

**MANCHESTER CITY COUNCIL
DIRECTORATE OF CHILDREN & FAMILIES**

**ELECTIVE HOME EDUCATION POLICY &
PROCEDURE**

November 2019

This policy and procedure has been updated following the DFE consultation (2018) and latest publications 'Elective Home Education: guidance for local authorities' (April 2019) and 'Elective Home Education: guidance for parents' (April 2019) and will be reviewed in November 2020. It has been shared with home educating parents, schools, MCC teams and partners and feedback has been taken into account in the final version.

Contents

1. Policy Statement
2. Introduction
3. The Law & Department for Education (DfE) Guidance
4. Parents' Rights & Responsibilities
5. Child's Rights
6. School's Responsibilities
7. LA's Responsibilities
8. MCC Processes- Initial Contact
9. MCC Processes - EHE Suitable
10. MCC Processes - EHE Unsuitable
11. MCC Processes – Special Educational Needs Disabilities (SEND)
12. MCC Processes – Looked After Children (LAC)
13. MCC Processes - Safeguarding
14. MCC Processes - Further Information

Appendices

- A. Flowchart of MCC Processes
- B. Visit Report Proforma
- C. Safeguarding: Criteria of Reasonable Cause for Concern
- D. Sources of Further Information & Support

1. Policy Statement

- 1.1 We believe that education is a fundamental right of every child and aim to work in partnership with all parents to ensure that their children are able to achieve to their full potential, whether they are educated at home or at school.
- 1.2 We respect that parents have the right to home educate in conformity with their own philosophical or religious convictions and we wish to work with parents who home educate in order to ensure that their children are provided with efficient, fulltime education which is suitable to their age, ability and aptitude and to any special needs they may have.
- 1.3 We also wish to ensure that parents who choose to home educate their children do so for the right reasons and are well prepared from the point they begin, which may be either from the decision not to send their child to any school or by the removal of their child from a school roll.

2 Introduction

- 2.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe parents' * decisions to provide education for their children, who are of compulsory school age, at home instead of sending them to school.
- 2.2 EHE is different to home tuition and education other than at school provided by the local authority (LA). Children educated at home are not registered at mainstream, special or independent schools, academies, free schools, Pupil Referral Unit (PRUs), fulltime college courses or children's homes with education facilities.
- 2.3 EHE is different to flexi-schooling arrangements, which are authorised at the discretion of the headteacher of the school where the child is on roll.
- 2.4 This document outlines our recently reviewed policy and procedures to enable Manchester City Council (MCC) to comply with our responsibilities and duties towards children living in our city whose parents have decided to educate them at home. It is published for parents, schools and other agencies with an interest in EHE.
- 2.5 *As stated in the DfE Guidance, April 2019, 'Educating children at home works well when it is a positive choice and carried out with proper regard for the needs of the child'. We recognise that there are many approaches to educational provision and that what may be suitable for one child will not be for another, but all children should be involved in a learning process.*
- 2.6 In line with the new DfE guidance for LAs, April 2019, these revised policy and procedures seek to build positive relationships with home educators and provide a means to effectively protect the educational and safeguarding interests of children where vulnerabilities are identified.

*The term 'parent' is used in this document to apply to both parents and to carers.

- 2.7 This document sets out:-
- Parents' rights and responsibilities if they choose to educate their children at home
 - The responsibilities and statutory duties of the LA and schools in relation to children who are educated at home.
 - MCC procedures in relation to EHE
- 2.6 Parents and schools have been consulted on the draft policy before it was finalised and we welcome feedback on how it is working at any time (See contact details at end of the document). It will be reviewed at least every two years, or following any relevant changes to legislation or Government guidance.

