

REVIEW ON ELECTIVE HOME EDUCATION

Contact Officer: Gill Brice
Telephone: 01895 250693

REASON FOR ITEM

For the Committee to consider the draft final report for this review, prior to submission to the Cabinet in April.

OPTIONS OPEN TO THE COMMITTEE

1. **To agree the report's recommendations;**
2. **To endorse the report and its submission to Cabinet in April and;**
3. **To note that the Chairman, in liaison with Democratic Services, will make any minor amendments as required to the report prior to its submission to Cabinet.**

INFORMATION

Background

1. At the meeting on 5 July 2011 the Committee selected Elective Home Education as its major review topic for 2011/12.
2. At meetings held in September, October & November the Committee took evidence on the review and agreed recommendations for the Committee's report.
3. Following further refinement to the structure of the report, attached is the final draft version for the Committee's consideration before it is submitted to Cabinet for consideration at its meeting on 26 April 2012.



HILLINGDON
LONDON

Education & Children's Services Policy Overview & Scrutiny Committee

Final Report 2011/12

Elective Home Education

Members of the Committee

Cllr Catherine Dann (Chairman)
Cllr Judith Cooper (Vice Chairman)
Cllr John Hensley
Cllr David Benson
Cllr Susan O'Brien
Cllr John Riley
Cllr Peter Curling
Cllr Lindsay Bliss
Anthony Little



Contents

Chairman’s Foreword	Page 1
Background	Pages 2
Objectives	Pages 3
Information and Analysis	Pages 4
Evidence and Findings	Pages 5
Recommendations	Pages 7, 12, 15
Closing Word & Acknowledgements	Pages 16
Appendices	Pages 17 - 43

CHAIRMAN'S FOREWORD



I am delighted to present this review on Elective Home Education. The aim of the review was to look at the Council's Elective Home Education Policy and in particular to examine the balancing of both safeguarding issues and the rights of parents who choose to home educate their children.

The review looked at the draft policy as well as engaging with parents of EHE children to get their views on the relationship between the local authority and parents that home educate their children.

The views of the parents who took time to get involved in our review were considered important as the review acknowledged the rights of parents to choose to educate their children at home. The local authority has to work in partnership with parents to ensure that the support mechanisms are in place to guarantee the best education possible for EHE Children.

On behalf of the Committee, I would like to thank the external witnesses and officers for participating in the review. The Committee hopes that the recommendations can be supported by the Cabinet to improve the communication and information provided to Home Education parents.

[At the bottom of the page should include the Chairman's signature]

BACKGROUND

Parents are required by law to ensure their children of a school age receive an appropriate full time education. In most instances this is achieved by registering their child with a school. However, some parents choose to educate their child other than at school: in the UK this is commonly known as Elective Home Education¹. Hillingdon currently have 93 children that are being home educated.

The Council fully acknowledges a parent's right to choose to educate their children other than at school and has procedures in place to support parents who opt to home educate.

Guidelines on EHE were issued by the previous Government in 2007 entitled "Elective Home Education – Guidelines for Local Authorities" and these guidelines state that each local authority should have a policy on EHE. This policy should be regularly reviewed to enable it to reflect changes in legislation and to comply with the guidelines.

This review has given the Council the opportunity to review this policy and to engage with EHE parents and to maintain dialogue with them for the best educational interests of the children who are educated at home.

The EHE policy was addressed towards parents that elect to home educate their children, Local Authority Officers, OFSTED Local Safeguarding Children Board (LCSB) partners including Health, Housing, Police, Social Care and Third Sector professionals and Schools and Academies.

The current EHE policy was agreed in 2009 in partnership with the Local Safeguarding Children's Board and has been in operation since that time. The policy would now benefit from being generally updated and in relation to a balanced approach to both safeguarding issues and the rights of parents that opt to Home Educate.

¹ **Home schooling** or **home school** (also called **home education** or **home based learning**) is the education of children at home, typically by parents but sometimes by [tutors](#), rather than in other formal settings of [public](#) or [private school](#). Although prior to the introduction of [compulsory school attendance laws](#), most childhood education occurred within the family or community,^[1] home schooling in the modern sense is an alternative in [developed countries](#) to attending public or private schools.

OBJECTIVES

The Council has an existing Elective Home Education Policy which requires further consideration. Some parents of EHE children have expressed some concern regarding unannounced ad-hoc 'safeguarding' visits to the homes of EHE children by Council officers. They felt that these visits were unlawful and unwelcome.

The review of this area was to look at introducing a balanced approach to both safeguarding responsibilities of the local authority, and the rights of parents to home educate their children

The terms of reference of the review were as follows:-

- To look at the reasons why parents opt for EHE.
- To analyse at what stage parents decide to opt for EHE.
- To consider the needs of specific groups within the EHE Community for inclusion in the policy.
- To look at all sources of good practice and to recommend a revised policy to Cabinet.

To meet the objectives of the review Members held 3 meetings on 7 September, 19 October and 23 November 2011, when background information and evidence was received to help the Committee in forming their findings.

The information, evidence and findings of the review are set out in the next sections under the following headings:

1. Information and analysis.
2. Evidence and enquiry.
3. Recommendations.

INFORMATION AND ANALYSIS

The first meeting of the review took place on 7 September 2011 when officers of Education and Children's Services provided the review with an overview of the policy and the concerns that had been raised by parents that home educate in Hillingdon. In addition the review sought the views of a Member who had been contacted by a group of EHE parents.

As a result of this first meeting the Committee identified a number of **key issues** which would help the review reach its conclusions. These were:

- The need to involve home education parents in the consultation process, which would enable information to be disseminated to other home educating parents in the borough.
- The possibility of setting up an annual panel or group for parents that home educated. This may assist with the consultation process and a good way to involve the parents and therefore improve communication with the Local Authority. This will also help with the perception of the current draft EHE policy.
- The information provided to EHE parents should be reviewed to make it more user friendly and to avoid it being misinterpreted.
- To look at investigating the possibility of setting up of a buddy system so that home education parents could receive support from local schools.
- That research be undertaken to look at providing a list of those schools that would be prepared to allow home educated children to take their exams.
- To look at the apparent conflict between Education Law and Children's law in relation to EHE and the safeguarding responsibilities which local authorities have for children.
- To forge a partnership of trust, mutual respect and understanding between parents and the local authority.

The review was provided with a copy of the policy on Elective Home Education which had been agreed in partnership with the Local Safeguarding Children's Board in 2009. The review was an opportunity to look at updating this policy, particularly in relation to balancing the Council's safeguarding responsibilities and the legal rights of parents to educate their children at home.

EVIDENCE & FINDINGS

The review was made aware of the background to this area and the strength of feeling which exists amongst many EHE parents across the country, including within the Borough.

Home Education Advisory Service

Particular mention should be made to the Home Education Advisory Service who provided evidence to the review and who represented the views of some of Hillingdon's EHE parents. The Home Education Advisory Service is a national registered charity who have endeavoured to improve relationships between home educators and local authorities. Their views both at witness sessions, and outside of these sessions has been invaluable in helping the review look into this area.

However it should be noted that the committee took the view that the EHE parents and the former EHE pupils who provided evidence to the review were not wholly representative of the EHE community within Hillingdon. There were different types and methods of home education and the witnesses who helped Members in their review were one particular group of EHE parents and young people.

Part of the intelligence for this review was the Ofsted report on Local authorities and home education. Between September and December 2009, Ofsted inspectors visited a range of 15 local authorities, and parents and EHE children. The aim of the survey was to evaluate how well local authorities discharged their statutory duties to ensure the suitability of education for children and young people who were educated at home.

It was acknowledged in this survey that there were a wide range of approaches to EHE, ranging from a highly flexible autonomous approach, to a school structure morning, often with a variety of social and enrichment activities in the afternoon. It was also acknowledged that some parents had chosen to educate their children at home not for positive reasons, but in response to some unresolved difficulties.

The review had heard evidence from parents and from former EHE children who had chosen to be educated at home for positive reasons and thus the information received concentrated on the positive aspects of home education as these parents were making the choice to educate their children at home.

Badman Review

Reference in the review's scoping report was made to the Badman Review which the previous Government had commissioned to look at altering the current legislation. The representative of the Home Education Advisory Service made the review aware of the many critics of the findings of the Badman Review, although Hillingdon's review only sourced the Badman review as background information for Members to further their knowledge and understanding of the issues around home education.

