



Leicester
City Council

Policy prepared by: Learning, Quality and Performance

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Education and Children’s Services – Learning, Quality and Performance

Elective Home Education Policy

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1. Background

Individuals with parental responsibility (including parents, guardians and carers – referred to as parents hereafter) have a legal right to chose to educate their children other than by attending school.

1.1. Duty of parents

The Education Act 1996 states that: *The parent of every child of compulsory school age shall cause him (her) to receive efficient full-time education suitable to his (her) age, ability and aptitude, and to any special educational needs he (she) may have, either by regular attendance at school or otherwise.*

This places the responsibility for a child's education firmly with the parents. The interpretation of efficient and suitable are derived by Case Law and set out in Government Guidance¹:

- Efficient education: Education that achieves what it sets out to achieve; and
- Suitable education: Education that primarily equips a child for life within the community of which the child 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 the child wishes to do so.

Case law² also states that a suitable education – for a child capable of learning such skills – should instil in them the ability to read, write and cope with arithmetical problems. In other words, an education that does not include English and Maths cannot be considered suitable

There are no legal requirements imposed on parents to ensure that their child takes formal examinations or to follow the National Curriculum. There are no set hours, days or weeks when education has to take place and no requirement for formal lessons. Parents are not required to follow a school model of education, follow school hours or complete work in books.

Financial responsibility for children educated at home rests with the parents. This includes all books, paper resources and the payment of examination fees if a child wishes to take accredited examinations (e.g GCSEs).

Information regarding local centres which allow students to take examinations as a private candidate is available at www.leicester.gov.uk/homeeducation

Parents who choose to educate their children at home are strongly advised to acquaint themselves with the law and guidance related to Elective Home Education.

1.2. Duty of the Local Authority (LA)

The Education Act 1996 (as amended) imposes a duty on Leicester City Council (LCC) to promote high standards in Primary and Secondary education for persons of compulsory school age (whether at school or otherwise).

In addition, LAs have a statutory duty under the Act (as amended), to make arrangements to establish the identities, so far as it is possible to do so, of children in the authority who are not receiving a suitable education.

To fulfil these statutory duties Leicester City Council follows an established process, described below, to confirm the suitability of Elective Home Education; many parents find this process helpful and supportive of their education provision. However, parents are strongly advised to be aware of their rights and responsibilities within this process.

¹ Department for Children, Schools and Families (now Department for Education), Elective Home Education – Guidelines for Local Authorities, 2007. Available at: <http://www.education.gov.uk/schools/pupilsupport/parents/involvement/homeeducation/a0073367/elective-home-education-guidelines>

² Harrison and Harrison v Stevenson (1982) QB (DC) 729/81.

2. Choosing and starting a home based education

Parents have a range of reasons for choosing to educate their child or children at home which include:

- distance or access to a local school
- religious or cultural beliefs
- philosophical or ideological views
- dissatisfaction with the system
- bullying
- as a short term intervention for a particular reason a child's unwillingness or inability to go to school
- special educational needs
- parents' desire for a closer relationship with their children.

2.1. Children who have never attended school.

If a child has never attended school, there is no legal requirement on parents to register with LCC. However, LCC strongly encourages parents to make contact to confirm that home education is taking place. This is because each Local Authority has a legal duty to ensure that every child living in their area is in receipt of education

2.2. Withdrawing a child from a mainstream school

When a child has been on roll at a school, and the parent/carer decides to educate their child at home, they must write to the Head teacher of their school, informing them of their intention to home educate. The Head teacher will delete the child's name from the register and will then notify the LA.

2.3. Children attending Special Schools

If the child who is to be withdrawn is a pupil at a special school, the school must inform the local authority before the child's name can be withdrawn from the school roll and the authority will need to consider whether the elective home education is suitable before amending part 4 of the child's statement.

2.4. Children attending Specialist Unit attached to a mainstream school

Parents can withdraw children from Units attached to Mainstream schools by writing to the Head teacher.

2.5. Free School, Foundation Schools and Independent schools

Parents who withdraw their children for home education from free schools, foundation schools, independent schools and academies are encouraged to get in touch with LCC's Education Welfare Service at the earliest opportunity.

Contact: Education Welfare Service,
Collegiate House
College Street
Leicester
LE2 9JX
0116 454 5533

2.6. Leading up to withdrawal from school/following withdrawal from school.

The Education Welfare Service seeks to undertake a discussion with the parents within 4 school weeks to provide information, support and advice and to possibly obtain a programme of education from the parent.

Once this Education Welfare Service discussion is complete, usually within 2 school weeks (6 school weeks following the notice to the Headteacher), details of the child are passed to

the Elective Home Education (EHE) Adviser in the Learning, Quality and Performance Division along with any supporting information obtained.

