

Education, Early Years and Young People Directorate

Elective Home Education Policy

2024



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Some parents/carers decide that elective home education (EHE) is a more suitable option for their child, and they have the legal right to do this.

The local authority supports the right of parents/carers to educate their child at home but also has a legal obligation to ensure that the parental provision is meeting the required level. If, despite attempts to engage with parents/carers to ascertain and support the EHE provision, the local authority is not able to obtain any or sufficient information to be satisfied that the EHE provision is suitable, then the local authority will issue a School Attendance Order (SAO). This is in line with section 437 of the Education Act 1996.

This process is then followed until and unless the EHE threshold is evidenced, or unless the child enrolls in a school. The local authority seeks to ascertain this at least annually. In most cases this will be by way of a mutually agreed visit in the home setting but can also be, by way of face-to-face meeting at a variety of venues, by video link meeting or by parent/carer submitting a written report. We will always endeavour to gain the view of the child or young person - the 'voice of the child' - about their education when discussing or making decisions that affect them.

Home education is a key aspect of parental and learner choice, alongside the option to send a child to school, subject to the parents/carers providing an education suitable to the age, ability, and aptitude of the child.

The local authority wants to work for and with parents/carers of electively home educated learners, to enable the children and young people who are educated by their parents/carers to fulfil their potential, access suitable qualification, resources, support in the wider community and where appropriate signposting to services.

Electing to home educate a child

Home educators are required under section 7 of the Education Act 1996 to provide 'efficient full-time suitable education'. There is no definition of 'efficient full-time suitable education'. However, as a guide and based on established case law it should prepare the child for life in a modern society and allow them to reach their full potential. As a good practice guide it should include:

- consistent involvement of parents/carers or other significant carers;
- respond to the needs and the best interests of the child, considering areas of learning that interest the child, and should enhance the child's potential;
- ensure the child has opportunities to engage in a reasonably broad range of learning experiences;
- provide opportunities to develop personal and social skills to help prepare them for later life and become engaged citizens;
- ensure the child has opportunities to develop basic skills (taking into consideration any additional learning needs (ALN) they have);
- presence of a philosophy or ethos with parents/carers showing commitment, enthusiasm, and recognition of the child's needs, attitudes and aspirations;
- opportunities for the child to be stimulated by their learning experiences;
- involvement in a broad spectrum of learning opportunities and activities appropriate to the child's stage of development;

- access to appropriate resources and materials;
- the opportunity to develop digital literacy;
- the opportunity for an appropriate level of physical activity and play; and
- the opportunity to interact with other children and adults.

The term 'efficient' has been described in case law as an education that 'achieves that which it sets out to achieve'. When considering if the education is efficient the local authority will also look to see if there is evidence of progression over time. This will often be tailored to the needs of the learner and the nature of the EHE provision but may include a range of formats including externally recognised qualifications, awards and certificated grades.

It is recognised that home educators and home educated learners come from all social, economic, cultural, and religious backgrounds.

Home educators are not required to have any formal qualification or training to home educate their child, nor is there any obligation to seek or recruit tutors to support their child's learning at home. Parents/carers may delegate some of their responsibility to deliver EHE provision to others but should ensure they are satisfied that the other providers are suitably qualified, insured and safeguarded at these times. Tuition centres and alternative providers are not regulated in the same way as registered schools and there are rules about the limits of what such provisions can offer, both in terms of the proportion of the learning and in terms of numbers, they make provision for.

Parents/home educators are not required to teach the National Curriculum as it only applies to state schools. As a home educator, it is the parent's/carer's choice as to what areas of work are completed. There is no requirement to observe the school hours, days, or terms or to follow a fixed timetable. The phrase 'full-time' can be interpreted differently since a child's education at home is often formulated on an individual basis. There is also no requirement for parents/carers to assess their children nor to enter them for examinations. It is especially important that consideration is given to the nature of the education intended to be provided before deciding to educate at home.

The law requires a child to be educated from the start of the term following their fifth birthday until the last Friday in June in the school year in which they reach sixteen years.

Parents/carers will be responsible for all financial implications of home education, including books, resources, equipment, and examination costs.

Reasons for elective home education

Elective home education (EHE) is a term used to describe when parents/carers choose to take a direct responsibility for educating their children instead of enrolling them in a school. This education may take place within a variety of community settings, as well as at home. The home educating community in Wales is a diverse population with families choosing to home educate for a variety of reasons. These may include:

- ideological or philosophical;
- health (including emotional health, well-being and bullying);
- cultural;
- religious;
- additional education provision;
- language choice;
- length of school journey;
- awaiting a place in the school of their choice; and
- flexibility and tailoring of teaching approach.

A school or local authority should never encourage a parent/carer to remove a child from the school register to avoid a child from being excluded or a parent/carers from being prosecuted.