Reasons for Elective Home Education

As previously stated, elective home education is a key aspect of a parent's choice in terms of educating their children and a policy should aim to encourage good practise in relationships between the local authority and home educators.

Any policy should clearly set out the roles and responsibilities of the local authority and parents of EHE children.

There are a variety of reasons why parents choose to educate their children at home, and these reasons should not have any bearing on the local authority's treatment of EHE parents and their families. The local authority's main interest should be how well EHE children are being educated.

Reasons given for home education children include:

- Cultural or religious beliefs
- Distance or access to a local school
- Ideological reasons
- Dissatisfaction with the education system
- The inability or unwillingness of a child to go to school
- A short term option for a particular reason

EHE Parents' concerns

A Member on behalf of some EHE parents provided the review with her views on EHE within the Borough.

There was some concern expressed by some EHE parents who had approached her in February 2011. This was in relation to correspondence which they had received from the local authority about the local authority's safeguarding duties in relation to EHE children. Prior to receipt of this correspondence there had generally been a good relationship between these parents and the local authority.

To enable the local authority to determine the appropriateness of an EHE's education, there is a requirement for an ongoing dialogue between parents and in the case of Hillingdon, the Council's EHE adviser. However there is no legal obligation on the parents' part to do this. The Member reported that announced visits by the EHE adviser had taken place with the EHE parents whom she represented, where the provision of education to children was discussed and parents provided reports on the education being provided. These were generally well received.

However, parents had expressed some concern regarding unannounced ad-hoc visits which had been made by local authority officers and the language and the tone of correspondence sent. Officers in response to this suggestion indicated that a minority of EHE parents had expressed concern regarding unannounced visits.

The review was informed that in the main unannounced visits were carried out in exceptional circumstances and were not the norm. Most visits were by appointment and were generally well received.

One of the key findings of the Ofsted report on local authorities and home education identified that parents' attitudes to the local authority was affected and influenced by the tone of the local policy and guidance materials, and the approach of the relevant local authority officer who was responsible for this. This appeared to be the case in Hillingdon.

From the evidence given during the review it was evident that there was an element of distrust from some EHE parents regarding the motives of the local authority. It was acknowledged that there should be greater working together of the local authority and those parents of EHE children who were known to the authority as this would engender trust and understanding and improve the relationship.

A positive result brought about by the review was that there was now dialogue between the local authority and part of the EHE network and this was a good start and this should be maintained and improved on further. The EHE parents that had attended meetings during the review were a well organised network of parents who worked closely with the Home Education Advisory Service and it was apparent that the education which these children received was at a good standard. However, these parents were a minority and not wholly representative of all EHE parents and children.

Attempts were made to engage with other EHE parents and young people, but unfortunately these attempts had been unsuccessful.

To continue the dialogue and partnership between the local authority and EHE parents, Members agreed that it would be good practise for an annual Borough EHE network meeting to take place whereby interested parties could engage and discuss issues relating to EHE. This could look at ways of improving the processes which are currently used and which form part of the policy and would improve the trust between parties,

Such an event would hopefully encourage other EHE parents to engage with the local authority and to share good practise with other parents.

RECOMMENDATION 1

That an annual Borough network meeting take place between LBH EHE Parents and the local authority to enable networking to take place between different EHE groups.

EHE Parents and former EHE young people – Their views

For the October and November meetings for the review, the Committee heard evidence from EHE parents, a representative of the Home Education Advisory Services and from two former EHE young people. Generally the views provided the review with a positive insight into how parents organised the education of children at home and the relationship they had with the local

authority. Details of the information provided to Members is summarised below:-

Positive comments from parents

- Educating children at home had led to a positive experience for the children and positive development of the children. It had also enabled parents to impress their ethos and morals on their children.
- There was a preference to educate their children at home as parents could see how the children thrived and developed a thirst for learning.
- There was support given through a Home Education Network Group, where different activities such as swimming and craft were carried out together.
- A parent mentioned that they had had a positive relationship with the EHE Adviser and had never refused a request for an inspection, due to the approach and helpfulness of the adviser that had visited them. This positive experience had led the parent to encourage another EHE parent who was not known to the Authority to register, so that she too could be visited.

Negative comments from parents

- Suggested that there was no official line of informing the LA on issues.
- From the witnesses' experience, officers within Education and Children's Services appeared to have a limited knowledge of Home Education.
- Unannounced visits from the LA generated negativity and such visits appeared to cast a feeling of suspicion over families who chose to educate their children at home.
- It was strongly felt that if a parent decided to home educate, this should not automatically present safeguarding issues in terms of the need for the involvement of Social Services. The allowing of home visits would not necessarily safeguard children.
- There was a strong belief that EHE families were not legally obliged to engage with the LA.
- Considered that the Local Authority's policy on EHE was being updated to suit the Council's position, as opposed to that stated in law.
- Concern was expressed regarding the tone of the letters which EHE parents had received which had said the failure of parents to respond to the letters, could result in children being placed into schools.
- Suggested that there was a need for roles to be clearly set out to enable open relationship between EHE parents and the LA.
- Suggested that the LA had the tools to intervene when there were problems in the care of children, as families were in receipt of services from different areas.
- Felt that all EHE families should not be viewed with suspicion.
- Indicated that there were a number of families home educating their children who did not want to be told what they should or should not teach.

- A parent suggested that they had had four visits in the four years of home educating their children and found the officers to be very polite but felt that the officers were not interested in what they taught but were more interested as to whether the children were healthy.
- Advised that parents were not being given practical support or advice and felt that instead, officers were checking up on them. This approach did not give parents any incentive to come forward.
- Suggested that support like providing a list of schools where children were able to take exams would be helpful and would lead to better rapport with the LA.
- Felt that more parents would be interested in working with the LA if they were provided with useful information.
- Advised that since the previous EHE officer had retired, the helpful advice and report on the progress of the children had ended. The parent then received a threatening letter after a number of years, and suggested that had the family's files been examined, it would have been seen that she had complied with the visits in past years.
- Advised that EHE parents were not obliged to register with the LA and the law did not imply that the LA must ensure education was taking place, nor did it mean that the LA could intervene in the lives of every individual child.
- Suggested that Section 9 of Education Act 1996 was irrelevant as, there was no situation anywhere in the law which justified intervention with every family. Felt that the paraphrase obscured and added to the confusion.
- Advised that some local authorities where parents' views were respected, had an informal get together which did build relationships.
- That parents who elected to home educate, retained the duty to educate their children and did not receive public money.

Positive comments from former EHE young people

- One of the former EHE young people referred to his eldest sister who had got into trouble at school as being one of the reasons his parents had given him the option of being home educated
- One of the former EHE young people had been taught at home from the age of 10 through to 16, and then went on to Uxbridge College and then onto University. The transition had been smooth and trouble-free
- He had been an average performer at school and home education gave him and his parents the freedom to teach him what he was good at, whilst ensuring he was taught the basic educational standards (English and Maths)
- One of the former EHE young people was now a parent and he home educated 4 children. The Council was aware of this and a visit took place annually.
- As a home educator he had taken the decision to work with the Council on elective home education whereas he understood some parents did not

- The major benefit of home education for children was giving them the freedom to explore what they were really interested in and giving them an opportunity to learn more about these subjects
- This freedom had resulted in him acquiring the skills and knowledge to develop his interests into his chosen career
- The freedom and lack of restriction which elective home education brought, made him “think outside the box” and be innovative, which may not have happened if he had been in a classroom, within a school
- In response to a comment regarding elective home education and the lack of interaction / socialising with other children, the former EHE young person reported that this had not been an issue with him. When he was home educated there were 4 - 5 families who were jointly home educated. This meant that they shared knowledge, conversed together, socialised and exchanged views and opinions
- The groups of children would have sessions with specialised teachers once a week
- From the personal experience of being home educated, the former EHE young person believed he had matured quicker and had not been subjected to the peer pressure which sometimes happened with children at school
- Whilst being home educated, children did still come into contact with local children outside of school hours, so relationships and contact was still made with other children. The everyday issues which confronted children (i.e. bullying) did not just happen in schools.
- Experiences of home education had increased the motivation to study
- Specialist teachers were brought in to teach a small group of home educated children
- Physical education and sports lessons / activities were undertaken by home educated children with parents hiring sports halls and swimming pools in leisure centres. These were structured and took place sometimes 2 to 3 times a week
- Reference was made to the possible involvement of the local authority with home educated children and their parents and the possibility of establishing a network group. The witnesses said this could be where parents could tell the local authority what they wanted and parents could work with the local authority. This would be seen as a positive move and remove the suspicion which some parents had of the local authority

Negative comments from former EHE young people

Reference was made to the difficulties which home educated children had in terms of finding examination centres to take their exams. There were cost implications and LEA schools were not always receptive to non-school children taking exams on their facilities

- Financial and personal sacrifices were made by parents who home educated their children and this commitment and dedication was appreciated by the children and was a driving force behind them doing well with their education.

