



ELECTIVE HOME EDUCATION

**London Borough of Hillingdon Policy -
DRAFT**

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This policy was approved by Hillingdon Cabinet in XX.

Minor updates regarding job roles, documentation links, contact details, further information etc have been made to update this policy document in XX to ensure the policy remains up to date and accurate.

The policy will be reviewed in Spring 2021.

**London Borough of Hillingdon
ELECTIVE HOME EDUCATION**

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London Borough of Hillingdon ELECTIVE HOME EDUCATION

1. Introduction

Hillingdon Council recognises that education is a fundamental right for every child and aims to work in partnership with parents who electively home educate and support their right to do so.

It believes that parents are the prime educator of their child within or outside the schooling system.

Whilst the local authority encourages parents to enrol their child at school, they also recognise that parents have an equal right to educate their child at home. The local authority wishes to work with parents who home educate in order to ensure that those children are provided with efficient, full-time education suitable to their age, ability and aptitude and to any special educational needs which they might have. It also wishes to ensure that parents who choose to electively home educate their children, do so for the right reasons.

1.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents¹ at home, rather than providing education for their children by sending them to school. This is different to home tuition provided by a Local Authority or education provided by a Local Authority other than at a school. It is recognised that parents may choose home education for a variety of reasons.

1.2 This document sets out our recently reviewed policy and procedures to enable London Borough of Hillingdon (LBH) to comply with its duties towards children and young people living in Hillingdon whose parents have elected to educate them otherwise than at school. It is published for parents, schools and other agencies with an interest in elective home education.

2. Policy Statement

The DfE “Elective Home Education Guidelines for Local Authorities”, published in April 2019, emphasises the importance of Local Authorities building effective relationships with home educators that function to safeguard the educational interests of children and young people: relationships that are rooted in genuine mutual understanding, trust and respect.

This revised policy seeks to promote a positive relationship with parents who

¹ 1 The term “parent”, unless the context otherwise requires, in relation to a child or young person, includes any person - (a) who is not a parent of his but who has parental responsibility for him, or (b) who has care of him, except that in [section 499(8), Education Act 1996] it only includes such a person if he is an individual.

home educate by establishing mutual understanding, trust and respect and provide a means to effectively protect the educational and safeguarding the educational interests of children being electively home educated where vulnerabilities are identified.

3. The Law relating to Elective Home Education

3.1 The definition within 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."

3.2 There is no legal definition of what constitutes a "full-time" education. Measurement of "contact time" in this way is not relevant in the context of elective home education, where the child often has continuous one to one contact with the educator and the types of educational activity which the child follows may be varied and flexible. 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.

3.3 Compulsory school age begins on the next prescribed day following a child's fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August each year. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach the age of sixteen.

4. Reasons for Elective Home Education

4.1 Parents may opt for home education for various reasons. The reasons should not, in themselves, have a bearing on Hillingdon Council's treatment of home-educating families since the local authority'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:

- Ideological or philosophical views which favour home education, or wishing to provide education which has a different basis to that normally found in schools
- Religious or cultural beliefs, and a wish to ensure that the child's education is aligned with these
- Dissatisfaction with the school system, or the school(s) at which a place

is available

- Bullying of the child at school
- Health reasons, particularly mental health of the child
- As a short term intervention for a particular reason
- A child's unwillingness or inability to go to school, including school phobia
- Special educational needs, or a perceived lack of suitable provision in the school system for those needs
- Disputes with a school over the education, special needs or behaviour of the child, in some cases resulting in 'off-rolling'² or exclusion
- Familial reasons which have nothing to do with schools or education (eg using older children educated at home as carers)
- As a stop-gap whilst awaiting a place at a school other than the one allocated

4.2 These various reasons for undertaking home education are not mutually exclusive. For some children, several of these factors might apply. When local authorities engage with home-educating families they should take into account the context of individual situations.

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

5. Parental Rights, Responsibilities and Considerations

5.1 Parents have a legal right to educate their child at home and are not required to have any qualifications or training to provide their children with a suitable education. The 1996 Education Act makes clear that it is a parent's duty to ensure his/her child receives a suitable education in accordance with section 7. In addition, the Act provides that, generally, children are to be educated in accordance with the wishes of their parents.

