

Individual Decision

The attached report will be taken as
Individual Portfolio Member Decision on:

Wednesday, 18th March, 2015

Ref:	Title	Portfolio Member(s)	Page No.
ID2807	Elective Home Education Policy	Councillor Irene Neill	3 - 24



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Individual Executive Member Decision

Title of Report:	Elective Home Education Policy
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	18 March 2015
Forward Plan Ref:	ID2807

Purpose of Report:	To seek agreement to adopt the amended Policy for Elective Home Education
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Recommended Action:	Approval of Policy and associated actions
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Reason for decision to be taken:	<p>To ensure the duties of the LA, schools and parents are fully understood by all involved in Elective Home Education.</p> <p>To ensure the LA is able to demonstrate it is meeting its responsibilities in relation to Elective Home Education with regard for the rights of the child whilst acknowledging the rights of parents and carers to choose Elective Home Education.</p> <p>To ensure the LA is able to demonstrate it is meeting its responsibilities in relation to safeguarding this group of children and young people</p> <p>To clarify the expectations and procedures in relation to Elective Home Education for staff and parents/carers</p>
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Other options considered:	<p>Continue to apply existing Policy, which has more emphasis on rights of parents/carers and less defined action when the child is not seen by EHE staff, or if there are welfare concerns or where there is no evidence of education due to parents/carers not engaging with the LA.</p>
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Key background documentation:	<ul style="list-style-type: none">• European Convention on Human Rights, 1953• UN Convention on the Rights of the Child, 1990• Education Act 1996• Education Act 2002• Children Act 2004• Education and Inspections Act 2006• Education (Pupil Registration) (England) Regulations 2006• Elective Home Education: Guidelines for Local Authorities, 2007• Badman Report to the Secretary of State, Review of Elective Home Education in England, 2009• 'Home Educated Children with Special Educational Needs (SEN) Guidance Letter' DCSF, 2010
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- Ofsted report into Elective Home Education, Local Authorities and home education, 2010
- Birmingham Safeguarding Children Board, Serious Case Review into Khyra Ishaq, 2010
- Barking and Dagenham Safeguarding Children Board, Serious Case Review into Child T and Child R, 2011
- Support for Elective Home Education, Committee Report, DfE, December 2012
- Working together to safeguard children, 2013
- Serious Case Review, June 2013, anonymised, Family W,
- Children and Families Act 2014
- SEND Code of practice, 0-25 years, 2014
- SEND Code of practice, 0-25 years, 2015

Portfolio Member Details	
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Implications

Policy:

Financial: None.

Personnel: None

Legal/Procurement: There is the possibility of legal challenge from parents / carers in relation to the actions resulting from this policy from parents/carers. There is also a very strong lobby for Elective Home Education who may also challenge this policy.

However, this Policy has been discussed with Legal who have approved it. It is considered that the policy offers greater protection for children and that this outweighs the possibility of legal challenge.

Property: None

Risk Management: Possibility of legal challenge.

Possibility of adverse publicity; there is a strong Elective Home Education lobby.

Possibility of complaint from parent/carer about processes related to monitoring elective home education.

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at http://intranet/EqIA			<input type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

Consultation Responses

Members:

Leader of Council: Councillor Gordon Lundie

Overview & Scrutiny Management Commission Chairman: Councillor Brian Bedwell

Ward Members: none

Opposition Spokesperson: Councillor Alan Macro

Local Stakeholders: None

Officers Consulted: Ian Pearson

Trade Union: David Lowe

Is this item subject to call-in?	Yes: <input checked="checked" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Supporting Information

1. Background

- 1.1 Elective Home Education is where parents/carers choose to arrange the education of their children themselves. In most cases parents/carers undertake the education themselves, although some use private tutors. If parents choose to electively home educate their child, they take full responsibility for all costs, including teaching resources and materials, examination entry fees etc.
- 1.2 The Local Authority uses staff from Education Welfare Service and Learning Support Team to meet its responsibilities in relation to Elective Home Education. This includes providing information to parents/carers about their responsibilities and also informing them of the responsibilities of the LA in relation to monitoring the education and supporting the safeguarding of children and young people in its area.
- 1.3 The current policy sets out the law and the LA's role, but lacks clarity around expectations and action which will be taken when the situation is complicated by either a lack of evidence of a suitable education or by welfare concerns. The proposed new policy provides greater clarity in these circumstances.