- Reference was also made to parents who chose to educate their children at home for negative reasons and the need for the local authority to be mindful of their responsibilities to those children under the Education Act. These parents may not want to be part of a network with other families and the local authority.
- One of the witnesses was asked for his views if there was a legal requirement for home visits. He said that he personally chose to allow arranged visits for his children but he fully supported the rights of other home educating families who chose not to have home visits
- Members made reference to the health and safety and well-being of children who were home educated and the need for the authorities to safeguard these children. This could include inspections to assess the standard of education, visits from school nurses. Both witnesses did not agree with the general linking of health and safety and the safeguarding of children to just home educated children, as this also applied to children who were educated in schools.

Summary of Witness views

The parents and former EHE young people which the Committee met were enthusiastic and passionate about home education and gave positive explanations about children being educated at home.

The review was impressed at the excellent organisation which this network of EHE community had and on the whole, the good working relationship they had with the local authority.

As with any relationships there were disagreements and different points of views on issues, but from the evidence the review received there appeared to be a general welcoming of the advice and support given by officers of the Council to EHE parents. Communication should of course be two-way and views of EHE parents and their advisers should be taken into consideration when updating the policy on EHE and the processes allied to this.

Role of the Local Authority

There did appear to be an air of suspicion surrounding the role of the local authority with EHE and it was important that this role was clearly stated and explained to parents. The recommendation to hold an annual networking event would hopefully allay some of the EHE community's fears and build trust and confidence in the local authority.

Unfortunately most communication is written and as with any public authority writing to the general public, great care is needed to be taken to ensure that the right tone is taken with correspondence and officer contact to ensure that the rights of the EHE parents and children is protected, whilst ensuring that the legal duties of the local authority are maintained.

Officers supporting the review had kindly supplied the Committee with examples of the annual letters which were sent out to EHE parents. Although the issue raised in regards to the communication sent to an EHE

*Education & Children's Services Policy Overview Committee –
Final Report on the Elective Home Education Policy*

parent was an isolated concern, it was asked that these letters be reviewed to ensure that the tone was empathetic and could not be misinterpreted.

Recommendation 2

That officers review the EHE correspondence which is sent to EHE parents to ensure that their tone is empathetic and their contents are not open to misinterpretation.

Examination Centres

An issue which came out of the review was the difficulties which home educated children had in relation to finding examination centres to take their exams. The costs were often prohibitive and LEA schools were not always receptive to non-school children taking exams on their facilities.

Reference was made to the Pupil Referral Unit, Providence Road, Yiewsley, which had taken candidates for GCSEs in the past and the review was informed that there were plans to offer this facility for EHE children, both in the Borough and outside the Borough.

The review felt that more information should be provided to EHE parents and children on possible examination centres. Indeed the witnesses had asked that EHE groups be provided with a list of educational establishments which would allow EHE children and young people to take their exams.

RECOMMENDATION 3

That EHE parents be provided with information on London Borough Exam Centres that will accept EHE children.

The law relating to Elective Home Education and the law on the Safeguarding of Children

The Elective Home Education Policy forms part of the Hillingdon Children's & Family's Trust Plan, in relation to P1 – Keeping Children & Young People safe and P2 – To ensure all children have a good start to life. This area of EHE had caused the greatest debate within the EHE community and it was an area which the review required legal advice on.

Although parents have the legal right to educate their children at home, parents are not required to inform the local authority that they are educating the child at home. Hillingdon, as other local authorities, encounter barriers in carrying out their statutory duty 'to establish the identities.....of children in their area who are not receiving a suitable education' as required by the Education Act.'

In conjunction with this, the Children Act 2004 places duties on local authorities to safeguard all children within their boundaries, and this includes EHE Children. This creates a challenge for local authorities as they do not have the power to monitor the effectiveness of EHE, or the welfare of some of

the children who are home educated. The review acknowledged that the existing framework was inadequate in relation to balancing a parent's right to home educate their children and a local authorities duties to safeguard children.

Reference was made to a multi-agency panel which looked at cases where there had been no contact with families with children, which included EHE children. Generally if other agencies had seen a child and that child was safe, this would satisfy any concerns the local authority may have.

Subsequent to the October witness session, the representative of the Home Education Advisory Service helpfully wrote further in relation to the evidence she had provided Members during the meeting and on aspects of the Council's draft policy on EHE. Particular concern was expressed regarding the recognised difficulties which local authorities have in relation to carrying out its safeguarding duties and the rights of parents who choose to home educate their children.

There were other concerns regarding the adequacy of the policy and the legality of some of its content.

The review referred the correspondence to the Borough Solicitor for his views and he attended the Committee's meeting on 20 March 2012 to provide the Council's legal perspective on the issues around this area.

Borough Solicitor's Comments

Local Authorities have a duty to safeguard and promote the welfare of children under section 175(1) of the Education Act 2002. 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.'

This provision covers those children who are electively home educated. It is important to note that it does not give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education. This makes it difficult for authorities to exercise this function.

The Children Act 2004 provides legislative framework for developing children's services. Section 10 sets of a statutory framework for co-operation arrangements to be made by local authorities with a view to improving the well-being of children in their area whilst section 11 sets out the arrangements to safeguard and promote the welfare of children. However, this section does not place any additional duties or responsibilities on local authorities over and above section 175(1) of the Education Act 2002.

The statutory powers combine to allow local authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern (sections 17 and 47 of the Children Act 1989). However, such powers do not give local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.

The Borough Solicitor's view is that these statutory powers, when read together, do not give the Council the express or implied power to insist that they see children who are educated at home on a routine annual basis. As set out, authorities can only insist on seeing children where they have grounds for concern.

As with school educated children, child protection issues may arise in relation to home education children. National guidelines state that if any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should be immediately referred to the appropriate authorities using established protocols. The Borough Solicitor's view is these protocols are what is currently missing from Hillingdon's draft Policy.

Elective Home Education Policy

This review into Elective Home Education provided an opportunity for Members and interested parties to look at in more detail the existing policy and to recommend an updated version to the Council's Cabinet for approval. The updated policy is attached to this report as Appendix 1.

The review noted that the attitudes of EHE parents will be influenced by the tone of the policy and guidance material and for this reason great care and attention should be given to updating the policy on EHE. The review in itself has provided an opportunity for EHE parents and their advisors to give their views on the local authority's existing policy.

The local authority needed to make it clear as to what home educating parents should expect and not make the parents feel that if they did not comply with what was required, they would be legally forced to do so.

Having ascertained that EHE parents would welcome a degree of relationship with the LA, the updating of the policy offered the prospects of developing that relationship further, as well as the potential for any family to let the local authority know what support they would like to receive.

The witness sessions had highlighted some concerns but the review agreed that the principles and processes contained within policy were generally acceptable. However, Members agreed that the policy should be reviewed, checked and updated annually and that the EHE groups be given an opportunity to have an input into this process.

DRAFT – March 2012

The holding of an annual networking meeting between the local authority and the EHE groups would be an ideal forum and means of consulting and discussing the policy.

RECOMMENDATION 4

Cabinet be recommended to approve the policy on Elective Home Education Policy and that the policy be reviewed on an annual basis.

CLOSING WORD

Our review has given an opportunity to review the EHE policy in line with the Guidelines issued by the previous Government in 2007. It also gave an opportunity to engage with some of the parents that Home Educate and children that had been home educated.

We heard from those parents that attended as witnesses there concerns about the legality of the policy in relation to safeguarding. The review also highlighted some areas where the information provided to families that home educate could be improved.

