decision to home educate you will need to follow one of the steps below, depending upon your child's circumstances:

- If your child is registered at a school, please inform the head teacher in writing of your request to remove your child from the school roll;
- If your child has an Education, Health and Care Plan and is registered at a mainstream school, please inform in writing the head teacher of your decision and contact the Isle of Wight Local Authority SEN Team to ensure appropriate procedures are followed and suitable advice is given;
- If your child has an Education, Health and Care Plan and is on roll at a special school, their name will remain on the register of that special school until the SEN Team are satisfied that the educational provision you have made for your child meets their special educational

needs, whereupon your child's Education, Health and Care Plan will be adjusted accordingly;

- If your child is not on roll at a school, you are under no specific duty to inform the Isle of Wight Local Authority of your decision to home educate. However, we do recommend that you inform the Lead Officer for EHE: via ewsreferrals@iow.gov.uk The Local Authority has a specific responsibility to identify children missing education³ so it is also very helpful for parents to inform the Local Authority of children who are being home educated who have never been registered at a school, as we will not then deem them as 'missing education'.

What is the role of the Isle of Wight Local Authority in Elective Home Education?

The Local Authority has no formal powers or duty to monitor the provision of education at home. However, it does have a statutory duty (under s.436A of the Education Act 1996) to establish the identities, so far as it is possible to do so, of children in its area who are not receiving a suitable education. The simple fact that a child is being educated at home does not mean that he or she is not receiving a suitable full-time education, however, to fulfil the section 436A duty, the Local Authority is entitled to make informal enquiries of parents to establish what education is being provided. As parents, you are under no legal obligation to respond, but if you do not, the Local Authority is entitled to conclude from the absence of any response that it appears that your child is not receiving a suitable education, with all the consequences which can follow from that (see section 3.0 above).

How will the Local Authority decide if the education I am providing is suitable?

If you withdraw your child from an Isle of Wight school in order to educate them at home, the Lead Officer for EHE will contact you and offer to meet with you. The purpose of this initial meeting is to discuss the education you are providing, or intend to provide, for your child, to offer any advice required and to answer any questions you may have.

The Local Authority acknowledges that for many parents, the time they start home educating can be a stressful period, especially if their child has had a negative experience at school. In the early stages of home education, plans may not be detailed but this does not mean that there can be any significant break between the end of schooling and the provision of good education at home.

The type of educational activity provided through home education can be varied and flexible, but parents should ensure:

- That significant carers are consistently involved;
- The child's needs, talents and aspirations are recognised;
- There are opportunities for the child to be stimulated by their learning experiences;
- There are opportunities for appropriate interaction with other children and adults;
- There is access to a suitable environment for learning, resources and materials such as paper and pens, books and libraries, arts and crafts materials, physical activity and ICT.

The Local Authority will expect to see learning and development taking place from the beginning of any period of home education.

³ Section 436A of the Education Act 1996

Expectations of a suitable education are:

- That the home education provided is age-appropriate, enables the child to make progress according to his or her level of ability, and has taken account 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. Currently, on the Isle of Wight, your child may still be able to access physiotherapy, occupational therapy and speech and language therapy as part their EHCP;
- Even if there is no specific link with the National Curriculum, 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 requirement (see page 4 above);
- Parents should be able to demonstrate the progress and development made by their child. The Local Authority 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.

N.B. An education may not be 'suitable' even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it very difficult to work (for example in very noisy premises); it may also not be 'suitable' if it leads to excessive isolation from the child's peers, and thus impedes social development.

The assessment of home education will vary depending upon the style of education you are providing, but should include:

- Your plan or philosophy for your child's education;
- Resources;
- How you will assess your child's progress;
- How you intend to integrate the fundamental core subjects of English (literacy), mathematics and science into your arrangement;
- Any arrangements for public examinations where appropriate;
- How you will meet any special educational needs your child may have.