2. Elective Home Education and families

- 2.1 Parents and carers have the right to choose to electively home educate their children. They take full responsibility for this if this is their choice - this includes financial responsibility for resources, educational visits and payment for sitting public examinations.
- 2.2 Parents/carers choose to electively home educate their children for a variety of reasons, including cultural or religious reasons. Many of these children have never attended a school. Other reasons for choosing to move from school based education to elective home education include dissatisfaction with school or perceived bullying. The choice to electively home educate can be taken at any point in a child's school career.
- 2.3 If a child has been to school, the parent/carer must let the head teacher of the school know they are removing them from school and plan to electively home educate. The school must then let the LA know that this is the case and the child's name is removed from the school's roll. The parents do not have a duty to inform the LA of their decision to electively home educate.
- 2.4 If a child has never been to school the parent/carer does not have to let anyone know they are planning to electively home educate them. The LA may never know about these children.
- 2.5 Parents and carers are expected to provide an education which is suitable, efficient and full time (as stated in Education Act 1996, Section 7). There is no definition of these terms, but the proposed policy quotes some case law and information about these terms.
- 2.6 Families choosing to electively home educate do not have to engage with the Council or agree to monitoring visits, although the Guidelines for Elective Home

Education state that it would be sensible to do so. (Elective Home Education: Guidelines for Local Authorities, 2007, section 3.4)

- 2.7 In West Berkshire the majority of families known to the Elective Home Education staff engage with the process, providing information about the education they are providing and allowing staff to see the child or young person at a home visit.

3. Elective Home Education and West Berkshire's expectations in the proposed policy

- 3.1 When a family choosing to electively home educate their child first comes to the attention of the LA initial contact is made by staff from Education Welfare Service and Learning Support Team. The preferred method for contact is stated in the proposed policy as being by the staff making a home visit. It is at this visit that the parental responsibilities and LA's responsibilities and expectations are discussed.
- 3.2 Following this initial contact, monitoring of the education is the responsibility of staff in the Learning Support Team. The aim is to make an annual visit to the families. The education should be 'suitable', 'efficient' and 'full time' (as stated in Education Act 1996, Section 7). On occasion, to ensure the education is maintained at the appropriate level, more frequent visits are made.
- 3.3 The LA has duties in relation to education and safeguarding, the proposed new EHE policy clarifies these duties in relation to families where children are electively home educated.
- 3.4 The LA has a duty to act if it appears that a child is not in receipt of a suitable education (Education Act 1996 s437). There is no duty to monitor the education of electively home educated children and young people, but without monitoring there is no evidence of or information gathered about the education being provided, and so the LA cannot collect the information about children who are not in receipt of a suitable education.
- 3.5 The proposed policy gives staff clear guidance on how to act if there is no evidence of a suitable education. The families should be given reasonable time to put a suitable education in place and provide evidence and information to the LA. If after this time the education is not seen as suitable the case should be referred to Education Welfare Service to pursue a School Attendance Order. This includes the possibility of this action being taken in cases where families refuse to engage with staff.
- 3.6 The LA has a duty to improve the wellbeing of children - this includes education. In addition, the Council has a duty to ensure the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of children (both duties - Education Act, 2002, section 175(1)).
- 3.7 The proposed new policy gives staff guidance on how to act if there are welfare concerns, in particular where the child or young person is not seen during visits, or in cases where the information about the education is in the form of written information or a report sent to the LA. It is stated in the proposed new policy that the EHE service would liaise with Social Care to share this information when a child or young person is not seen by the staff from the EHE Team.

4. Consultation

4.1 The Draft Proposed EHE Policy was shared with a variety of stakeholders and feedback was invited. This took place during the Summer term of 2014. The stakeholders were:

- Families known to the LA as choosing to electively home educate, these families were also invited to share the draft policy with other families unknown to the LA if they knew of any. The document was sent to 62 families, representing the 70 children and young people known to the LA at the point of the consultation taking place.
- Schools and Academies in West Berkshire
- Education Services in the LA (SEN Teams, School Improvement, Education Welfare Services, Educational Psychology Service)
- Children's Social Care Services in the LA

A total of 10 responses to the consultation were received.