Finally, the review identified that although support is available, there were areas where this could be improved and the recommendations that have been put forward by the review will be pertinent in moving the service forward.



ELECTIVE HOME EDUCATION
London Borough of Hillingdon Policy

London Borough of Hillingdon
ELECTIVE HOME EDUCATION

Contents

Part 1	1.1 Introduction
	1.4 Reasons for Elective Home Education
Part 2	2.1 The law relating to Elective Home Education
	2.4 Parental rights and responsibilities
	2.5 LAs' responsibilities
Part 3	3.1 Clear policies and procedures
	3.4 De-registration from school
	3.8 Withdrawing the child
	3.12 Providing an "efficient and suitable" full-time education
	3.17 Access to the home
	3.19 School Attendance Orders and ESOs
	3.22 Children with special educational needs
Part 4	4.1 Developing relationships
	4.3 Acknowledging diversity
	4.5 Providing information for parents
	4.7 Contact with parents and children
	4.10 Child protection
	4.15 Reviewing policies and procedures
Part 5	5.1 Support and resources
	5.3 The National Curriculum
	5.6 Flexi-schooling
	5.7 LAs' role in supporting work experience
	Other issues:
	5.11 Truancy Sweeps
	5.13 Traveller Children
Annex A	Qualifications options
Annex B	Useful contacts

London Borough of Hillingdon ELECTIVE HOME EDUCATION

Part 1

Introduction

1.1 Elective home education is where parents or guardians decide to provide education for their children at home instead of sending them to school. It is not home tuition provided by a local authority or where a local authority provides education otherwise than at a school.

This policy is addressed towards parents of electively home educated children, Local Authority officers, OFSTED, LSCB (Local Safeguarding Childrens Board) partners including Health, Housing, Police, Social Care and Third Sector professionals and Schools and Academies.

For the purpose of this policy the definition of a parent (section 576 Education Act 1996) is a biological or adoptive parent or anyone who isn't a parent but has parental responsibility or care of the child.

The policy is written with regard to the current Elective Home Education guidance and should be read in conjunction with 'Ensuring Children's Rights to Education' and 'Every Child Matters'.

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/D/CSF-00331-2008>

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/D/FES-00529-2007>

1.2 Home-educated children are those who, for a range of reasons, are being educated at home and in the community by parents, guardians, carers or tutors, and are not registered full time at mainstream schools, special schools, Pupil Referral Units (PRUs), colleges, children's homes with education facilities or education facilities provided by independent fostering agencies. Parents have a duty to ensure their children receive a suitable education, but are not obliged to send them to school.

1.3 The purpose of this policy is to encourage Hillingdon and home educating parents to work together to develop trust, mutual respect and a positive relationship that functions in the best educational interests of the child. The guidelines recognise that elective home education is a key aspect of parental choice and therefore aims to encourage good practice in relationships between Hillingdon and home educators by clearly setting out the legislative position, and by providing advice on the roles and responsibilities of Hillingdon and parents in relation to children who are educated at home. In doing this, Hillingdon recognises that parents who choose Home Education for their children take on a great commitment and mostly these children have excellent experiences.

Reasons for Elective Home Education

1.4 Parents may opt for home education for various reasons. The reasons should not, in themselves, have a bearing on Hillingdon's treatment of home-educating families since Hillingdon's primary interest lies in how well the parents are providing education for their children at home and not their reason for doing so. The following reasons for home-educating are common but by no means exhaustive:

- Distance or access to a local school
- Religious or cultural beliefs
- Philosophical or ideological views
- Dissatisfaction with the system
- As a short term intervention for a particular reason
- A child's unwillingness or inability to go to school

1.5 When a parent offers an account of their dissatisfaction with the public system of education provision, Hillingdon may wish to use this information as part of its ongoing supervision of specific problems in certain areas.

Part 2

The law relating to Elective Home Education

2.1 The responsibility for a child's education rests with their parents. In England, education is compulsory (for children aged 5 to 16), but schooling is not.

2.2 Article 2 of Protocol 1 of the European Convention on Human Rights 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.

This right is enshrined in English law. Section 7 of the Education Act 1996 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.

And Section 9 of the Education Act 1996 provides that:

In exercising or performing all their respective powers and duties under the Education Acts the Secretary of State local education authorities and the funding authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

In conjunction with this, The Children Act 2004 places duties on the Local Authority to:

safeguard and promote the wellbeing of children in partnership with children and young people, parents and carers, and the wider community.

Section 175 (1)

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

Whilst clearly this is the duty of all parents primarily, the Local Authority welcomes all cooperation and transparency in demonstrating this. Of course, the vast majority of Hillingdon parents love, nurture, support & protect their children and need no involvement from or interest from the Local Authority. Reference to Sections 10 and 11 of the Children Act 2004 pertain in conjunction with section 175 (1) Education Act 2002, the statutory guidance in Working Together To Safeguard Children and Hillingdon's safeguarding procedures.

<http://www.hillingdon.gov.uk/index.jsp?articleid=15535>

2.3 Thus, where a child is educated at home the parental responsibility for children's education, coupled with Hillingdon's responsibility to make sure that there is adequate provision for education in their areas, brings Hillingdon and parents into a relationship (as discussed in Part 4 of these guidelines).

Parental rights and responsibilities

2.4 Parents may decide to exercise their right to home-educate their child from birth and so the child does not therefore need to be enrolled at school. However, as noted above, this right requires the parents to provide an efficient education suitable to the age, ability and aptitude of the child and home educating may offer distinctive benefits for some children and young people. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described 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 he wishes

to do so"¹. It is therefore recognised that there are many approaches to educational provision and what is suitable for one child may not be for another.

Hillingdon's Responsibilities:

2.5 Hillingdon respects parents rights to electively home educate. This is a great commitment. Where Hillingdon is aware of home-educated children within our area, we will provide information for the parents or guardians who have chosen to home-educate (see paragraphs 4.5-4.6). Hillingdon will also wish to make it clear to parents that if they choose to home-educate, they assume financial responsibility for their child's education, including the cost of public examinations, and that the child must continue to receive suitable education until the end of 'compulsory education' (ie the last Friday in June in the academic year in which they reach age 16).

2.6 Under Section 437(1) of the Education Act 1996, LAs can intervene if they have good reason to believe that parents are not providing a suitable education. Hillingdon anticipates that this will only be necessary in a minority of cases This section 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 to satisfy them within the period specified in the notice that the child is receiving such education.

Section 437(2) of the Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

2.7 Section 437(3) of the 1996 Act refers to the serving of School Attendance Orders:

If –

(a) a parent on whom a notice has been served under subsection (1) 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.

¹ Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (12 April 1985)

2.8 Hillingdon sees the taking of the above measures as a last resort after all reasonable avenues have been explored to bring about a resolution of the situation. At any stage following the issue of the Order, parents may present evidence to Hillingdon (or the court) that they are now providing a suitable and appropriate education and apply to have the Order revoked.

2.9 Hillingdon also 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.

This will require a multi-agency approach by ensuring that all agencies working with children, young people and families are aware of Hillingdon's duty to ensure every child of compulsory school age is receiving a suitable education. However, Section 175(1) does not extend Hillingdon's functions themselves, only that in the course of the functions conferred upon us should consideration be given to safeguarding and promoting children's welfare. Section 175(1) does not, for example, give Hillingdon powers to enter the homes of, or otherwise see, children undertaking elective home education.

Part 3

Clear policies and procedures

3.1 All parties involved in home education should be aware of their roles, rights and responsibilities and be clear about the standards expected of them. Hillingdon policy aims to be clear, transparent and easily accessible.

3.2 Hillingdon has a named senior officer with responsibility for the provision of education for children and young people who are unable to attend school because of medical needs (see DfEE circular 0732/2001 *Access to Education for Children with Medical Needs*). Another officer has responsibility for "education otherwise than at school" and receives parental notification of home education intention and maintains a home education list. The officer is currently with the Education Welfare Service (EWS)

3.3 Hillingdon is able to provide guidance for parents and carers who request it. In addition, Hillingdon could organise training on the law and home education methods for all their Education Officers who have contact with home-educating families in their area should the need be identified.

