

Below is a comparison between Lancashire LA's EHE Protocol and Procedures document on their website (http://www.lancashire.gov.uk/education/pdf/pid1/EHEprotocolandproc_Aug_08.pdf) and the one recently sent by the Maureen Davenport as their current version.

Both documents are dated 31st August 2008 and do not contain a version number so there is no way for people to check if they have the most up-to-date one.

LANCASHIRE ELECTIVE HOME EDUCATION

Protocol and procedures

Introduction:

This document sets out the protocol and procedures to enable Lancashire Local Authority (LA) to fulfil its statutory functions regarding children who are being educated at home, under Section 7 of the 1996 Education Act which states:-

"The parent¹ of every child of compulsory school age shall cause him/(her) 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".

Principles:

Lancashire believes that school-based education provides a broad and balanced curriculum, which promotes social development, moral and spiritual awareness and equal opportunities.

However, it respects the right of parents to choose to educate their children at home and wishes to promote an active dialogue with parents at all times, as it recognises that educating a child ~~within the~~ at home is a much more challenging way in which to provide an efficient and suitable full-time education than at school.

The central aim of this document is to assist the Lancashire Local Authority and home educators to build effective relationships ~~by building relationships of mutual understanding, trust and respect~~ that safeguard the interests of these children and young people ~~who are being home educated by building relationships of mutual understanding, trust and respect.~~

To promote safeguarding and the welfare of all children including those who are educated at home by parents, all agencies should work together in accordance with the principles in 'Working Together to Safeguard Children' (Home Office/Department of Health/DCSF/Welsh Office, 1999).

Lancashire officers will take the lead on this because they have the responsibility to ensure the safety of all children as well as to monitor the quality of education received by children educated at home.

Thus, when a practitioner or professional becomes aware that a child is being educated at home, they should use local information sharing arrangements to help Lancashire Authority ~~the LA~~ to fulfil both its duty to be confident of the well being of the child and its duty to assure the quality of the education provided.

Parents may choose to employ other people to educate their child though they themselves will continue to be responsible for the education provided.

¹ Throughout this document the term 'parent' will be used to mean 'parents and carers'

They will also be responsible for ensuring that those **with** whom they engage are suitable persons to have access to children.

Parents will therefore wish to satisfy themselves by taking up appropriate references and conducting all necessary character enquiries which could include police checks.

Procedures:

Lancashire County Council will provide monitoring and offer support² towards the education of children being educated at home, delivered through the Children and Young People's Services Directorate by Lancashire Education Inclusion Service.

Section 9 of the Education Act (1996) states:

"The Secretary of State for Education and local education authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents."

The monitoring and support of children being educated at home under Section 7 of the Act is the responsibility of the LA, which has a duty to ensure that children of school age are receiving a "suitable" education.

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.*

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 which "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"³. Case law (⁴) also defined suitable education as one which was such as:

- 1. to prepare the children for life in modern civilised society, and*
- 2. to enable them to achieve their full potential."*

We should, following the governments agenda for 'Every Child Matters', be updating our definition to include the 5 ECM outcomes which are that every child should have the opportunity to:-

Be healthy

Stay safe

Enjoy and achieve

Make a positive contribution to society

Achieve economic well-being

Using these statements as a baseline for assessment, the visit should be seen as supportive of the child and accepting of the parents' right to educate their child at home

It is therefore recognised that there are many approaches to educational provision and what is suitable for one child may not be for another. The approach will follow the home educators' philosophy, approach or framework for the education of their child.

² for example details of Websites, a list of resources and model plans and report formats.

³ 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)

⁴ Harrison & Harrison Vs Worcester County Council 1981

There is no legal definition of “**full-time**”. Children in school normally spend between 22 and 25 hours at school each week. Although this measurement of ‘contact time’ is not relevant to home education where there is often almost continuous one-to-one contact and where education also takes place outside ‘normal school hours’, it does provide an indication of the amount of time needed to educate a child.

