

Black text is the content of the existing LA's EHE Protocol and Procedures document.
Our concerns have been numbered and added in red.

LANCASHIRE ELECTIVE HOME EDUCATION

Protocol and procedures

Introduction:

This document sets out the protocol and procedures to enable the 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".

- 1) As quoted above, under Section 7 of the Education Act 1996, it is the parent, not the LA, who has responsibility for a child's education. The LA does not have any additional duties with respect to children educated at home beyond those they have for all children.

The above should reference both the correct legislation for the LA's statutory duties regarding home educated children and other Lancashire LA procedures which may already cover them.

Principles:

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

- 2) 'School-based education' therefore not relevant in a document about home education and implies that the LA does not have a similar respect for HE and the advantages that it brings by providing appropriate, individually tailored and diverse opportunities in education, social and moral development.

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,

- 3) It has nothing to do with parental rights but is simply to do with parental duty to provide an education suitable for their children. Parents who HE generally do so because they judge it to be the best way to carry out their duty.

as it recognises that educating a child at home is a much more challenging way in which to provide an efficient and suitable full-time education than at school.

- 4) Although HE may require a higher level of engagement from parents, most parents would argue that is it a more efficient way to provide a genuinely full-time education, that it is not "much more challenging" but is much more fulfilling and rewarding.

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

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

- 5) In order to achieve such relationships between the HE community and the LA it is essential that these procedures keep within the law.

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

- 6) Which law that gives this responsibility? The Children Act 2004 does not give any duties or responsibilities over and above Section 175 of the Education Act 2002.

'Section 53 of the 2004 Act sets out the duty on local authorities to, where reasonably practicable, take into account the child's wishes and feelings with regard to the provision of services. Section 53 does not extend local authorities' functions. It does not, for example, place an obligation on local authorities to ascertain the child's wishes about elective home education as it is not a service provided by the local authority.' [EHE Guidelines, para. 2.16]

- 7) Lancashire's Safeguarding Children Procedures, Ch. 2, Section 48 states:

*'The education services do **not have a direct investigative responsibility in child protection** work, but do have a duty to help Children's Social Care by providing information where there are concerns or enquiries about a child's welfare.'* [Emphasis added]

as well as to monitor the quality of education received by children educated at home.

- 8) *'Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.'* [EHE Guidelines 2007, para. 2.7]

In fact, by taking on such a role, the LA may be exposing itself to legal action at a later date if the education hasn't been suitable.

They would therefore be taking on a responsibility to ensure an education suitable to the individual in the case of HE. They are not committed to provide such a specific education within the school system. Many children at school receive a poor quality of education but the LA do not take action against their parents.

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 the Lancashire Authority 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.

- 9) Why? Home Education, in itself, is not a cause for concern.
 - a) If a practitioner or professional has reason to believe that parents are not fulfilling their duty according to Section 7 of the Education Act they should notify the LA.
 - b) If they have safeguarding concerns they should use the same procedures as defined for all children.
 - c) Where there are no concerns there is no reason for professionals to breach a child's right to confidentiality.

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 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

10) Again:

'Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.' [EHE Guidelines 2007, para. 2.7]

and offer support² towards the education of children being educated at home, delivered through the Children and Young People's Services Directorate by the 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.

11) Incorrect paraphrasing of the law in direct conflict with paragraph 2.7 of the EHE Guidelines.

'The responsibility for a child's education rests with their parents.'
[EHE Guidelines, para. 2.1, existing emphasis]

'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.'

[Education Act 1996, Section 437]

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 government's 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:-

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

Be healthy
Stay safe
Enjoy and achieve
Make a positive contribution to society
Achieve economic well-being

12) ECM is a duty on National and Local Government when providing services. It has no bearing on parents. In fact, during the legislative process it was stated that parents should definitely not be included within that duty.

As the LA does not provide a service to home educated children, they have no reason to even ask the question of themselves.

Using these statements as a baseline for assessment,

13) As above, the 5 ECM outcomes have no bearing on home education so should not be used as a basis for assessment.

A more fundamental concern is why the LA assessing is HE in the first place; the responsibility to provide a suitable education lies with the parents and not the LA. Parents also have a responsibility to feed their children, the LA does not visit each family insisting on seeing their menus, shopping lists or weigh the children. Education is no different.

'Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.' [EHE Guidelines 2007, Para. 2.7]

the visit should be seen as supportive of the child and accepting of the parents' right to educate their child at home

14) This sentence assumes a visit is necessary to ascertain that parents are fulfilling their duty under section 7

'Section 175(1) does not extend local authorities' functions. It does not, for example, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.' [EHE guidelines, para. 2.25]

15) It is important to remember that this is not a matter of parents rights but that they have a duty as described in Education Act 1996, Section 7. HE is one way to fulfil this duty.

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.

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.

16) Most of the paragraph is a direct quote from the EHE Guidelines but the additional of the final line changes the meaning and is incorrect.

'...but this measurement of "contact time" is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place outside normal "school hours".' [EHE Guidelines, para. 3.13]

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.

17) Again, taken from the EHE Guidelines, para. 3.13 except *'provide a broad and balanced education'* has been omitted, why ?

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

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

18) If the person offering the advice does not have sufficient knowledge about Home Education they would be working outside their professional competence. School based education is specific and driven by the National Curriculum, Home Education can be a very different process.

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.

19) It really is this simple.

The law requires parents to provide the information that would, on the balance of probabilities, convince a reasonable person that they are providing their child with a suitable education if the LA requests this. If a parent has stated that a child is home educated a reasonable person would accept that response **unless they have specific reasons to believe the parent is not being truthful.** (English law is based on the premise of innocent until proven guilty.)

The LA is only required to act if it appears that the child is not receiving a suitable education.

The usual safeguarding procedures apply to HE children; LAs can take action if there is evidence of concern.

Notes on Procedure:

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

20) Although the documents available on the LEIS/EHE page have been updated since our complaint was submitted, several still contain incorrect statements and ultra vires demands, e.g.

'A copy of the [deregistration] letter must also be sent (faxed, emailed or posted) to the EHE Admin Office.' [Information for Parents]

and

'Lancashire Authority has a duty to ensure that you are educating your child suitably' [Information for Parents]

(Parents do not have to notify the LA nor does the LA have that duty.)

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.

21) The word 'should' implies an obligation or duty. If parents wish to receive advice from the LA they 'may' contact the EHE team but they are under no obligation to do so.

This should make it clear that parents do not have to notify the LA:

'Parents are not required to register or seek approval from the local authority to educate their children at home.' [EHE Guidelines, para. 2.4]

22) Any advice must be neutral and include contact information for local EHE groups to allow the parents to make an informed decision.

If a parent is considering EHE and their child is currently registered at a school, they should contact the school or the Elective Home Education (EHE) Team. They will be offered advice to assist them in making a decision.

23) Again, the word 'should' implies an obligation or duty. If parents wish to receive advice from the LA they 'may' inform the school or contact the EHE team but they are under no obligation to do so.

This should make it clear that parents do not have to notify the LA:

'Parents are not required to register or seek approval from the local authority to educate their children at home.' [EHE Guidelines, para. 2.4]

24) Any advice must be neutral and include contact information for local EHE groups to allow the parents to make an informed 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 intention to educate their child at home, the headteacher will remove the child's name from the register (ref. Education (Pupils Registration) Regulations 2006 para 8(1)(d) and inform the EHE Team.

Where a child is the subject of a **School Attendance Order** the parent must apply to the local authority 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 they should follow the same procedure 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

25) Responsibility to ensure a child receives a suitable education always remains with the parents according to the Education Act 1996, Section 7.

and the Lancashire Authority will conduct annual reviews which an LEIS teacher will attend.

26) It should be made clear whether the attending LEIS teacher will be a Specialist SEN teacher or an EHE officer. To be considered appropriate to attend a child's review a professional must have relevant knowledge and expertise of the individual child or the child's SEN.

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.

27) This does not apply to all children at special school, only those arranged by the LA:

'...the name of a child who has under arrangements made by a local education authority become a registered pupil at a special school shall not be removed from the admission register of that school without the consent of that authority, or if that authority refuse to give consent, without a direction of the Secretary of State'

[Pupil Registration (England) 2006, Section 8.2]

The parent will be invited to the review.

28) *'The child's parents must always be invited to the review meeting.'*

[SEN Code of Practice, 9:36]

Depending on the outcome of the review, the parent will write to the school formally stating their intention to Home Educate. The headteacher should remove the pupil from the school register (Ref Education (Pupils Registration) Regulations 2006.para 8(1)(d).

No funds are available to support the statement.

29) The Alternative Provision Census Guidance was changed in November 2009 to include home educated children with SEN.

'However, funding may be available where an LA provides significant financial support for a home-educated young person in two specific circumstances. These are, first, where the young person has SEN and secondly where the young person attends further education college to take GCSEs or other courses. It is for the LA to decide whether to fund the provision: they have the discretion to do so but are not required to do so.' [Current Position on HE and SEN Funding]

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.