De-registration from School

3.4 First contact between Hillingdon and home educators often occurs when parents decide to home educate and approach the school (at which the child is registered) and/or the authority to seek guidance about withdrawing their child from school. It is important that this initial contact is constructive

and positive. However, while parents must inform the school in writing of their decision, they are not legally required to inform Hillingdon about their intention to home educate unless they wish to remove a child from a special school (see section 3.22 onwards). However, Hillingdon strongly requests that families inform the nominated officer (EWS). Schools in receipt of such information are required to notify the LA by sharing it with the nominated officer (EWS).

3.5 De-registration of a child from a school in order to Electively Home Educate is covered by section 8(1)(d) of the Education (Pupil Registration) Regulations 2006. Parents who wish to home-educate their child who is registered at a maintained school or an independent school must inform the school formally and in writing of their intention to de-register. The school shall delete the child's name from their register from the date indicated in the written notification from the parents, guardians or legal carer, and inform Hillingdon EWS (giving the child's name and address) as soon as possible or at least within 10 school days of removal. Although they are under no obligation to do so, parents are encouraged to inform Hillingdon directly, to enable Hillingdon to check that the child's name has actually been removed from the school register.

De-registering the child

3.8 Any procedures for dealing with home-educating parents and children must be fair, non-judgemental, clear, consistent and timely, in order to provide a good foundation for the development of trusting relationships.

3.9 Where the child is enrolled at a school, parents have a responsibility to inform that school in writing that they are withdrawing their child in order to educate them at home. Although parents are not legally obliged to notify Hillingdon of their intentions, it is recommended that they do so as early as possible, to ensure that support and advice can be offered as required or as requested. However, Hillingdon will bear in mind that, in these early stages, parents' proposals 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 (see 3.12 onwards). If this is the case, a reasonable timescale will be agreed for the parents/carers to submit their proposals. Mindful of the wishes of the majority of Hillingdon's EHE communities, Hillingdon will not require standard documentation from families. Hillingdon will hold a list of EHE families and children, when aware of them. Hillingdon will deliberately not refer to the list as a register.

3.10 Where parents have notified Hillingdon or Hillingdon is otherwise made aware of a child's de-registration from school with the intention of being home educated, Hillingdon will acknowledge the receipt of this notification and consider quickly whether there is any existing evidence, either in our own records or from other services or agencies, indicating whether there may be cause for concern over the deregistration. Previous irregular attendance at school is not of itself a sufficient cause for concern. In many cases, parents

and their children have reached a crisis point, for example, with bullying, so advice should be sought from The Education Welfare Services where there is any doubt. Specific instances where they may be concerns include:

- where a child has been referred to social services or the police for child protection reasons, and the matter is being investigated
- where a child is subject to a Child Protection Plan
- where the child is the subject of a supervision order
- where, probably in a minority of cases, there is a history of condoned absence, unmanaged truancy or other on-going, low level concerns that may lead to child protection procedures.

Otherwise, Hillingdon will assume that efficient educational provision is taking place, which is suitable for the child, unless there is evidence to the contrary.

Section 7 of the Education Act 1996 places a duty on parents to secure the education of children of compulsory school age either by regular attendance at school or otherwise.

Local Authorities have a statutory duty under section 436AQ of the 1996 Education Act (inserted by the Education and Inspections Act 2006) to make arrangements to enable them to establish the identities of children in their area who are not on a school roll and who are not receiving suitable education other than at school.

Section 437 of the Education Act 1996 places a duty on local authorities to intervene if it appears a child is not receiving suitable education at school or otherwise by serving them with a notice requiring the parent/s to satisfy the local authority that the child is receiving suitable education. If having served the notice the local authority is still not satisfied, the local authority can serve a school attendance order on the parent under section 437.

What the local authority does not have a legal power to do in respect of elective home education children is to monitor the quality of home education on a routine basis or insist on seeing/questioning a child subject receiving elective home education in order to establish whether they are receiving a suitable education.

Hillingdon has no intention or need to be interested in the vast majority of home educating families who do an effective job. Routine annual Education visits by Hillingdon to Electively Home Educating families ceased from 1st September 2011 unless requested by Parents. An annual enquiry will be made by Hillingdon by telephone or letter as to whether families are continuing to Home Educate. Enquiry will also be made as to whether children educated at home are members of Community Groups (e.g Faith Groups, Sports Clubs, Uniformed Groups like the Cadets or the Scouts, Drama Groups etc.). Should a family choose to have no contact with the Local Authority whatsoever, or the child have no alternative Community links, the Local Authority may attempt to visit the family at home, by appointment or

not. Also see 3.18. Ultimately, if there is no indication that the child has been seen by anyone outside the home for a period of time not less than three months, a Common Assessment Framework may be completed and guidance sought from Social Care Officers.

3.11 On the other hand, if information exists which may cast doubt on whether an “efficient and suitable education” can be provided, Hillingdon will seek to gather any relevant information that will assist in reaching a properly informed judgement. This will include seeking from the parents any further information that they wish to provide explaining how they intend to provide a suitable education for their child(ren) and the parents will be given the opportunity to address any specific concerns that the Hillingdon EHE teacher has. The child will also be given the opportunity, but not required, to attend any meeting that may be arranged or express his or her views in some other way.

Providing an “efficient and suitable” full-time education

3.12 Parents are required to provide an efficient education suitable to the age, ability and aptitude of the child. An “efficient” and “suitable” education is not defined in the Education Act 1996 but “efficient” has been broadly described 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 he wishes to do so”². This will require home educators to have some kind of philosophy, approach or framework for the education of their child(ren).

3.13 There is no legal definition of “full-time”. Children in school normally spend between 22 and 25 hours working at school each week. This measurement of ‘contact time’ is not relevant to home education where there is often almost continuous one-to-one contact and where education takes place outside ‘normal school hours’. Nevertheless, the type of educational activity can be varied and flexible. It should be borne in mind that home-educating parents are not required to:

- teach the National Curriculum
- have a timetable
- have premises equipped to any particular standard
- mark work done by their child
- set hours during which education will take place
- have premises equipped to any particular standard
- have any specific qualifications
- cover the same syllabus as any school

² Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (12 April 1985)

- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- reproduce school type peer group socialisation
- match school, age-specific standards.

However, Hillingdon can offer advice and support to parents on these matters if requested.

3.14 An important point to note is that there are many, equally valid, approaches to educational provision. Hillingdon considers a wide range of information from home educating parents. Hillingdon respects a wide variety of ethos' as long as the education provided is efficient and suitable. The way in which parents provide information is entirely up to them. The information may be in the form of a parental report, specific examples of learning e.g. pictures/paintings/models, diaries of work, projects, assessments, samples of work, books, educational visits etc. Some EHE advisers have been privileged to hear children read their own poetry, listen to musical instruments being played and even be an audience for a play.

3.15 Having made the commitment to home educate, parents may reasonably seek to provide elements of the suggestions below

- consistent involvement and presence of parents or other significant carers
- consideration of a philosophy or ethos (not necessarily a recognised philosophy) –
- Commitment and enthusiasm, and recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences
- involvement in activities – a broad spectrum of activities to cater for wide varieties of interests appropriate to the child's stage of development
- access to resources/materials required to meet the objectives of the parents – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.

3.16 If, on considering the educational provision, several of the above suggestions appear to be lacking, Hillingdon may choose to further investigate whether or not there is sufficient evidence that an efficient and suitable education is, in fact, being provided. The findings of any investigation will be made available to the parents promptly, specifying the reasons for concluding that there are grounds for concern that a suitable education is not taking place. If Hillingdon has such concerns, and the parents, having been given a reasonable opportunity to address these concerns and report back to the education authority, have not done so, Hillingdon will consider instituting formal attendance procedures in accordance with the provisions of Section 437 of the Education Act 1996.

Access to the home

3.17 Parents are not legally required to give Hillingdon EHE adviser access to their home. They may, for example, choose to meet a Hillingdon representative at a mutually convenient and neutral location instead, or may choose not to meet at all. This is respected by Hillingdon entirely. Parents can provide evidence that a child is receiving an efficient and suitable education in a number of ways. It should be in any form sufficient enough to convince a reasonable person of its appropriateness for the child's age, aptitude and ability. Parents might, for example:

- write a report
- provide samples of work
- invite the Hillingdon EHE teacher to their home, with or without the child being present
- meet the Hillingdon EHE teacher elsewhere, with or without the child
- have the educational provision endorsed by a recognized third party
- provide evidence in any other appropriate form.