The type of educational activity can be varied and flexible. It is recognised that home-educating parents are not required to:

- teach the National Curriculum
- have a timetable
- 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
- 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.

Nevertheless, parents are required to provide an efficient, suitable, full-time education.

Lancashire will offer advice to parents on these matters if requested.

The law requires Local Authorities to

- act if it appears that any child is **not** receiving a suitable education.
- take action if necessary according to the Safeguarding Procedures.

Notes on Procedure:

All documentation is available on the portal and the Lancashire County Council website

1) If a parent is considering EHE and their child is not currently registered at a school, they should contact the Lancashire Authority or the Elective Home Education (EHE) Team. They will be offered advice to assist them in making a decision.

If the school becomes aware that a parent may be considering educating their child at home then it is recommended that they encourage them to contact the EHE team.

Once a parent has indicated **to the headteacher of the school in writing of their his/her** intention to educate their child at home, ~~by informing the head teacher of the school where the pupil is registered, in writing, and/or completing form P-2, the children Missing Education (CME) officer should be notified by the school within 10 school days using the ‘Notification of Intention to Educate at Home’ form (S-1).~~

~~The school exit questionnaire (S-2), P-2 and copies of the parental letter, where appropriate, should be enclosed. The CME officer will refer the child to EHE once they have received documentation from the school.~~

~~Pupil information held by the school as well as the pupil’s file should then be passed to the EHE team.~~

~~At this point~~ the headteacher ~~should~~ **will** remove the child’s name from the register (ref. Education (Pupils Registration) Regulations 1995 para 9(2)) **and inform the EHE team.**

Where a child is the subject of a **School Attendance Order** the parent must apply to the court to have the order revoked before they can seek to remove their child from school. The school may not remove the child's name from the register unless the order has been revoked; ~~if it is revoked when~~ they should follow the same procedures as indicated above.

Special Educational Needs

In the case of a child with a statement of special educational needs, the LEIS will assume responsibility for ensuring the child is receiving an education suitable to their Special Educational Needs and the **Lancashire Authority L.A.** will conduct annual reviews which an LEIS teacher will attend.

If the child attends a Special School named in the Statement when parents decide to educate at home, the parent must inform the school of their intention and the school must inform the Lancashire Assessment and SEN Team who will arrange for a review to be held to determine the suitability of EHE.

The parent will be invited to the review.

Depending on the outcome of the review the parent will write to the school formally stating their intention to Home Educate. ~~On receipt of this letter the CME officer should be notified by the school, using the same procedures as above within 10 school days.~~

~~Once these are received from the school,~~ The headteacher should remove the pupil from the school register. (Ref Education (Pupils Registration) Regulations 1995 para 9(2)).5

No funds are available to support the statement.

If the parent feels, following the review, that it would be in the child's best interest to leave them in school then no further action need be taken.

Following registration

When the letter of intention to educate at home is received, ~~a Support Officer a letter of confirmation P3 and a registration card will be sent out to parents. 25 days will be allowed from the date of registration to give the family time to adjust to the new situation. A teacher~~ from the EHE team will then make contact ~~with the parent~~ to arrange an initial home visit. ~~A visit appointment letter will be sent out confirmation of the date and time agreed, with details of what will be discussed so that the parent can prepare for the visit. Within 15 days, a letter confirming the initial visit appointment (EHE 1) will be sent together with a copy of the discussion document, (EHE 1A) which will form the basis of the initial visit, The initial visit will take place after 40 school days.~~ During the ~~initial home~~ visit, the teacher will discuss with ~~both~~ the parent and child how they intend to make educational provision ~~and the parent will be asked to complete a Parental Agreement Form. using form EHE 1A, which the parents have received in advance so they can prepare for the visit. They~~ The Support Officer will also discuss with the parents and the child their long term plans for the future. Most importantly, this will give the child an opportunity to express their own views regarding their education. The ~~teacher~~ Support Officer will offer advice on what can be considered to be a 'suitable and efficient' education, if requested. ~~Following the visit, a copy of the Parental Agreement will be sent to the parent, along with a registration card for their child.~~

