



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

# Elective Home Education: Guidance for Parents

## Services to People

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## Purpose of Document:

This guidance document outlines the rights of parents in educating their children at home as well as their responsibilities in providing a suitable education. It sets out the statutory duties of the Local Authority and the procedures that the Children and Young People's Directorate will follow in order to fulfil its statutory duty to make arrangements to enable it to establish the identities, so far as it is possible to do so, of children in the Stockport area who are not receiving a suitable education.

Stockport Metropolitan Borough Council acknowledges that there are many different models for education provided outside of schools and is aware that what is suitable for some children is not suitable for all. However, we are committed to one universal principle, and that is the right that all children should be involved in the learning process.

There are a number of statutory duties aimed at giving local authorities the power to ensure parents fulfil their legal obligation of ensuring their children receive a suitable and efficient full-time education. Stockport is committed to providing help and support, where resources permit, to assist parents who are home educating in achieving the best outcomes for their children.

This guidance document refers only to elective home education and aims to clarify the balance between the rights of parents to educate their child at home, and the local authority's responsibilities. It should not be confused with home tuition provided for children unable to attend school through illness or disability or, with what is sometimes called '*education otherwise than at school*', such as that provided by local authorities in hospital settings or Pupil Referral Units.

This guidance was written with the help and cooperation of home educating parents in Stockport and I would like to thank them for their contributions and support throughout.

### 1. The Law relating to Elective Home Education:

1.1. ***The responsibility for a child's education rests with their parents.*** In England, education is compulsory, but school is not.

1.2. The law gives parents the choice of educating their child at home so long as they ensure that their child receives an efficient and suitable, full-time education<sup>1</sup>.

1.3. The ability to educate at home is a right described in Article 2 of Protocol 1 of the European Convention on Human rights. The Convention states:

*'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.'*

1.4. The request for a given State to respect a parent's wishes is a key component of this statement and the implications of this are made more explicit in the Education Act 1996.

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<sup>1</sup> An 'efficient' and 'suitable' education is not defined in the Education Act 1996 but 'efficient' has been broadly described in case law as an education that, '*achieves that which it sets out to achieve*', and a 'suitable' education is one that, '*primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if s/he wishes to do so*'

1.5. The relevant section of the Act, Section 7, provides that:

*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.*

1.6. The term 'full-time' is not defined in case law and it is broadly acknowledged there would be many difficulties in trying to establish a universal definition, especially in comparison with school hours and terms as children educated at home are educated in vastly different conditions – often on a one-to-one basis, or at very least in very small groups. In schools pupils receive between 23 and 25 hours per week, depending on their age. This measurement of contact time, however, is not relevant to home education, where there is often almost continuous one-to-one contact. Education can be broken down into distinct periods and allows the flexibility to educate outside normal 'school hours'.

1.7. When parents who decide to home educate are determining how to educate their child, the educational activity can be varied and flexible. Parents are currently under no obligation to do any of the following:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work done by their child
- formally assess progress or set developmental objectives
- reproduce school peer-type group socialisation
- match school-based, age-specific standards

1.8 The local authority may offer advice and support on these matters if requested, but parents must be prepared to assume full financial responsibility for their child's education, including bearing the cost of any examination fees.

## **2. Parents' Responsibilities:**

2.1. Parents may decide to exercise their right to home educate their child from an early age and so the child may not have previously been enrolled at school. They may also elect to home educate at any other point up to the end of compulsory school age.

2.2. Given the diversity of modern society and the range of styles of education, parents have considerable freedom in choosing how to home educate and are not legally required to register, or seek approval, from the local authority to educate their children

at home. The only exception to this is where the child is attending a special school under arrangements made by the local authority, in which case additional permission is required from the authority before the child's name can be removed from the register.

- 2.3. Where a child is registered at a mainstream school, and parents elect to home educate, they are required to notify the school in writing that they are making provision for the child's education and that, therefore, the school should delete the child's name from the school roll.
- 2.4. Where a child is registered at a school as a result of a School Attendance Order parents must seek consent from the local authority, in the first instance, to revoke the Order
- 2.5. The clear emphasis within guidance is that, whatever forms the education parents provide takes, it must be suitable and full-time for as long as they are being educated at home.

### **3. The Local Authority's Responsibilities and Outline of Procedures:**

- 3.1. Stockport recognises that there are many, equally valid approaches to education provision. What is suitable for one child may not be suitable for another, but all children should be involved in the learning process.
- 3.2. Once notification of removal from a school roll has been received by the Local Authority contact will be made with the parent to request a general discussion about home education, and to seek the consent of parents to share information with relevant agencies. Stockport has the same high aspirations for the achievement of children who are educated at home as for all other children and young people. Information regarding children's progress will, therefore, be the focus during any initial or subsequent discussions with the family, and should be addressed in any information provided to the local authority by the parent.
- 3.3. When contacting parents the local authority must allow them a reasonable period of time to gather appropriate and relevant information. The local authority should be flexible in its approach and offer parents a variety of options as to how to respond to the request.
- 3.4. Where possible, Stockport Council prefers to use face-to-face meetings to discuss parents' arrangements for home education, with or without the child being present. However, this may not be agreeable to all parents so the local authority also welcomes information provided in other ways, such as:
  - a written report
  - examples of work
  - information from a tutor
- 3.4. It is also acknowledged 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' education provision. In such cases, a reasonable timescale will be agreed for the parents to develop their provision.