3.18 The frequency with which Hillingdon will wish to contact parents to discuss their ongoing home education provision will vary depending on the individual circumstances of each family. It is for Hillingdon to decide how often to make contact with a family. However, Hillingdon will ordinarily make contact on an annual basis. Contact will normally be made by writing to the family to request an updated report or, if thought necessary, to seek a meeting. A written report will be made after such contact and copied to the family stating the strengths of provision and whether Hillingdon has any concerns about the education provision. Where there are concerns about the efficiency or suitability of the education being provided for the child, more frequent contact may be required. Where concerns merit frequent contact, Hillingdon will discuss these concerns with the child's parents, with a view to helping them improve their provision in the best interests of the child. Such discussions will be conducted in the spirit of respect and partnership working to seek an outcome satisfactory to all, particularly the child/ren.

School Attendance Orders

3.19 Where there is conflicting evidence as to the home-educating characteristics noted in paragraph 3.15 above, the only way Hillingdon can reasonably clarify these contradictions may be to seek access to the home environment. However, Hillingdon must have demonstrable grounds for concern and must outline those grounds to the parents when requesting access to their home. If the parents refuse to allow access to their home (as is their right for purely educational reasons), Hillingdon will bring the matter to a multi-agency group to establish whether any other agency has had contact with the child. Community contact as detailed in 3.10 is sufficient. If remaining dissatisfied, Hillingdon might reasonably conclude in these circumstances that they have insufficient information to satisfy themselves as to the efficiency and suitability of the parents' education provision, and consequently serve a School Attendance Order (SAO) on the parents under

Section 437(3) of the Education Act 1996.

3.20 A SAO continues to be in force for as long as the child is of compulsory school age. If there is a continued failure to register the child, Hillingdon EHE adviser & EWS has the option of referring to Social Care using a CAF for consideration of care proceedings. In exceptional circumstances, the case may be taken to the Family Proceedings Court instead of the Magistrates Court where an application can be made for an Education Supervision Order (ESO - under Section 36(5)a of the Children Act 1989). Where an ESO is in force with respect to a child, the duties of the child's parents under section 7 and 444 of the Education Act 1996 (duties to secure education of children and to secure regular attendance of registered pupils) are superseded by their duty to comply with any directions in force under the ESO.

3.21 However, parents' wishes to educate their children at home will be respected and, wherever possible, efforts will be made to resolve issues about provision by a process of ongoing dialogue before Section 437(3) is invoked as a last resort. Only in extreme cases, where the education is clearly not efficient and suited to the age, ability and aptitude of the child, will a SAO be served (see paragraph 2.6 to 2.8 above). More information about School Attendance Orders is contained in *Ensuring Regular School Attendance* paragraphs 6 to 16 - (available at www.dfes.gov.uk/schoolattendance/prosecutions/index.cfm).

Children with Special Educational Needs

3.22 Parents' right to educate their child(ren) at home applies equally where a child has special educational needs (SEN) (see Section 319 of the Education Act 1996). Some children with special educational needs are statemented but others are not. Section 319 gives local authorities a power to arrange special educational provision otherwise than in school where this is appropriate.

Where Hillingdon is satisfied that it would be inappropriate for children with SEN to be educated out of school, Hillingdon may arrange of the provision (or part of it) to be arranged in school or otherwise or a combination of both. Before making an arrangement under this section, Hillingdon shall consult with the child's parents.

3.23 Where a child has a statement of special educational needs and is home-educated, it remains Hillingdon's duty to ensure that the child's needs are met. The statement must remain in force and Hillingdon will ensure that the child's SEN needs are met.

With this in mind all cases where children with a statement of special educational needs, who are to be educated at home, will require a referral to social care for an initial assessment to be carried out under section 17 of the Children Act 1989. This referral will be made using the common assessment framework and parents will be informed of and encouraged to participate equally with this process.

3.24 If the parents' arrangements are suitable, Hillingdon is relieved of its duty to arrange the provision specified in the statement. If, however, 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 Hillingdon cannot conclude that they are absolved of their responsibility to arrange the provision in the statement.

3.25 Even if Hillingdon is satisfied, we remain under a duty to maintain the statement and review it annually, following procedures set out in Chapter 9 of the SEN Code of Practice. Where Hillingdon is satisfied that the child's parents have made suitable arrangements it does not have to name a school in part 4 of the child's statement though it will state the type of school it considers appropriate and go on to state that "parents have made their own arrangements under section 7 of the Education Act 1996".

3.26 The statement can also specify any provision that Hillingdon has agreed to make under section 319 to help parents to provide suitable education for their child at home. If the child to be off-rolled is a pupil at a special school, the school must inform Hillingdon SEN team before the child's name can be deleted from the school roll and Hillingdon will need to consider whether everything is in place to make the home education suitable before amending part 4 of the child's statement.

3.27 A parent who is educating their child at home may ask Hillingdon SEN team to carry out a statutory assessment of their child's special educational needs and Hillingdon must consider the request within the same statutory timescales and in the same way as for all other requests. The views of the designated medical officer for SEN should be sought by Hillingdon where a child with a statement is educated at home because of difficulties related to health needs or a disability.

Relevant references in the 1996 Education Act:

Section 324 (4) of the Education Act 1996

"the statement [of special educational needs] shall specify any provision for the child for which they make arrangements under section 319 and which they consider should be specified in the statement."

Section 324(4A) of the Education Act 1996

"does not require the name of a school or institution to be specified [in a child's statement] if the child's parent has made suitable arrangements"

Section 324(5)(a) of the Education Act 1996 "Where a local education authority maintain a statement then, unless the child's parent has made suitable arrangements, the authority (i) shall arrange that the special educational provision specified in the statement is made for the child, and (ii) may arrange that any non-educational provision specified in the statement is made for him in such a manner as they consider appropriate."

Part 4

Developing relationships

4.1 As noted in the Introduction, the central aim of this document is to assist Hillingdon and home educators to build effective relationships that function to safeguard the educational interests of children and young people; relationships that are rooted in mutual understanding, trust and respect.

4.2 Whilst there is no current legal obligation on Hillingdon or home educators to develop such relationships, doing so will often provide parents with access to support that is available (EHE adviser, web based provision and Education Welfare Officer) and allow Hillingdon to better understand parents' educational provision and preferences. A positive relationship will also provide a sound basis if Hillingdon is required to investigate assertions from any source that an efficient and suitable education is not being provided. This will be true whether or not parents are required to demonstrate that suitable home-education provision is being made available.

Acknowledging diversity

4.3 Parents' educational provision will reflect a diversity of approaches and interests. Some parents, especially those who have other children attending school, may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child. One approach is not necessarily any more efficient or effective than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, Hillingdon will not specify a curriculum which parents must follow.

4.4 Children learn in different ways and at different times and speeds. It is appreciated that parents and their children might require a period of adjustment before finding their preferred mode/s of learning. Parents are not required to have any qualifications or training to provide their children with an appropriate education. Their commitment to providing an efficient education that is suitable for their child may be demonstrated by them providing some indication of their objectives and resources (see paragraphs 3.12 to 3.15).

Providing information for parents

4.5 The provision of clear information has an important role to play in the promotion of positive relationships. Hillingdon provides written information and website links for home-educating parents that is clear and accurate and which sets out the legal position, and roles and responsibilities, in an unambiguous and non-judgemental way. Contact details for home education support organisations are also provided. A selection of these is included in Part 5. All written information is available to parents in community languages and alternative formats on request. Also see section 5.3

4.6 As noted at paragraph 3.2 Hillingdon will provide parents who are, or who are considering, home-educating with a named contact within Hillingdon who is familiar with home education policy and practice and has an understanding, respect and appreciation of a range of educational philosophies. Hillingdon may invite the parents to meet with our named EHE officer to discuss their provision. Any such meeting will take place at a mutually acceptable location and the child concerned should also be given the opportunity to attend that meeting, or otherwise to express his or her views. Either during such a meeting, or otherwise, the parents and Hillingdon will seek to consider and agree what future contact there will be between them.