Deregistering from school and becoming EHE

Parents/carers electing to home educate their child need to do the following:

- Submit written confirmation of their intention to home educate advising the headteacher of the reason for the decision, date from which the changes take effect and that they take full responsibility for their child's education and wish their child to be removed from the school roll. The school must then notify the local authority of this as soon as possible and within ten days at the latest. Notice should be emailed to electivehomeeducation@bridgend.gov.uk
- If the child has never attended a school, the parent/carer should inform the local authority of their decision.
- If the child is registered at a special school, then the written consent of the headteacher and the local authority must be sought prior to deregistration.
- Children who have never entered the formal schooling system and who are electively home educated may not be registered on the local authority record of individuals being electively home educated. If, and when, the local authority becomes aware of children who are electively home educated the child will be added to the local authority register. This will enable them to access the support of the local authority and any potential entitlement to any grant offers.
- Some parents/carers choose not to inform the local authority if they are home educating their children and there is no legal obligation upon parents/carers to notify the local authority of this. However, they may become known to the local authority by way of a concern from a member of the public or a professional that the child appears to be truanting or is potentially a child missing education (CME). A child missing their right to an education is a potential safeguarding concern due to the potential for their development to be impaired. Therefore, a child appearing to be missing education is something that all professionals have a duty to report. When such concerns

are raised, the local authority will then adhere to its CME process to ascertain if the learner is on roll at a school, is effectively being EHE or is indeed CME. The local authority has an obligation to ensure that all children of statutory school age living in the Bridgend area are in receipt of a suitable education either at school or otherwise.

Children's rights and the voice of the child

Welsh Government has adopted the United Nations Convention on the Rights of Child (UNCRC) as the basis for all its work for children and young people. Article 12 of the UNCRC provides a right for children to be able to express their views and for due weight to be given to those views, in accordance with the age and maturity of the child. This does not, however, give children authority over parents/carers.

Wherever possible, when parents/carers have chosen to electively home educate, the views of the child should be obtained. All children have a right to participate in decision making that affects their lives and their views relating to the suitability of their education should be given due weight in accordance with their capacity as per Article 12 of the UNCRC. This will help the local authority to meaningfully consider the views of the child when making a judgment as to the suitability of education. Person centred approaches will underpin discussions with parents/carers and children, but individual circumstances will be discussed on initial contact with the family.

Article 28 of the UNCRC states that all children have a right to an education and that primary education should be compulsory and free. Article 29 states that education should develop each child's personality and talents to the full. However, one of the underlying principles of the UNCRC is the best interests of a child, and Article 3 of the UNCRC requires all adults to think about how their decisions will affect children and to do what is best for the child.

School's responsibility

On receipt of written confirmation from a parent/carer indicating their intention to home educate, the head teacher at the registered school, on behalf of the governing body, is required as soon as possible and within 10 working days to:

- advise the local authority of parental intentions completing notification of pupils withdrawn from school to be educated at home appendix 6 (electivehomeeducation@bridgend.gov.uk);
- headteachers are required to advise the local authority of any concerns regarding the decision by the parents/carers to electively home educate;
- remove the child's name from the school register; and
- update the 'School 2 School' website with their common transfer file (CTF).

Schools are asked to ensure that the decision to home educate is a fully informed parental decision and does not relate to issues that could be resolved by way of discussion or a mediated meeting. The Education Engagement Team will assist and attend such meetings if made aware of the concerns.

Local authority responsibility

The local authority will acknowledge the parental intention to home educate the child within ten school days of receipt of the letter. In the case of learners at a special school the local authority will consider requests to deregister from the school through the Additional Learning Needs Panel.

In accordance with sections 437 to 443 of the Education Act 1996, the authority can intervene if it appears that the child is not receiving an efficient, suitable full-time education.

Information provided from relevant organisations will be sent to electively home educated learners via the local authority to ensure they receive the support, advice and services to which they are entitled.

The local authority has a duty under section 175 (1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states: 'a local education authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children.'

Local authorities should approach all cases where the suitability of home education is in doubt using their powers in the Education Act 1996. They should also be ready, if a lack of suitable education appears likely to impair a child's development, to fully exercise their safeguarding powers and duties to protect the child's wellbeing. The safety and wellbeing of all children in Bridgend is a priority. The local authority identifies that safeguarding is everyone's responsibility and the rights of the child should be central to our approaches with their best interests being paramount. Part 7 of the Social Services and Well-being (Wales) Act 2014 sets out what must and should be done to safeguard children and adults. This applies to all children regardless of where and how they receive their education. Safeguarding is everyone's responsibility and agencies should ensure that practitioners coming into contact with children are aware of the arrangements set out in the Social Services and Wellbeing (Wales) Act 2014:
<https://www.gov.wales/sites/default/files/publications/2019-05/working-together-to-safeguard-people-volume-5-handling-individual-cases-to-protect-children-at-risk.pdf>

The Children Act 2004 provides the legislative framework for developing children's services. Section 25 of the Children Act 2004 sets out a statutory framework for cooperation arrangements to be made by local authorities with a view to improving the well-being of children in their area.

The All-Wales Safeguarding Procedures, published in autumn 2019, is supported through several all-Wales practice guides on safeguarding children in specific circumstances. These multi-agency practice guides provide information about responding to safeguarding issues. This includes an all-Wales practice guide with a section on safeguarding children who are home educated.