Of these five responses were from parents, representing four families. This represents 6% of families having responded to the consultation. Three responses were from Local Authority teams/services and two were from other interested people from Elective Home Education organisations.

The outline of each response is included below.

Responses from parents consisted of:

- Various email exchanges, seeking clarification of processes and timescales.
- Asking for a second consultation when an amended policy is written
- Annotated versions of the policy

Responses from LA teams consisted of:

- Clarification of process for enquiries for Help for families
- Clarification of team's name from EMTAS
- Agreement with policy as clear and demonstrating our intention to act within the law from EWS

Responses from other parties consisted of:

- Annotated versions of the policy
- Comments of concern relating to various elements in the wording – for example, 'monitoring teacher', 'EHE register', and the need to provide 'evidence' of education.

Annotated versions of policy indicated the following concerns:

- Meeting with child/young person – policy should clearly indicate this is not compulsory
- LA can insist on seeing the child/young person where there are grounds for concern – clarify who can do this and indicate that Home Education is not in itself grounds for concern

- Initial visit – clarify that a visit is not compulsory
- A lot of concern that the role of the EHE monitoring teacher strays into Social care
- Comments about misquoted law and guidance

5. Equalities Impact Assessment Outcomes

In terms of Equality Impact Assessment, there is no negative impact on any particular groups. There is positive impact on SEN (disability), race and religion/belief, as the policy is aimed at providing greater awareness of processes for all families who are choosing elective home education and also ensuring the staff working in EHE are sensitive to cultural or religious backgrounds.

6. Conclusion

- 6.1 The proposed new policy would give clearer guidance for staff in relation to Elective Home Education - in terms of specific action which can be taken if the education is unsatisfactory or if there are safeguarding concerns about a child. It would also give parents/carers choosing Elective Home Education a clearer picture of the LA's expectations and procedures.
- 6.2 The proposed new policy has taken into consideration the feedback following the consultation, so includes the following changes:
- Clarification in the policy in terms of what are LA's preferred arrangements for contacting and engaging with families
 - Clarification of 'safeguarding' points in the policy, including the acknowledgement that EHE is not in itself an indication of concern
 - Change title of 'EHE Monitoring Teacher' to 'EHE Contact'
 - Change some wording – 'EHE register' – change to EHE database, and 'evidence' to 'information'
- 6.3 The CDLT and the EHE Team want to keep the process of liaison between the EHE Team and Social Care when children are not seen as part of the Local Authority's work and duties in relation to safeguarding.
- 6.4 The proposed policy has been discussed with Legal and they are satisfied that the proposed policy is not misquoting the law or any guidance

6.5 Appendices

Appendix A – Equality Impact Assessment

Appendix B – Proposed EHE Policy

Equality Impact Assessment

Name of item being assessed:	Elective Home Education Policy 2015-18
Version and release date of item (if applicable):	
Owner of item being assessed:	Rhian Ireland
Name of assessor:	Rhian Ireland/Jane Seymour
Date of assessment:	12.02.15

1. What are the main aims of the item? (What does the item try to achieve?)

The Council is required to have a policy on Elective Home Education, covering its approach to the monitoring of elective home education arrangements made by families. A policy is in place but requires updating in line with national guidance, including several Serious Case Reviews published nationally where Elective Home Education was an element considered in the review. In addition the new policy raises the profile of the rights of the child to an efficient, effective education, and also highlights the duties the Local Authority has relating to safeguarding.