To let us know that you are providing education at home, please contact Learning, Quality and Performance on 0116 454 1925 or e-mail home-education@leicester.gov.uk

Once a child reaches compulsory school age (the term, after the child turns 5 years of age) and in the event that they come to the attention of LCC, the LA must satisfy itself that the child is receiving full time education suitable to their age, aptitude and any special educational needs the child may have.

Usually within 4 weeks of the child coming to the attention of the LA, details of the child are passed to the EHE Adviser in the Learning, Quality and Performance Division.

3. Contact with the Elective Home Education Adviser

Within 4 weeks of the notification by the Education Welfare Service, the EHE Adviser will contact the parent to offer opportunities for the family to discuss their educational provision. This can take the form of a home visit where education takes place or at a neutral location such as a library. It could take the form of written report from the family and possibly work samples. Such a face to face contact is not required but it is sensible for parents to choose this way of engaging.

The EHE Adviser will usually make first contact by telephone, but where this is not possible, a date and time will be proposed in a letter for a visit to the child's home address or to a neutral venue if chosen by the child's parent. Contact details are provided in the letter so an alternative appointment can be arranged if needed.

If an appointment is not kept, whether arranged by telephone or by letter, a second attempt will be made to arrange contact.. Otherwise, the appointment will be made in a letter to the parent including contact details to arrange an alternative date and time if necessary.

Following a failure to keep a second agreed appointment, or if there is no engagement by the parent with the EHE Adviser, the matter will be referred to the Education Welfare Service for further discussion.

Leicester City Council agrees with section 3.11 of the Department for Education's Guidelines to Local Authorities that "*...in the early stages, parents' plans may not be detailed and they may not yet be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision. In such cases, a reasonable timescale should be agreed for the parents to develop their provision*". Leicester City Local Authority deems "*a reasonable time*" to be not more than three months from the deregistration from school date. The EHE Adviser would seek to discuss these plans, in whatever form, with the family at the time of the first meeting. A face to face meeting is not required but it is sensible for parents to engage with the Local Authority in this way at the start of their programme for home educating their child.

The visit from the EHE Adviser will consider the following areas:

Topic	including
Health concerns Any Special Education Needs the child may be considered to have.	- any support received from other agencies.

Last school	<ul style="list-style-type: none"> - date and year group when withdrawn; - reasons for choosing Elective Home Education; - status related to any Special Educational Needs; - parent aims and objectives; - education style (such as structured National Curriculum, semi structured, or autonomous).
Teaching and learning	<ul style="list-style-type: none"> - learning environment; - daily routine; - whether a tutor is used; - broadcasts, resources and websites used; - arrangements for taking exams.
Information on teaching and learning	<ul style="list-style-type: none"> - samples of work, preferably dated - range of work including development of Maths and English, functioning skills including ICT, physical development and life skills.
Feedback to child	<ul style="list-style-type: none"> - feedback on work
Outside contact	<ul style="list-style-type: none"> - regular groups attended; - trips planned or taken; - friends and social circle.
Discussion with child	<ul style="list-style-type: none"> - examples of work they are proud of, trips they have taken, parent involvement, groups they attend, contact with friends; - views of the child regarding home education - parent views regarding further support - any aspirations for the future.
Comments from the parent	<ul style="list-style-type: none"> - concerns about Elective Home Education; - recognition of child's needs, attitudes and aspirations.

The EHE Adviser will prepare a short report summarising the discussion. The Learning, Quality and Performance EHE Report is sent to the parent and shared with the Education Welfare Service. The report should be produced and sent to the parent within 4 weeks of the Home Education Visit; the preferred timescale is 2 weeks.

4. Alternatives to a home visit

4.1. Meeting at a neutral venue

Government Guidance¹ asks Local Authorities to, where reasonably practicable, take into account the child's wishes and feelings with regard to the provision of services. Therefore it is preferable to meet with the child. Parents are not required to allow access to their home; meetings can take place at an alternative venue and the child may or may not attend. LCC prefers to see children and parents in their home or place of education, as this allows the access to resources/materials required to ensure that the home education is suitable to the age, aptitude and any special educational needs the child may have.

4.2. Information from parents

Parents are not required to meet with the EHE Adviser although it is hoped that parents will see the benefits of such involvement in their child's education.

If parents choose not to meet with the EHE Adviser, they may be asked to provide supporting information which demonstrates that they are providing full time suitable education for their child. The information could be samples of work, diaries of educational activity, books used in education, photographs from educational visits, electronic files of

work/projects and so on. It is also possible for parents to submit reports from third parties (such as an independent home tutors) which endorse the education provided. This information should be ideally submitted within 4 weeks of declining a Home Education Visit or Meeting.