30) Further action should be taken. There are clearly issues that have caused this situation to arise and they must be addressed for the sake of the child.

Following registration

When the letter of intention to educate at home is received, a Support Officer from the EHE Team will then make contact with the parent to arrange an initial home visit.

31) *'An initial home visit' ?* Parents do not have to accept home visits. The LA should always give parents a full list of ways in which they can demonstrate that their child is receiving a suitable education. It should also be noted that parents do not have to respond.

'Where local authorities are not able to visit homes, they should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. If they choose not to meet, parents may be asked to provide evidence that they are providing a suitable education. If a local authority asks parents for information they are under no duty to comply although it would be sensible for them to do so. 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.'

[EHE Guidelines, para 3.6]

32) The LA has a duty to identify children missing education. By this stage families have already stated that they are home educating their child. Any further enquiries are only necessary if the LA has reason to believe a suitable education is not taking place.

'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.'

[Education Act 1996, Section 437(1)]

A visit appointment letter will be sent out as confirmation of the date and time agreed, with details of what will be discussed so that the parent can prepare for the visit. During the visit, the teacher will discuss with both the parent and child

- 33) The attendance of the child at any visit is the child's and his/her parents' choice. Parents should not feel compelled for their child to attend and it should be made clear that they have this choice and refusal will not be seen as a cause for concern.

'The child should also be given the opportunity, but not required, to attend any meeting that may be arranged' [EHE Guidelines, para. 3.4]

'However, such powers do not bestow on 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.' [EHE Guidelines, para. 2.15]

'Where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made.'

[EHE Guidelines, para. 3.6]

- 34) The LA's duty regarding children's views only relates to services provided by the LA:

'Section 53 of the 2004 [Children] Act sets out the duty on local authorities to, where reasonably practicable, take into account the child's wishes and feelings with regard to the provision of services. Section 53 does not extend local authorities' functions. It does not, for example, place an obligation on local authorities to ascertain the child's wishes about elective home education as it is not a service provided by the local authority.'

[EHE Guidelines, para. 2.16]

how they intend to make educational provision and the parent will be asked to complete a Parental Agreement Form.

- 35) Again, the parent should be made aware that they do not have to complete the form, it is not compulsory.

- 36) The questionnaire requires parents to sign agreeing that the LA has duties greater than those stated in law.

"I understand what is expected of me in home educating my child and by signing below, I have agreed to provide a suitable, full-time education for my child based on their age, ability and needs. I understand that Lancashire County Council has a duty to ensure this and agree to maintain contact with them through visits / sending in my own reports (delete as necessary). I understand that by refusing contact, my child may be referred to the Children Missing Education Team."

[EHE1A Parental Agreement form in current use]

There is no need to make parents sign to make a contract with the LA agreeing to educate their child. That duty already exists in law and in the natural understanding of parental responsibility.

The Support Officer will also discuss with the parent 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 Support Officer will offer advice on what can be considered to be '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.

- 37) What is the registration card for? If it is to satisfy truancy patrols then this would be better achieved by appropriate training of the people carrying out those patrols.

'When planning and running truancy sweeps, LAs should refer to the DCSF's School Attendance and Exclusions Sweeps Effective Practice. This includes a section on children who are educated outside the school system. Those taking part in the sweeps ... should be fully familiar with this guidance, act in accordance with it and be aware that there is a range of valid reasons why compulsory school-age children may be out of school.'

[EHE Guidelines, para. 5.10]

The Support Officer will arrange a follow-up visit approximately 12 months following the initial visit, or if the child has a Statement, to coincide with the Annual Review. If the Support officer has concerns about the education proposed, the date of the follow-up visit may be brought forward.

38) Again, assumption that visits will take place.

'It is important to recognise that there are many, equally valid, approaches to educational provision. Local authorities should, therefore, consider a wide range of information from home educating parents, in a range of formats. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.'

[EHE Guidelines, para. 3.14]

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 taking place according to the child's age, ability and aptitude and according to any special educational needs that he/she may have. They will also give the child a further opportunity to have their voice heard and taken into account. A visit appointment letter will be sent out as confirmation of the date and time agreed. Following the visit, a copy of the Support Officer's visit report will be sent to the parent.

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

- Agree with the parents a date within the next 12-13 month period to review progress.