5.2 Parents are not required to inform Hillingdon that they intend to elect or have elected to home educate. They are not required to seek approval from the Local Authority, unless the child has an Education Health Care Plan and attends a special school.

5.3 Parents whose child is enrolled at a school are advised to write to the Headteacher to inform them that they elect to home educate, unless:

a) the school is a special school named on the child's Education, Health & Care Plan, in which case parents are required to seek approval from Hillingdon's

² Used in this document to refer to instances where a child is withdrawn from a school by the parent as a result of pressure from the school rather than it being a purely voluntary decision.

SEN team first.

b) where a child is enrolled at a school in accordance with a school attendance order when the authority must revoke the order (or amend it to replace the school with a different school) before the child can be removed from the roll.

Parents whose child is not enrolled at a school have no obligation to inform Hillingdon that they are home educating their child, however the Local Authority encourages contact with all home educating families and may make enquiries with the parents.

5.4 Although parents must provide education in accordance with section 7, (see paragraph 3.1 above), the type of educational activity can be varied and flexible.

Recommendations parents may consider, but are not required to:

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

5.5 Parents may arrange for other people to tutor their child, though parents themselves continue to be responsible for the education provided. It is strongly recommended that parents ensure that such people are qualified and suitable, including Disclosure and Barring Service (DBS) checks.

5.6 Parents who elect to home-educate assume full financial responsibility for their child's education, including the costs of private tuition, courses and public examinations. However, colleges can claim the cost of course fees directly from the Education Skills Funding Agency on an individual basis for home educated young people under 16 when parents and colleges are able to reach suitable individual arrangements. These individual arrangements are not brokered through the Local Authority but directly between parents and colleges

6. Hillingdon Council's Responsibilities

Hillingdon Council supports and encourages parents who opt to educate their child at home.

6.1 LBH has a statutory duty, under section 436A of the Education Act 1996 to make arrangements to enable them to establish (so far as it is possible) the identities of children in their area who are not receiving a suitable education. This duty applies to all children of compulsory school age who are not on a school roll and do not appear to be receiving a suitable education otherwise than being at school. The local authority may make informal enquiries of home educating parents so that it can be satisfied that the child is receiving a suitable education that demonstrates progress. There is no prescriptive or single method by which parents can provide this information but parents may provide samples of work completed by the child or request a home visit or a meeting at a mutually convenient and neutral location. DfE guidelines make it clear that where parents do not provide this information or agree to a visit/meeting, the local authority is entitled to conclude from the absence of any response or any other information that it appears that a child is not receiving a suitable education.

(Para. 6.10 DfE Elective Home Education)

6.2 It is appropriate that parents and children choose a type of education that is right for them. It is equally important that EHE officers understand and are supportive of many differing approaches or "ways of educating" which are all feasible and legally valid. The role of the EHE Team is to respond to concerns that a child is not receiving suitable education for his or her age, ability and aptitude and, where appropriate, provide support and information for parents. It is not the role of the EHE Team to tell parents how to educate their children.

6.3 A further statutory duty exists, which requires LBH to serve a formal notice under section 437 of the Education Act 1996 if it appears that a child of compulsory school age is not receiving a suitable education. The formal notice requires the parent to satisfy that the child is in fact receiving suitable education. If the Local Authority does not accept the evidence and is not satisfied that the child is receiving a suitable education, it has the power to commence the statutory process for the issue of a School Attendance Order ('SAO') requiring the parent to register the child at a named school.

6.4 The Local Authority has no legal power or duty to monitor home education on a routine basis although the local authority will make enquiries if it is not clear that a child is receiving suitable education. The Local Authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, to all the children in its area

7. Responsibilities of Schools in Hillingdon

7.1 There is no legal requirement for parents to discuss home education with the school, however if a parent does approach the school to discuss the possibility of home educating, LBH expects the school to respond positively and constructively. If parents are considering home education because of a dispute

with the school, the LA expects the school to take all necessary steps to resolve the issue. The school should signpost the parent to the EHE service for further advice and guidance to enable them to make an informed choice. Schools response to parent's requests to EHE is likely to be scrutinised by the LA.

7.2 Departmental guidance for local authorities April 2019 (10.4) make it explicit that:

'Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.'

The LA will contact electively home-educating parents who remove their child from a school roll. If it is found that a parent has been 'encouraged' by a school to remove their child from roll for the purposes of elective home education, this will be challenged, and the child reinstated on roll when appropriate with parental consent, whether the vacant place has been filled or not.