The EHE Adviser will review the information presented and consider if the education provision is full time and suitable to the age, aptitude and any special educational needs the child may have. Ideally the child will be involved in the preparation of the report and it will reflect the needs and preferences of an individual child even where there are several children home educated by a single family.

4.3. The EHE Report

The EHE Adviser then prepares a short report summarising the information and the outcomes along with any suggestions. The report may request additional information to enable a full consideration. Such additional information should ideally be provided within 4 weeks of the report from the EHE Adviser being sent to the parent. The information may be submitted in any format, such as by telephone or email to the EHE Adviser, or in hard copy format through the post; or it may be appropriate to arrange a meeting or a home visit.

The EHE Report is sent to the parent and shared with the Education Welfare Service. The report should be produced and sent to the parent within 4 weeks of the Parent Report; the preferred timescale is 2 weeks. If additional information is required, an updated report will be issued with 4 weeks.

5. Outcomes

Outcomes will be either that:

- The education is considered to be full time and suitable to the age, aptitude and any special educational needs the child may have and the EHE Adviser will contact again in twelve months to review the education provision unless parent wish to contact sooner
- The education is not yet considered to be full time and suitable to the age, aptitude and any special educational needs the child may have but has the potential to become so;
- The EHE Adviser will make suggestions and recommendations to help the family establish their education provision. S/he will contact the family again in up to three months to review the changes made.
- The education, even after suggestions have been made, is not considered to be full time or is not suitable to the age, aptitude and any special educational needs the child may have. The case will be closed to Learning, Quality and Performance and referred back to Education Welfare Service

In this situation the parent will be required to find a way of satisfying the Education Act by ensuring suitable education provision. The Education Act 1996 (as amended) states that: *If it appears to a local education 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 (her) to satisfy them within the period specified in the notice that the child is receiving such education.*

Parents can at any time during the notice period contact the Education Welfare Service to request a review to confirm that the education is now full time and suitable to the age, aptitude and any special educational needs the child may have, and a visit from the EHE Adviser will be arranged to confirm this – or the parent may elect to pursue the alternatives described above. This can occur where the investigation has followed failure to keep appointments with the EHE Adviser, or to engage with the EHE Adviser, or to submit a Parent Report.

As a last resort the Education Welfare Service may instigate School Attendance Order proceedings. This can occur when the education provision is not full time and suitable to the age, aptitude and any special educational needs the child may have or where no education provision is being made at all.

6. Educating children with Special Educational Needs at home

Parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a statement of special educational needs or not.

Any statement of Special Educational Needs remains in force and be annually reviewed. If the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making "suitable arrangements", and the authority could not conclude that they were absolved of their responsibility to arrange the provision in the statement. Parents need only provide an efficient, full-time education suitable to the age, ability and aptitude and to any special educational needs the child may have as defined in Section 7 of the Education Act 1996. It is the authority's duty to arrange the provision specified in the statement, unless the child's parent has made suitable provision, for as long as a statement is maintained. In some cases a combination of provision by parents and LA may best meet the child's needs. Local authorities should consider, for example, providing access to additional resources or treatments where appropriate.

Where parents prefer and if sufficient information is available, the annual review of statement can be used to establish the suitability of education. However, many parents find that a visit from the EHE adviser offers positive support and reassurance and this option remains available to all families in all circumstances.

A child in receipt of a Statement or Education, Health and Care Plan remains the responsibility of the Authority in terms of meeting their special educational needs, and this will be part of the discussion between the EHE Adviser and parents

7. Life limited children educated at home.

As for all home educated children, LCC has a responsibility to ensure that life limited children receive education that is suitable to their age ability and aptitude and any special educational needs. As such, the education of children with life limiting conditions should support them to achieve their full potential and not be restricted by their clinical diagnosis. The support provided by the EHE Adviser will be focussed on the child and their needs in the same way as all children educated at home.

8. Responsibility for Elective Home Education policy and practice

In accordance with Government Guidance¹, a named Senior Officer in Leicester City Council has responsibility for Elective Home Education policy and practice:

Name	Jane Winterbone
Role	Interim Director, Learning, Quality and Performance
Postal Address	Leicester City Council, 3 rd floor, Rutland Wing, City Hall, 115 Charles Street, Leicester, LE1 1FZ
Telephone	0116 454 6124

This Senior Officer is familiar with Elective Home Education law, policies and practices and is responsible for ensuring that EHE Advisers are trained and qualified in the law and home

education methods and competent to confirm the suitability and appropriateness of Elective Home Education provision.

In addition, EHE Adviser and consultants employed by LCC will have Disclosure and Barring Service check (DBS – formerly the CRB check and be trained in safeguarding to Level 3 of the Leicester City Children’s Safeguarding Board or equivalent (see <http://www.lcitylscb.org/> for more information on this training level).