A record of all meetings/reviews will be completed and signed by the Lead Officer for EHE and a copy will be sent to you. This will contain one of three outcomes;

- **Suitable** – the Lead Officer for EHE will maintain contact with you to provide advice and support via annual contact (annual contact may be via request to submit a report on the education the child has/is receiving or by a meeting at home or other agreed venue;

- **Not Yet Suitable** – where the provision is judged to be developing and the Lead Officer for EHE believes there is capacity to improve the education the child is receiving, they will discuss their concerns and advise on steps needed to improve things. Re-assessment will be undertaken after 6 weeks to ensure the education is suitable;
- **Unsuitable** – if a child’s education remains unsuitable, the Lead Officer for EHE will recommend that an application for a school place is made and if this does not happen, the Local Authority may issue a School Attendance Order.

Do I need to follow the National Curriculum or a formal timetable?

There is no acknowledged ‘correct way’ to provide an education at home and as a home educator you can educate in the way you think is most appropriate. However, you must ensure your child is receiving a full-time education suitable to their needs. You are not required to follow the National Curriculum nor does your child have to sit examinations.

When deciding how much time to devote to your child’s education you may find it useful to note that whilst there is no legal definition of ‘full time’ the DfE recommends that a normal school day provides 5 hours education a day spread over 190 days a year.

You may wish to also consider how the education you provide will help your child to develop their:

- Communication skills;
- Observation and awareness skills;
- Problem solving and thinking skills;
- Creative and imaginative skills;
- Literacy and numeracy skills;
- Physical, personal and social skills.

What information can I provide to demonstrate a suitable education?

Suggested below are some examples of the sort of information you may be able provide to demonstrate that your child is receiving a suitable education. These are not exhaustive and may not be relevant to the style of home education you choose to adopt, and you may wish to provide other information that demonstrates a suitable education:

- How your child spends their day, for example:
 - The number of hours a day/week you are available to help your child;
 - The resources you are using;
 - Any tutors used, or classes your child attends;
 - The sorts of activities your child will be / has been engaged in;
 - Social activity with other children.

- How do you know that your child is making progress and your methods and resources are achieving your aims?

During any follow up meetings or discussions, there will be the opportunity to discuss the education you have been providing for your child and the progress being made.

What if my child has an Education, Health and Care Plan?

All parents, including the parents of children with special educational needs, have an equal right to educate their child at home. However, if a child has an Education, Health and Care Plan, the Isle of Wight Local Authority continues to have a duty to ensure that the child's special educational needs are met.

The Isle of Wight Local Authority will work in partnership with parents to ensure that suitable arrangements are available to meet the child's special educational needs. However, parents should be aware that they have a duty to provide their child with an efficient, full-time education suitable to the age, ability and aptitude and to any special educational needs the child may have, in line with section 7 of the Education Act 1996, whilst the Local Authority has a duty to:

- Maintain the child's EHCP;
- Review the EHCP annually; and
- Decide whether its contents are appropriate or whether the EHCP should remain in force.

At the annual review of a child's Education, Health and Care Plan, the SEN Department, on behalf of the Local Authority, will consider the child's progress and whether any changes are needed to the EHCP. Parents are always invited to attend the annual review meeting to ensure that the Local Authority can develop as full a picture as possible of the child's progress and to help identify any changes that may be needed.

In cases where the Education Health and Care Plan gives the name of a school or type of school where the young person will be educated and the parents decide to educate at home, the local authority is relieved of its 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 EHCP will be amended to set out the type of special educational provision that the authority thinks the young person requires but will state in a suitable place that parents have made their own arrangements under s.7 of the Education Act 1996.

In cases where the local authority and parents agree that home education is the right provision for the young person with an Education Health and Care Plan, the EHCP should make clear that the 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 and fund the special educational provision set out in the EHCP, working with the parents. In these circumstances, the child will be known as Educated Other Than at School (EOTAS) rather than Electively Home Educated (EHE). The local authority will only agree to EOTAS if they believe there is no mainstream or specialist provision available which could meet the needs of the young person.