2. What are the results of your research?

Note which groups may be affected by the item. Consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	The policy relates to children and young people of compulsory school age. All cases known to the Local Authority are treated in the same way irrespective of age.	
Disability	Some of the children and young people known to the Local Authority who are being electively home educated have Special Educational Needs or are disabled (SEND). The review of their education is undertaken with an awareness of any SEND where it is declared, and staff are aware of the need for reasonable adjustments.	
Gender Reassignment	No impact	
Marriage &	No impact	

Civil partnership		
Pregnancy & maternity	No impact	
Race	There are several families from the traveller community who choose to electively home educate their children. The review of their education is undertaken with an awareness of the lifestyle and working with colleagues from the Ethnic Minority and Traveller Achievement Services (EMTAS).	
Religion or Belief	There are several families whose choice to electively home educate is based on their belief (in particular the Jehovah's Witness community). The review of their education is undertaken with an awareness of the beliefs held.	
Sex & Sexual orientation	No impact	
Further comments relating to the item:		

3. What actions will be taken to address any negative effects?

Action	Owner	By When	Outcome

4. What was the final outcome and why was this agreed?

(Was the item adjusted, rewritten or unchanged? Refer to page 15 of *Meeting the Equality Duty in Policy and Decision Making* for more information.)

5. What arrangements have you put in place to monitor the impact of this decision?

This assessment will be reviewed when the EHE Policy is reviewed and also when additional information/guidance/legislation is published by Government.

6. What date is the Equality Impact Assessment due for Review?

Name: Rhian Ireland

Date: 12.02.15

ELECTIVE HOME EDUCATION

POLICY AND PRACTICE 2015-18

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West Berkshire Council will actively strive to address inequalities through its planning and delivery of services. All Council members, employees and agents will work to eliminate unlawful and unfair discrimination and to promote equality and good relations within all sections of the community. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

Policy principles

West Berkshire Council (WBC) respects the right of parents and carers to elect to educate their children at home, and for the children and young people resident in West Berkshire to have access to a suitable education of high quality.

WBC and its EHE Team aim to:

- Work to promote positive relationships and respect with parents and carers for the benefit and well being of children and young people.
- Provide effective and efficient EHE working practices, and staff with a good knowledge of elective home education
- Work with an emphasis on safeguarding children and young people.
- Acknowledge diversity in parental wishes and methods of educating their children.
- Acknowledge the diverse needs of these children and young people.
- Acknowledge that parents/carers of all educational, social, racial, religious and ethnic backgrounds successfully educate their children outside the school setting.
- Acknowledge and promote the relevant principles and priorities outlined in the Council Strategy 2012-16.

This policy was written with advice from legal services and LSCB, in addition to being shared with families choosing elective home education. It will be reviewed in September 2018.

Introduction

This policy document applies to those children and young people (CYP) of compulsory school age whose parents/carers have chosen to educate their children at home. It does not refer to CYP who have a home tutor provided by WBC or through a school.

The document acknowledges the right of parents/carers to educate their children at home, and sets out their responsibilities. In addition, it sets out the legal duties and responsibilities of the council and the West Berkshire's procedures in relation to elective home education.

It also sets out the procedures WBC will make in order to carry out its legal duties under the 1996 Education Act i.e. if it appears that a child of compulsory school age is not receiving education suitable to age, ability, aptitude and special needs, to take steps to ensure that this is remedied. In addition, it sets out the Local Authority's position on safeguarding and elective home education.

1. The law relating to elective home education

- 1.1 Parents/carers hold the responsibility for ensuring their children receive and education. Education is compulsory and can be provided by choosing to send children to school, or by choosing to educate children at home.

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

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

Education Act 1996, Section 7

- 1.2 The European Convention on Human Rights states that:

"No person shall be denied the right to an education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

Article 2 of the First Protocol of the European Convention for the Protection of Human Rights

- 1.3 The UN Convention on the Rights of the Child:

"States Parties agree that the education of children shall be directed to:

- a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;"*

Article 29, UN Convention on the Rights of the Child

- 1.4 There are no definitions in law of suitable education, but two examples of case law give some interpretation.

The Judge in the case *Harrison & Harrison v Stephenson* (1981 at Worcester Crown Court) defined a suitable education as one which would:

- *prepare a child for a life in a modern civilised society and*
- *enable them to achieve their full potential*

In 1985 Mr Justice Woolf held that an efficient and suitable education is one which,

"equips a child for life within the community in which he is a member, rather than the way of life in a wider society 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."

R v Secretary of State for Education exp. Talmud Torah Machzikei Hadass School Trust, 1985

- 1.5 Parents/carers must ensure that their children receive suitable full time education for as long as they are educated at home during their compulsory school age. However, there is no legal definition of 'full time', and often parents/carers choosing elective home education provide almost

continuous one-to-one contact to educate their child and education may take place outside normal school hours, but as a guide, children normally attend school for between 22 and 25 hours a week for 38 weeks of the year.