The EHE Adviser employed by LCC will carry an Identification badge at all times and it is prudent for parents to check for this identification before admitting anyone to their home.

9. Record keeping and data protection.

All EHE Reports, related correspondence and preliminary information will be kept by Learning, Quality and Performance and the Education Welfare Service. Strict control over access to these records will be maintained in accordance with Leicester City Council’s policies and procedures for data protection and safeguarding which in turn comply with relevant legislation such as the Data Protection Act 1998.

Home Education Records will be maintained for 10 years after the child is no longer of compulsory school age. They will be destroyed at the beginning of the academic year following this retention period. Records for children with special educational needs may be retained for up to 35 years in accordance with legal requirements.

10. Monitoring ethnic origins

LCC is required to collect and record data on children’s ethnic background even when they are educated at home³. The data enables the careers and experiences of children from different backgrounds to be monitored, and helps us to:

- identify barriers to achievement;
- establish strategies to raise standards;
- comply with equal opportunities legislation and the Race Relations Amendment Act;
- ensure effective allocation and targeting of funding.

Providing this information is voluntary but parents are encouraged to do so. A child’s ethnicity is personal to that individual and the individual’s decision will not be questioned. If a parent or child has actively refused to provide this information they will be recorded as “refused” in LCC systems rather than recording an ethnic background for that child.

Parents and children have the right to see their personal files, including the ethnic background data held by the LCC and to have this ethnicity data amended or deleted. We monitor ethnicity based on the codes provided by the Department for Education, listed below:

Leicester City Council Code	Department for Education Code	Description
AAF	AAFR	AAFR - African Asian
ABA	ABAN	ABAN - Bangladeshi
AIN	AIND	AIND - Indian
AOT	AOTA	AOTA - Other Asian
APK	APKN	APKN - Pakistani

³ Ethnic monitoring – General Article, Department for Education (online) – last updated 28 April 2011; last accessed 05 September 2011 at <http://www.education.gov.uk/schools/pupilsupport/inclusionandlearnersupport/mea/a0077022/ethnic-monitoring>

BAO	BAOF	BAOF - Other Black African
BLB	BCRB	BCRB - Black Caribbean
BLG	BOTH	BOTH - Any other Black background
BSO	BSOM	BSOM - Somali
CHE	CHNE	CHNE - Chinese
MOT	MOTH	MOTH - Any other Mixed background
MWA	MWAS	MWAS - White/Asian
MBA	MWBA	MWBA - White/Black African
MWB	MWBC	MWBC - White/Black Caribbean
NOT	NOBT	NOBT - Info not obtained
OEO	OOth	OOth - Any other Ethnic Group
REF	REFU	REFU - Refused
WHB	WBRI	WBRI - British
WEU	WEUR	WEUR - White European
WHR	WIRI	WIRI - Irish
WHT	WIRT	WIRT - Traveller - Irish Heritage
WOW	WOTW	WOTW - Other White
WRO	WROM	WROM - Roma/Roma Gypsy

11. Complaints procedure

Complaints regarding the Elective Home Education Service are dealt with through LCC's Complaints procedure.

Stage 1 – Making a complaint

Once a complaint has been made, an acknowledgement will then be sent to you within 24 hours telling you the name and telephone number of the person to be contacted in the event of any further queries on your complaint.

If we can, we will sort out your complaint straightaway but sometimes we may need a little longer to investigate and reply. We will however, send a reply in writing to you within 10 working days or let you know when you can expect to hear from us.

Stage 2 – Not satisfied with our response?

If when we respond you are not happy with the way we have dealt with your complaint, you may ask for it to be reviewed by a Senior Manager, from a different Section to the one you're complaining about. You should expect a response within 20 working days.

It is hoped that Leicester City's Complaints Procedure will quickly resolve any problems you may have. However, should this not be the case then you can refer your complaint to the Local Government Ombudsman.

Information on "How to complain to the Local Government Ombudsman" can be found at <http://lgo.org.uk/complain> or by picking up a copy of the leaflet from any of the Council's main access points.

12. Other information

This information is available in local community languages and alternative formats upon request. Please contact:

Learning, Quality and Performance, Raising Achievement, 4th floor, Rutland Wing, City Hall, 115 Charles Street, Leicester LE1 1FZ

Tel: 0116 454 1925

<http://www.leicester.gov.uk>

Email: learningservices@leicester.gov.uk

home-education@leicester.gov.uk

Advice and support concerning Elective Home Education is also available on the Leicester City Website; visit: <http://www.leicester.gov.uk/homeeducation>

For further advice on Special Education Needs:

- visit <http://www.leicester.gov.uk/your-council-services/education-lifelong-learning/about-us/lea-services/special-education-service>
- or contact (0116) 454 2050
- or email educ-special-education-service@leicester.gov.uk