- 3.5 The local authority has no statutory duties in relation to monitoring the quality of home education on a routine basis and a parent choosing not to respond to such a request would not of itself trigger a concern.
- 3.6 Whilst recognising that parents are not obliged to have a relationship with the authority, it would always be its intention to work in partnership with parents and enforcement procedures should only be used after all reasonable steps have been taken to try to resolve the situation. However, where it appears that a child is not receiving suitable education a formal notice can be served requiring parents to satisfy the authority that the child is receiving education.
- 3.7 If the local authority is not satisfied by the information provided in response to the notice, and it appears that the child is not receiving a suitable education, the local authority shall intervene and use its powers under Section 437 (3) of The Education Act 1996 to issue a School Attendance Order – requiring the child to attend a school named in the Order.

*'If – (a) a parent on whom a notice has been served under subsection (1) (a) fails to satisfy the local education authority, within the period specified in the notice, that the child is receiving suitable education, and*

*(b) in the opinion of the authority it is expedient that the child should attend school, the authority shall serve on the parent an order (referred to in this Act as a "School Attendance Order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the Order'.*

#### **4. Home Education and Removal from a School Roll**

- 4.1 When parents elect to educate their child at home there is no legislation which obliges them to seek the consent of, or inform, the local authority. However, where a child is a registered pupil at a mainstream school and the parent subsequently decides to educate at home, the child's name will remain on the admission register until the parent notifies the school of their decision.
- 4.2 When a headteacher receives written notification of a parent's decision to remove their child from roll, they have a duty to inform the local authority. This duty is stated in Regulation 12(3) of the Education (Pupil Registration) Regulations 2006:

*'As to the contents of the admission register comprising particulars relating to a pupil whose name is to be deleted in accordance with regulation 8(1)(d), (e),(g),(i) or (m), the proprietor shall make a return to the local authority for every such pupil giving the full name of the pupil, the address of any 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.*

#### **5 Children with Special Educational Needs**

- 5.1 Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). This right is irrespective of whether the child has a statement of SEN or an Education, Health and Care (EHC) Plan

- 5.2 Where parents elect to home educate a child with a statement / EHC Plan who is registered at a mainstream school, the school will remove the child from roll following receipt of written confirmation from the parent that educational provision is being made at home. Local authority approval is not required irrespective of whether or not the child has a statement of SEN/EHC Plan, unless the child is registered at a special school.
- 5.3 On receipt of notification that a parent has requested their child be removed from the roll of a special school, the headteacher will notify an officer from the Special Educational Needs Service within the local authority and the parent will be contacted without delay to arrange to meet to discuss the provision the parents are proposing to make. The meeting will involve representatives from the school, the coordinator for home education, the parent, and on occasion other services involved with the family. The local authority must be satisfied that the child will have its special educational needs satisfied through home education. However, consent will not be unreasonably withheld.
- 5.4 The local authority retains its statutory duty to undertake an annual review of Special Educational Needs for pupils who are home educated. This review must assess the appropriateness of the statement or EHC Plan in its current form and whether it requires amendment or cessation.

## **6 Safeguarding**

- 6.1 Under section 175(1) of the Education Act (2002), the local authority has a duty to safeguard and promote the welfare of children. This section states:

*'A local authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local authority, are exercised with a view to safeguarding and promoting the welfare of children'.*

- 6.2 This section does not give the local authority any additional powers. It does not allow, for example, the authority powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education. The local authority's general duties and powers to safeguard children are retained, and the local authority can insist on seeing children in order to enquire about their welfare, but only if there are sufficient grounds for concern.

## **7 Flexi-Schooling**

- 7.1 In general, most children are either full-time school educated or full-time home educated. There is, however, a third option available and this is called 'flexi-schooling.'
- 7.2 Flexi-schooling is where a parent makes arrangements for their child to be home educated part time and school educated part time. The various reasons for choosing this option might include:
- Allowing their child to socialise within the broad peer group available at school
  - Giving their child access to specific equipment, such as IT suites or science laboratories, not available at home.
- 7.3 The decision as to whether a child can attend a school on a flexi-school basis is at the discretion of the headteacher at the school. It is good practice that a decision not to agree to such an arrangement is reasonable; however, there is no right of appeal.

- 7.3 Parents considering whether to request a flexi-schooling place for their child may wish in the first instance to raise the matter with the EHE officer within the local authority who will provide them with a copy of a model flexi-schooling policy and, where requested, hold initial discussions on behalf of the parent, with the school.

## **8 Information available to Parents**

- 8.1 The local authority will provide written information to parents about elective home education. This information may include:
- A copy of the LA guidance for parents
  - An associated procedure and frequently asked questions (FAQ's) document
  - A copy of the DfE Guidance for Local Authorities
  - A directory of links and contacts to other sources of support and information
  - Contact details of the officer responsible for elective home education
  - Guidance on Flexi-schooling

This information is available on the Council's website for all interested parties to access. Hard copies can be sent out to parents on request.

## **9 Data Collection**

- 9.1 The Key data collected by the Local Authority will consist of the following:
- The number of children and young people who are electively home educated
  - Gender
  - The reasons why parents elect to home educate
  - The key stage at which education at home started
  - Breakdown of ethnicity, where known
  - The number of Looked After Children being home educated
  - The number of children and young people who are electively educated and have a Statement of Special Educational Needs / EHC plan
  - The number of referrals to the Children Missing Education (CME) team
  - The number of School Attendance Orders issued

## **10 Contact Information**

If you have any questions about Elective Home Education, or if you would like to discuss options further, please contact Barry Kirkman, Coordinator for elective home education, at the following address

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