39) *'Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.'* [EHE Guidelines, para. 2.7]

At this stage LA's do not need to be satisfied that they are sure a suitable education is taking place and have no legal mandate to "assess" provision. However, they do have a duty to act if it they have specific reasons to believe a suitable education is **not** taking place:

*'under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears that parents are not providing a suitable education.'*** [EHE Guidelines, para. 2.7]

If the LA has clear and specific reasons (after their initial inquiries) to believe parents are not providing such an education, then this is the stage at which they may seek to be satisfied that a suitable education is taking place. Parents should still be informed, with equal weight, of all possible alternative ways by which they can reassure the LA of their educational provision.

'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.' [EHE Guidelines, para 3.6]

This type of "evidence" is not required of parents at the initial inquiries stage.

OR

- As the Local Authority has no automatic right of access to a parent's home, the parents may wish to offer an alternative way of demonstrating that they are providing a suitable education (complying with Section 7 of the Education Act, 1996), such as agree a date by which parents should provide a written progress report.

40) This is the first time this document acknowledges that the LA have no right of access to the home. Parents must be informed, with equal weight, of all possible alternative ways they may provide information to the LA about their educational provision.

'It is important to recognise that there are many, equally valid, approaches to educational provision. Local authorities should, therefore, consider a wide range of information from home educating parents, in a range of formats. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.' [EHE Guidelines, para. 3.14]

At this stage parents do not need to actually 'demonstrate' that they are definitely providing a suitable education. They would be wise to provide the LA with information about their provision but they do not have to 'prove' or 'demonstrate' it at this stage. Evidence to satisfy the LA is only required if the LA then have specific reasons to believe an education is not taking place.

If the LA has no reason to believe that an education is taking place they have no duty to ask for progress reports.

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

If there are concerns, the Support Officer will arrange to return and or ask for evidence of a suitable education to be sent within a short period (i.e. a few days or weeks). This arrangement will be confirmed by letter. At the return visit or on evaluation of the evidence, the Support Officer will offer suggestions for improvement.

Following the visit, a copy of the Support Officer's visit report will be sent to the parent. If concerns remain, the case may be referred to the CME Officer.

- 41) The case should not be referred to CME. If it is known the child is home educated the CME guidance refers LA's to paragraphs 2.7 and 3.4 of the EHE Guidelines. Home educated children are not children missing education.

'Section 436A of the Education Act 1996 requires local authorities to make arrangements to establish (so far as it is possible to do so) the identities of children who are not pupils at schools and who are not otherwise receiving suitable education. In order to comply with this duty local authorities need to make arrangements which will as far as possible enable them to determine whether any children who are not pupils at schools, such as those being educated at home, are receiving suitable education. In order to do this local authorities should make inquiries with parents educating children at home about the educational provision being made for them. The procedures to be followed with respect to such investigations are set out in the EHE Guidelines, 2.7-2.11 and 3.4-3.6.'

[Revised Statutory CME Guidance 2009, para 87]

If the Support Officer is satisfied that a suitable education is taking place following the initial visit then annual visits will continue following the same protocol to arrange meetings or to request annual reports, to report on meetings or evidence, to confirm satisfactory ongoing provision and to arrange follow up visits in cases where concerns about the child's education may exist.

request annual reports, to report on meetings or evidence, to confirm satisfactory ongoing provision and 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 Support Officer calls at the arranged time he/she will contact the parent, by writing or by telephone, to re-arrange the visit.

- 42) Another assumption of visits which does not take account of human rights and privacy laws.

'Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.'

[Article 8, European Court of Human Rights]

Should parents fail to respond to the Support Officer or appear to be non-co-operative after two letters / attempts to make contact, the EHE Team will refer the case to the CME Officer for consideration of further action.

Where the Support Officer, determines that the educational provision is not suitable to age, ability and aptitude (Section 7 of the Education Act 1996), the case will be referred to the CME officer for consideration of further action.

43) The case should not be referred to CME. If it is known the child is home educated the CME guidance refers LA's to paragraphs 2.7 and 3.4 of the EHE Guidelines. Home educated children are not children missing education.

[See Comment 41 for paragraph 87 of the Revised Statutory CME Guidance 2009.]

It is acknowledged that most home educators withdraw their children from school for legitimate reasons. However, if at any point the 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. If necessary, they will refer the case for further action.

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

44) Section 175 only relates to functions conferred on LAs, i.e. to the services it provides. As the LA has no duty to monitor home education, they have no functions conferred on them and so this duty is not applicable.

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

[Education Act 2002, Section 175(1)]

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.