Hillingdon's Fair Access Protocol recognises children who are electively home educated where home education is judged to have failed in the view of the Local Authority. These pupils will be placed back at their previous school (where applicable i.e not inclusive of primary/secondary transfer or out borough schools).

Following placement by the Fair Access Panel a meeting will need to be convened with the school, parent and child to determine the best way forward to reintegrate the pupil into mainstream school. This may result in the pupil immediately being put forward for a Managed Move to another Hillingdon school.

This procedure will ensure that schools have continued oversight of the pupils' education until (where appropriate) another school takes responsibility for the pupil.

7.3 When a school receives formal, written notice from a parent that a child is being withdrawn from school in order to be home-educated and the child has ceased to attend the school, the Headteacher should ensure that the pupil's name is removed promptly from the admissions register in accordance with the Education (Pupil Registration) (England) (Amendment) Regulations 2016. Section 5, paragraph 6:

"where the name of a pupil is to be deleted from the admission register, the proprietor must make a return to the local authority for that pupil as soon as the ground for deletion under regulation 8 is met in relation to that pupil, and in any

event no later than the time at which the pupil's name is deleted from the register."

7.4 Under the Pupil Registration Regulations (2006), the school is required to deregister the child or young person upon receipt of the parent letter and inform the child or young person's home Local Authority (LA). In order to promote the recommendations made by the Children's Commissioners report 'Skipping School: Invisible Children and Ofsted's research 'Moving to home education in secondary schools', the Local Authority feel it would be good practice for schools to temporarily keep a pupil on roll for 5 school days following notification from parent to home educate. This will allow time for a Local Authority officer to process the request and attempt to engage the family further to seek a resolution (if necessary) before removal from roll.

During the 5 school days schools can record the pupil as an authorised absence under Code C. After this time, if it is agreed that the pupil will become deregistered then schools will be able to back date the attendance to the date specified by parents.

7.5 The school is responsible for raising any safeguarding concerns relating to a child directly with LBH's Children's Services. Home Education is not, in itself, a safeguarding concern.

7.6 The school must retain the child's school file. However they may wish to offer parents with either previous classwork or a summary of the curriculum followed to date (and possibly the future curriculum plan). This will assist the parent with their planning for home education. The parent may decide to ignore this documentation hence their reason to EHE as they may have dissatisfaction with the education system. However, this will be a useful tool for some.

8. Hillingdon Council's EHE Procedures

8.1 Administration

Within 5 school days of confirmation from a school or directly from a parent that a child is being home educated, Hillingdon Local Authority will:

Contact the parent to discuss reason/s for home education

Update the pupil record to reflect home education.

Upload the Parents withdrawal letter (clearly stating they have elected to home educate their child).

Inform any Local Authority professionals who are working with the family of the change in education circumstances

Send a letter acknowledging the parent's intention to Home Educate, introducing the parent to the EHE Officer, useful information and website links.

A copy of the 'Elective Home Education - Information for Parents' document.

An outline plan to support parent(s) in the beginning stages of planning their child's home education and to help the LA to better understand the diversity of EHE across Hillingdon. Requesting that this is completed, providing some basic information about how parent(s) are planning to home educate.

The team will collate data which will identify any trends or patterns regarding children who are removed from a school roll to home educate and highlight any perceived unlawful practices by schools and report to the Headteacher in the first instance, and collectively in the Annual Report to the Schools Adjudicator.

8.2 EHE Officer – Contact

The EHE Officer will make contact with the parent within 5 school days to offer an initial discussion regarding the proposed plan for the child's education at home and signpost parents to resources and local groups.

The aim of the discussion will be to initiate a positive and constructive relationship with parents. Parents may exercise their right not to allow the Local Authority access to the home, the child, or the child's work.

DfE guidance for local authorities April 19 (6.6) states:

'Parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child's education, then it will normally be justifiable for the authority to conclude that the child does not appear to be receiving suitable education and it should not hesitate to do so and take the necessary consequent steps. This is confirmed by relevant case law.'

Please also refer to paragraph 6.1 of the policy and reference to 6.10 of the DfE guidance.

Parents are not obliged to accept a visit from the LA, however they are encouraged to do so, and a meeting can be held at a mutually convenient time and place if the family prefers not to hold the visit in their home.