3. The Law & DfE Guidance

- 3.1 The legal responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not. The law is set out in the European Convention on Human Rights and in the Education Act 1996.
- 3.2 Compulsory school age begins on the next prescribed day following a child's fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31st December, 31st March and 31st August each year. A child continues to be of compulsory school aged until the last Friday of June in the school year that they reach the age of sixteen.
- 3.3 Young people need to then comply with the Raising Participation Age (RPA) legislation, 2013, and remain in education or training up until the age of eighteen.
- 3.4 Article 2 of the Protocol of the European Convention on Human Rights, 1953, 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.'*
- 3.5 Section 7 of the Education Act, 1996, states that: *'the parent of every child of compulsory school age shall cause him to receive efficient full time education suitable to a) his age, ability and aptitude and b) any special educational needs he may have either by regular attendance at school or otherwise'*.
- 3.6 An "efficient" and "suitable" education is not defined in the Education Act 1996 but has been described in case law (in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust 1986) as an education 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.'
- 3.7 The DfE Guidance for parents, April 2019, makes a number of points in Section 2.10, 'What is a Suitable Education', including:-
- *'education must be age appropriate, enable the child to make progress according to his or her level of ability and should take account of any specific aptitudes'*
 - *'even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard which is aimed at'*

- *'education at home should not directly conflict with the Fundamental British Values as defined in government guidance*
- *'education may not be suitable (or efficient), even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it difficult to work' eg very noisy*
- *'education may also not be deemed suitable if it leads to excessive isolation from the child's peers, and thus impedes social development'*
- *'it is likely to be much easier for you to show that the education provided is suitable if attention has been paid to the breadth of the curriculum and its content, and the concepts of progress and assessment in relation to your child's ability'.*

4. Parental Rights and Responsibilities

- 4.1 Parents may decide to exercise their right to home educate their child from a very early age and not enrol the child at a school. They may also elect to home educate at any stage up to the end of compulsory school age and may continue post 16 in order for their child to participate in education and training until the age of 18.
- 4.2 If the child is attending a school, then parents must notify the headteacher, preferably in writing, that they are withdrawing their child. They do not have to give a reason. However, as stated in the DFE Guidance, it would be sensible to do so, both in order to avoid any future misunderstanding about how they plan to fulfil their parental responsibilities and also, to facilitate access to advice and support.
- 4.3 If the child attends a special school which is named in their Education, Health & Care Plan (EHCP), parents must seek approval from the local authority (LA) in writing. See Section 11 for further information regarding children with Special Educational Needs (SEND).
- 4.4 Parents whose child is not enrolled at a school have no obligation to inform the LA that they are home educating. However, as in 3.2 above, it would be sensible to do so.
- 4.5 Parents do not need to be qualified teachers to home educate and there is no requirement to teach the National Curriculum, match age-specific standards, observe schools hours, days or terms, make detailed lesson plans, give formal lessons or reproduce school type peer group socialisation.
- 4.6 As is clear in the 1966 Education Act, Section 7, they must however ensure that their child receives efficient and suitable full-time education. See 2.7 above.
- 4.7 Parents can choose to engage private tutors or other adults to assist them in providing a suitable education, although there is no requirement to do so, and learning may take place in a variety of settings, not just the family home.
- 4.8 It is strongly recommended that parents ensure that they make appropriate checks on any settings that they use, as there may be no external assurance that they comply with basic standards such as vetting of staff and safeguarding children. Similarly it is recommended that parents ensure that any tutors they employ are qualified and suitable, including whether they have a clear Disclosure & Barring (DBS) Service check.
- 4.9 Parents who home educate assume the full financial responsibility for their child's education. This includes the costs of resources, private tuition, courses and public

examinations.

- 4.10 However children who are Year 10 and above may be able to access part-time college courses as part of their home education and the colleges may be able to claim the costs of course and exam fees from the Education & Skills Funding Agency. These arrangements would be negotiated individually between parents and the college.
- 4.11 LAs do have a duty under the Education Act 1996 to establish whether home educated children are receiving suitable fulltime education and the DfE Guidance is clear that it would be sensible for parents to respond to enquiries.

5. Children's Rights

- 5.1 The United Kingdom has ratified the United Nations Convention on the Rights of the Child (UNCRC), November 1989, which includes the right to be safe, to an education, the right to express their views and for due weight to be given to those views.
- 5.2 MCC actively promotes children's right to be heard, as stated in the UNCRC and in the statutory guidance 'Listening to and involving children and young people', January 2014.
- 5.3 MCC officers will wish to gain the child's opinions on the home education received in order to help inform decisions about suitability.