45) Unless there are genuine child protection reasons not to do so, all information recorded should be freely shared with parents.

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 the Lancashire Young People's Service (LYPS) for home educated children, particularly the 14-16 age group. Parents will also be able to discuss with the 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, 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

46) Parents have a duty to cause a child to receive a suitable education, the rest is up to the child. Assessing a child's progress is not the same as assessing educational provision.

47) Parents should be given a full list of options, not restricted to just the 2 that EHE officers prefer. A court considering an SAO application would accept any suitable evidence and not restrict parents to the LA's list.

'It is important to recognise that there are many, equally valid, approaches to educational provision. Local authorities should, therefore, consider a wide range of information from home educating parents, in a range of formats. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.'

[EHE Guidelines, para 3.14]

The **key data** collected and fed back to the 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 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
- The numbers of cases referred to children's social care

Evaluation of service and the pupil and parent voice

An optional evaluation form will be offered at the end of each visit so that the parent or child can have the opportunity to record their views of that visit. This will also encourage the child 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.

48) This evaluation is a school-based view of education using terms such as *'academic year'*, *'subjects'* and *'targets'*. The term *'pupil'* means a child registered at school so not applicable to home educated children.

*'In this Act "pupil" means a person for whom education is being provided at a school, other than—
(a) a person who has attained the age of 19 for whom further education is being provided, or
(b) a person for whom part-time education suitable to the requirements of persons of any age over compulsory school age is being provided.'* [Education Act 1996, Section 3.1]

An optional Education at Home Leavers Evaluation Form will be 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 quality of oversight and support that the Local Authority has offered them during this period. This will also be an opportunity for them to tell the EHE officer 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 periodically by the Head of LEIS.

31st August 2008

49) This document was updated by the LA at the beginning of December 2010, the third that we have seen in 3 months. At the time the LA was aware of our concerns regarding the problems identifying latest versions of documents yet it still has the same date of 31st August 2008 and does not have any version number so there is still no way to identify which version of the document is the current one.

50) Neither the updating of this document nor the handling of our complaint have been handled according to the EHE Guidelines, para. 4.10:

'Local authorities should review all of their procedures and practices in relation to elective home education on a regular basis to see if improvements can be made to further develop relationships and meet the needs of children and parents. Home education organisations and home educating parents should be involved in this process of review. Effective reviews, together with the sensitive handling of any complaints, will help to secure effective partnership.'

Also, it should be noted that the under Children Act 2004, Section 10, the LA has a legal duty to involve stakeholders:

'10 Co-operation to improve well-being

(1) Each children's services authority in England must make arrangements to promote co-operation between-

...

(c) such other persons or bodies as the authority consider appropriate, being persons or bodies of any nature who exercise functions or are engaged in activities in relation to children in the authority's area.

...

(3) In making arrangements under this section a children's services authority in England must have regard to the importance of parents and other persons caring for children in improving the well-being of children. '

References

European Court of Human Rights, Article 8:

http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG_CONV.pdf

Education Act 1996, Sections 3(1), 7, 437:

<http://www.legislation.gov.uk/ukpga/1996/56/contents>

Education Act 2002, Section 175:

<http://www.legislation.gov.uk/ukpga/2002/32/contents>

Children Act 2004, Sections 10, 53:

<http://www.legislation.gov.uk/ukpga/2004/31/contents>

Pupil Registration (England) 2006, Section 8.2:

<http://www.legislation.gov.uk/uksi/2006/1751/contents/made>

Revised Statutory CME Guidance 2009, Paragraph 87:

http://www3.lancashire.gov.uk/education/pdf/pid1122/missing_education_consultation.doc

SEN Code of Practice, Section 9:36:

<http://www.teachernet.gov.uk/docbank/index.cfm?id=3724>

EHE Guidelines 2007:

Paper copy included

Alternative Provision Census Guidance 2010:

http://media.education.gov.uk/assets/files/pdf/2/2011_ap_census_guidance_notes.pdf

Current Position on HE and SEN Funding:

<http://www.education.gov.uk/inthenews/inthenews/a0061362/current-position-on-home-education-and-sen-funding>

School attendance and exclusions sweeps: Effective practice and advice:

<http://www.teachernet.gov.uk/docbank/index.cfm?id=13915>

Lancashire Safeguarding Children Procedures, Chapter 2, Section 48:

<http://www.lancashire.gov.uk/corporate/web/view.asp?siteid=3829&pageid=20741&e=e>

EHE1A Parental Agreement form:

Paper copy included