Contact with parents and children

4.7 Hillingdon acknowledges and celebrates that learning takes place in a wide variety of environments and not only in the home. Where the education is taking place in the home, it is desirable but not essential for a Hillingdon officer to have the opportunity to see the child in that learning environment, to enable them to see the provision at first hand. Seeing the child responding to the educational provision of the parents will provide a strong indication that an efficient and suitable education is indeed being provided. Hillingdon does not, however, have a legal right of access to the home and the matter should not and will not be forced. Some parents may not feel comfortable in allowing an education officer access to their child or family home. Trusting relationships may need time to develop before a parent is happy to invite an officer to visit. It is only in the context of a supportive and trusting partnership that the opportunity to meet the child and visit the home will arise.

4.8 In any event, it should be and will be remembered that, where a parent elects not to allow access to their home or their child, this does not constitute a ground for concern about the education provision being made. Although it is recognised that the learning environment can have a bearing on the effectiveness of learning, Hillingdon will, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form (see paragraph 3.14).

Child protection

- 4.10 The welfare and protection of all children, both those who attend school and those who are educated by other means, are of paramount concern and the responsibility of the whole community. As with school-educated children, child protection issues may arise in relation to home-educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to Social Care Hillingdon and/or Police, using the telephone & followed up with a CAF (Common Assessment Framework).
- 4.11 In terms of safeguarding the welfare of children who are educated at home by parents (and all Hillingdon children), all agencies will work together. Hillingdon Council Officers will take a lead on these issues because of our legal Safeguarding duty to Hillingdon children. Thus, when a practitioner or professional becomes aware that a child is being educated at home, local information sharing arrangements will help them inform Hillingdon EHE adviser.
- 4.12 Concerns may arise where a child has been referred to Children's Social Care or the police for child protection reasons and the matter is under investigation, or where a child has been assessed as in need, or where the child is the subject of a supervision order. Hillingdon will also apply to the Court for a child assessment under the [Children Act 1989](#), if we have reasonable cause to do so.

Local authorities safeguarding responsibilities are specified in sections 17 and 47 of the Children Act 1989 and on a more strategic level in sections 10 and 11 of the Children Act 2004. The powers and duties under these provisions enable local authorities to insist on seeing children to enquire about their welfare where there are grounds for concern.

In addition to these provisions, section 175 (1) of the Education Act 2002 also imposes a clear duty on Local Authorities to safeguard and promote the welfare of children when exercising their educational functions.

Section 175 (1) states as follows:-

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

While section 175 (1) of the 2002 Act is consistent with the safeguarding duties in the 1989 and 2004 Children Act legislation it does not give local authorities powers to enter the home of, or otherwise see children for the purposes of monitoring the provision of elective home education or for the purpose of monitoring the welfare of such children.

Hillingdon can in accordance with its safeguarding duties insist on seeing the child receiving EHE where there are reported child protection concerns. The

difficulty is that where a child is being educated at home it may not be possible to identify child protection concerns and take timely and protective action. There is some limited guidance on child protection at paragraphs 4.9 and 4.10 of the EHE Guidelines.

4.13 Parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those whom they engage are suitable persons to have access to children. Parents will therefore wish to satisfy themselves by taking up appropriate references. Hillingdon would also recommend that parents apply to the Criminal Records Bureau for enhanced disclosure of pertinent records.

Reviewing policies and procedures

4.15 Hillingdon wishes to review all of these procedures and practices in relation to home education on a regular basis in consultation and partnership with parents to see if improvements can be made to further develop relationships and meet the needs of children and parents. Effective reviews, together with the sensitive handling of any complaints, will help to secure effective partnership. This policy will be reviewed annually as part of the regular cycle of review by the Education Welfare Service and the Hillingdon Safeguarding Children's Board. Exceptional review will take place in light of any changes in law or guidance.

Part 5

Support and resources

5.1 When parents elect to home-educate their children they assume financial responsibility for their children's education. There are a number of sources of advice and practical assistance available to such parents. The Department for Education provides an information sheet for parents on elective home education, available from the Department's website at: www.parentcentre.gov.uk.

5.2 Hillingdon does not receive funding to support home educated families. As a minimum, Hillingdon will provide written information (which is also available through the internet) on home education that is clear and accurate and which sets out the legal position (see previous paragraphs 4.5-4.6). An information leaflet for EHE families is also available on the Hillingdon website along with details of national and

- local support groups (when known).
- 5.3 Annual visits are available by qualified senior teachers to advise and support EHE parents with academic input (not necessarily based on the National Curriculum).
- 5.4 Hillingdon has an officer with specific responsibility for supporting EHE families, **who** can be contacted on 01895 250858 educationwelfareservice@hillington.gov.uk 52 weeks per year, Monday to Friday 9.00 a.m. until 5.00 p.m.
- 5.5 Additionally available in Hillingdon;
- Provision of reading or lending libraries with resources for use with the children, on home schooling and related topics
 - Admission into community programmes (including local authority owned community and sports facilities)
 - Access to resource centres (including local school resources where feasible)
 - National Curriculum materials and curricula offered by other educational institutions
 - Information about educational visits and work experience

The National Curriculum

5.3 Although home-educated children are not legally required to follow the National Curriculum it is thought that a number do, especially if the home-educated child has siblings attending school.

5.4 In addition, the DfE website at www.dfe.gov.uk will allow access to the National Curriculum and associated schemes of work, aimed at setting standards across all schools. Some documents are also distributed via Departmental publications which can be accessed through links on The Stationery Office site at www.the-stationery-office.co.uk or by telephoning Prolog on 0845 602 2260.

Flexi-schooling

5.6 "Flexi-schooling" or "flexible school attendance" is an arrangement between the parent and the school where the child is registered at school in the normal way but where the child attends the school only part time; the rest of the time the child is marked as Code B in the school register i.e. present at approved education but off-site. This is sometimes done as a short term measure for a particular reason. "Flexi-schooling" is a legal option provided that the head teacher at the school concerned and, in many cases, the EWS as well, agree to the arrangement. Regular and planned reviews are required for this arrangement. Some of the advantages and disadvantages of "flexi-schooling" are referred to on the Home Education UK's website at www.home-education.org.uk/articles-flexi-school.htm.

Hillingdon's role in supporting work experience

5.7 Work experience is not a statutory requirement. However, usually all Key Stage 4 pupils undertake work experience in the last two years of compulsory schooling. Over 95% of Key Stage 4 pupils go on placements

each year. The law relating to the employment of children generally places statutory restrictions and prohibitions on employers in this regard. But where the employment is in accordance with arrangements made by Hillingdon EBP or a governing body these restrictions will generally not apply³ where the work experience is arranged only with a view to providing pupils with work experience as part of their education in their last two years of compulsory schooling.

5.8 Children educated at home have no entitlement to participate in work experience under arrangements made by Hillingdon but we wish to encourage the parents of such children to explore this path if this is of interest to home educating parents and carers. Where home-educated children do participate in such schemes, consideration should be given to the extent to which such children are covered by, for example, insurance provision.

5.9 Schools and Hillingdon have a prime responsibility for ensuring pupils are placed in a safe environment for their work experience. Employers are responsible for carrying out risk assessments in respect of young people on work experience placements as if they were members of their staff.

Other Issues

Truancy Sweeps

5.11 When planning and running truancy sweeps, Hillingdon EWS will refer to the DfE "Guidance for Truancy Sweeps" and the Home Office guidance "Police Power to Remove Truants" both of which are available at www.dfes.gov.uk/schoolattendance/truancysweeps.

5.12 Those taking part in the sweeps, including police officers, should be fully familiar with this guidance. They should be aware that there is a range of valid reasons why school-age children may be out of school. In particular, they may encounter children who are educated at home and that these children can have legitimate and positive reasons to be out and about. By the same token, home-educating parents need to be aware that professionals involved in truancy sweeps will seek to verify any information given to them. To make sure this is a fast, non-invasive and efficient process, Hillingdon maintains a list of all school-age children known to them who are home-educated. This list is then checked by Hillingdon staff as part of a truancy sweep.

Traveller Children

5.13 Hillingdon is sensitive to the distinct ethos and needs of Traveller communities. Hillingdon's duty to ensure that children residing in this area are provided with suitable education (described elsewhere in these guidelines) applies equally to Traveller children residing with their families on temporary

³ see section 560 of the Education Act 1996, as amended by section 112 of the School Standards and Framework Act 1998

or unauthorised sites. Although Travelling children of school age have the same legal right to a school place as anyone else, it is obviously practically difficult to claim or seek these rights without a permanent or legal place to stop. Therefore, when a Traveller family with children of school age move into the area they are strongly encouraged to contact School Admissions online through Hillingdon libraries.