6. School's Responsibilities

- 6.1 Sections 8(1) (d), 12 (3) and 13(3) of the Education (Pupil Registration) Regulations 2006 place a duty on head teachers to inform the LA when a parent notifies them of their decision to withdraw their child from the school roll.

'the proprietor (Headteacher) of the school must make a return to the local authority for every such pupil giving the full name of the pupil, the address of the parent with whom the pupil normally resides and the ground upon which their name is to be deleted from the admission register as soon as the ground for deletion is met in relation to that pupil, and in any event no later than deleting the pupil's name from the register'.
- 6.2 Schools should follow MCC's offrolling procedures, informing the LA prior to removing the child from the school's register and forwarding any written notification from the parents. The child can be de-registered 2 working days after receipt of the parent's notification. See Section 11 for procedures if child has a special need or disability (SEND).
- 6.3 There is no legal requirement for parents to discuss home education with the school, But if a parent informs the school of their intention, schools should respond positively and constructively.
- 6.4 This is particularly important if it appears that the decision to home educate may be related to a dispute with the school eg regarding attendance, behaviour or alleged bullying. It would be helpful if the school invites the parents to discuss the decision and takes all necessary steps to resolve any issues. Parents' attendance at such a meeting should be entirely voluntary.

- 6.5 Schools must not seek to persuade parents to educate their child at home as a means of avoiding exclusion or because of poor attendance. It would be helpful if schools share a copy of this policy and signpost parents to the MCC Website and relevant LA officers to enable them to make an informed choice.
- 6.6 If the child is registered at a school as a result of a school attendance order, the parent must obtain the permission of the LA on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be removed from the school's register and educated at home.
- 6.7 Home education is not in itself a safeguarding concern. The expectation is that schools will have previously referred to Early Help or to the District Advice & Guidance Team (formerly MASH) if they have serious concerns about a child. However, they will be asked to share with the LA any recent concerns or risks they are aware of about the child that may impact on the suitability of home education.
- 6.8 Schools should retain the child's school file. Parents can request a copy of this in order to assist with planning their children's education.
- 6.9 If EHE is considered unsuitable, the expectation is that the child will return to their former school, either through the In Year Access Protocol (IYFAP) or through the statutory EHCP (Education, Health & Care Plan) arrangements. See Section 10.

7. The Local Authority's (LA's) Responsibilities

- 7.1 The LA has a statutory duty under Section 436 (A) of the Education Act 1966 to make arrangements to enable us to establish (so far as it is possible) the identities of children of compulsory school age in their area who are not receiving a suitable education.
- 7.2 The LA has a statutory duty under Section 437(1) of the Education Act 1996 to intervene if it appears that a parent is not providing a suitable education to the age, ability, aptitude and special educational needs of the child. This section states that:

'If it appears to a local authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.'

If evidence of a suitable education is not received, the LA may then commence statutory action, including the issuing of a School Attendance Order (SAO), penalty notices and fines.
- 7.3 The LA has no legal power to monitor home education on a routine basis, although we do have a duty, as 5.1 and 5.2 above to make enquiries if it not clear that a child is receiving a suitable education.
- 7.4 The LA, in partnership with other agencies, including Social Care and Health, has a statutory duty to safeguard and promote the welfare of all children resident in the city under Section 175 (1) of the Education Act 2002 and under the statutory guidance 'Working Together to Safeguard Children', updated February 2019.

- 7.5 The LA monitors trends in EHE in a wider strategic context and has a key role in identifying any shortcomings in local school provision and in challenging failures by schools to manage attendance and behaviour properly.
- 7.6 The LA is monitored by Ofsted, which looks at the way that LAs identify children who may not be receiving a suitable education and what steps they take to deal with this. Information about any upcoming inspections and any input home educators can have will be posted on the EHE Section of the MCC Website
- 7.7 The LA will ensure that all officers who engage with home educating families have received appropriate information and training so that they understand EHE and that LA procedures are followed consistently.