8.3 Following a visit, the EHE Officer will:

- Send a copy of the visit record to the parent, allowing them the opportunity to ratify/amend the summary before it goes on file and update the case record.
- Send the completed visit record to the SEND case officer and/or Social

Worker (where appropriate).

8.4 The frequency and format of meetings will be determined by factors such as the EHE Officer or the parent identifying concerns about the child's progress and education. Where education is suitable the EHE Officer and parent/s will agree on future contact.

9. Where formal notice is required:

Where no other information suggests that the child is being suitably educated, because there is no information provided, and where the parents have refused to respond to the LA, the only conclusion which an authority can reasonably come to, is that the home education does not appear to be suitable.

9.1 Where it appears to the EHE Officer that a suitable education is not taking place, reasonable steps to resolve the situation will be taken by LBH before the SAO statutory process is commenced:

- An evidence request letter will be sent to the parents, asking them to outline the education being provided to their child. This will allow us to be able to assess the level of education being provided.
- If any concerns about the efficiency or suitability of the education being provided to a child is identified the EHE officer will discuss these with the parents/carers with a view to providing help in improving the provision in the best interests of the child. We may ask for a further meeting to discuss the work or to visit your child to see the education in practise. Such discussions will be conducted in the spirit of respect and partnership working to seek an outcome satisfactory to all, particularly the child.
- These discussions should be agreed with the parent and confirmed in writing within the EHE Officer's case record. Parents must satisfy the Council that their child is receiving education suitable to his/her age, ability and aptitude and to any special educational needs he/she may have.
- A referral to our Children's Services team will be offered to help support the family when needed or at any time when there are concerns that the child may be at risk of harm or other safeguarding concerns are identified.
- After the agreed timescale for improvement, if the education is still believed to be unsuitable, the EHE officer & the Participation team will issue a formal notice under section 437 of the Education Act 1996. If Hillingdon Council continues to be dissatisfied with the education being provided, the statutory process for issuing a School Attendance Order (SAO) will commence.

This notice indicates the LA's intention to formally order the parent to register the child at a school. It will identify school(s) the LA deems suitable and allow

the parent 15 days to respond. If the parent does not respond, or does not make satisfactory arrangements elsewhere, the Local Authority may issue a SAO in accordance with its stated intention.

Failure to comply with a SAO is a criminal offence for which the parent(s) can be issued with a penalty notice or prosecuted in the Magistrates' Court.

9.2 At any stage following the issue of a SAO, parents may present evidence to the Local Authority that they are now providing suitable education and apply to have the Order revoked. If this is refused, parents can choose to refer the matter to the Secretary of State for Education. If as a last resort, the Local Authority prosecutes parents for failure to comply with a SAO, the parents may be acquitted if they can prove that the child was receiving a suitable education otherwise than at school at the time of the offence. If the parents are acquitted, the court may direct that the SAO shall cease to be in force.

9.3 An Order 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, the local authority Participation Team have the option of referring to Social Care using an Inter Agency Referral form. 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.

9.4 If it transpires information has been deliberately withheld from the LA, and the parent is easily able to satisfy the court. LBH will 'seek legal advice about the prospect of obtaining a costs order against a successful defendant on the basis that the prosecution would have been unnecessary if not for the defendants' unreasonable conduct'.

In cases where the EHE Officer is unable to contact a family, the record will be closed to EHE and opened as a CME. This role discharges the Local Authority's duty to children missing education.

10. Elective Home Education and Safeguarding

10.1 The welfare and protection of all children, both those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. Section 175 of the Education Act 2002 imposes a duty on the Local Authority to make arrangements for ensuring that the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of all children resident in Hillingdon.

10.2 A situation in which a child is not receiving a suitable full-time education

requires action by a local authority under education law, as described above. But it is important to bear in mind that unsuitable or inadequate education can also impair a child's intellectual, emotional, social or behavioural development, and may therefore bring child protection duties into play. This will depend on the facts of the case, but local authorities should consider whether they ought to take action under safeguarding law, especially where the steps described above have not been, or seem unlikely to be, sufficient to address a risk to a child's welfare

10.3 Sections 10 and 11 of the Children Act 2004 give local authorities general duties for promoting the well-being and (in relation to their non-education functions) safeguarding and promoting the welfare of children in their areas. This includes children educated at home as well as those attending school. Section 175 of the Education Act 2002 requires authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare. Therefore the general duties of local authorities in relation to safeguarding are the same for all children, however they are educated. Social services teams in local authorities and those dealing with home education should take steps to ensure that relevant information on individual children is shared.