A parent's/carer's decision to home educate is not in itself grounds for concern about the welfare of children. However, as with school-educated children, child welfare

issues may arise in relation to home-educated children. If any safeguarding issues come to light during engagement with children and families, these concerns will be immediately notified and acted upon appropriately. The All-Wales Safeguarding procedures will be followed: www.safeguarding.wales/en/

Pupils with additional learning needs

Parents/carers seeking home education for a child registered at a special school must obtain written consent from the local authority prior to withdrawing them from school.

Pupils with additional learning needs (ALN) can be withdrawn from school to be home educated. However, to ensure the needs of the child are met, parents/carers will be advised to seek further information from the headteacher and/or additional learning needs coordinator (ALNCo) of the registered school. The ongoing EHE will need to support the ALN of the child in a suitable manner which considers the ALN but also the unique context of home learning. Where a child has a statement or an individual development plan (IDP) and is EHE, the statement or IDP does not automatically cease. While the statement/IDP is maintained it must be reviewed annually.

EHE that does not meet the required level

In the case of all EHE learners the local authority will seek to support parental preference to home educate. If after a reasonable period of support, it becomes apparent that in the opinion of the local authority the EHE provision does not and is not likely to meet the legal threshold; then the local authority is obliged to consider the issue of a SAO. The local authority will seek to engage with, support both parent/carers and learner and will liaise with other agencies and teams where necessary for the best interests of the child.

Management information system

The authority will maintain a record of all pupils they are advised of as being home educated and will store this data securely. Information about EHE learners will be shared only when obliged to do so in line with court orders, parental consent, legal obligations under safeguarding and working together and in accordance with the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR).

Monitoring and review

The local authority has a responsibility to ensure that parents/carers are providing an “efficient, suitable full-time education.” Although, there is no legal requirement for parents/carers to engage with the local authority it would be in the child’s best interest to keep communication links open since in the absence of information the local authority may need to consider that the child is or may be CME and thus is obligated to consider a SAO.

The local authority will make contact within ten days initially by phone, email or letter offering an introductory visit or discussion. This is then usually followed up with a

review visit once the EHE has had a chance to become established no later than twelve weeks.

EHE visits are thereafter usually made annually. The local authority will make a professional judgement about the EHE provision as reported by the parent/carer and learner and will share any concern to parents/carers and seek to work together to resolve these. If the EHE concerns remain, then discussion will be held to explore possible solutions to this such as a supported school admission, wider professional support and input.

If parents/carers do not wish to accept a home visit, we will look at other possibilities such as alternate venues, remote virtual meetings or the submission of written reports.

The local authority will follow up attempts to contact parents/carers by phone, emails and written letters. If these efforts have not led to an agreed way to support and assess the EHE, then we will consider issuing a SAO.

In accordance with sections 437 to 443 of the Education Act 1996 local authority can intervene if it appears that the child is not receiving an efficient, suitable full-time education. In extreme circumstances, a SAO can be served. This allows parents/carers fifteen days to provide information as requested to evidence the work completed to ensure the suitability of their education. Extreme circumstances would include:

- where education is in the opinion of the local authority not efficient or not suitable to the age, ability and aptitude and to ALN needs and this situation is unlikely to be resolved through further on-going dialogue; or
- when the authority has made every effort to secure information to comply with its duty to satisfy that an efficient and full-time education is being provided and no response or an insufficient response has been provided.

If, following a period of no less than 15 days beginning with the date the notice has been served, a parent/carer fails to satisfy the local authority that a child is receiving suitable education the parent/carer could be prosecuted or given a fine.

Please see Bridgend County Borough Council School Attendance Enforcement Policy for further information:

<https://democratic.bridgend.gov.uk/documents/s30813/20230919%20Cabinet%20Appendix%201%20School%20Attendance%20Enforcement%20Policy%20September%202023%20v1.0.pdf>

Flexi-schooling

This is a term that can be confusing as it is not EHE. This is not an EHE learner but where the child is a pupil at a school in the normal way however the child is only expected to attend school part time. Schools should only agree to this if this is a short-term arrangement and is clearly in the learner's best interests and is clearly aimed at increasing to a full-time education at school as soon as possible. Requests for flexi-schooling is at the discretion of the Headteacher.

Seeking return to school







Should a decision by parent/carer to re-register their child on a school roll they can do so by linking with the Education Engagement Team or via Pupil Services (admissions) Team. Please see admissions code below:

<https://www.gov.wales/sites/default/files/publications/2018-03/school-admissions-code.pdf>

For further information:

<https://www.gov.wales/sites/default/files/publications/2018-03/all-wales-attendance-framework.pdf>

Toolkit

Appendix 1 Local authority guidance	 Appendix 1 elective-home-educat
Appendix 2 Parents/carers easy read	 Appendix 2 -elective-home-educa
Appendix 3 Handbook for home educators	 Appendix 3 home-education-hanc
Appendix 4 Welsh Government model letter notification	 Appendix 4 Welsh Government model d
Appendix 5 Flowchart	 Appendix 5 EHE flowchart.docx
Appendix 6 Notification of pupils withdrawn from school to be educated at home	 Appendix 6 Notifcation of pupils v

Local authority contacts:

electivehomeeducation@bridgend.gov.uk