- 1.6 The type of educational activity can be varied and flexible.
- 1.7 Compulsory school age starts the term after a child becomes 5 years old. School leaving age is on the last Friday in June in the academic year in which a young person becomes 16 years old.

2. Rights and responsibilities: Parents and Carers

- 2.1 Parents/carers may decide to home educate their children at any stage before, or during, compulsory school age. Parents are not required by law to register with the Local Authority, or to seek approval from the Local Authority to educate their children at home.
- 2.2 If parents/carers have not registered their child to attend school, there is no obligation to inform the Local Authority of the decision to home educate. If parents/carers decide to home educate after the child has begun attending school, they must write to the Head teacher of the school requesting that the child's name be removed from the school's register, indicating their decision to electively home educate their child.
- 2.3 Where a child or young person is on roll (or part of a dual enrolment) at a special school parents/carers are obliged to seek the consent of the Local Authority to remove their child's name from the school roll if they wish to do so. The Education (Pupil Registration) (England) Regulations 2006 Regulation 8(2) states:

"...a child who has, under arrangements made by a local education authority, become a registered pupil at a special school shall not be removed from the admission register of that school without the consent of that authority, or if that authority refuse to give consent, without a direction of the Secretary of State."

The Education (Pupil Registration) (England) Regulations 2006 Regulation 8(2)

- 2.4 Young people age 17 and 18 are expected to take part in education or training. This is not the same as being of 'compulsory school age' but these young people are expected to undertake educational activity, whether that be through attendance at college, an apprenticeship or in paid employment with a training/educational element. These young people will not be entered on the Local Authority's database of electively home educated CYP.
- 2.5 If a parent/carer chooses to electively home educate their child there is no requirement to:
- have premises equipped to any particular standard
 - have any specific qualifications
 - cover the same syllabus as a school
 - adopt the National Curriculum
 - have a fixed timetable or observe school hours or terms
 - give formal lessons in a classroom.
- 2.6 The Local Authority would expect the educational provision for an electively home educated child/young person to include the following characteristics:

- consistent involvement of parents or other significant carers
- recognition of the individual's needs, attitudes and aspirations
- appropriate safeguarding of the child/young person
- opportunities for the child/young person to be stimulated by their learning experiences
- access to resources/materials required to provide home education – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT
- the opportunity for appropriate interaction with other children/young people and adults

- 2.7 Parents/carers who choose to electively home educate their child are fully responsible for sourcing and providing the education for their child.
- 2.8 Parents/carers who choose to home educate their child must assume full financial responsibility, including the purchase of resources, payment for private tutors or funding of any public examinations.

3. Duties and responsibilities: Headteachers

- 3.1 The duties included here relate to all schools, including maintained schools, independent schools, academies, free schools, non-maintained schools and independent special schools.
- 3.2 It is the duty of the Headteacher to inform the Local Authority, by sending a copy of the parental letter to the Education Welfare Service, when a parent has confirmed in writing his or her decision to educate his or her child other than at school. The pupil's name will be removed from the admission register and recorded on a database of children/young people being home educated kept by West Berkshire Council's EHE Team.
- 3.3 If a child/young person attends a special school then his/her name cannot be removed from roll on parental request until the Local Authority gives permission – confirming that the child/young person's special educational needs can be addressed through elective home education.

4. Duties, responsibilities and procedures: The Local Authority

- 4.1 The Local Authority strives to develop positive relationships with families who choose to electively home educate and recognises that there are many approaches to this type of educational provision. It is hoped that although parents/carers are not legally required to have regular contact with the Local Authority in relation to the home education provided for their child(ren), parents/carers would agree to this contact. This would enable the Local Authority to satisfy its safeguarding duties and also ensure there is sufficient information to demonstrate that a child is in receipt of their entitlement to a suitable education.
- 4.2 When the Local Authority is informed that a child/young person is to be home educated, an Education Welfare Officer (EWO) will check the child/young person has been de-registered from their school. The individual's name, date of birth and address will be recorded on a database of those children/young people living in West Berkshire who are being home educated. This will be confirmed in writing with the family. Parents/carers wishing to begin home education with a child registered at a Special School must first seek the consent of the Local Authority in order to withdraw the child from school.
- 4.3 The EHE team will check for records indicating any cause for concern with colleagues in Children's Services.
- 4.4 Other agencies may also be contacted to seek clarification of any involvement with the child/young person, for example:

- School attended, if relevant
- SEN And Disabled Children's Team
- Educational Psychology Service
- Ethnic Minority and Traveller Achievement Service

- 4.5 Within six weeks (term time) of being informed about a child or young person being electively home educated initial contact will be made with the parents/carers. The Local Authority's preferred contact is though meeting the family to discuss the decision and acknowledge the rights of the parents/carers and the child/young person. This contact will enable information about the educational provision provided to be shared. If the contact is though a visit, this will be undertaken by a member of staff from Education Welfare Service (EWS) and the EHE Contact.
- 4.6 Following the initial contact or visit parents/carers will be informed about the ongoing arrangements for the family to provide information regarding the educational provision being provided.
- 4.7 The Local Authority's preferred practice for sharing this information is for parents/carers and the child/young person to:
- Meet with the EHE Contact at their home or at another venue
 - Provide information or evidence of the education being suitable, at least annually
 - Share information or evidence of the education, demonstrating its suitability and its effectiveness
 - Meet with the child to discuss their educational provision, wellbeing and any concerns they may have.

Additional information may also be provided by parents/carers, such as:

- Information or report setting out their educational plans
 - Information or report from a reputable third party
 - Representative samples of their child's work.
- 4.8 Parents/carers will be sent written confirmation about the educational provision, its suitability and effectiveness.
- 4.9 If it appears that a suitable education is not being provided, the Local Authority will seek to gather additional information in relation to educational provision to enable a judgement to be made in relation to whether or not a suitable education is being provided. This could be through meetings or submissions of information. The Elective Home Education Guidelines for Local Authorities suggests that although parents are under no duty to respond to requests for a meeting, it would be sensible for them to do so. (*Elective Home Education: Guidelines for Local Authorities, 2007, section 3.4*).
- 4.10 Where parents/carers choose not to provide information or evidence about the education of their child/young person, then the Local Authority may, after giving reasonable notice, conclude that the child is not receiving a suitable education and may initiate the School Attendance Order process.
- 4.11 If the Local Authority become aware that a child/young person may be home educated, but has never been registered at school, they will make contact with the family and follow the procedures above.
- 4.12 The Local Authority will also:

- share information about relevant services with families – this can include information about ‘Help for Families’ (the LA’s Early Help approach to supporting families with additional needs)
- publish information for parents/carers enquiring about elective home education or who are already home educators. This information will be made available in community languages and alternative formats on request
- ensure officers who have contact with home-educating families have an awareness of relevant legislation and home education methods, and provide a named officer to liaise with parents/carers
- maintain a database of children/young people known to be educated at home within West Berkshire
- write to families, at least annually, to make arrangements to review the information and evidence in relation to the education being provided to the children and young people.
- undertake its statutory duty to undertake an annual review where a child/young person has a Statement of Special Educational Needs or an Education, Health and Care Plan (EHC Plan), when a parent begins home education, this will be arranged by the SEN assessment team. The review will consider whether the statement or EHC Plan is still relevant considering the change of arrangements in delivering the education. Should it be necessary for this to remain in force, parents/carers continue to have responsibility for the education provided, although the Local Authority will continue to have responsibility for organising the annual reviews.
- initiate the School Attendance Order process if it appears to the Local Authority that a child/young person is not receiving an appropriate education, either through information that the education being provided is not suitable, or by being provided with no information. This would be initiated after allowing parents/carers a reasonable amount of time, and after giving parents/carers three opportunities to address concerns by providing suitable information. The Local Authority considers taking these measures to be a last resort after all reasonable avenues have been explored to resolve the situation.
- provide details of the complaints procedure and deal with any complaints in a sensitive and timely manner.