5.14 Traveller children can be educated at home in the same way as other home-educated children. Therefore should it be necessary, before deciding to prosecute parents for failing to provide a “suitable and efficient” education for their children, Hillingdon may consider whether it would be appropriate to take the alternative route of making an application in the family proceedings court for an education supervision order (ESO) which would last one year and would enable an EWO to advise, assist and befriend both the child and the parents. Where an ESO is in force with respect to a child, the duties of the child’s parents under section 7 and 444 of the Education Act 1996 (duties to secure education of children and to secure regular attendance of registered pupils) are superseded by their duty to comply with any directions in force under the ESO.

5.15 Further guidance can be obtained from the DfE Guide to Good Practice on the education of Traveller children – “Aiming High: Raising the Achievement of Gypsy Traveller Pupils” which can be obtained from DCSF Publications (reference DfES/0443/2003). Another (external) source of information is www.gypsy-traveller.org/education/.

Annex A**Qualifications options**

The following information sets out some of the options available to home-educating families who wish to provide opportunities for their children to study for recognised qualifications. This is not an exhaustive list, but sets out the main options available and provides contact details for relevant organisations. Please note that the following information is also liable to change from time to time.

Enrolment at a Further Education College

Some colleges may, at the discretion of the Principal, be willing to accept children of school age for full and part-time courses. This approach has the advantage that all the work and entry for qualifications is organised by the college, but it does require at least some attendance at classes which will not appeal to all home-educating families. If a student enrolls at a FE college, their parents will normally be liable to pay all of the course fees themselves. Colleges also have the discretion to waive fees, which they may do for low income families.

Self-Study

Many home educating families prefer not to enrol for attendance at a further education college but choose instead to work independently towards recognised qualifications. Because of compulsory internal controlled assessment components, there are many subjects and qualifications which are not available to external candidates unless an appropriate arrangement can be made with an approved centre which meets with the examining board's requirements. Some centres and examining boards may be willing to accept coursework which has been marked and authenticated by a private tutor. Thus, families who study for qualifications from home will need to:

- contact the relevant examination board to find out about their requirements;
- register with an approved centre for their child to be presented for the qualification; and
- pay a registration fee for each subject their child will take.

It may also be possible for a group of home educators to consider seeking approved status in their own right.

Correspondence Courses

Correspondence courses can be an option for students who prefer to work independently, though they will be required in most cases to follow a structured curriculum and programme of work. Correspondence courses offer

a wide range of qualifications at different levels and the organisations offering these courses will advise about arrangements which need to be made for registering with an examination centre and for marking and authenticating coursework. The cost of this option varies depending on the organisation and the qualification chosen, but can prove expensive.

There are an increasing number of organisations offering open and distance learning courses. The following contacts provide a useful start in finding a suitable course and organisation:

- The *Open and Distance Learning Quality Council* (ODLQC) is an independent body which accredits open and distance learning courses. The ODLQC produces a free information leaflet which lists all approved organisations and their courses. Contact:

16 Park Crescent, London, W1B 1AH
Tel: 020 7612 7090 Fax: 020 7612 7092.
Website: www.odlqc.org.uk
E-mail: info@odlqc.org.uk

- The *Association of British Correspondence Colleges* (ABCC) is a voluntary association of colleges which comply with a code of ethics. Contact:

PO Box 17926, London SW19 3WB
Tel: 020 8544 9559 Fax: 020 8540 7657.
Website: www.nationline.co.uk/abcc
Email: abcc@msn.com

- The *British Association for Open Learning* (BAOL) promotes quality and best practice in open, flexible and distance forms of learning. BAOL members work to a code of practice for open learning and are listed on the BAOL website. Contact:

Suite 12, Pixmore House, Pixmore Avenue, Letchworth, Hertfordshire, SG6 1JG
Tel: 01462 485 588 Fax: 01462 485 633
Website: www.british-learning.com
Email: info@british-learning.com

Alternative qualifications

The internal assessment component of many UK qualification courses such as Standard Grades, National Qualifications and GCSEs can restrict the choice available to home educated students. The following qualifications have, however, been identified as particularly suited to home study students as they are not dependent on internal assessment and moderation.

National Christian Schools Certificate (NCSC)

The National Christian Schools' Certificate (NCSC) provides a graduated series of certificates, ranging from Level 1, which is equivalent to 5 GCSEs (grades A*-C), through Level 2, which is equivalent to 2 AS/A2 passes, and culminating with Level 3, which is equivalent to 3 AS/A2 passes (grades A-C). There is also an Honours Certificate, which is awarded to pupils who show exceptional performance.

Examinations are conducted at home under the supervision of parents, but the NCSC Board has strict moderation procedures to ensure the validity of results. The course is highly structured and requires a minimum pass mark of 80 per cent for each module test. During the course of 2004, the NCSC is to be superseded by the International Certificate of Christian Education, which will have very similar content and standards to the NCSC Certificate programme.

Contact: The European Academy for Christian Homeschooling (TEACH)
Marantha House, Unit 5, Northford Close, Shrivenham, Swindon,
Wiltshire, SN6 8HL
Tel: 01793 783783 Fax: 01793 783775
Website: www.christian-education.org
Email: admin@ncscboard.org.uk or cee@christian-education.org

Examining boards

The Assessment and Qualifications Alliance (AQA)

The AQA is one of three unitary examining bodies in England incorporating the now merged Associated Examining Board and the Northern Examinations and Assessment Board. The AQA also has responsibility for the City and Guilds' GNVQ qualification.

Contact: AQA, Devas Street, Manchester, M15 6EX
Tel: 0161 953 1180 Fax: 0161 273 7572
Website: www.aqa.org.uk
Email: mailbox@aqa.org.uk

Oxford Cambridge & RSA (OCR)

OCR is one of three unitary examining bodies in England incorporating the RSA (Royal Society of Arts), UCLES (University of Cambridge Local Examinations Syndicate), and MEG (Midland Examining Group).

Contact: OCR Information Bureau, General Qualifications:
1 Hills Road, Cambridge, CB1 2EU
Website: www.ocr.org.uk
Tel: 01223 553998 Fax: 01223 552627
Email: helpdesk@ocr.org.uk

OCR Information Bureau, Vocational Qualifications:
Progress House, Westwood Way, Coventry, CV4 8JQ
Tel: 024 7647 0033
Fax: 024 7646 8080
Email: cib@ocr.org.uk

Edexcel

Edexcel was formed in 1996 by the merger of BTEC and the University of London Examinations and Assessment Council (ULEAC). Edexcel is one of the main examination boards for England and Wales.

Contact: Edexcel, Stewart House, 32 Russell Square, London, WC1B 5DN
Tel: 0870 240 9800 Fax: 020 7758 6920
Website: www.edexcel.org.uk
Email: enquiries@edexcel.org.uk

Annex B**Useful contacts****Education Otherwise Association Limited**

Nationwide charity for home education information and support. Subscription of £20 also entitles members to receive a handbook, UK and overseas contact list and bi-monthly newsletter, access to further resources, special interest and local groups and national gatherings

Address: PO Box 7420
London
N9 9SG

Website: www.education-otherwise.org

Email: enquiries@education-otherwise.org

Helpline: 0870 7300 074

Home Education Advisory Service

HEAS produces a range of publications and leaflets on different aspects of home education. Annual subscription [currently £12] gives access to the Advice-line, quarterly magazine, card for educational discounts, resources for loan and a regional list of other subscribers.

Address: P.O. Box 98
Welwyn Garden City
Hertfordshire
AL8 6AN

Website: www.heas.org.uk

E-mail: admin@heas.org.uk

Helpline: 01707 371854

Home Education UK

Website: www.home-education.org.uk

Home Education Resources

Website: www.home-education-resources.co.uk

The Home Service – a national Christian home education group

Website: www.home-service.org

Christian Home School

Website: www.homeschool.co.uk

Muddle Puddle – an independent site focusing on learning for 0-8 year olds

Website: www.muddlepuddle.co.uk