8. MCC Processes - Initial Contact & Assessment of Suitability

- 8.1 On receipt of a notification of EHE, a check will be made on the LA's Education Database and the child's 'base' will be amended to EHE. An EHE record will be created, which enables the LA to record any involvement with the family.
- 8.2 An LA officer will be assigned to liaise with the parents, to offer support and advice and to gather any relevant information to assist in reaching a properly informed view that the education is suitable. Evidence could include discussion of parent's plans, a written report, telephone conversations, the child's views, samples of the child's work, information about educational settings attended and tuition sessions, a home visit or a meeting at another venue. See Appendix 3 for the standard report proforma.
- 8.3 The LA officer will offer a home visit or meeting at another venue by telephone, email and/or by sending up to 3 letters, together with relevant information eg the MCC EHE Policy & Procedure and a letter from the assigned school nurse. The aim of the visit/meeting is to build a positive and constructive relationship with parents, to ensure that EHE is a positive choice and that the educational needs of their child are being met.
- 8.4 LA officers will wish to see the child so that their views can be gathered and contribute to the assessment of suitability.
- 8.5 Parents are not obliged to respond to LA enquiries, to accept a visit or to allow LA officers to meet with their child. However, as stated in the DFE Guidance '*you should consider carefully the reasons for not doing so, what is in the best interest of your child, and what is the most sensible approach. If you do not do enough to satisfy the local authority about the education being provided at home it may have no option but to conclude that the education does not meet the s.7 requirement*'
- 8.6 The LA officer will also make enquiries, including from Social Care, the Health Authorities and any previous school/Early Years provision, to ensure that there are no concerns about the child's welfare or safeguarding, including whether they may be a Young Carer.
- 8.7 In order to minimise time out of education should EHE be deemed unsuitable, LA officers aim to complete enquiries within 20 working days of the initial notification.

- 8.8 Parents will receive a report summarising the outcomes of discussions with the LA Officer and/or other evidence taken into account in the decision about suitability of home education have opportunities to provide further information if they wish.
- 8.9 For the majority of Manchester families who home educate, EHE is suitable and they continue to home educate for as long as they feel it meets the needs of their child. The child's name remains on the EHE base and an LA officer is allocated as the main contact for the family.

9. MCC Processes - EHE Suitable

The LA has made arrangements to ensure it carries out its statutory duties in relation to children educated at home and to safeguard and to promote the welfare of children. These arrangements include:

- A named senior officer with responsibility for elective home education policy and procedures
- Availability of information to parents who are considering home educating their children and to parents who already do this, through the MCC Website, through Help & Support Manchester and through named officers, whose role is to offer advice and support and build positive relationships with the families and communities who home educate
- Organisation of regular events to ensure parents and communities who home educate have the opportunity to meet with each other, hear from useful organisations and also have the opportunity to discuss EHE policy and procedures with LA officers.
- Responsibility of all agencies and LA teams to report to the named senior officer if they have any concerns about the safety and welfare of a child who is being home educated.
- Provision for LA officers who have contact with families who home educate to be trained in home education law, policies and practices
- A designated nurse in the School Nursing Service who can provide information and support to parents who home educate.
- Information about exam centres where home educated children can sit GCSEs.
- In line with the legislation around Raising the Participation Age (RPA) information will be provided for parents and children of Year 11 age advising them of their options and responsibilities for post 16 education provision.
- Following agreement that EHE is suitable, an LA officer will maintain contact with the family on a regular basis. This will usually be annually but could vary by agreement. There may be changes of circumstances for the family and the named LA officer is available if parents have any questions or wish to discuss any educational matters.

10. MCC Processes - EHE Unsuitable

- 10.1 As in 8.8 above, parents will receive written notification if the LA considers that

suitable education is not being provided, specifying the grounds for concern and any reasons for concluding that provision is unsuitable.

- 10.2 Parents will have the opportunity to address the identified concerns and provide further evidence to the LA within 7 working days, or other agreed timeframe, of the LA's letter.
- 10.3 If, after this the education is still not considered suitable, the LA will identify suitable provision for the child through our CME procedures. As in 6.9, the expectation is that children will return to their former school, either through the In Year Access Protocol (IYFAP) or through the statutory EHCP arrangements.
- 10.4 Following the Attendance Regulations, if the parent fails to register the child at the school which has been offered, they may receive formal notice that a school attendance order (SAO) will be served. This step will only be taken if all reasonable steps have been taken to resolve the situation. At any stage during the process, parents may present evidence that they are now providing suitable education and can apply to have the order revoked.