10.4 There is no proven correlation between home education and safeguarding risk. In some serious cases of neglect or abuse in recent years, the child concerned has been home educated but that has not usually been a causative factor and the child has normally been known anyway to the relevant local authority. However, a child being educated at home is not necessarily being seen on a regular basis by professionals such as teachers and this logically increases the chances that any parents who set out to use home education to avoid independent oversight may be more successful by doing so. Several recent Serious Case Reviews have illustrated this. However, safeguarding is not simply a matter which arises in relation to the family. Some parents who educate at home believe that by doing so, they are safeguarding the child from risk in the school system (eg through serious bullying).

10.5 A failure to provide suitable education is capable of satisfying the threshold requirement contained in s.31 of the Children Act 1989 that the child is suffering or is likely to suffer significant harm. 'Harm' can include the impairment of health or development, which means physical, intellectual, emotional, social or behavioural development, so the provision of unsuitable education clearly can amount to this. The causing of significant harm need not be intentional or deliberate, but case law¹¹ indicates that it must be 'considerable, noteworthy or important'. This is a key point for local authorities in considering whether the use of safeguarding powers is appropriate in a case relating to the home education of a specific child. However, local authority staff should be clear that when the use of safeguarding powers is justified, they should be used.

10.6 The School Placement and Admissions Team works closely with

Hillingdon Safeguarding Children Partnership and Children's Services to safeguard and promote the welfare of children and, in the event of any concerns about the welfare of a home educated child, initiate and follow established procedures.

10.7 Hillingdon also provides an annual professional briefing sheet to heads of service to distribute to staff who work with children and families who are home educating - providing further guidance and support.

10.8 Hillingdon acknowledge that parents can declare to EHE at any time; however it considers that where a child is made subject to a Child Protection plan, is already subject to a child protection plan, or is child in need of support under Section 17 of Children's Act '89, the conference chair will make clear that if the parent/carer has already declared EHE, or states an intention to do so, the risk will be re-considered in light of this information with the likelihood that the child is considered unsafe as a consequence.

On receipt of a declaration to EHE, the Child Protection Advisor (CPA) or the CIN Review Chair (usually the allocated Social Worker) will be immediately required to consider how the new arrangement will impact on the child, how the existing plan needs to be changed or amended to reflect the new situation and what is the role of various parties involved in the plan, including the young people and their families. :

Whether the provision of unsuitable education does amount to significant harm must always depend on the particular circumstances of the child, and whether those circumstances mean that the child's intellectual and social development are being, or are likely to be, significantly impaired. Case law does provide examples where lack of suitable education has amounted to significant harm. (e S(A Minor) (Care Order: Education) [1978] QB 120 and Re O (A Minor) (Care Proceedings: Education) [1992] 1 WLR 912) Although some cases will be relatively clear-cut (for example if a child was being provided with no education at all for months), in other cases a local authority may need expert advice from teachers or educational psychologists, preferably those with some familiarity with educational approaches which are wider than conventional schooling. when this is the case, relevant professionals will be involved in these discussions.

The forum that will review the impact can be a CIN meeting, a Core Group, a Strategy Discussion/Section 47 Enquiry or a Child Protection conference, depending on the individual circumstances. Although each situation is different and each child and family are unique, the review forums will always consider the impact of EHE on child's safeguarding. it will also look to address issues like:

- explore the likelihood of harm
- assess the changes in risk and support available
- assess the family's EHE plan alongside education experts
- consult with education experts including the previous school

- Amend the plan to reflect the necessary actions that need to be taken, which may include referral to Fair Access to identify a school place.

Where education provision is not immediately available, or the risk assessment indicates that EHE is acceptable, the above professionals and allocated social worker will ensure that the plan will include regular checks by professionals to ensure that the child is safe whilst not in education and that annual visits from the EHE team will form part of any future agreement with the family should the family stopped being supported by a Social Worker

Where a child who is EHE does not have an allocated SW, the EHE service or the school may decide to make a referral to Children's Services and to complete an Early Help Assessment if they feel that the choice to educate the child at home will pose an increasing risk to the child or their welfare is impacted by this. As a result of the referral the family may be contacted by a Social Worker who will conduct a Child and Family Assessment and take appropriate action.