~~Bearing in mind that this visit will take place no earlier than 40 school days after commencement of EHE but no later than 60 school days, the teacher~~ The Support Officer will arrange a follow up visit after ~~25 school weeks~~ approximately 6 months following the initial visit, or ~~earlier~~ if the child has a ~~s~~Statement, to coincide with the Annual Review. If the Support Officer has ~~and there are~~ concerns about the education proposed, the date of the follow-up visit may be brought forward. During the

follow-up visit, the Support Officer will talk through and look at the education being provided for the child in order to assess whether a suitable and efficient education is being provided taking place according to the child's age, ability and aptitude and according to any special educational needs he/she may have. They will also give the child a further opportunity to have their voice heard and taken into account. Following the visit, a copy of the Support Officer's visit report will be sent to the parent.

~~A confirmation letter of the date of the follow up visit be sent (EHE 1B) after the visit the teacher will complete a report. EHE 1C~~

If the teacher Support Officer is satisfied that the education taking place is suitable the teacher, they will:

➤ -Agree with the parents a date within the next 12-13 months period to review progress

OR

➤ As the Local Authority has ~~(LAs have~~ no automatic right of access to a parent's home, ~~;-~~ parents may wish to offer an alternative way of demonstrating that they are providing a suitable education ~~(c~~Complying with Section 7 of the Education Act, 1996). ~~)- or A,~~ such as agree a date by which parents should provide a written ~~report on progress EHE 1D will be sent to confirm that the visit was satisfactory.~~

If the child has an SEN statement, efforts will be made to arrange the ~~review~~ visit to coincide with the annual review of the statement.

If there are ~~some~~ concerns, the teacher Support Officer will arrange to return and or ask for evidence of a suitable education to be sent within ~~15 days~~ a short period (i.e. a few days or weeks). This arrangement will be confirmed by letter. ~~EHE 1E~~

At the ~~is~~ return visit or on evaluation of the evidence, the ~~y~~ Support Officer will offer suggestions for improvement.

Following the visit, a copy of the Support Officer's visit report ~~EHE 1C and EHE 1F confirming that the education taking place is now satisfactory~~ will be sent to the parent. ~~s within 20 school days.~~

If ~~however~~ concerns remain, ~~the parents will be sent letter EHE6 informing them that the case has~~ may been referred to the CME officer. ~~A copy of EHE 6 will be sent to the CME officer 6 together with the referral EHE 7 If a child has an SEN statement, the CME officer will be informed.~~

If the ~~EHE teacher~~ Support Officer is satisfied that a suitable education is taking place following the ~~i~~ initial and follow-up visits then ~~a~~ Annual visits will continue following the same protocol ~~and using EHE 2 or 5~~ to arrange meetings or to request annual reports, ~~EHE 2A~~ to report on meetings or evidence, ~~EHE 2B~~ to confirm satisfactory ongoing provision, and ~~EHE 2C~~ to arrange follow up visits in cases where concerns about the child's education may exist.

Concerns and non compliance

If the parent is not available when the teacher Support Officer calls at the arranged time he/she will ~~leave an EHE 3, confirmed later in writing requesting~~ contact the parent, ~~by writing or by telephone,~~ to re-arrange the visit.

Should parents fail to respond to the ~~EHE teacher~~ Support Officer or appear to be non-co-operative after two letters ~~and/~~ attempts to make contact, the EHE Tteam will refer the case to the CME Oofficer for consideration of further ~~action through an EHE 7. The parents will be informed through letter EHE.~~

Where the ~~EHE team~~ Support Officer, ~~after a follow up visit,~~ determines that the educational provision is not suitable to age, ability and aptitude (Section 7 of the Education Act 1996), ~~Parents will be informed in writing (EHE 6) and~~ the case will be referred to the CME officer ~~for~~

consideration of further action. ~~through EHE 7 A copy of the letter to parents will be forwarded with the referral.~~

It is acknowledged that most home educators withdraw their children from school for legitimate reasons. However, if at any point ~~during the visit~~, the ~~EHE teacher~~ Support Officer has evidence or strong concerns about the safety and well-being of the child, these should be discussed with the LEIS Senior Designated Person for Child Protection.