11. MCC Processes - Children with Special Educational Needs or Disabilities (SEND)

- 11.1 Under Sections 7 and 19 of the Education Act 1996, parents have the right to educate their children, including children with SEND, at home. Home education must be suitable for the child's age, ability, aptitude and SEND.
- 11.2 Parents have the right to request an EHC assessment and the right to appeal is available to all parents, including those who feel that the SEND support being provided by the school is insufficient to meet the child's needs. There is more information about the local offer on the MCC Website:
https://www.manchester.gov.uk/info/500132/special_educational_needs/6181/manchesters_local_offer_for_children_and_young_people_with_sen_and_disabilities.
- 11.3 LAs do not have a duty under Section 22 of the Children & Families Act 2014 to assess every home educated child to identify whether or not they have SEND.
- 11.4 If the child is on the roll of a special school the child's name may not be removed from the school register without the LA's consent.
- 11.5 It remains the duty of the LA to ensure the child's special educational needs are met if they have an EHCP.
- 11.6 In cases where an EHCP is maintained, the LA will review it annually to assure itself that the provision set out in it continues to be appropriate and the child's SEND continue to be met. The LA may name the type of school that would be suitable for the child, but state that the parents have made their own arrangements under Section 7 of the Education Act 1996.
- 11.7 Under SEND arrangements, and in line with DFE guidance, the LA will carry out annual reviews for all children with EHCPs, including those who are home educated. The child and parents will be involved in this process and the plan will be amended to reflect parental choice.

- 11.8 Parents will be invited to the review by the LA SEN officer, together with representatives from any other agencies eg Health, Social Care that the LA deems appropriate and the LA SEN representative.
- 11.9 If the LA decides to maintain an EHCP, it would be expected that this would cease when the child reaches the end of compulsory school age.
- 11.10 The LA will not assume that because the provision being made by parents is different from that which was being made or would have been made in school, that the provision is necessarily unsuitable. However in some cases, the LA may conclude that elective home education does not meet the child's SEN. The processes in Section 10 above will then be followed.

12. MCC Processes - Looked After Children (LAC)

In most cases, if a child is looked after, the LA would not expect the child to continue to be home educated. Advice will be sought from Social Care and from the Virtual School Head for Looked After Children and Young People. It should be noted that children and young people in the care of Manchester have asked to be referred to as "Our Children & Young People".

13. MCC Processes - Safeguarding

- 13.1 The LA, in partnership with other agencies, including Social Care and Health, has a statutory duty to safeguard and promote the welfare of all children resident in the city under Section 175 (1) of the Education Act 2002 and under the statutory guidance 'Working Together', February 2019.
- 13.2 The EHE Team and all LA officers will follow the Manchester Safeguarding Children's Board (MSCB)* safeguarding procedures at all times and work with partner agencies to pro-actively safeguard and promote the welfare of all home educated children.
- 13.3 In the event of any concerns, in line with MSP procedures, LA officers will discuss them with parents (provided that this does not pose an increased risk to the child) and signpost/link the family into sources of support, including the designated School Nurse and the Early Help Hubs.
- 13.4 If the concerns present an immediate and serious risk of harm to the child, LA officers will make a referral to the District Advice & Guidance Team (formerly MASH) which will be followed up by Social Care.
- 13.2 LA officers do not have an automatic right to access the home to discuss home education. However, under the safeguarding duties held by the LA and our commitment to the UNCRC, an LA officer will wish to see the child and ideally the home, as this is usually the main venue where education is taking place. Elective home education may not be considered suitable if this is refused and if there is any reasonable cause for concern. See Appendices for MSP/MSCB's Multi-agency Levels of Need and Response Framework' Thresholds which includes 'Parents are inappropriately or intermittently engaged with their child's education and lack awareness of their responsibilities' as one of the criteria.

- 13.3 In most cases if a child is on either a Child Protection (CP) or Child in Need (CiN) Plan, the LA would not expect home education to be suitable. However both the child's and the parent's views will be considered and advice sought from Social Care before any decision is made.

14. MCC Processes - Further Information

If you have any comments or queries about this policy or MCC EHE processes, please contact the named senior officer, Jenny Patterson, at j.patterson@manchester.gov.uk.