11. Support, Guidance and Resources provide by Hillingdon Council

11.1 Hillingdon Council embraces diversity and respects individual choice. The Local Authority recognises that parents of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside the school setting.

11.2 The EHE Officer will provide support in the form of:

1. Signposting parents to resources and services, discussing methods and philosophies, networking and advising on examinations.
2. Publishing information about EHE that is clear, accurate and sets out the legal position, roles and responsibilities of both the Local Authority and parents.
3. Discussing the implications of EHE with parents before they make the decision to leave or enter the school system.
4. Producing and distributing accurate written records of meetings with home educating parents and children.
5. Promoting positive relationships with elective home education families based on mutual understanding, respect and trust in order to safeguard the educational interest of children.
6. Referring to other agencies, such as Children's Social Services for support.
7. Seek to mediate between schools and potential EHE families when the

relationship has broken down and parents feel obliged to withdraw their child.

12. Elective Home Education and Special Educational Needs in Hillingdon

Parents' right to educate their child at home applies equally where a child has an Education, Health and Care (EHC) plan. Parents of any child subject to the statutory provisions of an EHC Plan who are considering whether to make their own arrangements should discuss this with their child's school SENCO and or the named SEN Caseworker to ensure that they are fully aware of alternatives (amended provision and/or change of placement) and their SEN statutory rights of appeal.

Parents considering Elective Home Education may wish to familiarise themselves with paragraphs 10.30 to 10.38 of the SEND Code of Practice January 2015.

12.1 Parents' right to educate their child at home applies equally where a child has an Education, Health and Care (EHC) plan. Under Section 42 of the Children and Families Act (2014) the Local Authority is responsible for securing the specified special education provision within a child's Education Health and Care Plan, (EHCP), however this only applies if the child's parents have not arranged a suitable education in some other way. Therefore if the home education is suitable, the local authority has no duty to arrange any special educational provision for the child.

12.2 Where a child or young person is a registered pupil the parent must notify the school in writing that the child or young person is receiving education otherwise than at school and the school must then remove the pupil's name from the admission register. However, the school should be minded that while they are named on the EHCP section 66 of the Children and Families Act, imposes a duty on the appropriate authority to 'use its best endeavours to ensure that the special educational needs are met'.

If the school is a special school, the local authority must give consent for the child's name to be removed, but this should not be a lengthy or complex process. There is no provision in law for a 'trial period' of home education.

12.3 Where a child or young person is a registered pupil and the parent decides to home educate, schools should as good practice, call an early review as soon as they are aware the parent's intention.

The Local Authority has a duty to review Education, Health and Care (EHC) plans annually, following the procedures set out in the 'SEND code of practice: 0 to 25 years'. Annual Review meetings for electively home educated children will be convened and chaired by the SEN Casework Officer, parents are welcome to be present during the review, but they are not obliged to do so.

12.4 In order to assess whether home provision is suitable for the special

education needs of the child, parents will be asked to provide information regarding the home education provision. The Local Authority will only be relieved of its duty to arrange the provision specified in the child's EHC plan if it is satisfied that the parents' arrangements are suitable.

12.5 If the Local Authority is satisfied with the parents' arrangements it will continue to have a duty to maintain and review the EHC plan annually until:

it decides to cease the EHC plan; or the EHC plan is transferred to another Local Authority.

12.6 In cases where local authorities and parents agree that home education is the right provision for a child or young person with an EHC plan, the plan should make clear that the child or young person will be educated at home.

12.7 Where it appears to the Local Authority that a child is not receiving education suitable to age, ability and aptitude and SEN, the procedures set out in 8.1 will be followed. If the EHC plan remains in place, it will be maintained and reviewed annually and amended where appropriate.

12.8 A parent who is educating their child at home may ask the Local Authority to carry out a statutory assessment of their child's special educational needs and the Local Authority will consider the request within the same statutory timescales and in the same way as for all other requests.

13. Contact with parents and children

The frequency with which the EHE officer will contact parents to discuss their ongoing home education provision will vary depending on the individual circumstances of each family. It is for Hillingdon Council to decide how often to make contact with a family. However, the local authority 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. Parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child's education, then it will normally be justifiable for the authority to conclude that the child does not appear to be receiving suitable education and it should not hesitate to do so and take the necessary consequent steps. When a parent responds, a written report will be made after such contact and copied to the family stating the strengths of provision and whether the EHE officer has any concerns about the education provision.