Further information about Elective Home Education for children with an EHCP is available in the DfE Guidance for LA 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

In addition, a parent who is educating a child at home may ask the Local Authority to carry out a statutory assessment or reassessment of their child's special educational needs and the Local Authority must consider the request within the same timescales as the requests that it receives from a school or any other parent.

Please contact the LA's Special Educational Needs Team: Email: sen@iow.gov.uk
www.iwight.com/Council/OtherServices/Special-Education-Needs-SEN/About

The IOW Local Offer is a source of local information, help, support and advice regarding SEND for parents, carers, children and young people: www.iwight.com/localoffer

SENDIASS (Special Educational Needs and Disability, Information, Advice and Support Service) provides advice and guidance for parents and carers whose children have special educational needs: Tel: 01983 825548 www.iowsendiass.co.uk/

Are there organisations or groups of other home educators who may be able to offer advice and support?

There are many organisations, groups and websites which provide information and support for home educating families which can be easily accessed through a search on the internet, Facebook or through the links pages of some of the groups below. Whilst these organisations, groups and websites may provide helpful advice, guidance and support relevant to home education, their inclusion in this document does not imply an endorsement of them by the Isle of Wight Local Authority. The views expressed within external websites are those of the site's owners and, unless specifically stated, are not those of the Local Authority:

- The Isle of Wight Learning Zone – an Island-based support group for home educating families: www.iwlearningzone.co.uk/
- Education Otherwise: www.educationotherwise.net
- Home Education Advisory Service: www.heas.org.uk
- Ed Yourself: www.edyourself.org
- Home education in the UK – SEN: www.he-special.org.uk/

Can my child still take GCSEs and other examinations?

Yes - It is possible for home educated young people to take examinations, as external candidates. As the parent/carer, you will have to pay for any examination registration fees, examination centre fees and any special arrangements needed.

Please contact the Lead Officer for EHE for advice as to how to apply as an external candidate. Parents should be aware that external candidates cannot always sit the same exams as a pupil in school as there can be no coursework or spoken assessments. If you remove your child from school in Key Stage 4, they may have to change some of the exams they sit (from GCSEs to International GCSEs).

Can I use private tutors or send my child to an out of school setting to supplement my child's education?

Yes, you can but the Isle of Wight Local Authority urges you to consider the importance of ensuring your child is effectively safeguarded. The current guidance document, 'Elective Home Education – Guidance for Local Authorities, states:

“Parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those whom they engage are suitable to have access to children. Parents will therefore wish to satisfy themselves by taking up appropriate references such as an appropriate Disclosure and Barring Service (DBS) check and local authorities should encourage them to do this”.

See DBS: www.gov.uk/government/organisations/disclosure-and-barring-service/about

Similarly, if you wish to use another setting, you should check that it meets all acceptable health and safety standards and that it is officially registered with the Department for Education if it meets the requirement to register as an Independent school - i.e. if it is giving full-time education to 5 or more students of statutory school age, or to 1 pupil with an Education Health and Care Plan, or to 1 pupil who is Looked After (in the care of the local authority).

If my child is not at school, how can I ensure that they are fully protected against diseases and receive regular immunisations?

The School Nurse Team receives children's health records from Health Visitors so that they can continue to perform health checks and offer support to children and their families throughout the compulsory school years.

School Nurses act as a link between you and other people and can make health services easier to reach. You can ask to see your School Nurse for lots of different reasons:

- Health checks including hearing/vision screening and height/weight checks;
- Referrals to specialists;
- Multi-agency working;
- One-to-one support;
- Drop-in clinics.

There is a dedicated School Nurse who supports families whose children are home educated and can meet with a child/parents at home, rather than at school: Tel 01983 821388.

What do I do if I want my child to return to school?

Parents have the right to apply for a school place for their child at any time. However, there is no automatic right to return to a school previously attended by a child. Places offered will be dependent on where there are vacancies and normal application and appeal procedures apply. For more information, contact the Schools Admissions Team on 01983 823455
www.iwight.com/Residents/Schools-and-Learning/School-Admissions