They will make the decision whether to refer on to the CME officer.

The risk to Children Missing Education (CME) must always be considered and priority given to safeguarding their welfare.

Section 175 of the Education Act 2002 places a duty upon ~~LAs~~ Local Authorities to ensure the safety and welfare of children.

In order for the procedures to work successfully, all partners in the process will need to understand their respective roles and ensure that communication is maintained.

Keeping records

The EHE team will maintain all relevant notes and reports relating to families who are known to be educating at home.

Information about services available

Information about some services that are normally available through school will be available through the LEIS. This will include information about the services offered by **Lancashire Young People's Service (LYPS)** to home educated children particularly the 14-16 age group.

Parents will also be able to discuss with the ~~service~~ LYPS ways in which they can arrange for their child to sit **examinations and courses**. However parents are reminded that they are responsible for making the arrangements and for any costs incurred.

Curriculum

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 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 based on the developing interests of their child.

One approach is not of itself, more efficient or effective than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, ~~Lancashire teachers~~ the support officers will not specify a curriculum for parents to follow.

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 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 according to the age, ability and aptitude of their child and to any special educational needs he/she may have (Section 7 of the Education Act 1996)

(See brochure 2 'Making a Plan')

Monitoring Arrangements of Population.

The Lancashire Local Authority has the same high aspirations for the achievement of children who are electively educated at home as for all other children and young people. The LEIS will, therefore, expect that there will be clear evidence of the child's progress at the initial assessment and subsequently either:

- -at the review meeting with the parents.
- or in the parents' report.

The **key data** collected and fed back to the **LA-Local Authority** will be:

- The number of children and young people who are electively educated at home by their parents
- The number of new referrals
- The reasons why parents elect to home educate
- ~~The number of children and young people who have returned to school~~
- The Key Stage at which education at home started
- The number of children from different ethnic backgrounds.
- The number of Looked After Children being home educated.
- The numbers of boys compared to the numbers of girls being home educated.
- The number of children and young people who have received a visit/report
- The number of children who are electively educated at home and have a statement of special education needs that is reviewed annually
- The number of referrals to the CME officer for provision which was considered unsuitable

Evaluation of service and the pupil and parent voice

An **optional** evaluation ~~card-form~~ will be ~~sent-offered~~ at the end of each visit so that ~~thete~~ parents or child can ~~alongside each report EHE 1G and EHE 2A. Parents and child will~~ have the opportunity to record ~~their~~ views of ~~thate~~ visit. ~~Evaluations can be returned via post or handed to the teacher at the next visit.~~

~~On an annual basis an end of academic year pupil evaluation form will be sent for the child who is being home educated to complete.~~ This will ~~ensure~~ also encourage the children to think about their long-term aims and to ensure that the education they are receiving is still suitable and efficient with these long-term aims in mind. The child can also reflect upon the subjects in which they achieved well, and those in which they are finding it difficult to set their own targets for the future.

An **optional Education at Home !Leaver's eEvaluation fForm** will be ~~sent-offered~~ to every young person who reaches statutory school leaving age **during their final visit**, in order for them to comment upon the education they have received at home and the level of monitoring that the **LA Local Authority** has offered them during this period. This will also be an opportunity for them to tell the LEIS name what they will be doing in the future and to suggest improvements to procedures to support elective home educators in the future.

The Elective Home Education Team is part of the Lancashire Education Inclusion Service and is subject to all the policies of the Service

- Complaints Procedures
- Personal Safety procedures
- Safeguarding procedures

This policy will be reviewed annually by the Head of LEIS.

31st August 2008