14. Acknowledging diversity

14.1 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 Council will not specify a curriculum which parents must follow.

14.2 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.

15. Reviewing policies and procedures

15.1 Hillingdon Council will regularly review its elective home education policies so we can reflect current law and local circumstances, and are compatible with the published Department of Education's guidance. All reviews will be consulted with parents and members of the Hillingdon Safeguarding Children Partnership. In addition to 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 EHE officer and the Hillingdon Safeguarding Children Partnership. Exceptional review will take place in light of any changes in law or guidance.

15.2 Hillingdon Council's Complaints Procedure

Hillingdon deals with complaints which are education related but not usually about specific schools, such as the provision of the national curriculum, school admission appeals, exclusions, etc. To make a Schools complaints, following the procedure at <https://www.hillingdon.gov.uk/complaints>

16. Other Support

16.1 Flexi-schooling

Some children who are educated at home most of the time are also registered at school and attend school for part of the week – perhaps one day a week. The purpose of this is usually to ensure the provision in specific subjects is satisfactory, although it can also help in other ways such as socialisation. If a

child is of compulsory school age he or she must, overall, be receiving full-time education even if components of it are part-time. Schools are not obliged to accept such arrangements if requested by parents. If they do, then time spent by children being educated at home should be authorised as absence in the usual way and marked in attendance registers accordingly. It is not appropriate to mark this time as 'approved off-site activity' as the school has no supervisory role in the child's education at such times and also has no responsibility for the welfare of the child while he or she is at home.

16.2 Hillingdon Council's role in supporting work experience

Child employment, work placements and work based learning

Children aged 13-16 can undertake light work as paid or unpaid employment. The type of work which is permitted can be found on Hillingdon Council's website, <https://archive.hillingdon.gov.uk/childworkpermit>. Included on the website are the details of the limitations to working and would apply to work placements. They are taken from Hillingdon's byelaws. The employer will need to apply for a Work Permit to Hillingdon Council and this will need to be agreed and signed by the parent. The employer will be required to carry out a risk assessment and has the responsibility for arranging any insurance cover needed and for ensuring the Health and Safety requirements are in place.

16.3 Children in entertainment

Parents may wish for their child to be involved in paid work in the theatre, in a film or television, in modelling or sporting activities. The person responsible for the production or performance must make an application for a Performance Licence to Hillingdon Council. Completed applications must be submitted no later than ten working days before the performance is scheduled to take place. Once an initial application is received and a licence issued, the child will be registered and provided with a unique reference number. Further information is available on Hillingdon Council's website under 'Children's Performance Licences' archive.hillingdon.gov.uk/article/26426/Childs-performance-licence.

16.4 Gypsy, Roma and Traveller Children

Hillingdon Council has an understanding of and is sensitive to the distinct ethos and needs of Gypsy, Roma and Traveller communities. It is important that these families who are educating their children at home are treated in the same way as any other families in that position. Home education should not be regarded as less appropriate than in other communities. When a Gypsy, Roma and Traveller family with children of school age move into an area, they should be strongly encouraged to contact Hillingdon Council's School Placement and Admissions teams for help to access local educational settings if school places are desired.

Further guidance can be obtained from the DfE's report: [Improving the outcomes for Gypsy, Roma and Traveller's pupils](#). The [Advisory Council for the Education of Romany and other Travellers](#) is another source of information.

Useful contacts

London Borough of Hillingdon nominated EHE Officer

Address: School Placement and Admissions Team
4E/09 Civic Centre
High Street
Uxbridge
UB8 1UW

Website: www.hillingdon.gov.uk/ehe

E-mail: ehe@hillingsdon.gov.uk

Telephone: 01895 558670

London Borough of Hillingdon Special Education Needs team

Address: Special Education Needs Team
4E/05 Civic Centre
High Street
Uxbridge
UB8 1UW

Email: senadmin@hillingsdon.gov.uk

Telephone: 01895 277088

There is an information document for parents available on Hillingdon Council's Elective Home Education webpage that provides an overview of our policy including website links and contact details that you may find useful.

Process of Elective Home Education