5. Safeguarding Children and Young People

- 5.1 The Local Authority recognises that the majority of children/young people receiving Elective Home Education are safe and secure. The choice to electively home educate is not in itself an indication of concern.
- 5.2 The welfare and protection of all children/young people, both for those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. Working Together to Safeguard Children 2013 states that:

“Everyone who works with children - including teachers, GPs, nurses, midwives, health visitors, early years professionals, youth workers, police, Accident and Emergency staff, paediatricians, voluntary and community workers and social workers - has a responsibility for keeping them safe.

No single professional can have a full picture of a child's needs and circumstances and, if children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

In order that organisations and practitioners collaborate effectively, it is vital that every individual working with children and families is aware of the role that they have to play and the role of other professionals. In addition, effective safeguarding requires clear local arrangements for collaboration between professionals and agencies.”

Working Together to Safeguard Children 2013, p8

- 5.3 If any safeguarding concerns are expressed or observed for a child, the Elective Home Education Team will follow existing Local Authority child protection procedures, including making any necessary referrals.
- 5.4 If, following contact with a family, there are any concerns the EHE Team will share this information with Children’s (Social Care) Services or other relevant agencies, this could be ‘Help for Families’, or the ‘Contact, Advice and Assessment Service’.

Examples of safeguarding concerns may include, but are not limited to:

- Where a child is not seen by the Elective Home Education Team
 - Where a family refuses to engage with the Elective Home Education Team
 - When a safeguarding concern reported by a member of the public or by a professional
 - Known substance/drug misuse within the home
 - Known domestic abuse
 - Known criminal offences/criminal activity within the home
- 5.5 The Local Authority has a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. These powers allow the Local Authority to insist on seeing children/young people in order to enquire about their welfare where there are grounds for concern. This action would be taken by appropriate staff following referral to Children’s Services or the police.

“A local education authority shall made arrangements for ensuring that the functions conferred upon them in their capacity as local education authority are exercised with a view to safeguarding and promoting the welfare of children.”

Education Act, 2002, section 175(1)

- 5.6 The Local Safeguarding Children’s Board (LSCB) will receive regular data and reports on the numbers of children and young people known to the Elective Home Education Service, and any safeguarding issues, and information about any vulnerable children and young people.
- 5.7 Prior to any contact or visits the Elective Home Education Team will arrange checks with Children’s Services to ascertain any welfare or safeguarding concerns.
- 5.8 The database for children/young people receiving Elective Home Education will have a ‘flagging’ system to show there are, or have been, safeguarding concerns, this will included where these are known from the Social Care database.

- 5.9 Parents/carers may choose to employ or engage 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/young people. Parents/carers will therefore wish to satisfy themselves by taking up appropriate references and the Local Authority would strongly recommend they do so. If parents/carers choose to employ or engage other people in relation to elective home education they should ask to see the Disclosure and Barring Service Certificate and other relevant documents.

6. Children/young people moving to another local education authority area

The Elective Home Education Team will advise other local authorities as appropriate about home-educated children/young people who move across local authority boundaries.

7. Point of transfer

At point of transfer to the next stage of education, a letter will be sent from School Admissions to the parents/carers notifying them of the closing dates should they wish to apply for a place in a school if the child/young person is known to the Local Authority.

8. Complaints Procedure

If the parent/carer wishes to express any dissatisfaction, they should firstly discuss the matter with a member of staff from the EHE Team (Either the EHE Contact or one of the Education Welfare Service). If this does not resolve the issue, they should follow West Berkshire Council complaints procedures.

Bibliography:

Documents/sources used when developing this policy:

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- UN Convention on the Rights of the Child, 1990
- Education Act 1996
- Education Act 2002
- Children Act 2004
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- Education (Pupil Registration) (England) Regulations 2006
- Elective Home Education: Guidelines for Local Authorities, 2007
- Making Arrangements to Safeguard and Promote the Welfare of Children, updated 2007

- Badman Report to the Secretary of State, Review of Elective Home Education in England, 2009
- 'Home Educated Children with Special Educational Needs (SEN) Guidance Letter' DCSF, 2010
- Ofsted report into Elective Home Education, Local Authorities and home education, 2010
- Birmingham Safeguarding Children Board, Serious Case Review into Khyra Ishaq, 2010
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